



SEVENTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES    }  
*First Regular Session*        }

17 MAY 29 P 3:51

SENATE  
S.B. No. 1474

RECEIVED BY: J

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INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

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**AN ACT  
PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN  
SITUATIONS OF ARMED CONFLICT AND PROVIDING PENALTIES FOR  
VIOLATION THEREOF**

**EXPLANATORY NOTE**

Children in Situation of Armed Conflict are those children who are members of displaced families as a result of armed conflict, physically weakened, orphaned or disabled as a result of armed conflict, combatants and those mobilized for other armed conflict-related activities and disrupted from schooling due to armed conflict.<sup>1</sup>

The issue of children in war is a problem that is being addressed worldwide. Because of their susceptibility and vulnerability, children are the ones who suffer the most from the decisions of the adults in combat.

In the Philippines alone, the UNICEF estimated that 30,000–50,000 children in the Philippines are displaced every year as a result of armed conflict.<sup>2</sup> Children are recruited and forced to become soldiers due to the fact that they can be easily manipulated and that their innocence are being abused.

It is the policy of our state under the 1987 Philippine Constitution 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 civic affairs.”

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<sup>1</sup> <https://psa.gov.ph/content/children-situation-armed-conflict-csac>

<sup>2</sup> <https://www.unicef.org/philippines/protection.html#.WRjh7uGNz8>

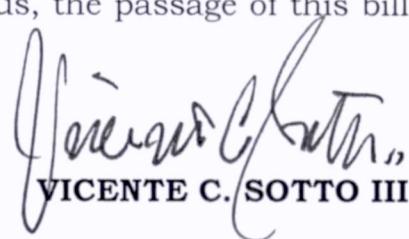
Under Article XV Section 3 of the 1987 Philippine Constitution:

"The State shall defend:

(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;"

Children in war are robbed of their innocence. The trauma of losing their family members, constant displacement and the disruption of their education during their formative years creates a life-long effect of distrust and insecurity.

Hence, our children being the hope of our present and future nation and the foundation of a vibrant and dynamic society, their protection and fostering shall be upheld. Thus, the passage of this bill is earnestly sought.



VICENTE C. SOTTO III

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

**CHAPTER 1**  
**GENERAL PROVISIONS**

1       **SECTION 1.** *Short Title.* - This Act shall be known as *Special Protection*  
2       *of Children in Situations of Armed Conflict Act.*

3       **SEC. 2.** *Declaration of State Policy.* - It shall be the policy of the State  
4       to provide special protection to children in situations of armed conflict from  
5       all forms of abuse, violence, neglect, cruelty, discrimination and other  
6       conditions prejudicial to their development, taking into consideration their  
7       gender, cultural, ethnic and religious background. For this purpose, the  
8       State shall:

9       (a) Fully implement the protection guaranteed under the *Convention on*  
10      *the Rights of the Child, its Optional Protocol on the involvement of*  
11      *children in armed conflict* and all other core human rights treaties,  
12      particularly, the *International Covenant on Civil and Political Rights and*  
13      *the Convention Against Torture and Other Cruel, Inhuman or Degrading*  
14      *Treatment or Punishment;* other pertinent international instruments  
15      such as the *International Labor Organization Convention No. 182*  
16      concerning the prohibition and immediate action for the elimination of  
17      the worst forms of child labor; the *Geneva Conventions of 1949* and

1 the additional protocols ratified by the Philippines; and the *Convention*  
2 on the *Prohibition of the Use, Stockpiling, Production and Transfer of*  
3 *Anti-Personnel Mines and on their Destruction*;

- 4 (b) take into account the *United Nations Guiding Principles on Internal*  
5 *Displacement*, the United Nations Security Council Resolutions related  
6 to children affected by armed conflict, and other pertinent  
7 international instruments in the implementation of its treaty  
8 obligations and of this Act;
- 9 (c) take into full account the *Principles and Guidelines on Children*  
10 *Associated with Armed Forces or Armed Groups*, otherwise known as  
11 the *Paris Principles*, especially insofar as these principles prescribe  
12 means to understand what drives children to join armed groups, how  
13 they may be rescued, and how both the children and the communities  
14 to which they belong may be rehabilitated or reoriented so as to  
15 prevent children from joining or re-joining armed forces or armed  
16 groups in the future;
- 17 (d) respect the human rights of children at all times. It shall be  
18 recognized that children are entitled to dignity and respect as human  
19 beings in need of protection from degradation, humiliation,  
20 maltreatment, exploitation and assault;
- 21 (e) consider as paramount the best interests of children, and treat all  
22 children involved in, affected by or displaced by armed conflict as  
23 victims;
- 24 (f) give special care to female children affected in armed conflict;
- 25 (g) take all feasible measures to prevent the recruitment and use of  
26 children in armed conflict and shall take all necessary measures to  
27 ensure the effective implementation and enforcement of the provisions  
28 of this Act;
- 29 (h) take all the necessary measures to address the root causes of armed  
30 conflict that result in involving, affecting or displacing children, which  
31 include poverty, lack or absence of quality basic psychosocial services,  
32 belief in the ideologies of an armed group, secessionist advocacy,  
affiliation of family members in armed groups, pursuit of alternative

1 justice for atrocities, abuses and injustices experienced, and  
2 persistence of armed conflicts;

- 3 (i) continue to recognize its primary role in providing effective protection  
4 and relief to all children in situations of armed conflict;  
5 (j) continue to fulfill its responsibilities to end impunity and to prosecute  
6 those responsible especially for grave child rights violations in armed  
7 conflict; and  
8 (k) ensure the right to participation of children affected by armed conflict  
9 in all its policies, actions, decisions concerning their rescue,  
10 rehabilitation and reintegration.

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

13 The application of this Act shall not affect the legal status of any party  
14 to an armed conflict.

15 **SEC. 4. Interpretation of this Act.** - Nothing in this Act shall be  
16 construed as precluding provisions in existing Philippine laws, international  
17 human rights laws and related instruments, and international humanitarian  
18 laws that are more conducive to the realization of the rights of children.

9 **SEC. 5. Definition of Terms.** As used in this Act:

20 (a) *Abduction of children* refers to the seizure, apprehension, taking in  
21 custody, detention or capture of one or more children either  
22 temporarily or permanent by force, threat of force or coercion, or  
23 deception for the purpose of any form of exploitation of such children  
24 in the situation of armed conflict;

25 (b) *Acts of gender-based violence* refer to physical or sexual violence other  
26 than rape, and psychosocial harm that is committed against a person  
27 as a result of power inequities that are based on gender roles. These  
28 include, among others, false branding or labeling of children involved  
29 in armed conflict, false reporting of a child in custody, delayed  
30 reporting, sexual slavery, prostitution, forced marriage, forced  
31 pregnancy or forced sterilization;

32 (c) *Armed conflict* refers to armed confrontations occurring between  
33 governmental armed forces and one or more armed groups, or

1 between such groups arising in the Philippine territory. These shall  
2 include activities which may lead to or in preparation of armed  
3 confrontation or armed violence that put children's lives at risk and  
4 their rights violated;

5 (d) *Armed group* refers to an armed non-state actor or non-state entity  
6 engaged in armed violence against the state and/or its governmental  
7 armed forces or against other non-state armed groups, actors or non-  
8 state entities;

9 (e) *Attacks on schools, hospitals, places of worship, evacuation centers and*  
10 *public places where children are usually found* refer to the occupation,  
11 shelling, targeting for propaganda of schools, hospitals or places of  
12 worship; causing damage to such places, or harm or injury to their  
13 personnel; or causing the total or partial physical destruction of such  
14 facilities; or disruption of educational activities and health services. It  
15 also refers to attacks of such places which have been temporarily  
16 abandoned by the community as a result of armed conflict, unless  
17 these places have been declared as a "no man's land";

18 (f) *Child* refers to:

19 (1) a person below eighteen (18) years of age; or,  
20 (2) a person (18) years of age or older but who is unable to fully take care  
21 of one's self; or protect ones's self from abuse, neglect, cruelty,  
22 exploitation or discrimination; and unable to act with discernment  
23 because of physical or mental disability or condition;

24 (g) *Child protection* refers to measures, structures and activities that  
25 ensure the prevention and response to abuse, neglect, exploitation  
26 and violence affecting children. It shall include the promotion of their  
27 development and psychosocial well-being;

28 (h) *Children affected by armed conflict* refers to all children population  
29 experiencing or who have experienced armed conflict;

30 (i) *Children involved in armed conflict* refers to children who are either  
31 forcibly, compulsorily recruited or who voluntarily joined any  
32 governmental armed forces or any armed group in any capacity to  
33 participate directly in armed hostilities as combatants or as fighters,

1 or take support roles such as scouting, spying, sabotaging, acting as  
2 decoys, assisting in checkpoints, acting as couriers, messengers,  
3 porters, cooks, and being sexually abused;

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

7 (k) *Food blockade* refers to an armed conflict tactic of forcibly cutting off  
8 entry of food supplies in a particular area where children can be  
9 found;

10 (l) *Government armed forces* refers to the Armed Forces of the Philippines  
11 (AFP) including the paramilitary forces, the Philippine National Police  
12 (PNP) and other law enforcement agencies;

13 (m) *Grave child rights violations* refer to the crimes committed against  
14 children that constitute flagrant violations of their human rights and  
15 have severe consequences on their lives. These crimes include those  
16 enumerated in Section 9 of this Act such as killing or maiming of  
17 children, recruitment or use of CIAC, rape and other forms of sexual  
18 violence against children, abduction of children, attacks against  
19 schools or hospitals, or denial of humanitarian access to children;

20 (n) *Hamleting* refers to an armed conflict strategy used one party involved  
21 in armed conflict that isolates a community of importance to the other  
22 party which is inhabited by children, including relocating a  
23 community away from crucial zones and could be used to control the  
24 activities of the people in said areas;

25 (o) *Hospitals or health facilities* refer to any structure recognized and  
26 known by the community as a facility where the sick and wounded are  
27 provided with medical or health care services;

28 (p) *Humanitarian access* refers to the right of vulnerable populations to  
29 receive international protection and assistance from an impartial  
30 humanitarian relief operation to complement efforts of national  
31 authorities. Such action is subject to the consent of the State or  
32 parties concerned and does not prescribe coercive measures in the  
33 event of refusal, however unwarranted;

- 1       (q) *Humanitarian assistance* refers to any aid that seeks to save lives and  
2           alleviate suffering of a crisis-affected population. Humanitarian  
3           assistance must be provided in accordance with the basic  
4           humanitarian principles of humanity, impartiality, independence and  
5           neutrality. Assistance may be divided into three (3) categories: direct  
6           assistance, indirect assistance and infrastructure support, which have  
7           diminishing degrees of contact with the affected population;
- 8       (r) *Internally displaced children* refer to children or group of children,  
9           whether separated or together with their families, who have been  
10          forced or obliged to flee or to leave their homes or places of habitual  
11          residence, in particular, as a result of or in order to avoid the effect of  
12          armed conflict and situations of generalized violence;
- 13      (s) *Killing of children* refers to acts of all kinds in the context of armed  
14          conflict that result in the death of one or more children. These  
15          includes the death of children as a result of direct targeting and  
16          indirect actions, such as cross-fire, use of landmines, cluster  
17          munitions, biological weapons of destruction, all forms and types of  
18          explosives; or house demolitions, search and arrest campaigns,  
19          suicide attacks and torture; they also include murder, homicide and  
0           such other similar crimes as defined in the *Revised Penal Code*, as  
21          amended, and other special laws;
- 22      (t) *Maiming of children* refers to acts of all kinds in the context of armed  
23          conflict that result in serious or permanent or disabling injury,  
24          scarring or defacing, or mutilation to one or more children. It shall  
25          cover intentional maiming of children where they are directly targeted,  
26          and causal maiming of children which result from indirect actions,  
27          such as cross-fire, use of landmines, clusters munitions, biological  
28          weapons of destruction, all forms and types of explosives; or in the  
29          context of house demolitions, search and arrest campaigns, suicide  
30          attacks and torture;
- 31      (u) *Rape* refers to the crime of rape as defined under Article 266-A of the  
32          *Revised Penal Code*, as amended by Republic Act No. 8353 or the *Anti-*  
33          *Rape Law*;

- 1                   (v) *Recruitment* refers to compulsory, forced or voluntary conscription or  
2                   enlistment of children into the governmental armed force or forced or  
3                   voluntary membership into the armed group;
- 4                   (w) *Release of children* refers to the process of formal and controlled  
5                   disarmament and demobilization of children and their release from an  
6                   armed force or armed group as well as informal ways in which  
7                   children leave by escaping, being captured or by other means. It  
8                   entails a disassociation from the armed force or armed group and the  
9                   beginning of transition from military to civilian life. Release can take  
10                  place during a situation of armed conflict; it is not dependent on  
11                  children having weapons to forfeit;
- 12                  (x) *School* refers to any structure, with or without marked visible  
13                  boundaries, which is recognized and known by the community as a  
14                  learning space; and,
- 15                  (y) *Zone of peace* refers to a site with sacred, religious, historic,  
16                  educational, cultural, geographical or environmental importance  
17                  which is protected and preserved by its own community and officially  
18                  recognized by a governmental authority. It is not merely a  
19                  “Demilitarized Zone”, but a sanctuary that operates within ethical  
20                  principles of nonviolence, free from weapons, acts of violence, injustice  
21                  and environmental degradation.

22                   **CHAPTER II**  
23                   **RIGHTS OF CHILDREN IN ARMED CONFLICT**

24                  **SEC. 6.** *Children as Zones of Peace.* - Children are hereby declared as  
25                  zones of peace. As such, they shall be treated in accordance with the  
26                  policies stipulated under Article X, Section 22 of Republic Act No. 7610 or  
27                  the *Special Protection of Children Against Child Abuse, Exploitation and*  
28                  *Discrimination Act.* Treatment of children as zones of peace shall extend  
29                  beyond territorial or geographical boundaries and shall focus on the person  
30                  of the child whose rights shall be promoted and protected at all times,  
31                  especially in situations of armed conflict or violence. The State and all  
32                  sectors concerned shall have the responsibility to resolve armed conflict in  
33                  order to promote the goal of children as zones of peace. As such, the  
34                  community, governmental authority and, if appropriate, religious leadership

1 shall preserve the peaceful integrity of children, exemplify mutual respect  
2 and nonviolent behavior in the presence of children, and share their  
3 resources to further peace and cooperation.

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

- 6           (a) the right to life, survival, and development;
- 7           (b) the right of special respect and protection against any form of abuse,  
8              neglect, exploitation and violation, especially in the context of armed  
9              conflict;
- 10          (c) the right to be heard in all matters affecting them;
- 11          (d) the right to be treated as victims. They shall be treated in accordance  
12             with this Act and other applicable laws, consistent with the State  
13             obligation under international law, within the framework of restorative  
14             justice, social rehabilitation and promotion of their protection;
- 15          (e) the right to be considered as object of special respect and to be  
16             protected from any form of direct or indiscriminate attacks and acts of  
17             violence especially protection from the grave child rights violations as  
18             enumerated in Section 9 of this Act;
- 19          (f) the right to be protected from recruitment into governmental armed  
20             forces or armed groups and from participation in armed conflict  
21             including the right to be protected from torture or any cruel, inhuman  
22             or degrading practices that compel compliance or punish  
23             noncompliance with recruitment or participation in armed conflict;
- 24          (g) the right to be immediately provided and have safe access to essential,  
25             adequate and culturally appropriate food and nutrition; basic shelter  
26             and housing; culturally appropriate clothing; water, sanitation and  
27             hygiene; basic health services including essential drugs, medicines  
28             and vaccines, health professional evaluation and appropriate  
29             intervention; education, including religious and moral education; early  
30             childhood care and development programs, psychosocial and moral  
31             education; early childhood care and development programs,  
32             psychosocial support and social services. All services provided for  
33             them must be child and gender sensitive or responsive;

- 1                   (h) the right to enjoy their freedom of thought, conscience, religion or  
2                   belief, opinion and expressions; to associate freely and participate  
3                   equally in legitimate community affairs; to communicate in a language  
4                   they understand even in situations of armed conflict and whether or  
5                   not they have been internally displaced or are living in evacuation  
6                   centers or settlements;
- 7                   (i) the right to be treated humanely in all circumstances, without any  
8                   adverse distinction founded on race, color, religion or faith, gender,  
9                   birth or wealth, or any other similar criteria;
- 10                  (j) the right not to be interned in or confined in camp;
- 11                  (k) the right of the wounded and the sick, those with disabilities,  
12                  unaccompanied minors including expectant mothers, to care,  
13                  protection and assistance required by their condition, and to  
14                  treatment which takes into account their special needs such as their  
15                  health needs, reproductive health care as well as appropriate  
16                  counseling, prevention of contagious and infectious diseases,  
17                  including Human Immunodeficiency Virus / Acquired  
18                  Immunodeficiency Syndrome (HIV/AIDS) and access to psychosocial  
19                  services;
- 20                  (l) the right to be with their families, especially with their mothers,  
21                  during evacuations and in evacuation centers;
- 22                  (m) the right to liberty of movement and freedom to choose their  
23                  residence especially in the case of internally displaced children and  
24                  their families who shall have the right to move freely in and out of  
25                  evacuation centers or other settlements, subject to existing rules and  
26                  regulations in those centers or settlements;
- 27                  (n) the right especially of internally displaced children and their families  
28                  to: leave the country; seek safety in another part of the country; seek  
29                  other service providers; seek asylum in another country; and be  
30                  protected against forcible return to resettlement in any place where  
31                  their life, safety, liberty or health would be at risk;
- 32                  (o) the right to be immediately reunited with their families in case of  
33                  separation due to armed conflict;

1 (p) the right to obtain necessary document/s to enjoy their legal rights.

2 The State shall have the duty to expedite services in the issuance of  
3 new documents or the replacement of documents lost in the course of  
4 displacement, without imposing unreasonable conditions and without  
5 discrimination against female child and male child, who shall have  
6 equal rights to obtain and to be issued the same in their own names;

7 (q) the right of access to justice including free legal aid when filing cases  
8 against the perpetrators; and,

9 (r) the right for protection of their family's properties and possessions in  
10 all circumstances.

11 (s) The rights enumerated in this section shall not hinder the application  
12 of other rights recognized and guaranteed in the Constitution and  
13 other existing laws in keeping with the best interests of the child.

### CHAPTER III PREVENTION

16 **SEC. 8. Prevention.** - The State shall take all feasible measures to  
17 prevent the recruitment, re-recruitment, use or displacement of children  
18 involved in armed conflict. It shall take all necessary measures to ensure the  
19 effective implementation and enforcement of the provisions of this Act.  
20 Towards this end, the State shall:

21 (a) prioritize children's issues in the peace program of the government  
22 and include children's concerns, specifically the effects of armed  
23 conflicts, in peace negotiations;

24 (b) include peace, human rights and protective behavior skills as  
25 fundamental subject in the education system;

26 (c) provide educational assistance, whether formal or alternative learning  
27 system, that is child and culturally sensitive;

28 (d) develop and implement training programs and campaign towards  
29 promoting a culture of peace and respect for human rights in  
30 collaboration with civil society organizations;

31 (e) provide capacity building for Local Governance and Community  
32 Development, and ensure the participation of various organizations,  
33 especially of children's and people's organizations at the community  
34 level. These organizations shall be involved in consultation and

- 1 decision-making processes and in the development and  
2 implementation of programs, projects and activities established for  
3 them;
- 4 (f) establish livelihood programs which shall be made available to  
5 communities in identified priority areas in order to alleviate the living  
6 conditions of the people;
- 7 (g) make available basic health services in health facilities in identified  
8 priority areas. Culturally-sensitive nutrition program and activities  
9 including supplementary feeding shall also be made available. Efforts  
10 to support traditional health practices in indigenous peoples' area  
11 shall also be initiated;
- 12 (h) establish basic facilities and infrastructure needed;
- 13 (i) develop and implement such other programs that will strengthen the  
14 parents' ability to protect and care for their children, as well as their  
15 relationship with their children;
- 16 (j) take proactive measures that will ensure the full involvement and  
17 inclusion of female children in all aspects of prevention of  
18 recruitment, release and reintegration, and services should always  
19 respond to their specific needs for protection and assistance;
- 20 (k) ensure that child protection mechanisms are present and functional;  
21 and,
- 22 (l) establish a comprehensive, effective and efficient system for  
23 monitoring and reporting and response for violations as provided in  
24 Section 9 of this Act.

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**CHAPTER IV**  
**PROHIBITED ACTS, PENALTIES**  
**AND PRESCRIPTION OF CRIME**

28

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

- 29 (a) It shall be unlawful for any person to commit the following acts of grave  
30 child rights violations:
- 31 (1) killing of children;
- 32 (2) Torture committed against children. For purposes of this Act, torture  
33 shall include those enumerated in Section 4 of Republic Act No. 9745  
34 or the *Anti-Torture Act*;

(3) maiming of children; and,

#### (4) rape of children

Any person found guilty of committing any of the acts enumerated in 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*;

(2) abduction of children;

(3) taking children as hostages or using them as human shield;

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

(5) acts of gender-based violence against children;

(6) use of female children as “wives” or other forced sexual relations, actual forced marriage, and the use of female children for domestic labor or logistical support in armed conflict;

(7) refusal or denial of humanitarian access and/or assistance to children;

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

(9) attack on schools, hospitals, places of worship, evacuation centers and settlements and other public places where children can usually be found.

Any person found guilty of committing any of the acts enumerated in paragraph (b), of this Section shall suffer the penalty of an imprisonment of not less than fourteen (14) years but not more than twenty (20) years and a fine of not less than one million pesos (P1,000,000.00) but not more than two million pesos (2,000,000.00).

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

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

- 7                   (1) hamleting;
- 8                   (2) food blockade;
- 9                   (3) intentional delayed reporting of a child in custody;
- 10                  (4) false reporting of a child in custody; and,
- 11                  (5) false banding of children or labeling children as children  
12                  involved in armed conflict.

13                  Any person found guilty of committing any of the acts enumerated in  
14                  Paragraph (d) of this Section shall suffer the penalty of an imprisonment of  
15                  not less than five hundred thousand pesos (P500,000.00) but not more than  
16                  one million pesos (P1,000,000.00).

17                  (e) Parental accountability of children in situations of armed conflict  
18                  are subject to the existing provisions of Presidential Decree No. 603 or the  
19                  *Child Welfare Code*, the *Special Protection of Children Against Child Abuse,*  
20                  *Exploitation and Discrimination Act*, Republic Act No. 9208 or the *Anti*  
21                  *Trafficking In Persons Act*, Republic Act No. 9231 on the elimination of worst  
22                  forms of child labor, and Republic Act No. 10364 or the *Expanded Anti*  
23                  *Trafficking In Persons Act*.

24                  **SEC. 10. Non-implementation or Violation of Any Other Provisions of this**  
25                  **Act or the Rules And Regulations in General.** - Any public officer who shall  
26                  knowingly and maliciously prevent, prohibit, refuse or discontinue the  
27                  implementation of any provision of this Act or any rules and regulations  
28                  promulgated in accordance therewith, or in any other way violate them if such  
29                  officer has the duty to implement, shall be punished by imprisonment of not  
30                  less than six (6) years but not more than twelve (12) years and perpetual  
31                  absolute disqualification from public office.

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

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

10 Any person who shall deliberately commit any other act not covered in  
11 Section 9, which shall result in prejudicing the rights of children involved in  
12 armed conflict, children affected by armed conflict, or internally displaced  
13 children, shall suffer the penalty of an imprisonment of not less than six (6)  
14 months but not more than six (6) years.

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

21 The liabilities imposed in this Act shall not prejudice the application of  
22 other existing criminal, civil and administrative liabilities that may  
23 additionally be imposed upon the person.

**SEC. 12.** *Nonprescription.* - The crimes defined and penalized under this Act, their prosecution and the execution of sentences imposed on their account shall not be subject to any prescription.

## CHAPTER V PRINCIPLES OF CRIMINAL LIABILITY AND APPLICATION OF PENALTIES

**SEC. 13.** *Irrelevance of Official Capacity.* - This Act shall apply equally to all persons without any distinction based on official capacity. In no case shall the official capacity exempt a person from criminal responsibility or constitute a ground for reduction of sentence.

**SEC. 14.** *Responsibility of Superiors.* - In addition to the grounds of criminal responsibility for crimes defined and penalized under this Act, a superior shall be criminally responsible for such crimes committed by subordinates where:

- 5 (a) the superior either knew or, owing to the circumstances at the  
6 time, should have known that the subordinates were  
7 committing or were about to commit such crimes; or,  
8 (b) The superior failed to take all necessary, legitimate and  
9 reasonable measures to prevent or repress their commission or  
0 to submit the matter to the competent authorities for  
11 investigation and prosecution.

12       **SEC. 15.** *Orders from a Superior.* - The fact that a crime defined and  
13 penalized under this Act has been committed by a person pursuant to an  
14 order of a superior shall not relieve that person of criminal responsibility  
15 unless all of the following elements occur:

- 16 (a) The person was under legal obligation to obey orders of the  
17 superior in question;  
18 (b) The person did not know that the order was unlawful; and,  
19 (c) The order was not manifestly unlawful.

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

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

## CHAPTER VI

### INVESTIGATION, PROSECUTION AND COURT

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

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

5       The State shall ensure that judges, prosecutors and investigators,  
6 especially those designated for purposes of this Act, receive effective training  
7 in human rights particularly on the *Convention on the Rights of the Child and*  
8 *its Optional Protocol on the Involvement of Children in Armed Conflict* and  
9 related international instruments, *International Humanitarian Law* and  
10 *International Criminal Law*.

11      **SEC. 18. Independent Investigation and Prosecution.** - Unless contrary  
12 to the best interests of the child, all allegations of violence, including sexual  
13 and gender-based violence must be promptly, thoroughly, and  
14 independently investigated and prosecuted by the concerned agencies.

15      **SEC. 19. Requirement and Procedures on Age Verification and**  
*Presumption of Minority.* - The child involved in, affected by or displaced by  
17 armed conflict shall enjoy the presumption of minority and shall enjoy all  
18 rights of a child recognized in this Act and other applicable laws unless  
19 proven to be at least eighteen (18) years of age or older.

20       The age of a child may be determined from the child's birth certificate,  
21 baptismal certificate or any other pertinent document. In the absence of  
22 these documents, age may be based on information from the child,  
23 testimonies of other persons, the physical appearance of the child and other  
24 relevant evidence such as dental records. In case of doubt as to the age of  
25 the child, it shall be resolved in favour of the child being deemed a minor.

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

1       If a case has been filed against the child and is pending in the  
32 appropriate court, the person shall file a motion to determine the age of the

1 child in the same court where the case is pending. Pending hearing on the  
2 said motion, proceedings on the main case shall be suspended.

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

6 **SEC. 20. Protection of Victims and Witnesses.** – In addition to existing  
7 provisions in the Philippines law for the protection of victims and witnesses,  
8 the following measures shall be undertaken:

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

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

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

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

26 **SEC. 21. Reparation to Victims.** – In addition to existing provisions in  
27 Philippine law and procedural rules for reparations to victims, the following  
28 measures shall be undertaken:

29 (a) The court shall follow the principles relating to the reparations  
30 to, or in respect of, child victims, including restitution, compensation  
31 and rehabilitation, taking into consideration the scope and extent of  
32 any damage, loss or injury suffered by child victims;

(b) The court shall make and order directly against a convicted person specifying appropriate reparations to child victims, including restitution, compensation and rehabilitation; and,

(c) Before making and order under this section, the court may invite and shall take account of representations from or on behalf of the convicted person, child victims or other interested persons.

Nothing in this section shall be interpreted to prejudice the rights of child victims under national or international law.

**SEC. 22.** *Immunity from Suit for Persons Providing Assistance.* – Any person who shall take custody of children involved in armed conflict to ensure their safety or provide them any form of assistance shall be exempt from any civil, criminal and administrative liability: *Provided*, That the person taking custody shall report it to the Local Social Welfare and Development Office (LSWDO), the PNP or to the barangay office within forty – eight (48) hours from custody.

## CHAPTER VII

### REHABILITATION AND REINTEGRATION, RESCUE AND RELEASE

**SEC. 23.** *Rescue, Rehabilitation and Reintegration.* – The State shall institute policies, programs and services for the rescue, rehabilitation and reintegration of children in situations of armed conflict. The programs shall aim at providing services for children while involving their families, communities and other entities to facilitate the children's reintegration process.

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

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

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

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

(b) Rehabilitation: The State shall facilitate the normal development of children victims in the post-involvement phase. It shall provide services including therapeutic counselling, security and protection, educational assistance and livelihood opportunities to their parents, relatives or guardians or to the victims when they become of age;

(c) Reintegration: The State shall bring children back to their families or communities at the earliest possible time. This shall involve services including the provision of alternative parental care, trainings aimed to enhance community readiness in the reintegration of these children shall also be undertaken. Whenever possible, interventions for children shall be done with respect to their opinion. Interventions for indigenous peoples (IP) children shall be conducted into recognition of the traditional structures and institutions of their communities.

**SEC. 24.** *Release of Children Involved in Armed Conflict (CIAC).* – The

State shall take all feasible measures to ensure that children recruited or used in armed conflict are demobilized, dissociated or otherwise released from the armed force or armed group.

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

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

(a) Develop a child-specific and gender-sensitive release program. This release program should not make as a

requirement the surrender of arms by CIAC who have assumed non-combatant roles;

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

(c) With due regard to the right to privacy of CIAC, their security and safety, and considering the confidentiality of records, share data and information by both government and non - government organizations to assess the needs of released CIAC and to formulate ways to address these needs, and be informed of their status and updates of release CIAC;

(d) Mobilize and strengthen networks for referrals;

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

(f) Provide psychosocial support that must be incorporated into the release process at the earliest stages and into all stages of reintegration programming to assist CIAC, their families and communities in developing and building their strengths and resilience and involving them actively in their own recovery; and

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

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

**SEC. 25. Rescued, Taken into Custody, or Surrendered Children Involved In Armed Conflict (CIAC).** – Where the CIAC have been rescued, taken into custody, or surrendered, they shall at times be treated in a child-friendly and sensitive manner. The State, at all times, shall consider the

1 safety and security of the CIAC. The following procedures shall apply  
2 without prejudice to the application of other existing laws that will uphold  
3 the best interests of the child:

- 4 (a) The identity of rescued CIAC shall be protected. Any  
5 identifying information regarding them shall remain  
6 confidential;
- 7 (b) Rescued CIAC shall not be used for any political propaganda  
8 nor be unnecessarily exposed to media in violation of child  
9 rights to privacy, security and confidentiality of their cases;
- 10 (c) Upon the rescue or surrender of CIAC, government agencies,  
11 in particular, the AFP, the PNP, the Department of National  
12 Defense (DND), the local government units (LGUs), other  
13 concerned government agencies or non-government  
14 organizations in possession of the CIAC shall report immediately  
15 within twenty – four (24) hours the incident to the LSWDO and  
16 the Council for the Welfare of Children (CWC);
- 17 (d) The LSWDO shall coordinate with the agency of non-  
18 government organization in possession of CIAC for the turnover  
19 of custody of the children to the Department of Social Welfare  
20 and Development (DSWD);
- 21 (e) The turnover to the LSWDO shall take place within twenty –  
22 four (24) hours or in cases where turnover is not possible within  
23 the prescribed twenty – four (24) hour period due to valid  
4 reasons and without the fault of the person having custody of  
25 the child, the turn over shall be done within the next seventy –  
26 two (72) hours;
- 27 (f) The LSWDO shall facilitate the family tracing and coordinate  
28 with parents, relatives or guardians of the CIAC to inform them  
29 of the turnover;
- 30 (g) The Local Health Office (LHO), in coordination with the  
31 LSWDO, shall check and assess the medical and physical  
32 condition of CIAC. In cases where medical needs are apparent,

1 the LHO shall ensure that medical services or treatment are  
2 received by the CIAC;

3 (h) The LSWDO shall assesss the needs of the CIAC and refer to  
4 the concerned agencies to provide immediate assistance or  
5 appropriate services;

6 (i) The LSWDO, in coordination with other agencies, shall enter  
7 the CIAC into the child-specific and gender-sensitive  
8 demobilization programs; and,

9 (j) The CIAC shall be reintegrated into the community. In cases  
10 where reintegration to original community of origin is not  
11 feasible for reasons of CIAC's security, a foster community or  
12 institution shall be identified.

13 **SEC. 26. Programs, Policies and Services for Female Children in**

14 *Situations of Armed Conflict.* – In developing policies, programs and services  
15 for the rescue, rehabilitation and reintegration of children in situations of  
16 armed conflict, the State shall take into consideration the special needs of  
17 female children considering that the stigma facing female children is  
18 fundamentally different in kind. In all stages of rescue, rehabilitation and  
19 reintegration, the State, through its concerned agencies, among the other  
20 aforesited considerations shall:

21 a) Guarantee that the particular needs of female CIAC are met  
22 and not stigmatizing them further;

23 b) Ensure the presence of accessible female employees at all  
24 times during the process;

25 c) Provide the needed support that will ensure that the female  
26 CIAC make choices in line with their best interests and will  
27 address the psychosocial impact of gender-based violence,  
28 including stigma, discrimination and depression; and

29 d) Develop appropriate responses to meet the particular needs  
30 of female CIAC.

31 **CHAPTER VIII**

32 **INVOLVEMENT OF GOVERNMENT AND NON-GOVERNMENT  
33 ORGANIZATIONS**

**SEC. 27. Involvement of Government Organizations (GOs) and Non –**

**Government Organizations (NGOs).** – To effectively undertake the protection of the welfare of children in situations of armed conflict, the CWC, together with its member agencies, shall be assisted by the following government organizations (GOs) for the proper implementation of this Act:

- (a) AFP;
- (b) Bureau of Jail Management and Penology (BJMP);
- (c) CHR;
- (d) Department of Interior and Local Government (DILG);
- (e) Department of Health (DOH);
- (f) DOJ;
- (g) Department of National Defense (DND);
- (h) DSWD;
- (i) LGUs;
- (j) National Commission on Indigenous Peoples (NCIP);
- (k) National Commission on Muslim Filipinos (NCMF);
- (l) National Disaster Risk Reduction and Management Council (NDRRMC);
- (m) Office of the Presidential Adviser on the Peace Process (OPAPP);
- (n) Philippines Commission on Women (PCW); and,
- (o) PNP

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

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

1        All programs should be participatory and should ensure the  
2 involvement of children, their communities, NGOs, faith based organizations  
3 or groups, and other concerned groups.

4        **SEC. 28.** *Local Social Welfare and Development Office.* – Immediately  
5 after the effectivity of this Act, the DSWD shall undertake the necessary  
6 steps to provide the LSWDO in conflict-affected areas the adequate staffing  
7 and funding, as well as the needed training for its staff that will ensure the  
8 effective implementation of this Act.

9

## **CHAPTER IX** **MONITORING AND REPORTING**

11       **SEC. 29.** *Monitoring and Reporting System.* - The State, through the  
12 CWC, in coordination with other concerned government organizations, shall  
13 ensure the implementation of the provisions of this Act and shall submit to  
14 the President and to Congress of the Philippines the annual report thereof.  
15 The CWC shall establish and maintain a database for the monitoring and  
16 reporting of children in situations of armed conflict concerns integrated in  
17 its monitoring system.

18       The CWC may hire additional personnel to complement its present  
19 secretariat to perform its functions relative to this Act.

20

## **CHAPTER X** **TRANSITORY PROVISIONS**

22       **SEC. 30.** *Dismissal of Criminal Cases.* – Upon the effectivity of this  
23 Act, criminal cases against children involved in armed conflict shall  
24 immediately be dismissed and the child shall be referred to the LSWDO.  
25 Such office, upon thorough assessment of the child, shall determine  
26 whether to release the child to the custody of the parents, or refer the child  
27 to prevention, rehabilitations and reintegration programs as provided under  
28 this Act. Those with suspended sentences and undergoing rehabilitation at a  
29 youth rehabilitation center shall likewise be released: *Provided*, That the  
30 Family Court shall, in consultation with concerned agencies, determine and  
31 order the appropriate prevention, rehabilitation and reintegration programs  
32 the person shall undergo as provided under this Act.

33       **SEC. 31.** *Inventory of Custody of Children in Situations of Armed  
34 Conflict.* - The AFP, the PNP, the BJMP, the DSWD, the NCIP, the NCMP and

the concerned LGUs are hereby directed to submit to the CWC, within ninety (90) days from the effectivity of this Act, an inventory of all children in situations of armed conflict under this custody.

**SEC. 32.** *Children Who Reach Age of Eighteen (18) Years Pending Court Proceedings or in Suspended Sentences.* – In cases when a child with a pending case reaches the age of eighteen (18) years, the Family Court shall dismiss the case against the person and determine, in consultation with concerned agencies, whether or not there is a need for the person to undergo appropriate rehabilitation and reintegration programs provided under this Act.

11           Those with suspended sentences and undergoing rehabilitation at a  
12 youth rehabilitation center shall likewise be release: *Provided*, That the  
13 Family Court shall, in consultation with concerned agencies, determine and  
14 order the appropriate rehabilitation and reintegration programs the person  
15 shall undergo as provided under this Act.

**SEC. 33.** *Children Who Have Been Convicted and are Servicing Sentence.* - Persons who have been convicted and are serving sentence at the time of the effectivity of this Act and who were below the age of eighteen (18) years at the time of the commission of the offense for which they were convicted, and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act, and their sentences shall be adjusted accordingly. They shall be immediately release if they are so qualified under this Act or other applicable law.

## CHAPTER XI FINAL PROVISIONS

**SEC. 34.** *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 department/agencies. Thereafter, the amount necessary for its continued implementation shall be included in the budgets of the concerned departments/agencies in the annual *General Appropriations Act*.

**SEC. 35. Implementing Rules and Regulations.** – The CWC, together with this member agencies and the OPAPP, in consultations with civil

1 society organizations, shall promulgate the implementing rules and  
2 regulations of this Act within ninety (90) days from its approval. All  
3 government agencies enumerated in Section 26 of this Act shall be  
4 consulted insofar as the drafting of their responsibilities are concerned.

5 Non-government organizations involved in caring for children in  
6 situations of armed conflict shall likewise be consulted in the drafting of the  
7 *Implementing Rules and Regulations* of this Act.

8 **SEC. 36.** *Suppletory Application.* – For purposes of this Act, the  
9 Revised Penal Code as amended, and other applicable laws shall have  
10 suppletory application.

11 **SEC. 37.** *Separability Clause.* – If any part or provision of this Act is  
12 declared invalid or unconstitutional, the other parts hereof not affected  
13 thereby shall remain valid.

14 **SEC. 38.** *Repealing Clause.* – Article X, Sections 22 to 26 of Republic  
15 Act No. 7610, all laws, acts presidential decrees, executive orders,  
16 administrative orders, rules and regulations inconsistent with or contrary to  
17 the provisions of this Act are deemed amended, modified or repealed  
18 accordingly.

19 **SEC. 39.** *Effectivity.* – This Act shall take effect fifteen (15) days after  
20 its publication in the Official Gazette or in a newspaper of general  
21 circulation.

*Approved,*