

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4971




Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past congress (Rep. Rosenda Ann Ocampo's HB00388, Rep. Benhur Lopez Jr.'s HB00878, Rep. Lawrence Fortun's HB00972, and Rep. Gloria Macapagal-Arroyo's HB01520, among others).

Republic Act No. 8972, otherwise known as the Solo Parent's Welfare Act, was enacted to provide benefits and privileges to solo parents and their children. Despite the milestones brought about by the aforementioned piece of legislation, there is an urgent need to update and expand the coverage and benefits given to solo parents. The proposed legislation also introduces measures (e.g. reduction of the waiting period for which a person can be qualified as a solo parent) to further ease the difficulties experienced by a solo parent.

In view of the foregoing, the passage of this measure is earnestly sought.


JOHN MARVIN "YUL SERVO" NIETO

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AN ACT GRANTING ADDITIONAL BENEFITS TO SOLO PARENTS AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8972, OTHERWISE KNOWN AS THE "SOLO PARENTS WELFARE ACT OF 2000"

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

SECTION 1. Sections 2 and 3 of Republic Act No. 8972 hereby amended to read as follows:

"SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the [Department of Education, Culture and Sports (DECS)] **DEPARTMENT OF EDUCATION (DEPED)**, the Department of Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE) and other related government and non-government agencies.

SEC. 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall mean as follows:

a) "Solo Parent" – any individual who falls under any of the following categories:

(1) A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender: Provided, That the mother keeps [and raises] the child **AND BEARS SOLO AND LONE PARENTING RESPONSIBILITY;**

XXX

(3) Parent [left solo or alone with the] **WHO BEARS SOLE AND LONE PARENTING** responsibility [of parenthood] while the spouse is detained or is serving sentence for a criminal conviction for at least [one (1) year] **SIX (6) MONTHS;**

XXX

(5) Parent [left solo or alone with the] **WHO BEARS SOLE AND LONE PARENTING** responsibility [of parenthood] due to legal separation or de facto separation from spouse for at least [one (1) year] **SIX (6) MONTHS**, as long as [he/she] **THE SOLO PARENT** is entrusted with the custody of children;

XXX

(7) Parent [left solo or alone with the] **WHO BEARS SOLO AND LONE PARENTING** responsibility of parenthood due to abandonment of spouse for at least [one (1) year] **SIX (6) MONTHS**;

XXX

(9) Any [other person] **LEGAL GUARDIAN, ADOPTIVE OR FOSTER PARENT** who solely provides parental care and support to a child or children;

XXX

(11) PARENT WHO BEARS SOLO AND LONE PARENTING RESPONSIBILITY DUE TO DISABILITY OR INCAPACITY OF THE OTHER SPOUSE TO BE EMPLOYED FOR AT LEAST SIX (6) MONTHS;

XXX

e) "Flexible work schedule" – is the right granted to a solo parent employee to vary [his/her] **THE** arrival and departure time **IN THE OFFICE OR EMPLOYMENT** without affecting the core work hours as defined by the employer."

SECTION 2. Sections 4 and 5 of the same Act are hereby amended to read as follows:

"SEC. 4. *Criteria for Support.* – Any solo parent whose income in the place of domicile falls below the poverty threshold as set by the [National Economic and Development Authority (NEDA)] **NATIONAL STATISTICS COORDINATION BOARD (NCSB)**, [and] subject to the assessment of the [DSWD worker] **CITY OR MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICER** in the area **WHERE THE SOLO PARENTS RESIDES**, shall be eligible for assistance: Provided, however, that any solo parent whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 6, 7 and 8 of this Act.

SEC. 5. *Comprehensive Package of Social Development and Welfare Services.* – A comprehensive package of social development and welfare services for solo parents and their families [will] **SHALL** be developed by the [DSWD] **SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT, IN COORDINATION WITH THE DOH, [DECS] DEPED, CHED, TESDA, DOLE, NHA, [and] DILG, DEPARTMENT OF TRADE AND INDUSTRY (DTI),**

BUREAU OF INTERNAL REVENUE (BIR), NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA). CIVIL SERVICE COMMISSION (CSC). NATIONAL COUNCIL OF WOMEN OF THE PHILIPPINES (NCWP), UNION OF LOCAL AUTHORITIES OF THE PHILIPPINES (ULAP), [in coordination with and] local government units, and a non-governmental organization with proven track record in providing services to solo parents.

XXX"

SECTION 3. Sections 8, 9 and 10 of the same Act are hereby amended to read as follows:

"SEC. 8. *Parental Leave.* – In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least [one (1) year] **SIX (6) MONTHS.**

SEC. 9. *Educational Benefits.* – The [DECs] **DEPED, CHED and TESDA** shall provide the following benefits and privileges:

(1) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary, and technical **OR VOCATIONAL** skills education; and

SEC. 10. *Housing Benefits.* – Solo parents shall be given allocation in housing projects and shall be provided with liberal terms of payment on said government low-cost housing projects in accordance with housing law provisions prioritizing applicants below poverty line as declared by the [NEDA] **NSCB.**"

SECTION 4. New sections to be denominated as Sections 13, 14, 15 and 16 are hereby added to read as follows:

SEC. 13. SOLO PARENT IDENTIFICATION CARD (SPIC). – UPON APPLICATION AND SUBMISSION OF PROPER DOCUMENTS, AN IDENTIFICATION CARD APPROVED BY THE LOCAL CHIEF EXECUTIVE WHERE THE SOLO PARENT RESIDES, SHALL BE ISSUED TO THE QUALIFIED SOLO PARENT BY THE CITY OR MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICER.

SEC. 14. ADDITIONAL BENEFITS. – A SOLO PARENT SHALL BE ENTITLED TO THE FOLLOWING ADDITIONAL BENEFITS:

A) TEN PERCENT (10%) DISCOUNT ON CHILDREN'S CLOTHING MATERIALS FOR ALL PURCHASES MADE WITHIN TWO (2) YEARS FROM THE BIRTH OF THE CHILD OF THE SOLO PARENT;

B) FIFTEEN PERCENT (15%) DISCOUNT ON BABY'S MILK, FOOD AND FOOD SUPPLEMENTS FOR ALL PURCHASES MADE WITHIN TWO (2) YEARS FROM THE BIRTH OF THE CHILD OF THE SOLO PARENT;

C) FIFTEEN PERCENT (15%) DISCOUNT ON ALL PURCHASES OF THE SOLO PARENT OF MEDICINES AND OTHER MEDICAL

SUPPLEMENTS OR SUPPLIES THAT SHALL BE USED BY THE CHILD WHO ARE FIVE (5) YEARS OLD AND BELOW.

TO AVAIL OF THESE BENEFITS, THE SOLO PARENT SHALL SUBMIT OR PRESENT THE SOLO PARENT IDENTIFICATION CARD AND THE BIRTH CERTIFICATE OF THE CHILD OR OTHER EVIDENCE OF ENTITLEMENT.

THE CORPORATION OR BUSINESS ESTABLISHMENT THAT GIVES A DISCOUNT TO THE SOLO PARENT IN ACCORDANCE WITH THIS SECTION SHALL BE ENTITLED TO CLAIM THE DISCOUNT GIVEN AS A BUSINESS EXPENSE SUBJECT TO PROPER RECORDING AND DOCUMENTATION.

SEC. 15. INTER-AGENCY COORDINATING AND MONITORING COMMITTEE. – A SPECIAL INTER-AGENCY COMMITTEE, HEREINAFTER REFERRED TO AS THE COMMITTEE, SHALL BE ESTABLISHED TO COORDINATE AND MONITOR THE IMPLEMENTATION OF THIS ACT. THE COMMITTEE, WHICH SHALL BE CONSTITUTED WITHIN NINETY (90) DAYS UPON THE EFFECTIVITY OF THIS ACT, SHALL BE COMPOSED OF THE FOLLOWING:

- A) SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT, AS CHAIRPERSON;**
- B) SECRETARY OF HEALTH OR AUTHORIZED REPRESENTATIVE;**
- C) SECRETARY OF EDUCATION OR AUTHORIZED REPRESENTATIVE;**
- D) SECRETARY OF LABOR AND EMPLOYMENT OR AUTHORIZED REPRESENTATIVE;**
- E) SECRETARY OF INTERIOR AND LOCAL GOVERNMENT OR AUTHORIZED REPRESENTATIVE;**
- F) SECRETARY OF TRADE AND INDUSTRY OR AUTHORIZED REPRESENTATIVE;**
- G) COMMISSIONER OF INTERNAL REVENUE;**
- H) CHAIRPERSON OF THE COMMISSION ON HIGHER EDUCATION;**
- I) CHAIRPERSON OF THE COMMISSION ON CIVIL SERVICE;**
- J) CHAIRPERSON OF PHILIPPINE COMMISSION ON WOMEN;**
- K) DIRECTOR GENERAL OF THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY;**
- L) DIRECTOR GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY;**

M) GENERAL MANAGER OF THE NATIONAL HOUSING AUTHORITY;

N) CHAIRPERSON OF NATIONAL COMMISSION ON MUSLIM FILIPINOS (NCMF);

O) NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP); AND

P) A REPRESENTATIVE OF THE UNION OF LOCAL AUTHORITIES OF THE PHILIPPINES, AS MEMBERS.

THE COMMITTEE SHALL SUBMIT A REGULAR REPORT TO CONGRESS ON THE IMPLEMENTATION OF THIS ACT EVERY THREE (3) YEARS FOLLOWING ITS EFFECTIVITY.

SEC 16. PENALTIES. - ANY PERSON, CORPORATION, ENTITY OR AGENCY WHO REFUSES OR FAILS TO PROVIDE THE BENEFITS GRANTED TO THE SOLO PARENT IN VIOLATION OF THIS ACT SHALL SUFFER THE FOLLOWING PENALTIES:

1) FOR THE FIRST VIOLATION - A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) OR IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS BUT NOT MORE THAN ONE (1) YEAR, OR BOTH, AT THE DISCRETION OF THE COURT;

2) FOR SUBSEQUENT VIOLATIONS - A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00) OR IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN TWO (2) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT.

IF THE OFFENDER IS A CORPORATION, PARTNERSHIP, ORGANIZATION OR ANY SIMILAR ENTITY, THE EMPLOY OFFICIALS DIRECTLY INVOLVED SUCH AS THE PRESIDENT, GENERAL MANAGER, MANAGING PARTNER OR OTHER OFFICER CHARGED WITH THE MANAGEMENT OF ITS AFFAIRS SHALL BE LIABLE THEREFOR.

IF THE OFFENDER IS AN ALIEN, THE OFFENDER SHALL BE DEPORTED IMMEDIATELY AFTER SERVICE OF SENTENCE WITHOUT FURTHER DEPORTATION PROCEEDINGS.

UPON FILING OF AN APPROPRIATE COMPLAINT, AND AFTER DUE NOTICE AND HEARING, THE PROPER AUTHORITIES MAY ALSO CAUSE THE CANCELLATION OR REVOCATION OF THE BUSINESS PERMIT, PERMIT TO OPERATE, FRANCHISE AND OTHER SIMILAR PRIVILEGES GRANTED TO ANY BUSINESS ENTITY THAT FAILS TO ABIDE BY THE PROVISIONS OF THIS ACT.

ANY PERSON WHO MISREPRESENTS STATUS OR FALSIFIES ANY DOCUMENT TO AVAIL OF BENEFITS PROVIDED UNDER THIS ACT OR ANY PERSON WHO ABUSES THE PRIVILEGES GRANTED HEREIN SHALL

BE PUNISHED WITH A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) AND IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS.

UPON FINDING OF THE DSWD THAT A DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE GOVERNMENT, A GOVERNMENT-OWNED OR CONTROLLED CORPORATION (GOCC) OR A LOCAL GOVERNMENT UNIT, HAD VIOLATED ANY PROVISION OF THIS ACT, SANCTIONS UNDER THE ADMINISTRATIVE LAW, CIVIL SERVICE OR OTHER LAWS MAY BE RECOMMENDED TO THE CSC OR THE DILG AGAINST THE HEAD OF AGENCY OR THE LOCAL CHIEF EXECUTIVE AND THE PERSON DIRECTLY RESPONSIBLE FOR THE VIOLATION."

SECTION 5. Sections 13 and 14 of the same Act are hereby renumbered as Sections 17 and 18 and amended to read as follows:

"SEC. [13] **17. Implementing Rules and Regulations.** – [An interagency committee headed by] **WITHIN NINETY (90) DAYS FROM APPROVAL OF THIS ACT**, the **DSWD SHALL**, in **CONSULTATION AND** coordination with the **DOH, DEPED, CHED, TESDA, DOLE, NHA, and DILG, DTI, BIR, NEDA, CSC, NCMF, NCIP, PCW, AND ULAP** [is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations for the effective implementation of this Act in consultation with the local government units, non-governmental organizations and people's organizations.], **ISSUE THE NECESSARY RULES AND REGULATIONS FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT.**

SEC. [14] **18. Appropriations.** – The amount necessary to carry out the provisions of this Act shall be included in the budget of the concerned government agencies in the **ANNUAL General Appropriations Act (GAA).**

"GOVERNMENT AGENCIES MAY UTILIZE A PORTION OF THEIR RESPECTIVE BUDGET FOR PROGRAMS AND ACTIVITIES ON GENDER AND DEVELOPMENT TO IMPLEMENT THIS ACT.

FOR PURPOSES OF THIS SECTION, GENDER AND DEVELOPMENT REFERS TO PROCESSES UNDERTAKEN BY GOVERNMENT AGENCIES TO ADDRESS GENDER ISSUES AND TRANSFORM THE SOCIAL, ECONOMIC AND POLITICAL STRUCTURES OF THE SOCIETY TO ACHIEVE GENDER EQUALITY AND EMPHASIZE THE FUNDAMENTAL ROLE OF WOMEN AS ACTIVE AGENTS OF DEVELOPMENT AND NOT JUST PASSIVE RECIPIENTS OF ASSISTANCE."

SECTION 6. Sections 15, 16 and 17 of the same Act, are hereby renumbered as Sections 19, 20 and 21, respectively.

SECTION 7. This Act shall take effect (15) days after its complete publication in the Official Gazette or in two (2) newspapers of national circulation.

Approved,