

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular session

HOUSE BILL NO. 1683

Introduced by Representative Nerissa Corazon Soon-Ruiz

EXPLANATORY NOTE

This bill aims to provide a comprehensive rehabilitation and scholarship program to children involved in armed conflicts directly as combatants or indirectly as spies, guards, guides, lookouts, porters, garden workers, messengers or similar capacities.

In any armed conflict, the most vulnerable victims are children. A good number of children in conflict areas within the country have died or got injured in the crossfire. Many of them are forced out of school to relocate from one place to another to avoid being caught in the crossfire. In their tender age, they have become silent witnesses to the brutality of war. Worse, they have been robbed of their innocence at an early age by being dragged into the conflict, not just as mere spectators, but as active participants either **as combatants, spies, guards, guides, lookouts, porters, garden workers or messengers.**

According to military estimates, there are around two thousand children fighting for the Moro Islamic Liberation front, the New People's Army and the Abu Sayyaf. Some quarters in the military suspect that these children are not only recruited as errand boys or combatants but also as human shields against military attacks.

According to Merliza Makinano, director of the International Labor Affairs Service of the labor Department in her book, *Child Soldiers in the Philippines,* the increasing number of children involved in armed conflicts is due to a number of factors none of which point to a deliberate and well-informed decision on the part of the child soldiers. In most cases, they get involved out of curiosity and the promise of an adventurous life. Some where even forcibly recruited while others join due to "family problems, tedious peasant jobs, lack of social and economic opportunities and the general feeling of apathy within the community." Summed up, these children do not really act by their own fee and informed will. They only happen to be at the wrong place at the wrong time. Hence, they deserve society's sympathy and assistance.

Many of these child soldiers end up dead or disabled. Those who survive suffer the psychological trauma and fear. Some even suffer mental disturbance and morbidity. Their involvement in acts of extreme violence and exposure to horrific situations may

desensitize them and make them more likely to commit violent acts and separate themselves from society.

While the Constitution declares the protection of the right of children to assistance, including proper care and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development as a basic policy of the State and the government has committed itself to various international agreements protecting children in dangerous situations, much more needs to be done not only to stop this wicked practice of recruiting children as combatants, spies, guards, lookouts, porters, garden workers, messengers or as human shields but also to rehabilitate those already victimized and enable them to live normal and productive lives.

The government should take the lead by ensuring them the opportunity and assistance to acquire education, liberate themselves from the clutches of their traumatic past and enable them to lead modest lives as good and law abiding citizens despite what they had gone through. It is the duty of the State to provide them with an environment that promotes health, self-respect, and the dignity of a child. It is the task of the government to find ways for them to make positive contribution in building a new, post-conflict society. Hence, it is the responsibility of the State to institutionalize an integration process to help child soldiers re-establish their lives, many of whom have grown without families and normal opportunities for physical, emotional, and intellectual development.

After all, child soldiers are not enemies of the State. They are victims whose innocence and gullibility are exploited by the real enemies of the State.

On these premises and in view of the urgency of this measure, the prompt passage of this bill is earnestly sought and recommended .

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AN ACT PROVIDING FOR A COMPREHENSIVE PSYCHOLOGICAL AND SCHOLARSHIP PROGRAM FOR CHILD SOLDIERS, CREATING A SPECIAL TASK FORCE ON CHILD SOLDIERS, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to treat child soldiers as victims rather than offenders notwithstanding their membership in armed groups. It is also the policy of the State to provide them the necessary support and guidance to lead them back to the mainstream of society and enable them to live normal and productive lives.

SECTION 2. *Short Title.* – This Act shall be known as the "Child Soldiers' Act of 2003."

SECTION 3. *Protective Custody.* - Within twenty-four hours, rescued or surrendered child soldiers shall be turned over to the nearest Field Office of the Department of Social Welfare and Development, herein referred to as the "Department", for protective custody and case evaluation. Provided, that when conditions do not permit this immediate transfer, the same shall be effected within seventy-two hours with a written report on the circumstances causing the delay to be submitted by the rescuing/referring party to the Department.

For purposes of this Act, child soldiers, herein referred as "the children," refer to children as defined in Republic Act 7610 who are direct or indirect participants to armed hostilities either as combatants, spies, guards, guides, lookouts, porters, garden workers, messengers or similar capacities.

SECTION 4. *Immediate Medical Treatment.* - Immediate medical and physical treatment shall be provided to the children wounded during engagement or suffering from any illness when rescued or surrendered, including psychological/psychiatric treatment when necessary. In case of emergency, they shall be transported to the nearest medical facility for treatment.

SECTION 5. *Custodial Rights.* – In additions to their rights as embodied in the Section 15, Implementing Rules and Regulations of Republic Act 7610, the children shall not be subjected to tactical interrogation or any forms of similar interrogation by military and police authorities unless permitted in writing by the Regional Director of the DSWD exercising custody over them in which case, a trained child psychologist shall assist in the interrogation which shall be conducted in the presence of the children's parents or lawful guardian. Provided, that no force, threats or intimidation shall be employed to obtain information, force a confession, incriminate others or for whatever reason.

SECTION 6. *Notification of Parents.* - Within forty-eight hours upon receipt of the physical custody of the children, the Department shall notify the children's parents or nearest relatives of their situation and condition. The latter shall be provided with the opportunity to visit the former subject to reasonable conditions and restrictions.

SECTION 7. *Confidentiality of Identity and Information.* - The identity of the children shall be protected and the confidentiality of information concerning them shall be observed. They shall not be presented to the media or in a press conference except when justified by compelling national security interest as determined by the Secretary of National Defense, the AFP Chief of Staff or the Chief of the Philippine National Police. Provided, that when a press conference or media presentation is permitted, the same shall be conducted not more than once and in consultation with the Secretary of the Department of Social Welfare and Development and the Media Guidelines for Media Practitioners issued by the Department of Justice shall strictly be observed.

SECTION 8. - *Permanent Custody and Psychological Rehabilitation Program.* – Within a reasonable time from rescue or surrender, the children shall be transferred to the Field Office of the DSWD nearest to the place of residence of the children's parents or nearest relatives where they shall undergo a comprehensive psychological/psychiatric rehabilitation program to be administered by the Department. They shall remain therein until they are physically and psychologically fit to rejoin their families. Provided that, if there is reasonable danger that they would be exposed again to their former comrades and be recruited to rejoin their armed group, they shall remain in the custody of the DSWD until they have reached the age of majority or have completed their schooling.

Permanent and protective custody referred to in Section 2 of this Act shall not be limited to actual physical custody but constructive custody as well wherein the Department shall exercise parental authority over the children while in its custody.

SECTION 9. *Educational Scholarship.* – Under the administration of the Department of Education, the children already undergoing psychological/psychiatric rehabilitation shall also be admitted into a scholarship program to resume their studies basing on the last grade/year level they have completed. The Department may conduct tests to determine their competency for promotion to higher grades/year levels based on their age.

The scholarship referred in this Section shall cover reasonable allowances for subsistence, books, transportation and tuition fees in public schools, colleges or universities from the grade/year level they may be admitted until completion of a college degree or vocational course of their own choice.

SECTION 10. *Undertaking.* – The parents or guardians of the children, except those remaining in the custody of the DSWD for cause, shall be made to execute a written undertaking binding themselves to ensure the guidance and safety of their children or wards from their former comrades while under the program.

SECTION 11. *Suspension or Deprivation of Parental Authority.* – The Department shall petition the proper court for the suspension or permanent deprivation of the parental authority of the parents or lawful guardians of the children who shall fail to comply with the terms and conditions of the undertaking referred to in the immediately preceding section without coordinating with the Department the actions taken by them to make compliance.

SECTION 12. *Transfer of Parental Authority.*- The Department shall, in case of suspension or deprivation of parental authority and the children cannot be placed under the care of a next of kin, ask the proper court to transfer parental authority over the children to the Department or to the head of a duly accredited children's home, orphanage or similar institution.

SECTION 13. *Special Task Force on Child Soldiers.* – A special task force shall be created to oversee the proper implementation of the provisions of this Act with the Secretary of the Department of Social Welfare and Development as chairman and the Secretaries of the Departments of Education, National Defense and the Interior and Local Government or their representatives, as members.

SECTION 14. *Implementing Rules and Regulations.* – The Secretary of Education shall formulate a comprehensive scholarship program mandated by this Act and the Secretary of Social Welfare shall likewise formulate a comprehensive rehabilitation program mandated by this Act. Jointly, they shall formulate the rules and regulations to implement fully the provisions of this Act within six months from its effectivity.

SECTION 15. *Appropriations.* - The Secretaries of Education and Social Welfare shall include in their respective programs the funding requirements of the scholarship and psychological rehabilitation programs respectively for the year succeeding the approval of this Act and thereafter.

SECTION 16. *Repealing Clause.* - Laws, decrees, acts, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. *Effectivity.* - This Act shall take effect immediately upon its approval.