

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 492

Submitted by the Committee on the Welfare of Children on **19 JAN 2011**

Re: House Bill No. **3986**

Recommending its approval in substitution of **House Bill No. 166**

Sponsors: Representatives Aurora Enerio-Cerilles and Magtanggol T. Gunigundo I

Mr Speaker:

The Committee on the Welfare of Children to which was referred House Bill No. 166 introduced by Rep. Magtanggol Gunigundo I, entitled:

"AN ACT
AMENDING REPUBLIC ACT 7610, OTHERWISE KNOWN AS THE
'SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
CHILD EXPLOITATION AND DISCRIMINATION ACT' BY
PENALIZING ANY ACT THAT PREVENTS THE CHILD TO LEARN
AND USE THE LANGUAGE OF HIS FAMILY IN HIS BASIC
EDUCATION, AND FOR OTHER PURPOSES"

3986

has considered the same and recommends that the attached House Bill _____, entitled :

"AN ACT
PENALIZING ANY ACT PROHIBITING THE CHILD TO LEARN AND
USE THE FIRST LANGUAGE OR MOTHER TONGUE IN BASIC
EDUCATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7610 ALSO KNOWN AS '*SPECIAL PROTECTION OF CHILDREN
AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION
ACT*'"

be approved in substitution of **House Bill No. 166** with Reps. Magtanggol T. Gunigundo I, Aurora Enerio-Cerilles, Susan Yap, Imelda Calixto-Rubiano, Bernadette Herrera-Dy, Joseph Victor G. Ejercito, Daryl Grace J. Abayon, Abigail Faye C. Ferriol,

Emmeline Y. Aglipay, Josephine Veronique Lacson-Noel, and Nancy A. Catamco as authors thereof.

Respectfully submitted,



AURORA ENERIO-CERILLES
Chairperson
Committee on the Welfare of Children

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

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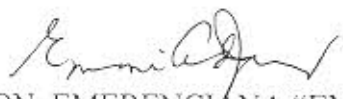
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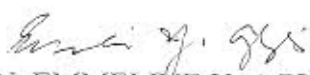

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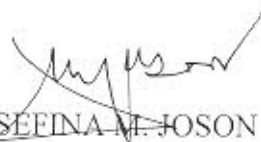
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CHAIRMAN, COMMITTEE ON ACCOUNTS

HON. FLORENCIO 'BEM' G. NOEL

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. **3986**

Introduced by Honorable Magtanggol T. Gunigundo I

AN ACT
PENALIZING ANY ACT PROHIBITING THE CHILD TO LEARN AND USE
THE FIRST LANGUAGE OR MOTHER TONGUE IN BASIC EDUCATION,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610 ALSO KNOWN
AS "*SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT*"

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

1 SECTION 1. Section 1 of Republic Act No. 7610 is hereby amended to read as
2 follows:

3 "Section 1. *Declaration of Policy.* – It is hereby declared to be
4 the policy of the State to provide special protection to children from all
5 forms of abuse, neglect, cruelty, exploitation and discrimination, and other
6 conditions prejudicial to their development WHICH SHALL INCLUDE
7 THE PROHIBITION TO LEARN AND USE IN BASIC EDUCATION
8 THE FIRST LANGUAGE OR MOTHER TONGUE OF THE CHILD,
9 AND provide sanctions for their commission and carry out a program for
10 prevention and deterrence of and crisis intervention in situations of child
11 abuse, exploitation and discrimination. The State shall intervene on
12 behalf of the child when the parent, guardian, teacher or person having

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

5 It shall be the policy of the State to protect and rehabilitate
6 children gravely threatened or endangered by circumstances which affect
7 or will affect their survival and normal development and over which they
8 have no control.

9 The best interests of children shall be the paramount consideration
10 in all actions concerning them, whether undertaken by public or private
11 social welfare institutions, courts of law, administrative authorities, and
12 legislative bodies, consistent with the principles of First Call for Children
13 as enunciated in the United Nations Convention on the Rights of the
14 Child. Every effort shall be exerted to promote the welfare of children and
15 enhance their opportunities for a useful and happy life. THE STATE
16 RECOGNIZES THE RIGHT OF THE CHILD TO EDUCATION ON
17 THE BASIS OF EQUAL OPPORTUNITY AND WITH A VIEW OF
18 ACHIEVING THIS RIGHT PROGRESSIVELY. THE STATE
19 LIKEWISE RECOGNIZES THE RIGHT OF THE CHILD TO ENJOY
20 AND PRACTICE THE CULTURE, PROFESS THE RELIGION, AND
21 SPEAK THE FIRST LANGUAGE OR MOTHER TONGUE WHICH
22 THE CHILD IDENTIFIES WITH OR IS IDENTIFIED BY OTHERS.”
23

SEC. 2. Section 3 of the same Act is hereby amended by adding paragraph (e) to read as follows:

“SEC. 3. *Definition of Terms.* –

xxx

xxx

xxx

(E) “FIRST LANGUAGE OR MOTHER TONGUE” REFERS TO THE NATIVE LANGUAGE A CHILD HAS LEARNED FROM BIRTH, KNOWS BEST, AND USES MOST, AND IS OFTEN THE BASIS FOR SOCIOLINGUISTIC IDENTITY.”

SEC. 3. Section 10 of the same Act is hereby amended by adding paragraph (f) to read as follows:

“SEC. 10. *Other Acts of Neglect, Abuse, Cruelty, or Exploitation and Other Conditions Prejudicial to the Child’s Development.* –

xxx

xxx

xxx

(F) “ANY PERSON WHO IMPOSES A FINE OR OTHER SANCTIONS AS A FORM OF DISCIPLINE WHICH TENDS TO DISCRIMINATE AGAINST THE CHILD’S RIGHT TO LEARN OR USE THE FIRST LANGUAGE OR MOTHER TONGUE IN SCHOOL.”

SEC. 4. Section 31 of the same Act is hereby amended by adding paragraph (g) to read as follows:

“SEC. 31. *Common Penal Provisions.* –

xxx

xxx

xxx

(G) ANY PERSON WHO SHALL VIOLATE SEC. 10 (F) OF THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT

1 LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT
2 MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00)
3 OR IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS BUT
4 NOT MORE THAN TWO (2) YEARS, OR BOTH, AT THE
5 DISCRETION OF THE COURT.

6 THE PRIVATE SCHOOL OWNER, DIRECTOR, PRINCIPAL,
7 SUPERVISOR AND TEACHER SHALL BE JOINTLY LIABLE TO
8 PAY THE FINE AND SHALL INDIVIDUALLY SERVE THE
9 PENALTY OF IMPRISONMENT IMPOSED.

10 THE TEACHER, PROFESSOR, OR SUPERVISOR OF THE
11 CHILD IN ANY GOVERNMENT OR PUBLIC SCHOOL OR
12 INSTITUTION SHALL ALSO BE ADMINISTRATIVELY
13 SUSPENDED FOR THREE (3) MONTHS WITHOUT PAY.”

14 SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders, rules and
15 regulations, or parts thereof, inconsistent with the provision of this Act are hereby
16 modified, amended or repealed accordingly.

17 SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the Official Gazette or in at least two (2) national newspapers of general
19 circulation.

20 Approved,

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 166

Introduced by ATTY. MAGTANGGOL T. GUNIGUNDO I

EXPLANATORY NOTE

This re-filed bill is originally HB 6436 that we filed in the 14th Congress which penalizes any person for preventing a child to learn and use the language of his family, thereby amending the pertinent provisions of the Child Abuse Law (RA 7160).

This has been previously referred to the Committee on Justice but was not taken up for deliberations.

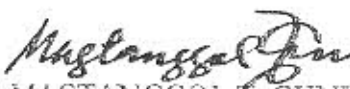
This measure is consistent with the principle of First Call for Children as enunciated in Article 28 of the United Nations Convention on the Rights of a Child that "the States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity". Anent thereto, Article 30 emphasizes that "*in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language*".

The 1987 Constitution, Section 5 of Article III (*Bill of Rights*) states that "*no law shall be passed abridging the freedom of speech*". Corollary to this, Section 1 of Article XIV provides that "*the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all*".

Section 2 of Republic Act 7610 (*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*) declares that it is "*the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development*".

Children, no matter how young, have rights to use the language of their family any time. Their right to speak cannot be abridged by "English only" zones that penalize speaking in their own language.

Immediate approval of this bill is earnestly sought.


ATTY. MAGTANGGOL T. GUNIGUNDO I

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

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 166

Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

AN ACT
AMENDING REPUBLIC ACT 7610, OTHERWISE KNOWN AS THE
"SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT"
BY PENALIZING ANY ACT THAT PREVENTS THE CHILD TO LEARN
AND USE THE LANGUAGE OF HIS FAMILY IN HIS BASIC
EDUCATION, AND FOR OTHER PURPOSES

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

Section 1. ***Declaration of Policy.*** – It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, including the prevention to use the language of their family in their learning process in their formative years, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. It shall provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse.

It is the declared policy of the State to provide quality education for all its citizens.

Pursuant to Sections 6 and 7, Article XIV, the national language of the Philippines is Filipino. As it evolves, it shall further be developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

Section 2, paragraphs 1 and 4 of Article XIV likewise provide that "the State shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people and society" and "encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs."

Article II, sections 17 and 22 of the 1987 Constitution also provide that "the State shall give priority to education *xxx to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development*" and "the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

Consistent with the principle of First Call for Children as enunciated in Article 28 of the United Nations Convention on the Rights of a Child that "the States Parties recognize the right of the child to

education and with a view to achieving this right progressively and on the basis of equal opportunity". Anent thereto, Article 30 emphasizes that "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language".

Language plays a strategic role in shaping the formative years of learners who participate in social and public life and to engage in dialogue, to a great extent of skills. To be effective and adapted to the culture and need of learners, education and literacy programs must be delivered in languages understood by those learners.

It has been proven conclusively that mother tongue instructional method is the most effective tool for learning as it affirms the value of the child and his cultural heritage enabling the child to develop critical thinking skills and cognitive development necessary to excel in all academic subjects including the acquisition of Filipino and English as second languages.

Section 3. Par. (b), Section 3 of Republic Act 7610, as amended, is hereby further amended by adding additional sub-paragraph (5) thereto, to read as follows:

"Sec. 3. Definition of Terms: -

(b) *Child Abuse*- refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

xxx

(5). *Discriminating, devaluing, disciplining, fining or imposing other sanctions against the child's right to learn and use the language of his/her family in school."*

Section 4. Section 31 (*Common Penal Provisions*) of Republic Act 7610, is hereby further amended by adding additional sub-paragraph (g) thereto, to read as follows:

"Sec. 31. Common Penal Provisions: -

xxx

(g) *Penalties for Prevention to Use the Native Tongue.* - Any person who shall violate any provision of this Act shall suffer the penalty of fine of not less than Php50,000 but not more than Php100,000 or imprisonment of not less than six (6) months but not more than two (2) years or both at the discretion of the court. Private school owner, director, principal, supervisor and teacher shall be jointly liable, to pay fine and shall serve imprisonment individually. The teacher, professor, or supervisor of the child in any government or public institution, shall also be administratively suspended for three (3) months without pay."

Section 5. *Separability Clause.* - The provisions of this Act are hereby deemed separable. If any provision thereof is declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in effect.

Section 6. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

Section 7. *Effectivity.* - This Act shall take effect thirty (30) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

HOUSE OF REPRESENTATIVES
Quezon City

MINUTES OF THE MEETING OF THE COMMITTEE ON THE WELFARE OF CHILDREN HELD ON 14 DECEMBER 2010, 1:30 P.M., AT CONFERENCE ROOM 6, RAMON V. MITRA BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY

GUESTS IN ATTENDANCE:

1. Dir. Thelsa P. Biolena, Director IV, Department of Social Welfare and Development
2. Ms. Teresita Fuertes, Section Chief, NBOO, Department of Interior and Local Government
3. Atty. Rosario Olivas-Gallo, Counsel of George Francis' Mother
4. Atty. Minerva Ambrosio, Retainer Lawyer, DSWD-NCR
5. Mr. Louie B. Pitlo, Department of Social Welfare and Development
6. Ms. Normina Mojica, Planning Officer III, Council for the Welfare of Children
7. Mr. Amelito S. Adel, Overseas Workers Welfare Administration
8. Ms. Ma. Teresa Capa, Overseas Workers Welfare Administration
9. Mr. Ramil A. Andag, Research Officer, Philippine Human Rights Information Center
10. Mr. Marco Puzon, National Coordinator, Philippine Coalition to Protect Children Involved in Army Conflict
11. Mr. Romie Halabaso, Peace Program Officer III, Office of the Presidential Adviser on the Peace Process
12. Atty. Tricia Oco, Commission on Human Rights
13. Dir. Ma. Esmeralda Macaspac, Executive Director, Children's Rehabilitation Center
14. Special Investigator Marvin Villardo, National Bureau of Investigation
15. Ms. Rodeliza O. Barrientos, UNICEF
16. Mr. Patrick Halton, UNICEF
17. Mr. Robert Mactavish, UNICEF

I. CALL TO ORDER/ ROLL CALL

The meeting was called to order at 1:45 a.m. with Rep. Daryl Grace Abayon, Vice Chairperson of Committee on the Welfare of Children, presiding.

On the motion of Rep. Noel-Lacson, the calling of the roll was dispensed with.

II. OPENING PRAYER

Vice Chairperson Daryl Grace Abayon of Aangat Tayo Partylist requested the body to pause for a minute of silent prayer.

III. APPROVAL OF MINUTES OF THE DECEMBER 1, 2010 MEETING

Upon the motion of Deputy Majority Leader Gunigundo, the reading of the minutes of the previous meeting was dispensed with and the same was approved.

IV. ACKNOWLEDGMENT OF MEMBERS/GUESTS/RESOURCE SPEAKERS AND OPENING REMARKS

Vice Chairperson Abayon thanked the members present during the meeting. She also acknowledged the presence of the guests and resource persons. She mentioned that it would be the last meeting of the Committee on the Welfare of Children for 2010.

V. APPROVAL OF THE COMMITTEE REPORT ON UNNUMBERED HOUSE BILL IN SUBSTITUTION OF HOUSE BILL NO. 166

Deputy Majority Leader Gunigundo thanked the Committee for drafting the substitute bill in the most expeditious time. He introduced some amendments to the bill. On page 2 line 25, after the word practice, the entire sentence was deleted and replaced with “and speak of his/her own culture, religion, and language the child identifies with or is identified as a native speaker of, by others, or he/she knows best and uses most.”

Upon the motion of Congresswoman Lacson-Noel, the Committee Report on unnumbered House bill in substitution of House Bill No. 166 entitled “An Act Penalizing any Act that Prevents the Child to Learn and Use the Language of His/Her Family in His/Her Basic Education, Amending for the Purpose Republic Act No. 7610 also known as ‘Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act’” was approved.

VI. APPROVAL OF FOSTER CARE DRAFT BILL

Upon the motion of Congresswoman Lacson-Noel, the substitute bill entitled “An Act to Strengthen and Propagate Foster Care for Abandoned and Other Children with Special Needs, Providing Appropriations Therefor and for Other Purposes” was approved.

Deputy Majority Leader Gunigundo moved that all the members present be included as co-authors of the Foster Care Bill. There being no objection, the motion was carried. The Committee was also directed to seek the comments of the Committee on Ways and Means and Committee on Appropriations regarding provisions that fall within their respective jurisdictions.

VII. CONTINUATION OF THE LEGISLATIVE INQUIRY ON THE SPEECH OF HON. LANI MERCADO-REVILLA ENTITLED: “DESPERATELY SEEKING GEORGE FRANCIS’ MOTHER”

Vice Chairperson Abayon recapped what transpired during the last meeting. First, the DSWD made a commitment to the Committee to submit updates on the condition of both the mother and the baby. Second, Congresswoman Mercado-Revilla was concerned as to who should represent the mother, whether it was the DSWD or the Public Attorney’s Office. Lastly, Congresswoman Revilla also wanted to find out if there was already an evaluation made on the possible reunification of the mother and child. Vice Chairperson Abayon also stated that the Committee was very much concerned with the welfare of the child. She likewise appealed to the DSWD that if the mother was already deemed psychologically and physically fit to take care of the child, George Francis should no longer be deprived of his mother’s care and love and that they should be reunited.

On the inquiry of Congresswoman Revilla regarding the present condition of the mother of George Francis, DSWD Director Biolena informed the body that the mother was doing well and that she regularly visited and breastfed George Francis. She also added that the baby had already recovered from hematoma. However, she said that the psychological and psychiatric evaluation cannot be divulged as they adhere to the Code of Ethics of Psychologists and Psychiatrists.

Director Biolena remarked that the reunification of George Francis and his mother was not recommended at the moment, since the mother was still undergoing psychiatric therapy. Moreover, she said that the mother did not want to file any case against her employers despite what happened to her.

Congresswoman Mercado-Revilla asked if DSWD had already assigned a legal counsel for the mother of George Francis, since a case has already been filed by NBI at the Pasay City Court. Dir. Biolena reported that Atty. Jun Ambrosio and Atty. Rosario Gallo had been representing DSWD in this case.

On the query of Rep. Revilla if the mother was already fit to appear before the court, Dir. Biolena answered that they had to ask the psychiatrist about the readiness of the mother.

Atty. Gallo, informed the body that the case was not yet in court, but the proceedings had already been taken before the public prosecutor's office in Pasay City. The case had just been submitted for resolution. They were now waiting for the resolution of the public prosecutor's office on the results of the preliminary investigation.

On the request of Rep. Revilla for the Committee on the Welfare of Children to consult with the Committee on Women and Overseas Workers' Affairs for a possible joint referral, Deputy Majority Leader Gunigundo opined if the objective was to speed up the process of oversight in aid of legislation, joint referral might unduly delay the hearings because it required more coordinative effort between two committees. He instead suggested for a change referral to another Committee, if deemed needed. Rep. Revilla agreed to the suggestion of the Deputy Majority Leader and mentioned that she preferred the bill to remain with the Committee on the Welfare of Children.

Deputy Majority Leader Gunigundo inquired if there were existing policies of government that need to be rectified or amended to further strengthen and empower DSWD in handling cases similar to George Francis. Dir. Biolena replied that there was a need to strengthen the Anti-Human Trafficking Law.

Atty. Gallo added that it would be a good opportunity to make amendments to expand the circumstances covered by the exempting circumstances to cover situations like that of George Francis' mother who was an abused overseas worker. Deputy Majority Leader Gunigundo stated that DSWD can submit or recommend a bill than can be filed during the 15th Congress that will protect the welfare of the Filipino overseas workers like what was suggested by Atty. Gallo.

Rep. Revilla asked the NBI if they were going to push through with the case considering the circumstances of the mother and the aggravating effects that could delay the possible reunification of the mother and child. Special Investigator Villardo responded that the case had already been filed, but due to humanitarian reasons, upon the recommendation of Supervising Agent Jesus Manabat and the Chief of the Foreign Liaison Division, the case filed was abandonment instead of violation of RA 7610. He added that the penalty for abandonment was imprisonment of below one year while the penalty for violation of RA 7610 was six years imprisonment.

Pending result of psychiatric state of the mother of George Francis, consideration of the privilege speech of Rep. Revilla was temporarily suspended. The agencies that were invited will just be informed by the Committee about the schedule of the next meeting.

VIII. INITIAL DELIBERATION ON CHILDREN IN ARMED CONFLICT MEASURES

In her sponsorship speech as author of the bill, Deputy Speaker Climaco stated that during the conflict in Mindanao, children were used and recruited in armed conflict. Governor Jesus Saccalan narrated to her the plight of the children being used as envoys in the fight against the government troops.

She mentioned that the core of the bill was the full implementation of the protection guaranteed under the Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict as well as human rights treaties such as 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, the Geneva Convention of 1949 and the Additional Protocols ratified by the Philippines. She emphasized that the approval of the House Bills 1712 and 1198 were imperative to the welfare of the children, not only those involved in armed conflict, but also those who were affected or displaced by incessant battles.

Mr. Louie Pitlo of DSWD expressed that they strongly support the approval of the bill. He further commented that: a.) Section 4 be replaced with "In case of doubt in the interpretation and application of the provision of this Act, all will be resolved liberally in favor of the children involved in, affected by, or displaced by armed conflict."; b.) Under Section 5(a), combat and non-combat activities should be defined and clarified to avoid confusion.; c.) On Section 5(r), the phrase "excessive military attacks" should be defined; and d.) Sections 6 and 7 were interchanged, creating confusion on its application on the sections following it (Sections 8 (a) (b), Section 9 – 2nd paragraph, Section 10 - 4th paragraph, Section 16 -last paragraph).

Council for the Welfare of Children, Department of Interior and Local Government Commission on Human Rights, United Nations Children's Fund, and Philippine Human Rights Information Center likewise conveyed their support for the approval of the bill subject to refinements. The said agencies/organizations also expressed that they wanted to be part of the Technical Working Group and their respective position papers will be submitted.

Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC) also conveyed strong support for the passage of the bill. Mr. Puzon of Protect CIAC noted however that in Section 20, indigenous community should also define the means to safeguard and ensure the reintegration of the child to the community.

Office of the Presidential Adviser on the Peace Process (OPAPP) likewise stated strong support for the passage of the bill. Mr. Rabaso of OPPAP suggested that a.) The bill should be studied in light of the existing laws like the Juvenile Justice Act; b.) Instead of an inter-agency committee, a strong unified body on child protection be created; c.) Northern Mindanao Development Authority, Philippine Council on Women, National Commission on Muslim Filipinos be included as implementing agencies.

The Children's Rehabilitation Center (CRC) shared that a.) they had documented 77 children killed and 59 survived the attempt on their lives from January 2001 to June 2010; b.) thousands of children were part of families displaced during the government military operations in Maguindanao after the failed Memorandum of Agreement on Ancestral Domain with the MILF in 2008; c.) resolutions on specific cases of violations had already been filed in Congress by various lawmakers who were child rights

advocates, especially from progressive partylist organizations like the Gabriela Women's Party.

CRC also mentioned specific comments and recommendations such as: a.) Section 6 should include the right of children to be with their families during evacuations and in evacuation centers and the right of children to continuing education, even when they are in temporary evacuation centers; b.) Section 19 must include the responsibility of the State to ensure participation of children in community process and the speedy resolution of cases involving violation of human rights of children in armed conflict; c.) Strengthen the role of Barangay Council for the Protection of Children (BCOC) in the prevention and identification of CIAC; and d.) prosecute and punish authorities (military and civilian) involved in false branding of children as child soldiers or CIAC.

Upon the twin motion of Congresswoman de Jesus, duly seconded, a Technical Working Group was created and measures on children in armed conflict were approved in principle subject to refinement.

IX. ADJOURNMENT

There being no other matters to discuss, the meeting adjourned at 3:35.

Prepared by:


FRANCOISE MARIE B. ALONZO-CALALAY
SLSO I

Certified True & Correct:


MARI FE JANET D. SUMALPONG
Committee Secretary

Noted by:

REP. DARYL GRACE J. ABAYON
Vice Chairperson/ Presiding Officer

FACT SHEET

House Bill No. **3986**

In Substitution of House Bill No. 166
(As approved by the Committee)

"AN ACT

PENALIZING ANY ACT PROHIBITING THE CHILD TO LEARN AND USE THE FIRST LANGUAGE OR MOTHER TONGUE IN BASIC EDUCATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610 ALSO KNOWN AS "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT"

Introduced By: **REP. MAGTANGGOL T. GUNIGUNDO I, AURORA ENERIO-CERILLES, SUSAN A. YAP, IMELDA G. CALIXTO-RUBIANO, BERNAEDTTE HERERRA-DY, JOSEPH VICTOR G. EJERCITO, DARYLL GRACE J. ABAYON, ABIGAIL FAYE C. FERRIOL, EMMELINE Y. AGLIPAY, JOSEPHINE VERONIQUE LACSON-NOEL, NANCY A. CATAMCO**

Committee Referral: **COMMITTEE ON THE WELFARE OF CHILDREN**
Committee Chairperson: **HON. AURORA ENERIO-CERILLES**

OBJECTIVES:

- To afford special protection to children by penalizing the act of preventing them from using their first language or "mother tongue" in the learning process; and
- To encourage the use of first language or mother tongue in instruction and learning

KEY PROVISIONS:

- Amends Section 10 (Other Acts of Neglect, Abuse, Cruelty, or Exploitation and Other Conditions Prejudicial to the Child's Development) of Republic Act No. 7610 to include "ANY PERSON WHO IMPOSES A FINE OR OTHER SANCTIONS AS A FORM OF DISCIPLINE WHICH TENDS TO DISCRIMINATE AGAINST THE CHILD'S RIGHT TO LEARN OR USE THE FIRST LANGUAGE OR MOTHER TONGUE IN SCHOOL."
- Adds the definition of "*FIRST LANGUAGE OR MOTHER TONGUE*" in Sec. 2 (E) of RA No. 7610 as "THE NATIVE LANGUAGE A CHILD HAS LEARNED FROM BIRTH AND IS OFTEN THE BASIS FOR SOCIOLINGUISTIC IDENTITY."
- Provides for penalty of fine of not less than Fifty Thousand Pesos (P50,000) but not more than One Hundred Thousand Pesos (P100,000) or imprisonment of not less than six (6) months to a maximum of (2) two

years, or both, at the discretion of the court shall be imposed on offenders:

- a. A private school owner, director, principal, supervisor and teacher shall be jointly liable to pay a fine and shall individually serve the penalty imprisonment imposed; and
- b. A teacher, professor, or supervisor of the child in a public school shall also be administratively suspended for three (3) months without pay.

RELATED LAW:

- RA 7610– Anti Child Abuse Law