

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **6295**



Introduced by REP. Michael L. Romero

EXPLANATORY NOTE

In the republic of the Philippines, Child Labor is the employment of children in hazardous occupations below the age of eighteen (18), or without the proper conditions and requirements below the age of fifteen (15), where children are compelled to work on a regular basis to earn a living for themselves and their families, and as a result are disadvantaged educationally and socially.

The National Statistics Office (NSO) has said there are currently around 5.5 million child laborers aged 5-17 in the country, around 3 million of whom are exposed to environments that are considered hazardous.

The International Labor Organization estimates that 55.3% of these children undertake hazardous work in an agricultural setting.

Current Status

As of 2013, there are 3.210 million **child laborers in the Philippines**. In 2001 there were 2.4 million. There are a total of 9.8 million children aged 5 to 17 working in the Philippines, 2.46 million (44.9%) of these are doing legal work. 66.8% of child laborers are boys.

2.4 million children did hazardous work in 2001 out of a total number of working children of 4 million. In 1995, the number of children doing hazardous work was 2.2 million, out of a total of 3.6 million.

In its report *Findings on the Worst Forms of Child Labor* in 2013, the Department of Labor estimated the percentage of working children aged 5 to 14 to be around 11% which corresponds to about 2,180 million children. 65% of these children were found in the agricultural sector, 5% in the industrial sector and 29% engaged in domestic service. The 2014 List of Goods

Produced by Child Labor or Forced Labor reported 13 goods produced exclusively by child labor in the Philippines. These included 8 agricultural goods (namely sugarcane, bananas, coconuts, corn, hogs, rice, rubber, and tobacco). Gold mining, pornography and pyrotechnics complete the list.

Historical Evolution of Child Labor Laws in the Philippines

The concern for the welfare of Children being employed to work started in the Philippines as early as 1923. The American colonial government of that time enacted the very first set of rules and regulations in the country regarding Child-labor through Act No. 3071, also known as "An Act to Regulate the Employment of Women and Children in Shops, Factories, Industrial, Agricultural and Mercantile Establishments, and Other Place of Labor in the Philippine Islands, to Provide Penalties for Violations Hereof and for Other Purposes." The enforcement of this law was eventually overseen by the Woman and Child Labor Section of the Inspection Division of the then Bureau of Labor in 1925. When the Philippines declared independence from American rule in 1946, all existing laws enacted under the former regime were replaced by Republic Acts. Act No. 3071 was renamed R.A. 695 thereafter and the implementation was entrusted to the Women and Minors Division of the former Bureau of Labor Standards, in 1957.

In 1932, the Philippines enacted into law to codify its penal laws, they came to be known as the Revised Penal Code (RPC). The RPC contains several provisions barring certain types of child work, such as "Exploitation of Child Labor" (Article 273) which prohibits an employer from retaining a child worker in service against his or her will under the pretext of reimbursing a debt incurred by the child's ascendants. The PRC also includes a clause regarding the "Exploitation of Minors" (Article 278). This provision prohibits the employment of a minor less than sixteen (16) years of age in what the code describes as "dangerous exhibits". Other provisions of the RPC relating to slavery, prostitution, corruption, illegal detention, and kidnapping of minors are all applicable to child workers. The RPC remains in effect to this day in the Philippines.

Two years after Philippine independence from American control, the Republic became a member state of the International Labor Organization on June 15, 1948. Since then, the Philippines have ratified a number of international conventions adopted by ILO, relating to child labor. The country first ratified in 1953, ILO Convention No. 90, which prohibits the employment of children in industry during night time and in 1960, the government ratified ILO Convention No. 59, which fixes the minimum age of employment for industry at 15 years. The convention, however, allows younger workers to be employed in undertakings which only members of the employer's family are employed, but only if the work in question is not a danger to the life, health, or morals of the children employed. ILO Convention No. 77, which requires the medical examination and subsequent re-examination of children as a

prerequisite for their employment, was also put into effect in 1960. The ILO Convention No. 138 or the Minimum Age Convention of 1973 was not ratified in the Philippines until 1998.

During the Martial Law, a handful of Presidential Decrees (P.D.'s) were enforced concerning child labor laws in the Philippines. One of which is P.D. no. 148 which amended R.A. 679, the Woman and Child Labor Law. The new decree simplified the complex provisions of R.A. 679 regarding confusing age limits imposed by this law under different types of undertakings allowing "any person between 14 and 18 years of age may be employed in any non-hazardous undertaking." It is important to note that P.D. no 148 was in direct disagreement with ILO Convention No. 59. The new law didn't last that long since only a year after, P.D. no 148 was amended by the passage of P.D. no 442, otherwise known as the Labor Code. The new law raised the minimum age of employment from 14 to 15 years old, and has maintained the previous minimum age for hazardous undertakings at 18 years old. The Labor Code failed, however, to include the terms and conditions of employment of children previously provided by R.A. 679, as amended by P.D. no. 148 creating a huge gap in the new law. This was eventually addressed through P.D. 603 or the Child and Youth Welfare Code, a codification of different provisions for the well-being of all children.

Primary Agency

In order to progressively eliminate the proliferation of child labor cases in the Philippines, the following agencies, DOLE, DSWD, and CWC jointly collaborate on the programs and actions that assure the prevention of more child labor cases and the protection of the children in the society.

Department of Labor and Employment

The Department of Labor and Employment (DOLE) is the national government agency responsible for formulating policies, the implementation of programs, and they serve as the policy-coordinating program arm of the Executive Branch in the labor and employment field. They are leading the networks in the progressive eradication of child labor through protecting, preventing, and removing the children out of the hazardous and exploitative works, which also includes curing and redeeming them back into society. Their projects, programs, and activities are as follows:

1. Philippine Program Against Child Labor (PPACL)
2. Child Labor Prevention and Elimination Program
3. H.E.L.P. M.E. or the Health, Education and training, Livelihood, Protection and prevention, and Monitoring and Evaluation Program
4. Project Angel Tree
5. KaSaMa Program
6. Special Program for the Employment of Students (SPES)

7. Child-Labor Free Barangays

DOLE also enforced national laws such as "The Anti-Trafficking in Persons Act" (R.A. 9208) and "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" (R.A. 9231).

Philippine Program Against Child Labor

The Philippine Program Against Child Labor (PPACL) is the founded from the National Program Against Child Labor (NPACL) framework. Led by the Department of Labor and Employment, the latter framework was established for the period 2001-2004 to combat child labor. The program partners used it as a way to unify the goals, missions, visions, and other points needed of the programs to be established. When the period ended, the National Child Labor Committee added breadth to the framework by identifying new objectives that would help sustain the environment NPACL fostered and continue preventing the progressing situation of child labor in the Philippines.

In order to protect children and their rights, they proposed seven objectives to influence action:

- Create a database system that upholds relevant information on the current events and news on child labor. This database system should be remained updated, inviting stakeholders and program partners to continually add significant studies and other resources.
- Ensure the role of the PPACL in all of the different partnerships and organizations geared to fight against child labor. This will help create a more responsive National Child Labor Committee.
- Engage the committee by creating awareness of the prevalent child labor issue through encouraging them to participate in the advocacies and other programs established for them.
- Encourage social workers and other entitled workers to participate in the programs to add more quality and authenticity.
- Provide opportunities for children in order to avoid the continuance of child labor while protecting their rights as children.
- Conventionalize the initiatives against child labor to ensure success and better implementation of laws and policies.
- Establish programs within laws and policies attributed and associated to child labor in order to proceed to a more national level, wherein all cities and provinces will be able to access the programs and initiatives.

Child Labor Prevention and Elimination Program

For further progression in child labor elimination, DOLE established a program called Child Labor Prevention and Elimination Program. To be consistent with the PPACL framework, the objectives of the programs was founded on the framework to promote consistency and efficiency in combating child labor. Its five initiatives are as follows:

- The Child Labor Knowledge Sharing System was created with updated information and resources contributed by 300 and counting users.
- The partnerships were strengthened through restructuring the National Child Labor Committee and its sub-committees, and creating the Sagip Batang Manggagawa Quick Action Team and other initiatives to focus on strengthening the regional committees.
- They provided authentic and effective service through projects such as Kabuhayan para sa Magulang ng Batang Manggagawa (KASAMA) Project, Project Angel Tree, Eliminating Child Labor in the Tobacco Industry (ECLTI) Project, and Integrated Services for Migratory Sugar Workers (I-SERVE SACADAS) Project.
- They strengthened campaigns and intensified implemented projects to promote the normalization of a child labor-free environment.
- Guided by the laws and policies enforced, the programs aided in working through the cases and provided legal actions such as creating the Working Child's Permit and closing establishments that promote child labor.

This House Bill seeks to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO Ph.D

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **6295**

Introduced by REP. Michael L. Romero

AN ACT

**AMENDING REPUBLIC ACT NO. 9231, OTHERWISE KNOWN AS
"SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT", TO FOSTER ALL
EFFORTS TO THE WELFARE OF CHILDREN AND ENHANCE THEIR
OPPORTUNITIES FOR A USEFUL AND HAPPY LIFE, TO PROMOTE
THE BEST INTERESTS OF CHILDREN THAT ARE PARAMOUNT
CONSIDERATION IN ALL ACTIONS CONCERNING THEM WHETHER
UNDERTAKEN BY PUBLIC OR PRIVATE SOCIAL WELFARE
INSTITUTIONS, COURTS OF LAW, ADMINISTRATIVE AUTHORITIES,
AND LEGISLATIVE BODIES, AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines
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, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child

abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.

SECTION 2. Section 6 of Republic Act 9231, is hereby amended to read as follows:

"Sec. 6. Penal Provisions –

*"a) Any employer who violates Sections 12, 12-A, and Section 14 of this act, as amended, shall be penalized by imprisonment of one (1) year and one (1) day to six (6) years or a fine of not less than One hundred thousand pesos (**P100,000.00**) but not more than Four hundred thousand pesos (**P400,000.00**) or both at the discretion of the court.*

*"b) Any person who violates the provision of Section 12-D of this act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than Two hundred thousand pesos (**P200,000.00**) but not more than One million pesos (P1,000,000.00), or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.*

"c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by R. A. 9208 otherwise known as the "Anti-trafficking in Persons Act of 2003":

Provided, That Such penalty shall be imposed in its maximum period.

"d) Any person who violates Section 12-D (3) shall be prosecuted and penalized in accordance with R.A. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002";

Provided, That such penalty shall be imposed in its maximum period.

"e) If a corporation commits any of the violations aforesaid, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who participated in or knowingly allowed the violation, shall be penalized accordingly as provided for under this Section.

"f) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of not less than One hundred thousand pesos (**P100,000.00**) but not more than Three hundred thousand pesos (**P300,000.00**), or be required to render community service for not less than three (**3**) months but not more than one (1) year, or both such fine and community service at the discretion of the court:

Provided, That the maximum length of community service shall be imposed on parents or legal guardians who have violated the provisions of this Act three (3) times;

*Provided, further, That in addition to the community service, the penalty of imprisonment of three (**3**) months but not more than one (1) year or both at the discretion of the court, shall be imposed on the parents or legal guardians who have violated the provisions of this Act more than three (3) times.*

"g) The Secretary, of Labor and Employment or his/her duly authorized representative may, after due notice and hearing, order the closure of any business firm or establishment found to have violated any of the

provisions of this Act more than three (3) times. He/she shall likewise order the immediate closure of such firm or establishment if:

"(1) The violation of any provision of this Act has resulted in the death, insanity or serious physical injury of a child employed in such establishment; or

"(2) Such firm or establishment is engaged or employed in prostitution or in obscene or lewd shows.

"h) In case of such closure, the employer shall be required to pay the employee(s) the separation pay and other monetary benefits provided for by law."

SECTION 3. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 4. IMPLEMENTING RULES AND REGULATIONS – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 5. REPEALING CLAUSE – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. SEPARABILITY CLAUSE – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 7. EFFECTIVITY CLAUSE – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,