

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 3520

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**Introduced by Representative Michael L. Romero**

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**EXPLANATORY NOTE**

In the republic of the Philippines, Child Labor is the employment of children in hazardous occupations below the age of eighteen (18), or without the proper conditions and requirements below the age of fifteen (15), where children are compelled to work on a regular basis to earn a living for themselves and their families, and as a result are disadvantaged educationally and socially.

The Philippine Statistics Office (PSA) has said there are currently around 5.5 million child laborers aged 5-17 in the country, around 3 million of whom are exposed to environments that are considered hazardous.

The International Labor Organization estimates that 55.3% of these children undertake hazardous work in an agricultural setting.

This House Bill seeks to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.

Thus, the early passage of this bill is earnestly requested.

  
**MICHAEL L. ROMERO Ph.D.**

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**AN ACT**

AMENDING REPUBLIC ACT NO.9231, OTHERWISE KNOWN AS  
“**SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,  
EXPLOITATION AND DISCRIMINATION ACT**”, TO FOSTER ALL  
EFFORTS TO THE WELFARE OF CHILDREN, TO PROMOTE THE  
BEST INTERESTS OF CHILDREN THAT ARE PARAMOUNT  
CONSIDERATION IN ALL ACTIONS CONCERNING THEM, AND FOR  
OTHER PURPOSES

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

**SECTION 1. DECLARATION OF POLICY** - It is hereby declared to be  
the policy of the State to provide special protection to children from all forms of  
abuse, neglect, cruelty, exploitation and discrimination, and other conditions  
prejudicial to their development including child labor and its worst forms;  
provide sanctions for their commission and carry out a program for prevention  
and deterrence of and crisis intervention in situations of child abuse, exploitation  
and discrimination. The State shall intervene on behalf of the child when the  
parent, guardian, teacher or person having care or custody of the child fails or

is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.

**SECTION 2.** Section 6 of Republic Act 9231, is hereby amended to read as follows:

*"Sec. 6. Penal Provisions –*

"a) Any employer who violates Sections 12, 12-A, and Section 14 of this act, as amended, shall be penalized by imprisonment of one (1) year and one (1) day to six (6) years or a fine of not less than Two hundred thousand pesos (**₱200,000.00**) but not more than Five hundred thousand pesos (**₱500,000.00**) or both at the discretion of the court.

"b) Any person who violates the provision of Section 12-D of this act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than Three hundred thousand pesos (**₱300,000.00**) but not more than One million pesos (**₱1,000,000.00**), or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.

"c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by R. A. 9208 otherwise known as the "Anti-trafficking in Persons Act of 2003":

*Provided,* That Such penalty shall be imposed in its maximum period.



"d) Any person who violates Section 12-D (3) shall be prosecuted and penalized in accordance with R.A. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002";

*Provided*, That such penalty shall be imposed in its maximum period.

"e) If a corporation commits any of the violations aforecited, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who participated in or knowingly allowed the violation, shall be penalized accordingly as provided for under this Section.

"f) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of not less than Two hundred thousand pesos (**₱200,000.00**) but not more than Five hundred thousand pesos (**₱500,000.00**), or be required to render community service for not less than three (**3**) months but not more than one (1) year, or both such fine and community service at the discretion of the court:

*Provided*, That the maximum length of community service shall be imposed on parents or legal guardians who have violated the provisions of this Act three (3) times;

*Provided, further*, That in addition to the community service, the penalty of imprisonment of three (**3**) months but not more than one (1) year or both at the discretion of the court, shall be imposed on the parents or legal guardians who

have violated the provisions of this Act more than three (3) times.

"g) The Secretary, of Labor and Employment or his/her duly authorized representative may, after due notice and hearing, order the closure of any business firm or establishment found to have violated any of the provisions of this Act more than three (3) times. He/she shall likewise order the immediate closure of such firm or establishment if:

"(1) The violation of any provision of this Act has resulted in the death, insanity or serious physical injury of a child employed in such establishment; or

"(2) Such firm or establishment is engaged or employed in prostitution or in obscene or lewd shows.

"h) In case of such closure, the employer shall be required to pay the employee(s) the separation pay and other monetary benefits provided for by law."

**SECTION 3. TRANSITORY PROVISION** – Existing industries, businesses and offices affected by the implementation of this Act shall be given six (6) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

**SECTION 4. IMPLEMENTING RULES AND REGULATIONS** – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

**SECTION 5. REPEALING CLAUSE** – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 6. SEPARABILITY CLAUSE** – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

**SECTION 7. EFFECTIVITY CLAUSE** – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,