

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5471**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Article II, Section 13 and Article XIV, Section 3 (2) of the 1987 Constitution both provide for the protection and development of the youth. However, it has been evident that there has been nationwide rise of drop-outs and the slump of children's school participation and cohort survival. In fact, according to the government education agency, secondary level dropout rate, ranged from 7.45 percent in school year 2007-2008 to 7.82 percent in school year 2011-2012, while the elementary level drop-out rate ranged from 6.38% in school year 2011-2012 to 6.81% in school year 2012-2013.

It could not be concealed that the frequent habit of cutting classes or the act of skipping classes due to peer pressure, or an act of juvenile rebellion has often resulted to the formation of illiterate drop-outs who resort to deviant behaviors such as stealing, gang wars, drug addiction, teenage pregnancy, vandalism, and other crimes against persons, property and even the state.

The development of our young people is in jeopardy because of various influences and activities that destroy their lives and future, causing them to become illiterate and irresponsible drop-outs who resort to deviant behaviors and rebellion against established institutions and authorities.

Given this situation, 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 therefore deemed necessary.

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

GARY C. ALEJANO
Representative, Magdalo Para sa Pilipino 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:

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Youth Welfare and*
2 *Protection Act*”.

3
4 **SEC.2. Declaration of Policy.** – It is hereby declared the policy of the State to adopt
5 and impose policies and regulations that would ensure the welfare and protection of minors,
6 both in-school and out-of-school youth. Their development shall be given consideration in all
7 of the government programs.

8
9 **SEC. 3. Coverage.** – All minors below eighteen (18) years old, both in-school and
10 out-of school, as well as all establishments that cater to such, shall be covered by this Act.

11
12
13 **SEC. 4. Definition of Terms.** - For purposes of this Act, the followings terms shall
14 mean:

- 15 a) *Child/Juvenile/Minor* - any person below eighteen (18) years old;
16
17 b) *Department* - Department of Social Welfare and Development;
18
19 c) *Community Service* - a penalty imposed upon a minor for violation of this Act, as
20 defined and within the parameter of the Diversion Program as provided for in
21 Republic Act 9344 otherwise known as "An Act Establishing a Comprehensive
22 Juvenile Justice and Welfare System".

- 1 d) *Fraternity* - a group of people associated or formally organized for a common
2 purpose, interest, or pleasure;
3
4 e) *Gambling*-
5 1) playing games of chance or betting in the hope of winning money;
6 2) wagering money or something of material value on an event with an uncertain
7 outcome with the primary intent of winning additional money and/or material,
8 goods.
9
10 f) *Gang* - a group of persons acting in accord who are believed to engage in improper
11 acts or to be influenced by self-seeking, corrupt, or unworthy motives;
12
13 g) *Hazing* - an initiation rite being conducted as a prerequisite for admission as member
14 in a fraternity, sorority, or organization by placing the recruit, neophyte, or applicant
15 in an embarrassing or humiliating situation such as forcing him/her to do menial, silly
16 foolish, and other similar tasks or activities, or otherwise subjecting him/her to
17 physical suffering or injury;
18
19 h) *Liquor* - an alcoholic drink, especially of the type produced by distillation;
20
21 i) *Recruiter* - a person who enlists or causes other persons to join or become a member
22 of a fraternity, sorority, or gang; and
23
24 j) *Republic Act No. 8049* - An Act regulating hazing and other forms of initiation rites
25 in fraternities, sororities, and other organizations.
26

27 **SEC. 5. *Loitering During School Hours.*** - Students or schoolchildren are banned
28 from loitering in public places outside their school grounds/campuses during school hours
29 unless they are accompanied by their parents/guardians or are attending an official school
30 function/duty. To curtail this practice, studentsP and/or school children who will be caught
31 loitering in public places outside their school grounds/campuses during school/class hours,
32 without being accompanied by their parents/guardians or attending an official school
33 function/duty, shall be sanctioned accordingly.
34

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

- 37 a) *Videoke Bars/Beer Houses* - It shall be unlawful for establishments such as,
38 but not limited to videoke bars, beer houses, night clubs, and/or any
39 establishment that offer similar services, to allow the entry of minors within

1 their premises at any time and any day, whether or not they are in the company
2 of their parents, guardians, elders, or relatives who are not otherwise covered
3 by these prohibition; and
4

- 5 b) Hotels/Motels/Lodging Houses - It shall be unlawful for all hotels, motels,
6 lodging houses, and/or similar establishments to allow the entry of minors
7 within their premises, unless otherwise such minors are with the company of
8 their parents, guardians, or adult relatives.
9

10 **SEC. 7. *Fraternities and Gangs.-***

- 11 a) All newly formed youth organizations must apply for accreditation from the
12 office of the city mayor of that particular place, upon the recommendation of
13 its youth and sports council, and, accordingly, be issued a Certificate of
14 Accreditation. The youth and sports council of each city is hereby tasks to
15 guide, monitor, and supervise these organizations.
16
17 b) No person shall force, coerce, bully, or deceive any juvenile into joining any
18 organization, fraternity, sorority, gang, or association. Recruiters from any
19 organization or fraternity/sorority must secure permission from the
20 parents/guardians of the child/juvenile being recruited.
21
22 c) Hazing or initiation rites are discouraged, if not regulated, conforming with
23 Republic Act 8049.
24
25 d) If the juvenile/minor subjected to hazing or other forms of initiation rites
26 suffers any physical injury or dies as a result thereof, the officers and members
27 of fraternity, sorority, or organization who actually participated in the
28 infliction of physical harm shall be liable as principals and will suffer the
29 sanctions as provided under Republic Act 8049.
30

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

- 32 a) Selling of Specific Products. - It shall be unlawful for any person or
33 establishments such as, but not limited to groceries, department stores,
34 eateries, restaurants, bakeries, market stalls, bazaars, general merchandise,

1 hardware and construction supplies to sell liquor and/or any intoxicating drink,
2 tobacco products, illegal drugs, "rugby" and other habit-inducing solvents, or
3 pornographic materials to minors, such as videos, magazines or any
4 publication, books or tapes, and other materials that are detrimental to the
5 development of the child.

6
7 b) Smoking Ban for Minors. - It shall be unlawful for any minor within the
8 meaning of this Act to smoke cigarettes, cigars, and other tobacco products in
9 any form whatsoever, whether or not they are in the company of their parents,
10 guardians, elders, or relatives who are not otherwise covered by this
11 prohibition.

12
13 c) Ban on Rugby and other Habit-Inducing Solvents. - It shall be unlawful for
14 any minor within the meaning of this Act to sniff "Rugby" or any habit-
15 inducing solvent.

16
17 d) Ban on Liquor and/or any Intoxicating Drink. - It shall be unlawful for all
18 minors within the meaning of this Act to drink liquor and/or any intoxicating
19 drink, whether or not they are in the company of their parents, guardians,
20 elders, or relatives who are not otherwise covered by this prohibition.

21
22 e) Gambling Ban for Minors. - Minors are banned from engaging in any form of
23 gambling. Minors who are caught from engaging in any form of gambling,
24 such as, but not limited to jueteng, lotto, all card games, cara y cruz, mahjong,
25 bingo, and ending shall be properly sanctioned.

26
27 **SEC. 9. Penalties/or Specific Violations.-**

28 a) The parents/guardians of the offender shall be sanctioned to attend a Parents'
29 Orientation Seminar for the First Offense, and a fine in the amount of One
30 Thousand Pesos (P1,000.00) or four (4) hours of community service for
31 subsequent offenses.

32
33 b) The Principal, Guidance Counselor, or Class Adviser of students who were
34 apprehended while roaming in all parks, amusement centers, and other similar

1 places during their prescribed school hours shall be notified by the
2 apprehending officers concerning the matter, and the above school authorities
3 shall bring the offenders to school for counseling and/or appropriate
4 disciplinary action.

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

13
14 d) Violators whose business involve recreational/sports/amusement related
15 activities shall suffer the same fine, plus the confiscation of all their gadgets,
16 equipment, machines, and other paraphernalia such as computers, videos,
17 billiard pools, bowling balls, machines, karaoke/videoke, television sets, and
18 the like.

19
20 e) The penalty for the commission of Section 8 (a) shall be as follows:

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

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

26
27 f) Any person caught in the act of forcing or deceiving any minor/juvenile, or
28 those who have forced and deceived minors into joining any organization,
29 fraternity/sorority, or gang within the campus or outside the school grounds
30 will be sanctioned with two (2) hours of counseling at the Department and
31 four (4) hours of community service to that particular City Government if the
32 offender is a minor, or a fine of One Thousand Pesos (P 1,000.00) and eight
33 (8) hours of community service if the offender is an adult, without prejudice to
34 filing of appropriate legal action.

1 g) Any minor who is found violating Section 8 (d) of this Act shall be placed
2 under preventive custody in holding centers until sober so as not to inflict
3 harm on himself and others, and shall be subject to a corresponding penalty as
4 listed in Section 9 of this Act.

5
6 **SEC. 9. General Penal Clause. –**

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

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

10 b) Repeated Offense - Fine in the amount of Two Thousand Pesos (P 2,000.00)
11 or six (6) hours of community service and four (4) hours of counseling.
12

13 **SEC. 10. Separability Clause. -** If any provision of this Act shall at any time be found
14 to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
15 remain in full force and effect.
16

17 **SEC. 11. Repealing Clause. -** All laws, decrees, rules or regulations inconsistent with
18 the provisions of this Act are hereby repealed or modified accordingly.
19

20 **SEC. 12. Effectivity Clause. -** This Act shall take effect after fifteen (15) days
21 following its complete publication in two (2) newspapers of general circulation.

Approved,