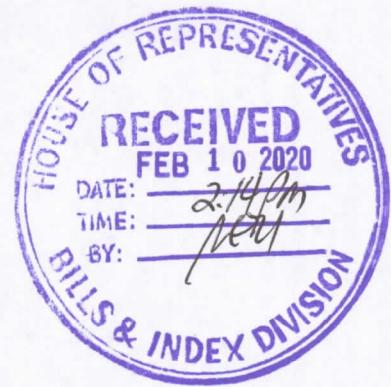


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



EIGHTEENTH CONGRESS
First Regular Session

6237
House Bill No. _____

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

Children have a vital role in nation building. The role of children is crucial to the nation's development. Through proper guidance and support of the State, the youth of our country can exercise their full potential towards national development. In order to fully bring out the drive, passion and determination of the youth to become the forefront of national development, it is only necessary that the State provide measures to implement and enforce laws related to the welfare of children and to formulate and monitor policies and programs linked with the youth.

This Bill is intended to reorganize the Council for the Welfare of Children into the Philippine Commission on Children. The Philippine Commission on Children shall, among others, serve as an oversight body over committees, councils, and other structures and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child, and formulate an integrated national policy, plans, programs, and pilot projects including services relative to the development of the general welfare and protection of the best interests of the child. The Philippine Commission on Children Act provides for the composition of the Commission, its powers and functions, the Technical Advisory Group and other provisions especially created to promote the welfare of children.

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

eric l. olivarez
ERIC OLIVAREZ

Republic of the Philippines
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EIGHTEENTH CONGRESS
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House Bill No. _____

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

AN ACT REORGANIZING THE COUNCIL FOR THE WELFARE OF CHILDREN INTO THE PHILIPPINE COMMISSION ON CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Philippine Commission on Children Act".

SECTION 2. *Declaration of Policy.* – It shall be the policy of the State to promote the welfare of the children. As children play a big role towards the development of the country, it is only necessary that the formulation of policies and the implementation of laws relative to children's welfare be ensured by the State.

SECTION 3. . *Reorganization of the Council for the Welfare of Children (CWC) into the Philippine Commission on Children.*
– The Council for the Welfare of Children is hereby reorganized into

the Philippine Commission on Children, hereinafter referred to as the "Commission", attached to the Office of the President (OP).

SECTION 4. Composition of the Commission. – The Commission shall be composed of a Board of Commissioners to be headed by a Chairperson who shall provide the leadership in the realization of the vision and mission of the Commission.

The chairperson shall have the rank and privileges of a department undersecretary. The appointive commissioners shall have the rank and privileges of a department undersecretary. The appointive commissioners shall have the rank and privileges of an assistant secretary of a department.

The Board of Commissioners shall be composed of the following:

- a.) Heads of the following government officer:
 - i. Department of Social Welfare and Development (DSWD);
 - ii. Department of Agriculture (DA);
 - iii. Department of Budget and Management (DBM);
 - iv. Department of Health (DOH);
 - v. Department of Interior and Local Government (DILG);
 - vi. Department of Justice (DOJ);
 - vii. Department of Labor and Employment (DOLE);
 - viii. National Economic Development Authority (NEDA);
 - ix. National Nutrition Council (NNC);
 - x. National Youth Commission (NYC); and
 - xi. Convergence of Councils and Committees on Children (Four Cs).
- b. Three (3) private individuals recognized as child advocates representing Luzon, Visayas and Mindanao;
- c. One (1) child representative; and
- d. The Executive Director of Commission.

The Chairperson and Commissioners shall be appointed by the President from a list of at least three (3) but not more than five

(5) nominees for each position, submitted by child-serving organizations or institutions in their respective areas duly registered with the Securities and Exchange Council (SEC). They shall serve for a term of three (3) years, with reappointment for another term.

SECTION 5. *Powers and Functions.* – The Commission shall have the following powers and functions:

- a. Formulate an integrated national policy, plans, programs, and pilot projects including services relative to the development of the general welfare and protection of the best interests of the child;
- b. Coordinate the implementation and enforcement of all policies, plans, and programs relative to the promotion and protection of child's rights and welfare;
- c. Set-up a system of networking and coordination with and among all existing government agencies and non-government organizations for the effective implementation of plans and strategies for children;
- d. Serve as an oversight body over committees, councils, and other structures and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child;
- e. Conduct researches and studies on children in coordination with other government agencies, bureaus, offices, departments, or instrumentalities;
- f. Review, monitor and evaluate all local and international policies, plans, projects and programs on the rights of the child, by establishing a third party monitoring and evaluation system;
- g. Advocate, recommend for approval of the President and other appropriate agencies, and implement on a nationwide scale when appropriate, new, innovative,

- programs and services for the general welfare and protection of the child;
- h. To mainstream the concerns and issues affecting children and to provide and maintain the necessary medium to perform such function;
 - i. Provide avenues for the institutionalization, technical assistance, and the needed capacity building for the effective implementation of policies, programs, and projects of the Commission, especially those that involve the setting up or strengthening of mechanisms for, by, and with children;
 - j. Mobilize resource assistance and call upon and utilize a department, bureau, office, agency, or any instrumentalities thereof, public, private, or voluntary, for such assistance as it may require in the performance of its functions;
 - k. Ensure convergence efforts in addressing children's issues and concerns among councils and committees through an improved and efficient coordination in planning, data-sharing and align monitoring and oversight practices;
 - l. Enter into contracts facilitating the implementation of undertakings for children and the acceptance of donations, gifts, bequests, and grants, among others;
 - m. Submit annually to the President and to Congress a comprehensive report on its activities and accomplishments; and
 - n. Perform such other functions as may be necessary to effectively and efficiently carry out the provisions of this Act.

SECTION 6. *Technical Advisory Group.* - A Technical Advisory Group (TAG) shall be created under the Commission. The TAG shall deliberate on the concerns and the recommendations of the sectoral committees, sub-committees,

and other relevant structures. It shall also submit recommendations to the Commission on needed policy guidelines, projects and activities for the welfare of children. It shall be composed of bureau and service heads or equivalent of member agencies and organizations as appropriate. The TAG shall also be composed of one representative each of the Board of Commissioners enumerated in Section 4 hereof.

The TAG shall convene quarterly, to be attended by the heads of the aforementioned agencies, to submit policy and programmatic recommendations for adoption of the Commission. All resolutions adopted by the Commission shall be officially forwarded to the Office of the Cabinet Secretary, for endorsement to the President. The TAG may invite relevant government and non-government and other institutions and agencies for technical assistance, as deemed necessary.

SECTION 7. Secretariat. – The Commission shall organize a secretariat that will serve as its executive arm to be headed by an Executive Director, assisted by a Deputy Executive Director, who shall ensure the implementation of resolutions and decisions and shall take charge of the administration, direction, and shall exercise general supervision and control over the personnel of the Secretariat.

The Secretariat shall be composed of the following Bureaus organized in coordination with the Civil Service Commission (CSC) and the Department of Budget and Management (DBM):

- a.) Bureau on Coordinating, Planning and Programming
 - i. Policy and Planning Division
 - ii. Monitoring and Evaluation Division
- b.) Bureau of Communications and External Affairs

- i. Advocacy and Communications Division
 - ii. External Partnership Division
- c.) Bureau of Localization and Regional Coordination
- i. Localization and Institutionalization Division
 - ii. Regional Committees/Sub-Committees for the Welfare of Children (RC/SCWC)
- d.) Bureau on Administrative, Finance and Support Services
- i. Administrative and Finance Division
 - ii. Procurement and Supply Division
 - iii. Internal Audit Division

The Executive Director and Deputy Executive Director shall be nominated by the Board of Commissioners and shall be subsequently appointed by the President with the rank, privileges and emoluments of Career Executive Service Officer II and Career Services Officer I, respectively, and shall receive such other allowances and benefits as may be provided by law.

SECTION 8. Sectoral Committees and Sub-Committees. – Sectoral committees shall hereby be created and enumerated in the Implementing Rules and Regulations of this Act, following the concerns of the UN Convention of the Rights of the Child. Should the need arise, committees or sub-committees may be modified or created to address emerging or specific concerns of children.

SECTION 9. Convergence of Councils and Committees on Children (Four Cs). – The Four Cs shall be created as the system of collaboration and coordination among all councils and committees to specifically address concerns on children. It shall ensure effective and harmonious work relationship among all structures on children and to address their issues at the national, regional and local levels.

The Four Cs shall be composed of the Chairperson of the Councils which were created based on already existing laws, as follows:

1. Committee for the Special Protection of Children;
2. National Child Labor Committee;
3. National Council on Children's Television;
4. Inter-Agency Council Against Trafficking;
5. Inter-Agency Council on Violence Against Women and their Children;
6. Juvenile Justice Welfare Council;
7. Inter-Agency Council Against Child Pornography;
8. Inter-Agency Committee on Children in Armed Conflict;
9. Early Childhood Care and Development Council; and
10. National Council on Disability Affairs.

All the other and subsequent councils and committees created with direct implications on children shall be a part of the Four Cs. The Commission shall issue a Resolution to formalize these memberships.

The Four Cs shall convene quarterly, to be attended by the Chairperson or the Alternate Chairpersons of the member agencies, to submit policy recommendations for adoption of the Commission. All Resolutions adopted by the Commission shall also be officially forwarded to the Chairperson of the Commission.

The Commission shall oversee the implementation of the Resolutions among the members of the Four Cs.

SECTION 10. *Membership to Agencies Created by Special Laws and issuances on Children.* – The Commission shall take the place of the Council for the Welfare of Children as member of and ensure coordination with agencies created under special laws and issuances such as:

1. The Special Committee for the Protection of Children (under *Republic Act 7610* and strengthened under *Executive Order No. 53 s. 2011*);
2. The National Child Labor Committee (created under the DOLE's *Philippine Plan of Action against Child Labor*);
3. The National Council on Children's Television (under *Republic Act No. 8370*);
4. The Inter-Agency Council Against Trafficking (under *Republic Act No. 9208*);
5. The Inter-Agency Council on Violence Against Women and their Children (under *Republic Act No. 9262*);
6. The Juvenile Justice Welfare Council (under *Republic Act No. 9344*);
7. The Inter-Agency Council Against Child Pornography (under *Republic Act No. 9775*); and
8. The Inter-Agency Council on Children in Armed Conflict (*Executive Order No. 138 s. 2013*).

SECTION 11. *Honoraria.* – The Chairperson and Board of Commissioners, members of the sectoral committees, sub-committees, task forces and other structures that may be created under the Commission shall receive honoraria which shall be subject to existing laws.

SECTION 12. *Transitory Provisions.* – Upon approval of this Act, the officers and staff of the Secretariat of the Council for the Welfare of Children shall continue to perform their duties and responsibilities and receive their corresponding salaries and benefits. Incumbents whose positions are not included in the approved new staffing pattern of the Commission or not reappointed shall be deemed separated from the service. Such incumbents shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations, or

shall be paid the equivalent of one (1) month basic salary for every year of service or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received, in addition to the retirement benefits or pensions under existing retirement laws.

A new position structure and staffing pattern of the Commission Secretariat shall be determined by the Chairperson and Executive Director, in consultation with the Board of Commissioners, and recommended for approval by the Secretary of the Department of Budget and Management with due concurrence of the Civil Service Commission within one hundred and twenty (120) days from the approval of this Act. Authorized positions created thereunder shall be filled with regular appointments. The authority of the Executive Director shall extend to: (1) appointments and other personnel actions in accordance to Section 29, Chapter 6, Book IV of Executive Order No. 292 or the *Administrative Code of 1987*.

SECTION 13. *Delineation of Authority over the Age Groups between the National Youth Commission and the Philippine Commission on Children.* – All policy and programmatic concerns of a child youth, aged 15-18, shall be the sole mandate of the Philippine Commission on Children. The definition of children and youth shall be clearly differentiated in the Implementing Rules and Regulations of this Act.

SECTION 14. *Implementing Rules and Regulations (IRR).* – The Secretariat, in coordination with the Board of Commissioners, shall promulgate the IRR within ninety (90) days after its enactment; *Provided, That* the rules and regulations issued by other government agencies and instrumentalities for the prevention or abatement of violation of child's rights not inconsistent with this Act shall supplement

the rules and regulations issued by the CWC pursuant to the provisions of this Act.

SECTION 15. *Appropriations.* – The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the concerned implementing departments/agencies.

There is hereby authorized to be appropriated the initial amount of One hundred million pesos (P 100,000,000.00) as additional funding for the Commission to be charged against the unexpended contingency funds of the Office of the President.

Thereafter, the amount necessary for its continued implementation shall be included in the budget of the concerned agency in the annual General Appropriations Act.

Adequate funds shall be appropriated annually from any funds in the National Treasury not otherwise appropriated but may be necessary for the operation and maintenance of the Commission including the effective functioning of RC/SCWCs and LCPCs.

SECTION 16. *Repealing Clause.* – All laws, orders, orders, rules and regulations inconsistent with or contrary to the provisions of this act are deemed amended, modified or repealed accordingly.

SECTION 17. *Separability Clause.* – If any part or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectiveness of the other provisions hereof.

SECTION 18. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,