

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

House Bill No. 1712

Introduced by Honorable MARIA ISABELLE G. CLIMACO

EXPLANATORY NOTE

“Protecting children from the ravages of war is a moral imperative, a legal responsibility and a question of international peace and security.¹” Protection of children from armed conflict is an important aspect of any comprehensive strategy to resolve conflict and should be a priority not only at the international community² but also by every State, especially when it is experiencing armed conflict.

The Philippines has a long history of armed conflicts. Filipino children are the most affected sector with the consequences of these conflicts impacting severely on their lives. Their rights are flagrantly violated and disregarded. Many of them continue to become victims of killing, maiming, rape and other forms of sexual violence and abduction. Schools and hospitals where they and their families tend to take shelter or where their needs are being attended have been attacked in utter disregard of respect for civilian people and objects. During conflict, children experience the loss of access to food, water, sanitation, health, education and other basic services. As well, many of them experience being denied humanitarian assistance.

Children and their families have also become internally displaced as a result of armed conflict. The lack of disaggregated data on displaced children in the Philippines has made their number difficult to ascertain. Nevertheless, the figures for displaced persons are quite alarming. The Internal Displacement Monitoring Center, reported that since 2000, some Two Million people have been displaced across the country due to armed conflicts. The conflict in Mindanao has increased the number displacement at an estimated 500,000 people in 2009 alone.

Armed conflicts also make children vulnerable to different kinds of exploitation. This includes children being recruited and use in armed conflicts either as fighters, spies, messengers, cooks, and couriers, among others. Some are even being used for sexual purposes.

In the 2007 Report of the of the UN Secretary General on Children and Armed Conflict to the General Assembly, the Philippines was included in the list of States Parties that used or

recruited children in armed conflict.³ In 2009 the Report cited the incidence of children being involved in armed conflict on the sides of Non-State armed groups and State armed groups.⁴

¹ The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation, Office of the Special Representative of the Secretary General for Children in Armed Conflict citing Graca Machel, *The Impact of Armed Conflict on Children* attached to: UN Note of the Secretary-General, A/51/306 (1996), para. 317.

² See *ibid*

³ A/62/609-S/2007/757

⁴ A/63/785-S/2009/158

Among the reasons of children's involvement in armed conflicts in the Philippines are poverty, lack of or even absence of basic social services, belief in the ideologies of an armed group, secessionist advocacy, affiliation of family members in armed groups, pursuit of alternative justice for atrocities, abuses and injustices experienced, and persistence of armed conflicts.⁵

It is essential for the Philippines as State Party to fulfill its obligations to the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. This includes having a law that is more responsive in protecting children involved in, children affected by or children displaced by armed conflicts.

RA 7610, Article X Section 22 to 26 and its corresponding Implementing Rules and Regulations provides for the protection of children in situations of armed conflict. RA 7610 cites children as "Zones of Peace" and stipulates, for children not to be the "object of attack" and to be "entitled special respect". The law also prohibits recruitment of children in the Armed Forces of the Philippines or its civilian units or other armed groups. Nor should children be allowed to participate in hostilities as fighters, couriers or guides, among others.

However, there were gaps in protection measures of the law that have been reiterated in the October 2009 Concluding Observations of the Committee on the Rights of the Child to the Philippine Report. The Committee recommended for the Philippines "to take the necessary legislative measures to address the ambiguity of Republic Act 7610, article 10, Sec.22 (b) prohibiting the recruitment of children to ensure that the perpetrators of such violations are punished". The Committee further recommended the Philippines ensure that children in armed conflict are not treated as children in conflict with the law.⁶

In addition RA 7610 is limited in providing a comprehensive approach for prevention, rescue, rehabilitation and reintegration as the primary framework in addressing children involved in, affected by or displaced by armed conflict. The signing in 2000 of the Inter-Agency Memorandum of Agreement in handling and treatment of children involved in armed conflict provided for non-judicial rehabilitation and reintegration of children rather than their prosecution. However, the MOA has binding effects limited only to the government agencies that have signed the document.

In order to strengthen and increase the protection of all Filipino children involved in, affected by or displaced by armed conflict, it necessitated the passage into law of this Proposed Bill providing for a comprehensive approach in their treatment and handling.

This Proposed Bill recognizes the explicit priority that should be given to children in peace building, as it is they who hold the future of the country.


MARIA ISABELLE G. CLIMACO
1st District, Zamboanga City

⁵ PhilRights, 2005

⁶ CRC/C/PHL/CO/3-4 para 71

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

House Bill No. 1712

Introduced by Honorable MARIA ISABELLE G. CLIMACO

AN ACT
PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN INVOLVED
IN, AFFECTED BY OR DISPLACED BY ARMED CONFLICT, PROVIDING
PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES

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

CHAPTER 1
TITLE, POLICY AND DEFINITION OF TERMS

SECTION 1. *Short Title* – This Act shall be known as the ‘*Special Protection of Children in Armed Conflict of 2010.*’

SECTION 2. *Declaration of State Policy* - The State shall provide special protection to children from all forms of abuse, neglect, cruelty, and discrimination, and other conditions prejudicial to their development.

The State shall fully implement the protection guaranteed under the Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, all other core human rights treaties, and in particular, the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment; the ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor; and the Geneva Conventions of 1949 and the Additional Protocols ratified by the Philippines. The State shall also take into account the Paris Principles on the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, the United Nations Guiding Principles on Internal Displacement, the United Nations Security Council Resolutions related to Children Affected by Armed Conflict, and other pertinent international instruments in the implementation of its treaty obligations and of this Act.

The State shall respect the human rights of children at all times. It shall consider children as Zones of Peace who are entitled to special protection during armed conflict. The State shall consider as paramount the best interests of children and treat all children involved in, affected by or displaced by armed conflict as victims.

The State shall take all feasible measures to prevent the recruitment and use of children in armed conflict and shall take all necessary measures to ensure the effective implementation and enforcement of the provisions of this Act.

The State shall take all the necessary measures to address the root causes of armed conflict that results in involving, affecting or displacing children, which include poverty, lack or absence of basic social services, belief in the ideologies of an armed group, secessionist advocacy, affiliation of family members in armed groups, pursuit of

alternative justice for atrocities, abuses and injustices experienced, and persistence of armed conflicts.

The State shall continue to recognize its primary role in providing relief to all children affected by armed conflicts and their protection and rehabilitation.

The State shall continue to fulfill its responsibilities to end impunity and to prosecute those responsible especially for grave child rights violations in armed conflict.

The State, shall in all its policies, actions, decisions concerning children affected by armed conflict, ensure the right to participation of children and take into consideration the specific needs of female and male children.

SECTION 3. *Scope of Application* – This Act shall apply to all children involved in, affected by or displaced by armed conflict.

For the purposes of this Act, armed conflict shall include combat and non-combat activities which may lead to armed confrontation or armed violence that put children's lives at risk and their rights violated.

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

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

SECTION 5. *Definition of Terms* – As used in this Act, the term

- (a) **“Abduction of children”** refers to the seizure, apprehension, taking in custody, detention or capture of a child either temporarily or permanently by force, threat of force or coercion, or deception for the purpose of any form of exploitation of such child in the situation of armed conflict;
- (b) **“Armed conflict”** refers to armed confrontations occurring between governmental armed forces and one or more armed groups, or between such groups arising on the Philippine territory. These shall include combat and non-combat activities which may lead to armed confrontation or armed violence that put children's lives at risk and their rights violated;
- (c) **“Armed group”** refers to an armed non-state actor engaged in armed confrontation against government forces or engaged in armed violence that put children's lives at risk and their rights violated;
- (d) **“Attacks on schools, hospitals, places of worship and public places where children are usually found”** refers to the occupation, shelling, targeting for propaganda of schools, hospitals or places of worship; causing damage to such places, or harm or injury to their personnel; or causing the total or partial physical destruction of such facilities; or disruption of educational activities and health services; Attacks of such places which have been temporarily abandoned by the community as a result of armed conflict are also included;
- (e) **“Child protection”** refers to the measures, structures and activities to ensure protection from and to prevent and respond to abuse, neglect, exploitation and violence affecting children. It shall include the promotion of their development and psychosocial well-being;
- (f) **“Child”** refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition;
- (g) **“Children Affected by Armed Conflict (CAAC)”** refers to all children population experiencing or have experienced armed conflict;
- (h) **“Children Involved in Armed Conflict (CIAC)”** refers to children who become part

of any armed group in any capacity including but not limited to participating in combat as fighters, scouting, spying, sabotaging, acting as decoys, assisting in military check-points, being couriers, messengers, porters, cooks and being used for sexual purposes. It does not only refer to children who are carrying or have carried arms or taking or have taken direct part in hostilities;

- (i) **“Demobilization”** includes the process of formal and controlled disarmament and release of children from an armed force or armed group, as well as, the informal ways in which children leave by escaping, being captured or by any other means. It entails a disassociation from the armed force or armed group and the beginning of transition from the military to civilian life. Demobilizations can take place during the situation of armed conflict; it is not dependent on the temporary or permanent cessation of hostilities; it is not dependent on children having weapons to forfeit.
- (j) **“Denial of humanitarian access to children”** refers to the intentional barring by physical force or administrative barriers of the unhindered and safe movement of personnel and humanitarian aid, service and material into and out of the affected area to enable the timely delivery of humanitarian assistance to children in need.
- (k) **“Explosive Remnants of War (ERW)”** refers to unexploded ordnance and abandoned explosive ordnance; *Explosive Ordnance* refers to munitions that contain explosives, nuclear fission or fusion material, biological and chemical agents. This includes bombs and warheads, guided and ballistic missiles, artillery, mortar, small arms ammunition, mines, torpedoes, depth charges, demolition stores, pyrotechnics, cluster munitions and dispensers, cartridges and propelled actuated devices, electric explosive devices and similar items that are explosive in nature. *Unexploded Ordnance* refers to explosive ordnance, which has been primed, fuzed, armed or otherwise prepared for use or used. It could have been fired, dropped, launched, projected yet remains unexploded either through malfunction or design or for any other cause.
- (l) **“Government forces”** refers to the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), paramilitary forces and other armed or security forces or groups supporting the government forces;
- (m) **“Grave child rights violation”** refers to the crimes committed against children, including those enumerated in Section 6 of this Act, such as but not limited to, killing or maiming of children, recruitment or use of children in armed conflict, rape and other forms of sexual violence against children, abduction of children, attacks against schools or hospitals, denial of humanitarian access to children. These crimes constitute flagrant violations of their human rights and have severe consequences on their lives.
- (n) **“Hospitals or health facilities”** refer to places where the sick and wounded are provided with medical and/ or health care services;
- (o) **“Humanitarian access”** refers to the right of vulnerable populations to receive international protection and assistance from an impartial humanitarian relief operation where protection is not available from national authorities or controlling non-state actors. Such action is subject to the consent of the State or parties concerned and does not prescribe coercive measures in the event of refusal, however unwarranted.
- (p) **“Humanitarian assistance”** refers to aid that seeks to save lives and alleviate suffering of a crisis-affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality, independence and neutrality. Assistance may be divided into three categories: direct assistance, indirect assistance and infrastructure support, which have diminishing degrees of contact with the affected population.
- (q) **“Internally Displaced Children (IDC)”** refers to children or group of children, whether separated or together with their families, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effect of armed conflict and situations of generalized violence;
- (r) **“Killing of children”** refers to acts of all kinds that result in death of children including murder, homicide and such other similar crimes as defined in the Revised Penal Code, as amended. It shall also include, among others, excessive military attacks or the use of indiscriminate weapons such as of Explosive Remnants of War (ERW) and Improvised Explosive Device (IED), which cause the death of children;

- (s) “**Maiming of children**” refers to the intentional cause of permanent or disabling injury, scarring and/or defacing, or mutilation to one or more children. It shall cover *intentional maiming* of children where they are deliberately targeted, and *causal maiming* of children where they became victims of, but not limited to, crossfire, excessive military attacks or use of indiscriminate weapons such as Explosive Remnants of War (ERW) and Improvised Explosive Device (IED).
- (t) “**Other acts of gender based violence**” refers to violent act or acts of sexual nature that cause mental or physical suffering to a child. This include, among others, sexual slavery, enforced prostitution, forced marriage, forced pregnancy, or forced sterilization;
- (u) “**Rape**” refers to the crime of rape as defined under Article 266-A of the Revised Penal Code, as amended by Republic Act 8353 or the Anti-Rape Law;
- (v) “**Recruitment**” refers to compulsory, forced and voluntary conscription or enlistment of children into any kind of armed force or armed group.
- (w) “**School**” refers to recognizable education facilities and learning sites recognized and known by the community as a learning space and marked by visible boundaries;
- (x) “**Zone of Peace**” refers to a site with sacred, religious, historic, educational, cultural, geographical and/or environmental importance protected and preserved by its own community and officially recognized by a governmental authority. It is not merely a “Demilitarized Zone”, but a sanctuary that operates within ethical principles of non-violence, free from weapons, acts of violence, injustice and environmental degradation. The recognition of the Zone of Peace expresses commitments on the part of its community, governmental authority and, if appropriate, religious leadership to preserve the peaceful integrity of the designated site. Its custodians, members, participants and visitors exemplify mutual respect and non-violent behavior while on the site, and share their resources for furthering peace and cooperation.

CHAPTER 2

RIGHTS OF CHILDREN

INVOLVED IN, AFFECTED BY OR DISPLACED BY ARMED CONFLICT

SECTION 6. *Rights of Children Involved In, Affected By, Displaced By Armed Conflict (CIAC, CAAC, IDC)* - All children involved in, affected by, or displaced by armed conflict shall have the following rights without discrimination of any kind based on race, colour, gender, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or any other similar criteria. These shall include, but are not limited to:

- (a) the right of special respect and protection against any form of abuse, neglect, exploitation and violation;
- (b) the right of all children affected by or displaced by armed conflict to be treated as victims. They shall be treated in accordance with this Act, and other applicable laws, consistent with the State obligation under international law, within the framework of restorative justice, social rehabilitation and promotion of their protection;
- (c) the right to be to be considered as object of special respect and to be protected from any form of direct or indiscriminate attacks and acts of violence especially protection from the grave child rights violations as enumerated in Section 6 of this Act;
- (d) the right to be protected from recruitment into any armed forces or groups and participation in armed conflict. This shall include the right to be protected from torture or any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment or participation in armed conflict;
- (e) the right to be immediately provided and have safe access to essential, adequate and culturally appropriate food and nutrition; basic shelter and housing; culturally appropriate clothing; water, sanitation, and hygiene; basic health care including essential drugs and medicines, health personnel; education, including religious and moral education; Early Childhood Care and Development (ECCD) Programs; psychosocial support and social services;
- (f) the right to enjoy their freedom of thought, conscience, religion or belief, opinion

and expression; to associate freely and participate equally in community affairs; to communicate in a language they understand even in situations of armed conflict and whether or not they have been internally displaced or are living in evacuation centers or settlements;

- (g) the right of the wounded and sick children to be cared for and provided with aid or assistance or medical services, whether because of their age or for any other reason.
- (h) the right of children, taking no active part in the hostilities, including members of armed groups who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, in all circumstances to be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria;
- (i) the right not to be interned in or confined in camp, especially for internally displaced children and their families.
- (j) the right of internally displaced children, unaccompanied minors, expectant mothers, mothers with young children, children with disabilities, the wounded and the sick children to protection and assistance required by their condition, and to treatment which takes into account their special needs, such as but not limited to their health needs, reproductive health care as well as appropriate counselling, prevention of contagious and infectious diseases, including HIV/AIDS, and access to psychosocial services;
- (k) the right to liberty of movement and freedom to choose their residence especially the internally displaced children and their families who shall have the right to move freely in and out of evacuation centers or other settlements, subject to existing rules and regulations in those centers or settlements;
- (l) the right especially of internally displaced children and their families to: leave the country; seek safety in another part of the country; seek other service providers; seek asylum in another country; and be protected against forcible return to resettlement in any place where their life, safety, liberty and/or health would be at risk;
- (m) the right of access to justice including free legal aid when filing cases against the perpetrators;
- (n) the right for the property and possessions of children and their families to be protected in all circumstances;

The rights enumerated in this Section shall not hinder the application of other rights recognized and guaranteed in the Constitution and other existing laws in keeping with the best interests of the child.

CHAPTER 3 UNLAWFUL AND PROHIBITED ACTS

SECTION 7. *Unlawful or Prohibited Acts* - It shall be unlawful for any person, to commit the following grave child rights violations:

- (a) Killing of children;
- (b) Torture committed against children. For the purposes of this Act, torture shall include those enumerated in Section 4 of Republic Act 9745 or the Anti-Torture Act;
- (c) Intentional or causal maiming of children;
- (d) Rape of children;
- (e) Cruel, inhuman and degrading treatment or punishment committed against children. For the purposes of this Act, cruel, inhuman and degrading treatment or punishment shall include those enumerated in Section 5 of Republic Act 9745 or the Anti-Torture Act;
- (f) Abduction of children;
- (g) Taking children as hostages or using them as human shield;
- (h) Other acts of gender-based violence against children;
- (i) Unjustified refusal or denial of humanitarian access and/or assistance to children;
- (j) Recruitment, conscription, or enlistment of children into government armed forces and other armed groups;

- (k) Use or involvement of children in armed conflict in any capacity as defined in Section 5(h) of this Act;
- (l) Attack of schools, hospitals, places of worship, and other public places where children can usually be found.

CHAPTER 4

PENAL PROVISIONS AND PRESCRIPTION OF CRIME

SECTION 8. **Penalties** - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 6 (a,b,c, & d) of this Act shall suffer the penalty of life imprisonment and a fine of not less than Five million pesos (P5, 000,000.00) but not more than Ten million pesos (P10,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 6 (e,f,g,h,i,j,k & l) of this Act shall suffer the penalty of *Reclusion Temporal* medium to maximum period and a fine of not less than Three million pesos (P3,000,000.00) but not more than Five million pesos (P5,000,000.00); *provided* where the crimes committed resulted in the killing, torture, maiming or rape of children in Section 6 (a,b,c & d), the penalty imposed shall be that of Section 23(a) of this Act;

SECTION 9. **Application of Penalties** – The penalty prescribed by this Act for the commission of crimes in Section 6 shall be imposed in accordance with Articles 46 to 77 of the Revised Penal Code insofar as they are applicable to the principals, accomplices and accessories of crimes defined and penalized in this Act.

The penalties shall likewise be applied in accordance with Article 6 in relation to Articles 46 to 77 of the Revised Penal Code, insofar as applicable in consummated, frustrated or attempted crimes committed in Section 6 of this Act.

SECTION 10. **Non-implementation or Violation of any other Provisions of this Act or the Rules and Regulations in General** – Any public officer, who shall knowingly and maliciously prevent, prohibit, refuse or discontinue the implementation of any provisions of this Act or any rules and regulations promulgated in accordance thereof, or in any other way violate them, if such officer has the duty to implement shall be punished by *Prision Mayor* and perpetual absolute disqualification.

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 be punished by *Arresto Mayor* and temporary special disqualification.

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

Any person who shall commit any other acts not covered in Section 6, which shall result in prejudicing the rights of CIAC, CAAC or IDCs protected under this Act shall suffer the penalty of *Prision Correccional*.

SECTION 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, especially where the offender is a public officer.

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

SECTION 12. *Non-prescription.* - 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 5 PRINCIPLES OF CRIMINAL LIABILITY AND APPLICATION OF PENALTIES

SECTION 13. *Individual Criminal Responsibilities* – Any person shall be criminally liable for a crime defined and penalized in this Act if s/he commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible. S/he shall be criminally liable as principal, accomplice or accessory as defined in Articles 16 to 19 of the Revised Penal Code, as amended.

SECTION 14. *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.

SECTION 15. *Responsibility of Superiors* - In addition to other grounds of criminal responsibility for crimes defined and penalized under this Act, a superior shall be criminally responsible for such crimes committed by subordinates under his/her chain of command, and control where:

- (a) That superior either knew or, owing to the circumstances at the time, should have known that the subordinates were committing or about to commit such crimes;
- (b) That superior failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

SECTION 16. *Orders from a Superior* - The fact that a crime defined and penalized under this Act has been committed by a person pursuant to an order of a superior, shall not relieve that person of criminal responsibility unless all of the following elements occur:

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

For the purposes of this section, orders to commit grave child rights violations enumerated in Section 6 are manifestly unlawful and shall be punished by this Act and other applicable existing laws.

SECTION 17. *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 for 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 6
PREVENTION, REHABILITATION AND REINTEGRATION,
RESCUE, DEMOBILIZATION

SECTION 18. *Prevention, Rescue, Rehabilitation and Reintegration* - The State shall consider the prevention, rescue, rehabilitation and reintegration of children as the primary framework in addressing their involvement, being affected or displacement in armed conflicts.

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

- (a) prioritize children's issues in the peace program of the Government and include children's concerns, specifically the effects of armed conflicts, in peace negotiations;
- (b) include peace, human rights, and protective behavior skills as fundamental subjects in the education system;
- (c) in collaboration with civil society organizations, develop and implement training programmes and campaign to promote the values of peace and respect for human rights;
- (d) provide capacity building for Local Governance and Community Development, and ensure the participation of various organizations, especially of children's and people's organization at the community level. These organizations shall be involved in consultation and decision processes and in programs established for them;
- (e) establish livelihood programs which shall be made available to communities in identified priority areas in order to alleviate the living conditions of the people;
- (f) make available basic health services in health facilities in identified priority areas. Culturally sensitive nutrition program and activities including but not limited to supplementary feeding shall also be made available. Efforts to support traditional health practices in indigenous peoples area shall also be initiated;
- (g) establish basic facilities and infrastructure needed;
- (h) ensure that child protection mechanisms are present and functional
- (i) establish database for monitoring and reporting and response for grave child rights violations as provided in Section 6 of this Act.

SECTION 20. *Rescue, Rehabilitation and Reintegration* - The State shall institute policies, programs and services for rescue, rehabilitation and reintegration of children involved in, affected by or displaced by 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.

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

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

- (a) *Rescue*: The State shall provide for the recovery, either voluntary or involuntary, of children from armed groups. It shall call for the provision by the government of legal and physical security to children involved in armed conflict including services such as family tracing;
- (b) *Rehabilitation*: The State shall facilitate the normal development of children victims in their post-involvement phase. It shall provide services including therapeutic counseling, 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/communities whenever possible. This shall involve services including 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 in recognition of the traditional structures and institutions of their communities.

SECTION 21. *Demobilization of Children Involved in Armed Conflict* - The State shall take all feasible measures to ensure that children recruited or used in hostilities contrary to this Act are demobilized or otherwise released from service.

For the purposes of this Act, demobilization 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) The Inter-Agency Committee on Children Involved in Armed Conflicts (IAC-CIAC) and the Sub-Committee on Children Affected by Armed Conflicts (SC-CAACD) shall develop a child-specific demobilization program. This demobilization program should not make as a requirement the surrender of arms of CIAC;
- (b) Monitor and document of CIAC who undergo either formal or informal demobilization 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 demobilized CIAC and to formulate ways to address these needs, and be informed of their status and updates of demobilized CIAC;
- (d) Strengthen networks for referrals;
- (e) Provide free legal assistance to demobilized CIAC ensuring that the legal needs of the former CIAC will be addressed, such as, but not limited to prevention of common crimes being charged against the former CIAC;
- (f) Negotiate with various armed groups who have children among their ranks toward the eventual formal demobilization of CIAC.

SECTION 22. *Children Involved in Armed Conflict who are Rescued or Surrendered (CIAC)* - Where the children in armed conflict(CIAC) have been rescued or surrendered they shall at all times be treated in a child-friendly and sensitive manner. The State at all times shall consider the safety and security of the CIAC. The following procedures shall apply without prejudice to the application of other existing laws that will uphold the best interests of the child:

- (a) The identity of rescued CIAC shall be protected. Any identifying information regarding them remain shall remain confidential;
- (b) Rescued CIAC shall not be used for any political propaganda or nor be unnecessarily exposed to media in violation of his/her rights to privacy, security and confidentiality of their cases;
- (c) Upon the rescue or surrender of CIAC, the government agencies, in particular, the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), Department of National Defence (DND), Local Government Units (LGUs), other concerned government agencies and/or Non-Government Organizations (NGO) in possession of CIAC shall report immediately but not more than twenty four (24) hours the incident to the Department of Social Welfare and Development (DSWD) and Council for the Welfare of Children (CWC);
- (d) The DSWD shall coordinate with the agency and/or NGO in possession of CIAC for the turn-over of custody of CIAC to DSWD;
- (e) The turnover to DSWD shall take place within 24 hours or in cases where turnover is not possible within the prescribed 24 hour period due to valid reasons and without the

fault of the person having the custody of the child, the turnover shall be done within the next seventy two (72) hours;

- (f) The DSWD shall facilitate the family tracing and coordinate with parents, relatives or guardian of the CIAC to inform them of the turnover;
- (g) The Department of Health (DOH) in coordination with the DSWD shall check the medical condition of CIAC to assess his/her physical condition. In cases where medical needs are apparent, the DOH shall ensure that medical services/treatment are received by the CIAC;
- (h) The DSWD shall assess the needs of the CIAC;
- (i) The DSWD, in coordination with other agencies, shall enter the CIAC into the child specific demobilization programs;
- (j) The CIAC shall be reintegrated into the community. In cases where reintegration to original community of origin is not feasible for reasons of the CIAC's security, a foster community or institution shall be identified.

CHAPTER 7 ROLES AND RESPONSIBILITIES OF GOVERNMENT AGENCIES

SECTION 23. *Roles and Responsibilities of Government Agencies and Nongovernment organizations (NGOs)* - To effectively address the issue of children involved in, affected by or displaced by armed conflicts (CIAC/CAAC/IDC), the following concerned government agencies shall have the these roles and functions taking into consideration in their implementation the human rights based approach within the framework of child protection;

(a) The Council for the Welfare of Children (CWC) shall:

1. Promulgate needed policies for CIAC/CAAC/IDC in consultation with different stakeholders at various levels including the Regional CWC or the Regional Sub-Committee for CWC when appropriate consistent with the provisions of this law;
2. Ensure integration of CIAC/CAAC/IDC programs and activities on the plans for children from the national to the local agency levels, especially in conflict affected areas;
3. Formulate and implement advocacy campaigns for the protection of CIAC/CAAC/IDC together with government and non-government organizations, civil societies and other groups;
4. Actively advocate and participate in international and regional discussions and initiatives on CIAC/CAAC/IDC, and include the same in all of its international commitments and policy pronouncements;
5. Establish a database for the monitoring and reporting CIAC/CAAC/IDC concerns integrated in the *Subaybay Bata* Monitoring system;
6. Maintain a database on the Monitoring and Reporting Mechanism and response on the cases of grave child rights violations as enumerated in Section 6 of this Act.

(b) The Department of Social Welfare and Development (DSWD) shall:

1. Formulate guidelines, develop and enrich programs in coordination with concerned agencies for the welfare of CIAC/CAAC/IDC, particularly along the phases of prevention, protection, recovery and healing and reintegration.
2. Manage CIAC/CAAC/IDC cases through coordination, monitoring and provision of technical assistance to DSWD Field Offices and other Intermediaries for the provision of support services to the families of CIAC/CAAC/IDC and delivery of after care services to ensure the protection of children and their families;
3. Provided temporary shelter, alternative parental care, if needed, and other protective services including direct basic services and therapeutic

intervention/counseling for the recovery and social reintegration of CIAC/CAAC/IDC;

4. Advocate for policy change relative to handling of CIAC/CAAC/IDC cases when necessary;
5. Strengthen networking with LGUs, NGOs and other intermediaries in response to the needs of CIAC/CAAC/IDC;
6. Provide psychosocial intervention e.g. Critical Incidence Stress Debriefing (CISD) to assist children in handling stress caused by armed conflict to prevent trauma, impairment in the rehabilitation process;
7. Provide residential care for those who need such which aimed at enhancing the life skills of CIAC/CAAC/IDC.

b) Office of the Presidential Adviser on the Peace Process (OPAPP) –

1. Provide the overall peace perspective in the formulation of policies and development of programs for CIAC/CAAC/IDC towards their implementation;
2. Integrate child rights promotion and protection of rights of CIAC/CAAC/IDC into the peace negotiations and other peace-building programs and processes;
3. Coordinate with concerned agencies on the identification of priority conflict areas for purposes of program/service interventions;
4. Facilitate the development of a child-specific demobilization program in coordination with concerned agencies. This program would not require the show or surrender of firearms by CIAC who have assumed non-combatant roles;
5. Facilitate the implementation of programs and projects in the rehabilitation and reintegration of CIAC/CAAC/IDC in coordination with concerned agencies.

(c) Commission on Human Rights (CHR) –

1. Monitor/document cases of CIAC/CAAC/IDC who were surrendered/rescued/recovered. In the documentation of cases, the Commission may collaborate with the CWC, the DSWD and other concerned government agencies, NGOs and CSOs;
2. Conduct independent investigation, on its own or on complaint by any party, cases of violation and abuse of the rights of CIAC/CAAC/IDC, and make recommendations for appropriate human rights based legislative, administrative and judicial measures;
3. Coordinate with the Department of Foreign Affairs (DFA) in monitoring compliance of concerned agencies with respect to the UN Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and other related human rights and humanitarian treaties and instruments.

(d) Department of Justice

1. Ensure child-sensitive handling of cases of CIAC/CAAC/IDC;
2. Provide for free legal assistance to CIAC/CAAC/IDC through the Public Attorney's Office (PAO);
3. Prosecute those who violate the provisions of this Act.

(e) Public Attorney's Office (PAO)

Provide free legal assistance to CIAC/CAAC/IDC.

(f) Department of Foreign Affairs (DFA) –

1. Provide all the necessary information with regard to Philippine participation and developments UN Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and other related human rights instruments;

2. Provide guidance to concerned agencies with regard to the international perspectives on CIAC/CAAC/IDC;
3. Coordinate with OPAPP, CWC, and CHR to ensure the Philippine commitments to international treaties and agreements with regard CIAC/CAAC/IDC, are complied with.

(g) Department of National Defense (DND)

1. Provide guidance to the Armed Forces of the Philippines (AFP) in handling surrendered/rescued/recovered CIAC/CAAC/IDC and resolve any policy questions regarding such matters;
2. Coordinate with concerned agencies in developing the capacity of AFP units in the handling and treatment of CIAC/CAAC/IDC;
3. Involve, as may be necessary, any other agencies under the Department.

(h) The Armed Forces of the Philippines (AFP)

1. Report within twenty four (24) hours the surrendered/rescued/recovered CIAC/CAAC/IDC to the DSWD Field Office, PNP and/or Local Chief Executive of the Municipality, City or Province covering the area;
2. Provide immediate physical and medical treatment to children wounded during engagement, including psychological/psychiatric treatment when necessary, or transport them to the nearest medical facility for treatment in case of emergency;
3. Transfer the surrendered/rescued/recovered CIAC/CAAC/IDC for protective custody to the DSWD Field Office, PNP or local Chief Executive of the Municipality, City or Province immediately but no more than twenty four (24) hours upon the surrender/rescue/recovery of CIAC/CAAC/IDC. In cases where turnover is not possible within the prescribed 24 hour period due to valid reasons and without the fault of the person having the custody of the child, the turnover shall be done no more than within the next seventy two (72) hours;
4. Protect the CIAC/CAAC/IDC from exposure to the media, except when such is justified by compelling national security interest as determined by the Secretary of National Defense or AFP Chief of Staff. This exposure to media shall be conducted not more than once and in consultation with the Secretary of DSWD and shall take into consideration the right to privacy, the confidentiality of the case and the security and safety of the CIAC/CAAC/IDC;
5. Inform the CIAC/CAAC/IDC of their rights and ensure that such rights are protected as provided for in this Act, the Constitution and other existing laws;
6. Document the cases of CIAC/CAAC/IDC while protecting their privacy, confidentiality of the case, their security and safety;
7. Integrate children's rights in the training of its officers
8. Strengthen existing systems of age verification prior to acceptance of any person into their ranks.

(i) Department of the Interior and Local Government (DILG)

1. Disseminate to Local Government Units the copy of this Act and the rules and regulations promulgated in accordance thereof;
2. Issue Guidelines to Provincial Governors, City/Municipality Mayors, Punong Barangays, in handling surrendered/rescued/recovered CIAC/CAAC/IDC;
3. Assist the DSWD in organizing and facilitating capability building activities for local government units in the handling and treatment of CIAC/CAAC/IDC;
4. Monitor program of local government units in identified conflict areas;
5. Coordinate with LGUs in ensuring the functionality of local councils for the protection of CIAC/CAAC/IDC;
6. Advise the LGUs and Local Chief Executives to focus their initiatives toward alleviating poverty in identified conflict areas.

(j) The Philippine National Police (PNP)

1. Monitor and report within twenty four (24) hours CIAC/CAAC/IDC incidents to the DSWD Field Office and/or Local Chief Executive of the Municipality or City having jurisdiction in the area under normal condition, or within seventy-two (72) hours when the situation does not warrant the turn-over of CIAC/CAAC/IDC within the prescribed period;
2. Give the CIAC/CAAC/IDC appropriate physical, mental and medical examination;
3. Document cases of CIAC/CAAC/IDC transferred from AFP and ensure the immediate transfer of CIAC/CAAC/IDC to DSWD;
4. Popularize children's rights and in particular CIAC/CAAC/IDC issues among PNP personnel nationwide;
5. Whenever applicable, rescue CIAC/CAAC/IDC from armed groups and refer the case of the CIAC/CAAC/IDC to the nearest public or private agency which provides free legal assistance;
6. Ensure that the CIAC/CAAC/IDC are handled with respect and are protected from further harm at all times;
7. Undertake community-based projects promoting peace and order;
8. Strengthen existing systems of age verification prior to acceptance of any person into their ranks.

(k) Department of Labor and Employment (DOLE)

1. Mainstream the issue of CIAC/CAAC/IDC in the National Program Against Child Labor;
2. Facilitate the employment and livelihood opportunities in potential conflict areas as part of the preventive measures;
3. Coordinate with program partners and stakeholders in providing formal, non-formal or alternative learning systems of education and trainings for surrendered/rescued/recovered CIAC/CAAC/IDC ;
4. Coordinate the implementation of measures to prohibit employment of children, especially, the worst forms of child labor.

(l) Department of Health (DOH)

1. Formulate policies and guidelines on appropriate health related programs, projects and activities for CIAC/CAAC/IDC;
2. Coordinate with concerned LGUs, NGOs, private health sector and hospitals in the delivery of health related services;
3. Assist the DND, AFP, PNP and DSWD in ensuring that the CIAC/CAAC/IDC are provided with medical treatment, hospitalization and medicines in accordance with existing programs and policies.

(m) National Anti-Poverty Commission (NAPC)

Enhance and supplement existing plans, programs and policies towards the eradication of poverty, especially in conflict areas, and monitor their implementation.

(n) National Commission on Indigenous Peoples (NCIP)

1. Designate and operationalize NCIP and the Indigenous Peoples Consultative Body (IPCB) Focal Persons on CIAC/CAAC/IDC at the national, regional, provincial and service center levels;
2. Provide Information Education Communication (IEC) materials on this Act, as well as, conduct workshops among NCIP and IPCB focal persons on how to conduct Indigenous Peoples (IP)-CAAC/CIAC/IDC documentation of cases;
3. Document IP-CAAC/CIAC/IDC cases and appropriate referral to concerned partner agencies;

4. Develop and implement along time continuum NCIP operation strategies and tools on IP-CAAC/CIAC/IDC documentation to address sensitivity and other situational and peculiar issues and concerns in given IP communities;
5. Closely coordinate with partner agencies on the ground the implementation of this Act, the rules and regulations promulgated, the strategies and programs in addressing IP-CAAC/CIAC/IDC cases;
6. Advocate among CIAC/CAAC/IDC partner agencies, other government agencies and the private sector the rights of IP-CAAC/CIAC/IDC and the IPs/ ICCs (Indigenous Cultural Communities) as provided for in this Act and in RA 8371 or the Indigenous Peoples Rights Act, specifically Section 22 on their rights during armed conflict.

(o) Department of Education, Culture and Sports (DECS)

1. Ensure access and availability of education for all children, especially in conflict-affected areas;
2. Ensure educational opportunities for all children, including indigenous peoples (IPs);
3. Develop culturally sensitive curriculum to be used in all areas, especially indigenous peoples (IPs) communities/areas;
4. Make available non-formal education programs and other alternative learning systems to CIAC/CAAC/IDC and their families.

(p) Department of Agriculture (DA)

Provide livelihood assistance and ensure food security through sustainable agriculture in potential conflict areas.

(q) National Nutrition Council (NNC)

1. Formulate guidelines on culturally sensitive nutrition programs appropriate for CIAC/CAAC/IDC;
2. Monitor progress of nutritional status of CIAC/CAAC/IDC;
3. Evaluate the impact of nutrition programs on CIAC/CAAC/IDC.

(r) Philippine Information Agency (PIA)

1. Develop an advocacy framework and communication plan for the CIAC/CAAC/IDC programs and spearhead the advocacy of this program;
2. Provide for the technical assistance in capacity building activities, management of advocacy and communication campaigns and in the monitoring and evaluation component of the campaigns.

All concerned agencies identified herein shall likewise provide their respective counterpart support including but not limited to technical, logistical and financial assistance relative to the implementation of programs, projects and activities for CIAC/CAAC/IDC, in accordance with their mandate and in accordance with existing accounting and auditing rules and regulations:

All programs should be participatory and should ensure the involvement of children, their communities, NGOs, Church-based/religious organization or groups, and other concerned groups.

CHAPTER 8 INVESTIGATION, PROSECUTION AND COURT

SECTION 24. *Court, Prosecutors and Investigators* - The Family Courts shall have original and exclusive jurisdiction over the crimes punishable under this Act.

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

The State shall ensure that judges, prosecutors and investigators, especially those designated for purposes of this Act, receive effective training in human rights particularly Convention on the Rights of the Child and its Optional Protocol on involvement of children in armed conflict and related international instruments, International Humanitarian Law and International Criminal Law.

SECTION 25. *Requirement and Procedures on Age Verification and Presumption of Minority* - The child involved in, affected or displaced by armed conflict shall enjoy the presumption of minority. S/he shall enjoy all the rights of a child recognize in this Act and other applicable laws until s/he is proven to be eighteen (18) years old or older.

The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

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

If a case has been filed against the child and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts at determining the age of the child in armed conflict.

SECTION 26. *Protection of Victims and Witnesses* - In addition to existing provisions in Philippine law for the protection of victims and witnesses, the following measures shall be undertaken:

- (a) The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of child victims and witnesses. In so doing, the Court shall have regard of all relevant factors, including age, gender and health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children;
- (b) The Court shall protect the privacy of child victims and witnesses and observe confidentiality consistent with existing rules on examination of child victims and witnesses;
- (c) Where the personal interests of the child victims are affected, the court shall consider the child victim's views and concerns in accordance with established rules of procedure and evidence;
- (d) Where the disclosure of evidence or information maybe prejudicial to the security of the child witness or his/her family, the prosecution may withhold such evidence or information and instead submit a summary thereof consistent with the rights of the accused and to a fair and impartial trial.

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

- (a) The Court shall follow the principles relating to the reparations to, or in respect of, child victims, including restitution, compensation and rehabilitation taking into consideration the scope and extent of any damage, loss or injury suffered by child victims.
- (b) The Court shall make an order directly against a convicted person specifying appropriate reparations to child victims, including restitution, compensation and rehabilitation; and

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

SECTION 28. *Non-prescription.* - 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.

SECTION 29. *Immunity from Suit for Those who Provide Assistance* – Any person who shall take custody of children involved in armed conflict to ensure his or her safety or provide him or her any form of assistance shall be exempt from any civil, criminal and administrative liability.

CHAPTER 9 MONITORING AND REPORTING

SECTION 30. *Monitoring and Reporting System*

The State, through the Council for the Welfare of Children (CWC) in coordination with other concerned Government agencies shall ensure the implementation of the provisions of this Act and shall submit to the President and the Congressional Oversight committee created herein, the annual report thereof;

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

SECTION 31. *Congressional Oversight Committee* -There is hereby created a Congressional Oversight Committee composed of five (5) members from the Senate and five (5) members from the House of Representatives. The members from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalition therein with at least one (1) member representing the Minority. The members from the House of Representative shall be appointed by the Speaker, also based on proportional representation of the parties or coalitions therein with the Chair of the House of Committee on the Welfare of Children and at least one (1) member representing the Minority

The Committee shall be headed by the respective Chairs of the Senate Committee on Youth, Women and Family relations and the House of Representatives Committee on the Welfare of Children. The Secretariat of the Congressional Oversight Committee shall come from the existing Secretariat personnel of the Committees of the Senate and the House of Representatives concerned

The Committee shall monitor and ensure the effective implementation of this Act, determine inherent weakness and loopholes in the law, recommend the necessary remedial legislator or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

CHAPTER 10 TRANSITORY PROVISIONS

SECTION 32. *Children Involved in Armed Conflict* – Upon the effectivity of this Act, criminal cases against children involved in armed conflict shall immediately be dismissed and the child shall be referred to the Local Social Welfare and Development Office. Such office, upon thorough assessment of the child, shall determine whether to release the child to the custody of his/her parents, or refer the child to prevention, rehabilitation, reintegration programs as provided under this Act. Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, provided, the Family Court shall, in consultation with concerned agencies determine and order the appropriate prevention, rehabilitation, reintegration programs the person shall undergo as provided in this Act.

SECTION 33. *Inventory of Custody of Children in Armed Conflict* - The AFP, the PNP, the BJMP, the DSWD, the NCIP 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 armed conflict under their custody.

SECTION 34. *Children Who Reach the Age of Eighteen (18) Years Pending Court Proceedings or in Suspended Sentences* - If a child reaches the age of eighteen (18) years pending court proceedings, the Family Court shall dismiss the case against the person and determine in consultation with concerned agencies whether s/he shall undergo appropriate prevention, rehabilitation and reintegration programs provided in this Act.

Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, provided, the Family Court shall, in consultation with concerned agencies determine and order the appropriate prevention, rehabilitation, reintegration programs the person shall undergo as provided in this Act.

SECTION 35. *Children who have been Convicted and are Serving 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 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 released if they are so qualified under this Act or other applicable law.

CHAPTER 11 FINAL PROVISIONS

SECTION 36. *Rules and Regulations* – The CWC and its member agencies and OPAPP, with the involvement of CSOs, shall promulgate rules and regulations within 90 days from the effective implementation of this Act.

SECTION 37. *Appropriations* –The amount of Ten Million is hereby appropriated to the CWC for the initial implementation of this Act. Said amount shall be funded from the gross income of the Philippines Amusement and Gaming Corporation (PAGCOR) and shall be directly remitted to a special account of the CWC. Thereafter, for the continued implementation of this Act, such sums shall be included in the annual General Appropriations Act (GAA).

SECTION 38. *Repealing Clause* – Article X Sections 22 to 26 of RA 7610, all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SECTION 39. *Separability Clause* - If any part or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SECTION 40. *Effectivity Clause* – This Act shall take effect fifteen (15) days upon completion of its publication in at least two (2) national newspapers of general circulation.

Approved.