

SIXTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. **5062**

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

This bill seeks to provide relief and protection for children in times of calamity, disaster and other emergency situation.

Due to its geographical location and geology, the Philippines is extremely vulnerable to calamities. The country is visited by an average of twenty typhoons every year. The country has also suffered from numerous earthquakes, volcanic eruptions, and similar disasters.

During these unfortunate events, children are among the worst affected and most vulnerable. In November 2013, super typhoon Yolanda affected an estimated six million children in the Philippines. The exact numbers of children killed, injured and missing were estimated to be in thousands, while those who survived have experienced psychosocial trauma and difficulties in evacuation centers. They also lost invaluable time for education because of indefinite suspension of classes and educational services and other school disturbances. Some of them are even exploited and abused due to lack of social protection.

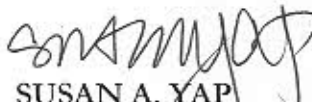
In June 2014, a study by the Save the Children organization showed that more than 10,000 children affected by Typhoon Yolanda are still living in difficult situations in evacuation centers suffering the uncertainty of their education, welfare and health. Among them, six children died after their tent in the evacuation center was razed by fire. Many of them were not able to go back to school. It was also reported that some children are now engaged in harsh and dangerous labor.

These traumas and sufferings can be avoided or mitigated by establishing clear policies and principles to protect the children in times of calamity and disaster. Specific measures should be implemented to protect their right and deliver them from the grim realities and devastating effects of calamities.

This bill aims to provide the children affected by disaster emergency relief and protection by establishing a strategic program of action wherein the government can immediately respond to the needs of children, protect their rights, and facilitate rehabilitation to ensure their prompt recovery.

Further, this bill sets standards to guide humanitarian actors and obligates government agencies to perform priority action to protect the rights of children.

In view of the foregoing, approval of this bill is earnestly sought.


SUSAN A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 5062

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AN ACT

PROVIDING EMERGENCY RELIEF AND PROTECTION FOR CHILDREN DURING
DISASTER, CALAMITY AND OTHER EMERGENCY SITUATION

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Children’s Emergency Relief and Protection Act.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect the fundamental rights of children during disaster, calamity and other emergency situation when children are gravely threatened or endangered by circumstances that will affect their survival and normal development. Towards this end, the State shall establish and implement a comprehensive and strategic program of action to provide the children affected by disaster, calamities and other emergency situations with utmost support and assistance necessary for their immediate recovery and protect them against all forms of neglect, abuse, exploitation and other acts prejudicial to their interest and well-being.

SEC. 3. *Comprehensive Emergency Program for Children.* – The Department of Social Welfare and Development (DSWD), in coordination with the Office of Civil Defense (OCD), shall formulate a Comprehensive Emergency Program for Children which shall be implemented immediately after the declaration of a national or local state of calamity to protect the children and support their immediate recovery.

The Comprehensive Emergency Program for Children, hereinafter referred to as Program, shall have the following components:

a) *Establishment of Shelter for Displaced Children.* – The Program shall prioritize and provide housing options for displaced children, families with children and of children separated from their

1 families or relatives. The DSWD shall, in coordination with the local government units of the areas
2 declared under the state of calamity, immediately establish an option for shelter or permanent housing.
3 The shelter shall have emergency latrines, bathing cubicles and hand washing facility and shall provide
4 child-friendly spaces where children can take part in child activities. It shall also have provisions for
5 maternal and baby care and rooms to protect and ensure the right to privacy.

6 b) *Assurance for Immediate Delivery of Basic Necessities and Services.* – The Program shall facilitate
7 and ensure the immediate delivery of basic necessities and services specifically needed by the affected
8 children and youth in different stages of development. It shall provide the affected children with basic
9 necessities for survival which include food, water, nutrition, medicines, clothing, sanitary and hygiene
10 kits and other emergency needs such as blankets, mosquito nets, cooking ware and flashlights. The
11 Program shall give priority to the specific needs and nutrition of pregnant women, lactating mothers,
12 newborn babies and children under two years old.

13 c) *Stronger Measures to Ensure the Safety and Security of the Affected Children.* – Under the
14 Program, the DSWD shall, in coordination with the Armed Forces of the Philippines (AFP) and
15 Philippine National Police (PNP), monitor and ensure the safety and the security of the affected
16 children in the areas declared under the state of calamity and shall protect them against all forms of
17 abuse and exploitation.

18 d) *Timely Delivery of Health and Medical Services.* – Under the Program, the DSWD shall, in
19 coordination with the Department of Health (DOH), immediately provide the health and medical needs
20 of children in the areas declared under the state of calamity including psychosocial interventions for
21 children and youth in different stages of development. The DOH shall give highest priority to the
22 treatment and rehabilitation of pregnant mothers and babies.

23 e) *Plan of Action for Prompt Resumption of Educational Services for Children.* – The DSWD shall,
24 in coordination with the Department of Education (DepEd), ensure the prompt resumption of
25 educational services for children.

26 f) *Establishment of Emergency Center.* – Within five (5) days from the declaration of a national
27 or local state of calamity, the DSWD shall set-up a Children's Emergency Center in every city or
28 municipality declared under the state of calamity which shall provide the necessary child care services
29 and shall coordinate with the lead agencies to effectively respond to the needs of children in the area.

g) *Promotion of Children's Right.* – The Program shall include activities and processes that will promote and uphold the rights of children by:

- i) Promoting a child-centered training for all first responders;
- ii) Ensuring that children are provided with adequate access to age-appropriate information on the proper action, role, duties and responsibilities of various government agencies during calamities and other emergency situations;
- iii) Consulting with the affected children on their needs and priorities for post-disaster relief and recovery; and
- iv) Providing for an effective mechanism for training and meaningful participation of children in community disaster risk reduction program.

SEC. 4. *Evacuation Centers.* – Only in cases where there is no other available place or structure which can be used as a general evacuation center, that a school may be used as an evacuation center.

When a school is used as an evacuation center, the use shall be limited to the areas or spaces in the school that are not used as classroom such as gymnasiums, auditoriums and other open spaces. The use of the school premises shall not exceed thirty (30) days after the declaration of a state of national or local calamity, unless the extension is absolutely necessary. If the use exceeds thirty (30) days, the National Disaster Risk Reduction and Management Council (NDRRMC) shall, in coordination with the Local DRRMC, provide written documentation to the DepEd on the following:

- i. the name and location of the school
- ii. all alternative sites and the rationale for final site selection; and
- iii. measures being implemented to prevent interference or disruption to the school and educational activities of children.

When temporary learning spaces or other transitional and semi-permanent structures are used as classrooms after a disaster, the DepEd shall continuously monitor and assess the condition of such structures in order to ensure the safety of the children and provide optimal learning environments. Where temporary learning spaces or other transitional and semi-permanent structures are used for more than six (6) months after the declaration of a state of calamity, the regional DepEd office shall conduct quarterly site inspections and shall certify to the Secretary of Education that such spaces are in good physical condition and sufficient to ensure the safety of the children and their environment.

1 SEC. 5. *Unaccompanied or Separated Children.* – In case of children who lost their families or
2 who are separated from their families and relatives, the DSWD shall document and provide adequate
3 care, initiate tracing of immediate relatives and proceed with reunification services. All appropriate
4 steps shall be taken to ensure the early reunion of unaccompanied or separated children with their
5 families or immediate relatives.

6 SEC. 6. *Data Gathering and Reporting.* – The collection and reporting of data at all levels shall be
7 disaggregated by age and gender in the aftermath of a national or local state of calamity. Such collected
8 data shall be utilized to understand and respond better to the needs of children affected by disasters and
9 calamities.

10 SEC. 7. *Heightened Surveillance against Child Trafficking, Child Labor, Child Prostitution, and Violence on*
11 *Children.* – Upon the declaration of a national and local state of calamity, the PNP and the DSWD shall
12 immediately heighten comprehensive surveillance and monitoring to prevent child trafficking, labor, and
13 prostitution including domestic and sexual violence in the areas declared under the state of calamity.
14 Within three (3) days from the declaration of a local or national state of calamity, the PNP Chief and the
15 Secretary of Social Welfare and Development shall jointly submit written documentation and report on
16 their surveillance and monitoring to the appropriate committees of the Senate and the House of
17 Representatives.

18 SEC. 8. *System of Restoring Legal Documents.* – In case of destroyed or missing legal documents of
19 children in areas declared under the state of calamity, the Philippine Statistics Authority (PSA) shall
20 develop a system for the restoration and reconstitution of the destroyed or missing legal documents
21 within two (2) weeks after the submission of the application for the reconstitution or replacement of the
22 destroyed or missing document. The PSA shall submit copies of such reconstituted documents to
23 appropriate government agencies for effective monitoring and reporting and to ensure the continued
24 access of the affected children to social services.

25 SEC. 9. *Training of First Responders.* – The NDRRMC shall promote and conduct child-centered
26 trainings for all first responders in the calamity area such as community and barangay leaders, school
27 personnel and other rescuers. The trainings shall include the following:

28 (a) Proper procedures and measures to safeguard and protect the affected children during
29 and after emergencies and disasters; and

30 (b) Appropriate training on psycho-social interventions for children and youth in different

1 stages of development who are victims of calamities.

2 SEC. 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of
3 this Act, the Secretary of Social Welfare and Development, in consultation and coordination with the
4 Director of the OCD, Secretary of Health, Secretary of Education, PNP Chief and AFP Chief of
5 Staff, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

6 SEC. 11. *Separability Clause.* – If any provision or part of this Act is declared invalid or
7 unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

8 SEC. 12. *Repealing Clause.* – All laws, executive orders, presidential decrees, rules and
9 regulation or parts thereof inconsistent with any provisions of this Act are hereby repealed, amended or
10 modified accordingly.

11 SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in a newspaper of general circulation.

13 Approved,