

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 174

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT

DECLARING THE TIME BETWEEN TEN IN THE EVENING AND FIVE IN THE MORNING AS UNSAFE HOURS, PROHIBITING THE LOITERING, ROAMING AROUND, SLEEPING OR MEANDERING OF CHILDREN IN PUBLIC PLACES DURING THESE HOURS, PRESCRIBING PENALTIES FOR VIOLATIONS COMMITTED BY THEIR PARENTS OR GUARDIANS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The 1987 Constitution mandates that: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." (Article II, Sec. 5).

It also provides in Article II, Section 13 that, "The State recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism; and encourage their involvement in public and civil affairs."

The potential of the youth to make lasting contributions to nation building is unparalleled. Yet, some serious flaws have appeared in our social and cultural fabric, characterized by destructive behaviors among some of our youth that are damaging their lives and that of our country as well as the ability of this generation to achieve its full potential.

The alarming increase in the incidence of crimes committed by and against minors necessitates the implementation of a measure that will reduce opportunities for juvenile crime to thrive in the country and ensure the safety and well-being of our young people.

Hence, this measure seeks to promote the well-being of children and their families by ensuring their collective safety and self-esteem; protecting children from deleterious effects of unsupervised social activities outside the safety of the home; reducing the time when children could be used as instruments of crime; and protecting children from being victims of crime, abuse, and other forms of exploitation.

The bill declares as unlawful for parents or guardians to allow unchaperoned children to loiter, roam around, or sleep in any public place from 10:00 p.m. to 5:00 a.m. without justifiable reason. It also encourages involvement of the community members to ensure safety of children during unsafe hours by reporting

to authorities the presence of unchaperoned children in public places in order to provide all children with a healthy, safe and nurturing environment that presents opportunities and conditions for developing their full potential.

Although there is no dearth of local ordinances on the subject all over the country, there is a need to enact a national legislation on curfew for minors consistent with the policy pronouncements of President Rodrigo Duterte in curbing criminality in the country.

In view thereof, approval of this bill is earnestly requested.



ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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

SECTION 1. Short Title. – This Act shall be known as the "Unsafe Hours for Children Act."

SEC. 2. Declaration of Policy. – The following State policies shall be observed at all times:

(a) The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.

(b) The State supports the right of children to engage in a safe and wholesome recreational activities as well as to enjoy respite from activity, take rest, and have adequate sleep.

(c) The State acknowledges the right of children to be protected from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

(d) The State shall protect and rehabilitate children who are gravely threatened or endangered by circumstances which affect their survival and normal development and over which they have no control.

SEC. 3. Objectives. – The objectives of this Act are to:

(a) promote the well-being of children and their families by ensuring their collective safety;

(b) protect children from negative influences becoming vulnerable to the negative influences of the street life.

(c) reduce the time when children can be used as instruments of crime; and

(d) protect children from being victims of crime, abuse, ad other forms of exploitation.

SEC. 4. *Definition of Terms* – As used in this Act:

(a) *Abode* refers to either a permanent or temporary home, residence, lodging place, campsite, school, or any other safe place where a child stays with family, guardians, or school authorities;

(b) *Children* refers to persons below eighteen (18) years of age, or those over eighteen (18) years old but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

(c) *Emergency* refers to a combination of unforeseen circumstances or the resulting state that calls for immediate action such as, fire, natural disaster, accident, other medical cases, or any situation requiring immediate action to prevent any serious threat or injury to a child's physical, emotional, or psychological well-being;

(d) *Guardians* refers to persons of legal age other than the parents who are tasked to take care of the child at a particular time, whether relative or not, such as legal guardians, grandparents, uncles, aunts, cousins, siblings, household helpers, or school authorities;

(e) *Insufficient Control* refers to lack or absence of measures intended to keep the child inside, or prevent the child from leaving, the family abode during unsafe hours;

(f) *Loiter* refers to the act of lingering or remaining idly in a public place;

(g) *Parents* refer to natural or biological parents, adoptive parents, foster parents, or step-parents of children;

(h) *Public place* refers to all places accessible to the general public or places for collective use;

(i) *Unsafe hours* refer to the time between ten o'clock (10:00) in the evening up to five o'clock (5:00) in the morning.

SEC. 5. *Prohibition.* – It shall be unlawful for parents or guardians to, knowingly or by insufficient control, allow children to loiter, roam around, meander, or sleep in any public place during unsafe hours from ten o'clock (10:00) in the evening until five o'clock (5:00) in the morning without lawful purpose or justifiable reason.

SEC. 6. *Exceptions.* – The prohibitions provided under the preceding section shall not apply when children are:

(a) chaperoned or accompanied by either parent or guardian;

(b) travelling or are in a motor vehicle, whether a privately-owned vehicle, school service vehicle, or public utility vehicle, in early morning or late at night, due to the long distance between school and abode;

(c) engaged in an authorized employment activity, or going to or returning home from the same, without any detour or stop;

(d) involved in an emergency;

(e) out of their residence attending an official school, religious, recreational, educational, social, community, or other organized activity sponsored by the government, school or other private civic organization; or when the children are going to or returning home from such activity without any detour or stop;

(f) able to present any document certifying that they are students and have been dismissed from their classes late in the evening, or that they are working students.

SEC. 7. *Reach Out Protocol.* – The moment a child is found in a public place or outside an abode during unsafe hours, the following procedures known as *Reach Out Protocol* shall govern:

(a) The law enforcement officer shall:

i. explain in simple language or dialect that is understandable to the child why the child is being brought to the barangay office;

ii. present proper identification to the child;

iii. determine the age of the child; and

iv. endorse the care of the child to the Barangay Council for the Protection of Children (BCPC), or in the absence thereof, to the Barangay Violence Against Women and Children (VAWC) desk officer.

(b) Once the child is handed over, the BCPC or the Barangay VAWC shall ensure that:

i. the child is handed over to the LSWDO not later than eight (8) hours after the child was found; and

ii. the parents or guardians are immediately notified.

Within this period, law enforcement and barangay personnel are strictly prohibited from using vulgar or profane words, sexually harassing or making sexual advances on, or abusing the child; displaying or using any firearm, weapon, handcuffs, or other instruments of force, restraint, or intimidation, unless absolutely necessary and only after all other methods of control have been exhausted and have failed; or using violence or unnecessary force on the child.

A detailed Reach Out Protocol to set the standard procedure and to provide a common framework for processing of children found during unsafe hours shall be created by the Council for the welfare of Children (CWC), in consultation with the department of Social Welfare and Development (DSWD), within ninety (90) days from the effectivity of this Act: *Provided That*, the said protocol shall be in accordance with the provisions on status offenses under Republic Act No. 10630,

otherwise known as the "Strengthening the Juvenile Justice System in the Philippines".

(c) After the child is handed over to the Local Social Welfare and Development Office (LSWDO), the social welfare and development officer shall explain to the child and the child's parents or guardians the consequences of the child's act with a view towards counselling.

SEC. 8. *Interventions for Children.* – Children who are found outside their abodes during unsafe hours shall be afforded the following interventions:

For the first offense, the Barangay Council for the Protection of Children (BCPC) will counsel the child before such child is properly handed over to the parent/s or guardian/s;

A child found violating this Act for the second time will be required to attend, together with the parent/s or guardian/s, two (2) consecutive regular sessions of counselling conducted by the BCPC, which shall include this matter as part of its session's agenda: *Provided, That* the BCPC Chairperson shall issue a certificate of compliance on the penalty by the concerned child with the parent/s or guardian/s. *Provided further, That* the child with the parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within two (2) months from the date of violation. *Provided finally, That* non-compliance with the counselling requirement will elevate the matter to the DSWD for proper disposition.

For the third and every subsequent offense the child shall be handed over to the DSWD office with jurisdiction over the locality of the residence of the child, for appropriate counselling and proper disposition on the matter.

Children that are habitual violators of this Act shall be handed over to the DSWD for counselling and shall be subjected to appropriate interventions.

In cases when children have adopted the streets, sidewalks, parks, markets, premises of malls or establishments, or any public place as their home, the respective barangay government shall ensure that children who may not have parents or guardians are referred to the LSWDO.

SEC. 9. *Penalties for Parents or Guardians.* – The parent/s or guardian/s of the child who is left unattended during unsafe hours shall be summoned to fetch the child from the barangay hall and be informed of the consequences in case of subsequent violation. Likewise, the parent/s or guardian/s shall be penalized with:

For the first offense, community service of forty-eight (48) hours or a fine of Two thousand pesos (P2,000.00) or both. For the second offense, seventy-two (72) hours of community service or a fine of Three thousand pesos (P3,000.00) or both; and for the third offense and every subsequent offense, community service of one hundred (100) hours, and a fine of Five thousand pesos (P5,000.00) or both.

SEC. 10. *Role of Government.* – All Barangay Captains shall oversee the implementation of this Act. The BCPC shall take an active role in the implementation of this Act and shall conduct a massive advocacy campaign on the dangers of children being outside their abode during unsafe hours. The DSWD shall ensure that local government units (LGUs) are able to conduct the necessary

and appropriate counselling for offending parents and their children.

SEC. 11. *Community Involvement.* - Any person who has personal knowledge of the existence of any unchaperoned child in any public place during unsafe hours must immediately call the attention of any official from the closest barangay, police officer, or other person in authority in order to ensure safety of the child. Thereafter, the Reach Out Protocol should be observed by the responding officers.

SEC. 12. Non-implementation or Violations of this Act. - Any public officer vested with the duty to implement the law, who shall knowingly and maliciously prevent, prohibit, refuse, discontinue, or violate the implementation of any provisions of this Act, or any of the rules and regulations promulgated in accordance thereto, shall be punished by imprisonment of not less than one (1) month but not more than six (6) months, and temporary suspension from public service.

The public officer liable under this Section shall, in addition to the imprisonment, be held administratively liable under applicable laws.

SEC. 13. *Annual Report.* - The Department of Interior and Local Government (DILG), in coordination with concerned agencies, shall submit an annual report to the Congress of the Philippines on the status of the implementation of this Act.

SEC. 14. *Appropriations.* - The amount necessary to cover the implementation of this Act shall be charged against the current year's appropriations of the concerned agencies. Thereafter, the funding requirement for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 15. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the DILG, in consultation with the Liga ng mga Barangay sa Pilipinas, CWC, National Youth Commission (NYC), and DSWD, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 16. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other parts hereof not affected thereby shall remain valid.

SEC. 17. *Repealing Clause.* - All laws, orders, proclamations, rules and regulations, or part thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,