



**HOUSE OF REPRESENTATIVES**

**H. No. 7442**

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BY REPRESENTATIVES BELMONTE (F.), BELMONTE (J.C.), DALIFE, TAMBUNTING, NIETO, MACEDA, LOBREGAT, BATAOIL, PRIMICIAS-AGABAS, ABAYON, CHIPECO, BRAVO (M.V.), AMATONG, ARBISON, PALMA, JALOSJOS, YU, FORTUN, BULUT-BEGTANG, DE VENECIA, ALEJANO, VILLARIN, BIAZON, NOGRALES (K.A.), FARIÑAS, SAMBAR, DEL MAR, GO (A.C.), LEACHON, MARCOLETA, SACDALAN, GO (M.), SALO, SALON, SARMIENTO (E.M.), YAP (M.), AGGABAO, BARBERS, ROA-PUNO, LABADLABAD, NAVA, VILLARAZA-SUAREZ, NOGRALES (J.J.), MACAPAGAL-ARROYO, VILLAFUERTE, RELAMPAGOS AND BELMONTE (R.), PER COMMITTEE REPORT NO. 681

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**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:*

**CHAPTER I**

**GENERAL PROVISIONS**

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

6       **SEC. 2. *Declaration of State Policy.*** – It shall be the policy  
7 of the State to provide special protection to children in

1 situations of armed conflict from all forms of abuse, violence,  
2 neglect, cruelty, discrimination and other conditions prejudicial  
3 to their development, taking into consideration their gender,  
4 cultural, ethnic and religious background. For this purpose, the  
5 State shall:

6 (a) Fully implement the protection guaranteed under the  
7 United Nations Convention on the Rights of the Child (UNCRC), its  
8 Optional Protocol on the involvement of children in armed conflict  
9 and all other core human rights treaties, particularly, the  
10 International Covenant on Civil and Political Rights and the  
11 Convention Against Torture and Other Cruel, Inhuman or  
12 Degrading Treatment or Punishment; other pertinent international  
13 instruments such as the International Labor Organization  
14 Convention No. 182 concerning the prohibition and immediate  
15 action for the elimination of the worst forms of child labor;  
16 the Geneva Conventions of 1949 and the additional protocols  
17 ratified by the Philippines; the Convention on the Elimination  
18 of All Forms of Discrimination Against Women (CEDAW)  
19 General Recommendation No. 30 and the Convention on the  
20 Prohibition of the Use, Stockpiling, Production and Transfer  
21 of Anti-Personnel Mines and on their Destruction;

22 (b) Take into account the United Nations Guiding  
23 Principles on Internal Displacement, the United Nations  
24 Security Council Resolutions related to children affected by  
25 armed conflict, United Nations Security Council Resolution  
26 (UNSCR) No. 1820 on Women, Peace and Security, and other  
27 pertinent international instruments in the implementation  
28 of its treaty obligations and of this Act;

1 (c) Respect the human rights of children at all times.

2 It shall be recognized that children are entitled to dignity and  
3 respect as human beings in need of protection from degradation,  
4 humiliation, maltreatment, exploitation and assault;

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

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

12 (f) Take all the necessary measures to address the root  
13 causes of armed conflict which include poor governance, issues  
14 of injustice and widespread poverty and economic inequity that  
15 result in involving, affecting or displacing children;

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

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

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

25 SEC. 3. *Scope of Application.* - This Act shall apply to  
26 all children involved in, affected by or displaced by armed  
27 conflict.

28 The application of this Act shall not affect the legal  
29 status of any party to the armed conflict.

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

6           SEC. 5. *Definition of Terms.* –

7           (a) *Abduction of children* refers to the seizure, apprehension,  
8 taking into custody, detention or capture of one or more children  
9 either temporarily or permanently by force, threat of force or  
10 coercion, or deception for the purpose of any form of exploitation  
11 of such children in situations of armed conflict.

12           (b) *Acts of gender-based violence* refer to physical or sexual  
13 violence other than rape, and psychosocial harm committed  
14 against a person as a result of power inequities that are based on  
15 gender roles. These include battering, sexual slavery and abuse  
16 of female children, female genital mutilation, prostitution, forced  
17 marriage, forced pregnancy or forced sterilization.

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

25           (d) *Armed group* refers to an armed non-state actor or  
26 non-state entity engaged in armed violence against the State and/or  
27 its governmental armed forces or against other non-state armed  
28 groups, actors or non-state entities.

1           (e) *Attacks on schools, hospitals, places of worship, child*  
2 *development or day care centers, evacuation centers and other*  
3 *public places such as recreation parks, playgrounds and malls*  
4 *refer to the occupation, shelling or targeting for propaganda of*  
5 *schools, hospitals or places of worship; causing damage to such*  
6 *places, or harm or injury to their personnel; or causing the total*  
7 *or partial physical destruction of such facilities; or disruption*  
8 *of educational activities and health services. These also refer*  
9 *to attacks of such places which have been temporarily abandoned*  
10 *by the community as a result of armed conflict.*

11           (f) *Child* refers to:

12           (1) A person below eighteen (18) years of age; or

13           (2) A person eighteen (18) years of age or older but who is  
14 unable to fully take care of one's self; or protect one's self from  
15 abuse, neglect, cruelty, exploitation or discrimination; and unable to  
16 act with discernment because of physical or mental disability or  
17 condition.

18           (g) *Child protection* refers to measures, structures and  
19 activities that ensure the prevention and response to abuse,  
20 neglect, exploitation and violence affecting children. It shall  
21 include the promotion of their development and psychosocial  
22 well-being.

23           (h) *Children affected by armed conflict* refer to all children  
24 population experiencing or who have experienced armed conflict.

25           (i) *Children involved in armed conflict (CIAC)* refer to  
26 children who are either forcibly, compulsorily recruited, or who  
27 voluntarily joined a governmental armed force or any armed  
28 group in any capacity. They may participate directly in armed  
29 hostilities as combatants or fighters; or indirectly through

1 support roles such as scouts, spies, saboteurs, decoys, checkpoint  
2 assistants, couriers, messengers, porters, cooks, or as sexual  
3 objects.

4 (j) *Children in situations of armed conflict* refer to all  
5 children involved in armed conflict, children affected by armed  
6 conflict and internally displaced children.

7 (k) *False branding of children or labeling children as*  
8 *children involved in armed conflict* refers to the voluntary and  
9 intentional act of referring to, calling, defining, reporting, or any  
10 other form of communication that incorrectly defines children  
11 as children involved in armed conflict, when the status or  
12 condition of such children are such that they are not involved  
13 in armed conflict as defined in this Act.

14 (l) *False reporting of a child in custody* refers to the  
15 voluntary and intentional act of any person of providing false,  
16 incorrect or mistaken information in relation to a child in  
17 custody in relation to situations of armed conflict.

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

21 (n) *Governmental armed forces* refer to the Armed Forces of  
22 the Philippines (AFP), together with its reserve and auxiliary forces  
23 including paramilitary forces, the Philippine National Police (PNP)  
24 and other law enforcement agencies.

25 (o) *Grave child rights violations* refer to the crimes  
26 committed against children that constitute flagrant violations  
27 of their human rights and have severe consequences on their  
28 lives. These crimes include those enumerated in Section 9 of  
29 this Act such as killing or maiming of children, recruitment or

1 use of CIAC, rape and other forms of sexual violence against  
2 children, abduction of children, attacks against schools or  
3 hospitals, or denial of humanitarian access to children.

4 (p) *Hamleting* refers to an armed conflict strategy used by  
5 one party involved in armed conflict that isolates a community  
6 of importance to the other party which is inhabited by children,  
7 including relocating a community away from crucial zones and  
8 could be used to control the activities of the people in said  
9 areas.

10 (q) *Hospitals* or *health facilities* refer to any structure  
11 including diagnostic clinics or multispecialty clinics recognized  
12 and known by the community as a facility where the sick and  
13 wounded are provided with medical or health care services.

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

20 (s) *Humanitarian assistance* refers to any aid that seeks  
21 to save lives and alleviate suffering of a crisis-affected population.  
22 Humanitarian assistance must be provided in accordance with  
23 the basic humanitarian principles of humanity, impartiality,  
24 independence and neutrality. Assistance may be divided into  
25 three (3) categories: direct assistance, indirect assistance, and  
26 infrastructure support, which have diminishing degrees of  
27 contact with the affected population.

28 (t) *Internally displaced children* refer to children or group  
29 of children, whether separated or together with their families,

1 who have been forced or obliged to flee or to leave their homes or  
2 places of habitual residence, in particular, as a result of or in  
3 order to avoid the effect of armed conflict and situations of  
4 generalized violence.

5 (u) *Killing of children* refers to acts of all kinds in the  
6 context of armed conflict that result in the death of one or more  
7 children. They include the death of children as a result of  
8 direct targeting and indirect actions, such as cross fire, use  
9 of landmines and improvised explosive device (IED), cluster  
10 munitions, biological weapons of destruction, all other forms  
11 and types of explosives; or house demolitions, search and  
12 arrest campaigns, suicide attacks and torture; they also include  
13 murder, homicide and such other similar crimes as defined in  
14 the Revised Penal Code, as amended, and other special laws.

15 (v) *Maiming of children* refers to acts of all kinds in  
16 the context of armed conflict that result in serious or permanent  
17 or disabling injury, scarring or defacing, or mutilation of children.  
18 It shall cover intentional maiming of children where they are  
19 directly targeted, and causal maiming of children which result  
20 from indirect actions, such as cross fire, use of landmines, IED,  
21 cluster munitions, biological weapons of destruction, all forms  
22 and types of explosives; or in the context of house demolitions,  
23 search and arrest campaigns, suicide attacks and torture.

24 (w) *Rape* refers to a sexual assault that violates a person's  
25 right to personal security and bodily integrity with the essential  
26 lack of consent and shall include those enumerated in Section 2 of  
27 Republic Act No. 8353 or "The Anti-Rape Law of 1997".

28 (x) *Recruitment* refers to compulsory, forced or voluntary  
29 conscription or enlistment of children into the governmental



1 armed force or forced or voluntary membership into the armed  
2 group.

3 (y) *Release of children* refers to the process of formal  
4 and controlled disarmament and demobilization of children  
5 and their release from an armed force or armed group as well  
6 as informal ways in which children leave by escaping, being  
7 captured or by other means. It entails a disassociation from  
8 the armed force or armed group and the beginning of transition  
9 from military to civilian life. Release can take place during a  
10 situation of armed conflict; it is not dependent on the temporary  
11 or permanent cessation of hostilities; it is not dependent on  
12 children having weapons to forfeit.

13 (z) *School* refers to any structure, with or without marked  
14 visible boundaries, which is recognized and known by the  
15 government as a learning space.

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

## 24 CHAPTER II

### 25 RIGHTS OF CHILDREN IN SITUATIONS OF ARMED CONFLICT

26 SEC. 6. *Children as Zones of Peace.* - Children are hereby  
27 declared as zones of peace. As such, they shall be treated in  
28 accordance with the policies stipulated under Article X,  
29 Section 22 of Republic Act No. 7610 or the "Special Protection

1 of Children Against Child Abuse, Exploitation and Discrimination  
2 Act". Treatment of children as zones of peace shall extend  
3 beyond territorial or geographical boundaries and shall focus  
4 on the person of the child whose rights shall be promoted  
5 and protected at all times, especially in situations of armed  
6 conflict or violence. The State and all sectors concerned shall  
7 have the responsibility to resolve armed conflict in order to  
8 promote the goal of children as zones of peace. As such, the  
9 community, governmental authority and, if appropriate, religious  
10 leadership shall preserve the peaceful integrity of children,  
11 exemplify mutual respect and nonviolent behavior in the  
12 presence of children, and share their resources to further peace  
13 and cooperation.

14 *SEC. 7. Rights of Children in Situations of Armed Conflict. -*  
15 Children in situations of armed conflict shall have the following  
16 rights:

- 17 (a) The right to life, survival and development;
- 18 (b) The right of special respect and protection against any  
19 form of abuse, neglect, exploitation and violation, especially in  
20 the context of armed conflict;
- 21 (c) The right to be treated as victims. They shall be treated  
22 in accordance with this Act and other applicable laws,  
23 consistent with the State obligation under international law,  
24 within the framework of restorative justice, social rehabilitation  
25 and promotion of their protection;
- 26 (d) The right to be accorded with special respect and to be  
27 protected from any form of direct or indiscriminate attacks and  
28 acts of violence, especially protection from the grave child rights  
29 violations as enumerated in Section 9 of this Act;

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

7 (f) The right to be protected from extrajudicial killings,  
8 maiming, torture, abduction and rape;

9 (g) The right to be immediately provided and have safe  
10 access to essential, adequate and culturally appropriate food  
11 and nutrition; basic shelter and housing; culturally appropriate  
12 clothing; water, sanitation and hygiene; basic health services  
13 including essential drugs, medicines and vaccines, health  
14 professional evaluation and appropriate intervention; education,  
15 including religious and moral education; early childhood care  
16 and development programs, psychosocial support and social  
17 services. All services provided for them must be child-specific  
18 and gender sensitive and responsive;

19 (h) The right to enjoy their freedom of thought, conscience,  
20 religion or belief, opinion and expression; to associate freely  
21 and participate equally in legitimate community affairs; to  
22 communicate in a language they understand even in situations  
23 of armed conflict and whether or not they have been internally  
24 displaced or are living in evacuation centers or settlements;

25 (i) The right to be treated humanely in all circumstances,  
26 without any adverse distinction founded on race, color, religion  
27 or faith, gender, birth or wealth, or any other similar criteria;

28 (j) The right not to be interned or confined in camp;

1           (k) The right of the wounded and the sick, those with  
2 disabilities, unaccompanied minors including expectant and  
3 lactating mothers, to care, protection and assistance required  
4 by their condition, and to treatment which takes into account  
5 their special needs such as their health needs, reproductive  
6 health care as well as appropriate counseling, prevention  
7 of contagious and infectious diseases, including human  
8 immunodeficiency virus/acquired immunodeficiency syndrome  
9 (HIV/AIDS) and access to psychosocial services;

10           (l) The right to be with their families, especially with their  
11 mothers, during evacuations and in evacuation centers;

12           (m) The right to be reunited with their families in case of  
13 separation due to armed conflict;

14           (n) The right to privacy and confidentiality in all  
15 proceedings;

16           (o) The right to nondiscrimination;

17           (p) The right to liberty of movement and freedom to choose  
18 their residence, especially in the case of internally displaced  
19 children and their families who shall have the right to move  
20 freely in and out of evacuation centers or other settlements,  
21 subject to existing rules and regulations in those centers or  
22 settlements and to other government regulations and directives;

23           (q) The right especially of internally displaced children and  
24 their families to: leave the country; seek safety in another part  
25 of the country; seek other service providers; seek asylum in  
26 another country; and be protected against forcible return to  
27 resettlement in any place where their life, safety, liberty or  
28 health would be at risk;



1 (c) Provide educational assistance, whether formal or  
2 alternative learning system, that is child and culturally sensitive;

3 (d) Develop and implement training programs and campaign  
4 towards promoting a culture of peace and respect for human  
5 rights and international humanitarian law in collaboration with  
6 civil society organizations;

7 (e) Provide capacity building on Local Governance and  
8 Community Development, and ensure the participation of the  
9 Local Councils for the Protection of Children, various  
10 organizations, especially of children's and people's organizations  
11 at the community level. These organizations shall be involved  
12 in consultation and decision-making processes and in the  
13 development and implementation of programs, projects and  
14 activities established for them;

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

18 (g) Make available basic health services in health facilities  
19 in identified priority areas. Culturally sensitive nutrition  
20 programs and activities including supplementary feeding shall  
21 also be made available. Efforts to support traditional health  
22 practices in indigenous peoples' area shall also be initiated;

23 (h) Establish basic facilities and infrastructure needed;

24 (i) Ensure that child protection mechanisms are present  
25 and functional; and

26 (j) Establish a comprehensive, effective and efficient system  
27 for monitoring and reporting and response for violations as  
28 provided in Section 9 of this Act.

## CHAPTER IV

## PROHIBITED ACTS, PENALTIES AND PRESCRIPTION OF CRIME

SEC. 9. *Prohibited Acts and Penalties.* –

(a) It shall be unlawful for any person to commit the following acts of grave child rights violations:

(1) Killing of children;

(2) Torture committed against children. For purposes of this Act, torture shall include those enumerated in Section 4 of Republic Act No. 9745 or the “Anti-Torture Act of 2009”;

(3) Intentional maiming of children; and

(4) Rape of children.

Any person found guilty of committing any of the acts enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).

(b) The following acts of grave child rights violations are also hereby prohibited:

(1) Cruel, inhuman and degrading treatment or punishment committed against children. For purposes of this Act, cruel, inhuman and degrading treatment or punishment shall include those acts enumerated in Section 5 of the Anti-Torture Act of 2009;

(2) Abduction of children;

(3) Causal maiming of children;

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

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

1 (6) Acts of gender-based violence against children;

2 (7) Refusal or denial of humanitarian access or assistance  
3 to children;

4 (8) Use or involvement of children involved in armed  
5 conflict in any capacity as defined in Section 5(i) of this  
6 Act; and

7 (9) Attack on schools, hospitals, places of worship,  
8 evacuation centers and settlements and other public places  
9 such as recreation parks, playgrounds and malls.

10 Any person found guilty of committing any of the acts  
11 enumerated in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), and  
12 (9) of paragraph (b) of this section shall suffer the penalty of  
13 imprisonment of not less than fourteen (14) years but not more  
14 than twenty (20) years and a fine of not less than One million  
15 pesos (P1,000,000.00) but not more than Two million pesos  
16 (P2,000,000.00).

17 (c) Where the crimes committed under paragraph (b) of  
18 this section resulted in the killing, torture, maiming or rape of  
19 children as enumerated in subparagraphs (1), (2), (3), and (4) of  
20 paragraph (a), Section 9, the penalty imposed shall be that of  
21 Section 9(a) of this Act.

22 (d) Likewise, it shall be unlawful for any person to commit  
23 the following acts:

24 (1) Hamleting;

25 (2) Food blockade;

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

27 (4) False reporting of a child in custody;

28 (5) False branding of children or labeling children as  
29 children involved in armed conflict; and



1           (6) Arrest, arbitrary detention or unlawful prosecution of  
2 children allegedly associated with armed groups or armed  
3 forces.

4           Any person found guilty of committing any of the acts  
5 enumerated in subparagraphs (1), (2), (3), (4), (5), and (6) of  
6 paragraph (d) of this section shall suffer the penalty of an  
7 imprisonment of not less than six (6) years but not more than  
8 twelve (12) years and a fine of not less than Five hundred  
9 thousand pesos (P500,000.00) but not more than One million  
10 pesos (P1,000,000.00).

11           (e) Parental accountability of children in situations of  
12 armed conflict are subject to the existing provisions of  
13 Presidential Decree No. 603 or "The Child and Youth Welfare  
14 Code"; the "Special Protection of Children Against Child Abuse,  
15 Exploitation and Discrimination Act"; Republic Act No. 9208 or the  
16 "Anti-Trafficking in Persons Act of 2003"; Republic Act No. 9231 on  
17 the elimination of the worst forms of child labor; Republic Act  
18 No. 9851 or the "Philippine Act on Crimes Against International  
19 Humanitarian Law, Genocide, and Other Crimes Against  
20 Humanity"; and Republic Act No. 10364 or the "Expanded  
21 Anti-Trafficking in Persons Act of 2012": *Provided*, That the  
22 involvement of the child was due to parental action or inaction; or  
23 the parent directed or ratified the involvement of the child; or the  
24 child acted as the parent's agent or servant; or the child was  
25 entrusted a dangerous weapon or instrument.

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

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

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

14 The public officer liable under this section shall, in addition  
15 to imprisonment, be held administratively liable under existing  
16 applicable laws.

17 Any person who shall deliberately commit any other act  
18 not covered in Section 9, which shall result in prejudicing the  
19 rights of children in situations of armed conflict shall suffer the  
20 penalty of imprisonment of not less than six (6) months but not  
21 more than six (6) years.

22 SEC. 11. *Forfeiture of Proceeds, Property and Assets.* -  
23 The court shall order the forfeiture of proceeds, property and  
24 assets derived, directly or indirectly, from the crimes defined  
25 and penalized in this Act, without prejudice to the rights of the  
26 *bona fide* third party. The court shall impose the corresponding  
27 accessory penalties under the Revised Penal Code, as amended,  
28 especially where the offender is a public officer.



1 that person of criminal responsibility unless all of the following  
2 elements occur:

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

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

6 (c) The person acted under duress or coercion.

7 For purposes of this section, orders to commit grave child  
8 rights violations enumerated in Section 9 are manifestly unlawful  
9 and shall be punished under this Act and other applicable existing  
10 laws.

11 SEC. 16. *Unknown Superior.* – Where the crimes defined  
12 and penalized under this Act have been committed by a person  
13 pursuant to an order or command of unknown superior, any  
14 person who in fact directed the others, spoke for them, signed  
15 receipts and other documents issued in their name, or who has  
16 performed similar acts on behalf of the armed groups, shall be  
17 deemed the superior.

## 18 CHAPTER VI

### 19 INVESTIGATION, PROSECUTION AND COURT

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

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

28 The State shall ensure that judges, prosecutors and  
29 investigators, especially those designated for purposes of this

1 Act, receive effective training in human rights particularly on  
2 the Convention on the Rights of the Child and its Optional  
3 Protocol on the Involvement of Children Involved in Armed  
4 Conflict and related international instruments, International  
5 Humanitarian Law, International Criminal Law and National  
6 Guidelines and Protocols on the Handling and Treatment of CIAC.

7       SEC. 18. *Requirement and Procedures on Age Verification*  
8 *and Presumption of Minority.* – The child involved in, affected by  
9 or displaced by armed conflict, shall enjoy the presumption of  
10 minority and shall enjoy all the rights of a child recognized in  
11 this Act and other applicable laws unless proven to be at least  
12 eighteen (18) years of age or older.

13       The age of a child may be determined from the child's birth  
14 certificate, baptismal certificate or any other pertinent document.  
15 In the absence of these documents, age may be based on information  
16 from the child, testimonies of other persons, the physical  
17 appearance of the child and other relevant evidence such as dental  
18 records. In case of doubt as to the age of the child, it shall be  
19 resolved in favor of the child being deemed a minor.

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

26       If a case has been filed against the child and is pending in  
27 the appropriate court, the person shall file a motion to determine  
28 the age of the child in the same court where the case is pending.

1 Pending hearing on the said motion, proceedings on the main case  
2 shall be suspended.

3 In all proceedings, law enforcement officers, prosecutors,  
4 judges and other government officials concerned shall exert all  
5 efforts to determine the age of the child involved in armed conflict.

6 SEC. 19. *Protection of Victims and Witnesses.* – In addition to  
7 existing provisions in Philippine law for the protection of victims  
8 and witnesses, the following measures shall be undertaken:

9 (a) The court shall take appropriate measures to protect the  
10 safety, physical and psychological well-being, dignity and privacy  
11 of child victims and witnesses. Pursuant thereto, the court shall  
12 give due regard to all relevant factors, including age, gender  
13 and health, and the nature of the crime, particularly where the  
14 crime involves sexual or gender-based violence or violence against  
15 children;

16 (b) The court shall protect the privacy of child victims and  
17 witnesses and observe confidentiality consistent with existing  
18 rules on examination of child victims and witnesses;

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

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



1 rescue, rehabilitation and reintegration of children in situations of  
2 armed conflict. The programs shall aim at providing services for  
3 children while involving their families, communities and other  
4 entities to facilitate the children's reintegration process.

5 These services shall include psychosocial support, health  
6 and nutrition, education, livelihood for families, other basic and  
7 legal services, as may be necessary.

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

12 Regardless of the perceived association of the children to one  
13 of the side of the conflict, they shall benefit from all available  
14 medical, psychosocial, legal, shelter and educational response  
15 mechanism services for the victims of armed conflict.

16 The State shall take into account the protocol in the rescue,  
17 rehabilitation and reintegration of children specified below:

18 (a) Rescue. - The State shall provide for adequate measures  
19 and mechanisms to facilitate the recovery, either voluntary or  
20 involuntary, of children from armed groups or governmental  
21 armed forces. It shall provide legal and physical security to  
22 children involved in armed conflict including services such as  
23 family tracing and system of referral or response on various  
24 psychosocial services needed by the victims;

25 (b) Rehabilitation. - The State shall facilitate the normal  
26 development of children victims in their post-involvement phase.  
27 It shall provide services including therapeutic counseling, security  
28 and protection, educational assistance and livelihood opportunities



1 to their parents, relatives or guardians or to the victims when they  
2 become of age;

3 (c) Reintegration. – The State shall bring children back to  
4 their families or communities whenever possible. This shall  
5 involve services including the provision of alternative parental  
6 care. Trainings aimed to enhance community readiness in the  
7 reintegration of these children shall also be undertaken. Processes  
8 to facilitate the reintegration, healing and reconciliation of CIAC  
9 with their communities shall also be undertaken. Whenever  
10 possible, interventions for children shall be done with respect to  
11 their opinion. Interventions for indigenous peoples (IP) children  
12 shall be conducted in recognition of the traditional structures  
13 and institutions of their communities.

14 *SEC. 23. Release of Children Involved in Armed Conflict*  
15 *(CIAC).* – The State shall take all feasible measures to ensure  
16 that children recruited or used in armed conflict are demobilized,  
17 dissociated or otherwise released from the armed force or armed  
18 group.

19 For purposes of this Act, release activities shall be initiated  
20 independent of any negotiated peace agreements.

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

23 (a) Develop a child-specific release program. This release  
24 program should not make as a requirement the surrender of  
25 arms by CIAC;

26 (b) Monitor and document the status of CIAC who undergo  
27 either a formal or informal release process;

28 (c) With due regard to the right to privacy of CIAC, their  
29 security and safety, and considering the confidentiality of records,

1 there will be data and information sharing between government  
2 and nongovernment organizations to assess the needs of released  
3 CIAC and to formulate ways to address these needs, and be  
4 informed of their status and updates of released CIAC;

5 (d) Mobilize and strengthen networks for referrals;

6 (e) Provide free legal assistance to released CIAC ensuring  
7 that the legal needs of the former CIAC will be addressed, such as  
8 the prohibition or stoppage of filing charges or dismissal of cases  
9 against CIAC as criminal or political offenders irrespective of their  
10 association with any armed group or force; and

11 (f) Ensure the formal release of CIAC through various  
12 approaches such as negotiating through the Government Peace  
13 Negotiating Panel (GPNP).

14 Other criminal armed groups that utilize children and are  
15 not involved in formal peace negotiation with the government  
16 shall, however, be dealt with in accordance with the peace and  
17 order or security policy as may be provided by the appropriate  
18 government agency: *Provided*, That in any release action, the  
19 best interest of the child shall be observed.

20 *SEC. 24. Rescued, Taken into Custody, or Surrendered*  
21 *Children Involved in Armed Conflict (CIAC).* – Where the CIAC  
22 have been rescued, taken into custody, or surrendered, they shall  
23 at all times be treated in a child-friendly and sensitive manner.  
24 The State, at all times, shall consider the safety and security of  
25 the CIAC. The following procedures shall apply without prejudice  
26 to the application of other existing laws that will uphold the best  
27 interests of the child:

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

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

4 (c) Upon the rescue or surrender of CIAC, government  
5 agencies, in particular, the AFP, PNP, Department of National  
6 Defense (DND), local government units (LGUs), other concerned  
7 government agencies or nongovernment organizations in possession  
8 of the CIAC shall report immediately within twenty-four (24) hours  
9 the incident to the LSWDO and the Council for the Welfare of  
10 Children (CWC);

11 (d) The LSWDO shall coordinate with the agency or  
12 nongovernment organization in possession of CIAC for the  
13 handover of custody of the children to the Department of Social  
14 Welfare and Development (DSWD);

15 (e) The handover to the LSWDO shall take place within  
16 twenty-four (24) hours or in cases where handover is not possible  
17 within the prescribed twenty-four (24)-hour period due to valid  
18 reasons and without the fault of the person having custody of  
19 the child, the handover shall be done within the next seventy-two  
20 (72) hours;

21 (f) The LSWDO shall facilitate the family tracing and  
22 coordinate with parents, relatives or guardians of the CIAC to  
23 inform them of the handover;

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

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

4 (i) The LSWDO, in coordination with other agencies, shall  
 5 enter the CIAC into the child-specific reintegration programs; and

6 (j) The CIAC shall be reintegrated into the community. In  
 7 cases where reintegration to original community of origin is not  
 8 feasible for reasons of CIAC's security, a conflict-free foster  
 9 community or institution shall be identified. For other cases  
 10 where children associated with armed forces or armed groups  
 11 remain with their family and community or maintain close ties,  
 12 reintegration shall entail the reorientation of children towards  
 13 civilian life.

#### 14 CHAPTER VIII

##### 15 INVOLVEMENT OF GOVERNMENT AND 16 NONGOVERNMENT ORGANIZATIONS

17 SEC. 25. *Inter-Agency Committee on Children In Situations*  
 18 *of Armed Conflict.* - To effectively undertake the protection of  
 19 the welfare of children in situations of armed conflict and  
 20 for proper implementation of this Act, the Inter-Agency  
 21 Committee on Children Involved in Armed Conflict (IAC-CIAC)  
 22 created by Executive Order No. 138 shall now be known as  
 23 the Inter-Agency Committee on Children in Situations of Armed  
 24 Conflict (IAC-CSAC). It shall be chaired by the CWC, with the  
 25 following government organizations (GOs) as members:

- 26 (a) Armed Forces of the Philippines (AFP);  
 27 (b) Commission on Human Rights (CHR);  
 28 (c) Department of the Interior and Local Government (DILG);  
 29 (d) Department of Health (DOH);

- 1 (e) Department of Education (DepEd);
- 2 (f) Department of Justice (DOJ);
- 3 (g) Department of National Defense (DND);
- 4 (h) Department of Social Welfare and Development (DSWD);
- 5 (i) Local government units (LGUs);
- 6 (j) National Commission on Indigenous Peoples (NCIP);
- 7 (k) National Commission on Muslim Filipinos (NCMF);
- 8 (l) National Disaster Risk Reduction and Management  
9 Council (NDRRMC);
- 10 (m) Office of the Presidential Adviser on the Peace Process  
11 (OPAPP);
- 12 (n) Philippine Commission on Women (PCW); and
- 13 (o) Philippine National Police (PNP).

14 In caring for children in situations of armed conflict,  
15 child-focused NGOs, shall take active part in and continually  
16 strive to strengthen their programs and capabilities to deliver  
17 protection to these children.

18 For proper implementation of this Act, all GOs and NGOs  
19 including those identified herein shall provide their respective  
20 counterpart support including technical, logistical and financial  
21 assistance relative to the implementation of programs, projects  
22 and activities for children in situations of armed conflict, in  
23 accordance with their mandate and in accordance with existing  
24 accounting and auditing rules and regulations.

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

28 SEC. 26. *Functions of the IAC-CSAC.* – The IAC-CSAC  
29 shall perform the following functions:

1 (a) Ensure that international instruments such as the  
2 UNCRC, the optional protocol on the involvement of children in  
3 armed conflict and other related human rights treaties are  
4 considered as actions taken;

5 (b) Formulate guidelines and develop programs, in  
6 coordination with concerned agencies, for the handling of  
7 children involved in armed conflict and monitor/document cases  
8 of capture, surrender, arrest, rescue, or recovery by government  
9 forces;

10 (c) Conduct human rights training, advocacy and information  
11 campaigns and capability building of LGUs;

12 (d) Implement a monitoring, reporting and response system  
13 for grave child rights' violations in situations of armed conflict; and

14 (e) Work closely with concerned agencies in coordinating and  
15 monitoring the implementation of the enhanced CSAC program  
16 framework.

## 17 CHAPTER IX

### 18 MONITORING AND REPORTING

19 SEC. 27. *Monitoring and Reporting System.* – The State,  
20 through IAC-CSAC, shall ensure the implementation of the  
21 provisions of this Act and shall submit to the President and  
22 to Congress of the Philippines the annual report thereof. The  
23 IAC-CSAC, through the CWC, shall continue to maintain and  
24 strive to improve the database established by Executive Order  
25 No. 138 for the monitoring and reporting of children in situations  
26 of armed conflict. Its monitoring system should have demographic  
27 data on children disaggregated by sex, age, disability and ethnicity.



1 or not there is a need for the person to undergo appropriate  
2 rehabilitation and reintegration programs provided under this Act.

3 Those with suspended sentences and undergoing  
4 rehabilitation at a youth rehabilitation center shall likewise  
5 be released: *Provided*, That the Family Court shall, in consultation  
6 with concerned agencies, determine and order the appropriate  
7 rehabilitation and reintegration programs the person shall  
8 undergo as provided under this Act.

9 *SEC. 31. Children Who Have Been Convicted and are*  
10 *Serving Sentence.* – Persons who have been convicted and are  
11 serving sentence at the time of the effectivity of this Act and  
12 who were below the age of eighteen (18) years at the time of  
13 the commission of the offense for which they were convicted, and  
14 are serving sentence, shall likewise benefit from the retroactive  
15 application of this Act. They shall be entitled to appropriate  
16 dispositions provided under this Act, and their sentences shall  
17 be adjusted accordingly. They shall be immediately released if  
18 they are so qualified under this Act or other applicable laws.

## 19 CHAPTER XI

### 20 FINAL PROVISIONS

21 *SEC. 32. Appropriations.* – The amount necessary to cover  
22 the initial implementation of this Act shall be charged against  
23 the current year's appropriations of the concerned implementing  
24 departments/agencies. Thereafter, the amount necessary for its  
25 continued implementation shall be included in the budgets of  
26 the concerned departments/agencies in the annual General  
27 Appropriations Act.

28 *SEC. 33. Implementing Rules and Regulations.* – The CWC,  
29 together with its member agencies in the IAC-CSAC, in consultation



1 with civil society organizations, shall promulgate the implementing  
2 rules and regulations of this Act within ninety (90) days from  
3 its approval. All government agencies enumerated in Section 25  
4 of this Act shall be consulted in order that the responsibilities  
5 set for them in the aforesaid rules and regulations are duly  
6 validated.

7 Nongovernment organizations involved in caring for children  
8 in situations of armed conflict shall likewise be consulted in the  
9 drafting of the implementing rules and regulations of this Act.

10 SEC. 34. *Suppletory Application.* – For purposes of this Act,  
11 the Revised Penal Code, as amended, and other applicable laws  
12 shall have suppletory application.

13 SEC. 35. *Separability Clause.* – If any part or provision of  
14 this Act is declared invalid or unconstitutional, the other parts  
15 hereof not affected thereby shall remain valid.

16 SEC. 36. *Repealing Clause.* – Article X, Sections 22 to 26 of  
17 Republic Act No. 7610; Executive Order No. 138; all laws, acts,  
18 presidential decrees, executive orders, administrative orders, rules  
19 and regulations inconsistent with or contrary to the provisions of  
20 this Act are deemed amended, modified or repealed accordingly.

21 SEC. 37. *Effectivity.* – This Act shall take effect fifteen (15)  
22 days after its publication in the *Official Gazette* or in a newspaper  
23 of general circulation.

Approved,

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