

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5671



Introduced by Representatives Mariano Michael M. Velarde Jr. and William Irwin
Tieng (BUHAY Party List)

EXPLANATORY NOTE

In 2009, it was reported that the government called upon mayors in Metro Manila to deal with at least 233 "destructive" gangs composed mainly of minors engaged in drug-related crimes. In that same report, a government official said in the third quarter of 2008 alone, these Metro Manila-based youth gangs committed at least 79 serious crimes ranging from robbery, inflicting physical injury on another person, murder, auto theft, and payroll heists.

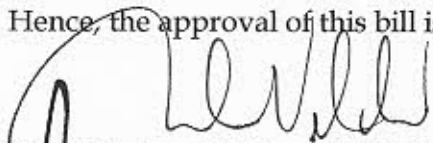
In another report, the cities of Lucena and Bacolod have recognized the problem of minors frequenting internet shops during class hours, thus prompting their local governments to enact ordinances that prevent such vice.

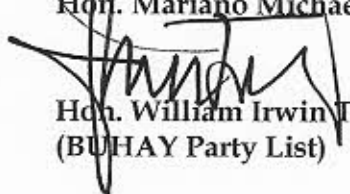
On the same issue with minors, Health Action Information Network found out that, on the average, Filipino youths start drinking alcohol at the age of 16 or 17. However, the institution stated, there are also many cases when children as young as 12 years old are already drinking alcoholic beverages.

From these few cited realities in our modern society, it cannot be concealed that the youth of our country is beset with countless social ills. Evidently, this truth reveals how our youth's growth is hampered in becoming productive, responsible, and nationalistic members of the Filipino community.

Accordingly, a legislation that will ensure the promotion of general welfare of the youth and their protection from acts, conditions, or influences that are prejudicial to their development is of utmost urgency.

Hence, the approval of this bill is earnestly requested.


Hon. Mariano Michael M. Velarde Jr.


Hon. William Irwin Tieng
(BUHAY Party List)

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**AN ACT ENSURING THE WELFARE AND PROTECTION OF MINORS AND FOR
OTHER PURPOSES**

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

SECTION 1. Title. - This Act shall be known as the "*Youth Welfare and Protection Act.*"

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to adopt and impose policies and regulations that would ensure the welfare and protection of minors. Their development shall be given consideration in all of its government programs.

SEC. 3. Coverage. - All persons below eighteen (18) years old shall be covered by this Act.

SEC. 4. Definition of Terms. - For purposes of this Act, the following terms shall mean:

- a) Child/Juvenile/Minor - any person below eighteen (18) years old;
- b) Department - Department of Social Welfare and Development;
- c) Community Service - a penalty imposed upon a minor for violation of this Act, as defined and within the parameter of the Diversion Program as provided for in Republic Act 9344 otherwise known as "An Act Establishing a Comprehensive Juvenile Justice and Welfare System".
- d) Fraternity - a group of people associated or formally organized for a common purpose, interest, or pleasure;
- e) Gambling -
 - 1) Playing games of chance or betting in the hope of winning money;
 - 2) Wagering money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods.

f) Gang - a group of persons engaged in improper acts or to be influenced by self-seeking, corrupt, or unworthy motives;

g) Recruiter - a person who enlists or causes other persons to join or become a member of a fraternity, sorority, or gang.

SEC. 5. *Loitering During School Hours.* - Students or schoolchildren are banned from loitering in public places outside their school grounds/campuses during school hours unless they are accompanied by their parents/guardians or are attending an official school function/duty. To curtail this practice, students and/or school children who will be caught loitering in public places outside their school grounds/campuses during school/class hours, without being accompanied by their parents/guardians or attending an official school function/duty, shall be sanctioned accordingly.

SECTION 6. *Restricted Areas for Minors.* - The following areas shall be restricted for minors:

a) Videoke Bars/Beer Houses - It shall be unlawful for establishments such as, but not limited to videoke bars, beer houses, night clubs, and/or any establishment that offer similar services, to allow the entry of minors within their premises at any time and any day, whether or not they are in the company of their parents, guardians, elders, or relatives who are not otherwise covered by these prohibition;

b) Hotels/Motels/Lodging Houses - It shall be unlawful for all hotels, motels, lodging houses, and/or similar establishments to allow the entry of minors within their premises, unless such minors are in the company of their parents, guardians, or adult relatives.

SECTION 7. *Fraternities and Gangs.* -

a) All newly formed youth organizations must apply for accreditation from the office of the municipal or city mayor of that particular place, upon the recommendation of its youth and sports council, and, accordingly, be issued a Certificate of Accreditation. The youth and sports council of each municipality or city is hereby tasked to guide, monitor, and supervise these organizations.

b) No person shall force, coerce, bully, or deceive any juvenile into joining any organization, fraternity, sorority, gang, or association. Recruiters from any organization or fraternity/sorority must secure permission from the parents/guardians of the child/juvenile being recruited.

SECTION 8. *Other Acts Prejudicial to the Child's Development.* -

a) Selling of Specific Products. - It shall be unlawful for any person or establishment such as, but not limited to groceries, department stores, eateries, restaurants, bakeries, market stalls, bazaars, general merchandise, hardware and construction supplies to sell liquor and/or any intoxicating drink, tobacco products, illegal drugs, "rugby" and other habit-inducing solvents, or pornographic materials to minors, such as videos, magazines or any publication, books or tapes, and other materials that are detrimental to the development of the child.

b) Smoking Ban for Minors. - It shall be unlawful for any minor within the meaning of this Act to smoke cigarettes, cigars, and other tobacco products in any form whatsoever,

whether or not they are in the company of their parents, guardians, elders, or relatives who are not otherwise covered by this prohibition.

c) Ban on Rugby and other Habit-Inducing Solvents. - It shall be unlawful for any minor within the meaning of this Act to sniff "Rugby" or any habit-inducing solvent.

d) Ban on Liquor and/or any Intoxicating Drink. - It shall be unlawful for all minors within the meaning of this Act to drink liquor and/or any intoxicating drink, whether or not they are in the company of their parents, guardians, elders, or relatives who are not otherwise covered by this prohibition.

e) Gambling Ban for Minors. - Minors are banned from engaging in any form of gambling. Minors who are caught from engaging in any form of gambling, such as, but not limited to jueteng, lotto, all card games, cara y cruz, mahjong, bingo, and ending shall be properly sanctioned

SEC. 9. Penalties for Specific Violations. -

a) The parents/guardians of the offender shall be sanctioned to attend a Parents' Orientation Seminar for the First Offense, and a fine in the amount of One Thousand Pesos (P 1,000.00) or four (4) hours of community service for subsequent offenses.

b) The Principal, Guidance Counselor, or Class Adviser of students who were apprehended while roaming in all parks, amusement centers, and other similar places during their prescribed school hours shall be notified by the apprehending officers concerning the matter, and the above school authorities shall bring the offenders to school for counseling and/or appropriate disciplinary action.

c) Commercial establishments such as, but not limited to malls, video arcades, restaurants, fast food chains, carinderias, videoke bars, billiard pool halls, and other forms of recreation, amusement centers, movie houses, parlors or barber shops, and groceries or supermarkets that allow school children to loiter in their premises during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon shall be subjected to a fine of Three Thousand Pesos (P 3,000.00) for every student caught.

d) Violators whose business involve recreational/sports/amusement related activities shall suffer the same fine, plus the confiscation of all their gadgets, equipment, machines, and other paraphernalia such as computers, videos, billiard pools, bowling balls, machines, karaoke/videoke, television sets, and the like.

e) The penalty for the commission of Section 8 (a) shall be as follows:

1) First Offense - Fine of Three Thousand Pesos (P 3,000.00) plus three (3) months suspension of Business Permit;

2) Second Offense - Fine of Five Thousand Pesos (P 5,000.00) and cancellation of Business Permit without prejudice to the filing of appropriate legal action.

f) Any person caught in the act of forcing or deceiving any minor/juvenile, or those who have forced and deceived minors into joining any organization, fraternity/sorority, or gang within the campus or outside the school grounds will be sanctioned with two (2) hours of counseling at the Department and four (4) hours of community service to that particular municipal or city government if the offender is a

minor, or a fine of One Thousand Pesos (P 1,000.00) and eight (8) hours of community service if the offender is an adult, without prejudice to filing of appropriate legal action.

g) Any minor who is found violating Section 8 (d) of this Act shall be placed under preventive custody in holding centers until sober so as to prevent him or her from inflicting harm on himself or herself and others, and shall be subject to a corresponding penalty as listed in Section 9 of this Act.

SEC. 10. General Penal Clause. -

Violations of the provisions of this Act shall have the following penalties:

a) First Offense - Fine in the amount of One Thousand Pesos (P 1,000.00) or four (4) hours of community service and two (2) hours of counseling;

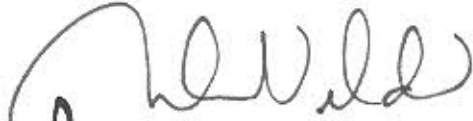
b) Repeated Offense - Fine in the amount of Two Thousand Pesos (P 2,000.00) or six (6) hours of community service and four (4) hours of counseling.

SEC. 11. Separability Clause. - If any provision of this Act shall at any time be found to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall remain in full force and effect.

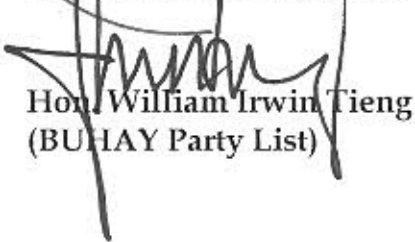
SEC. 12. Repealing Clause. - All laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. Effectivity Clause. - This Act shall take effect after fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

Approved,



Hon. ~~Mariano~~ Michael M. Velarde Jr.



Hon. William Irwin Tieng
(BUHAY Party List)