

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 4513



Introduced By: Hon. Jericho Jonas B. Nograles

EXPLANATORY NOTE

The Republic of the Philippines, through the Council for the Welfare of Children (CWC), has been steadfast in its commitment to promote and protect the rights of children. This obligation is enshrined in the 1987 Constitution, the Presidential Decree No. 603 or the Child and Youth Welfare Code, and the United Nations Convention on the Rights of the Child (UN CRC).

Over the years, emerging issues have increased the vulnerability of children to all forms of harm, abuse, exploitation, and violence. Several policies, programs, and mechanisms have been formulated and implemented to address this. However, an enhanced integrated approach must be adopted to safeguard the welfare of children and ensure compliance to our laws and international commitments. Hence, the State uses the CWC as the authority on children's concerns, rights, and advocacy, to pursue this endeavor. Pursuant to Presidential Decree 603 and Executive Order No. 233, s. 1987, it is the focal inter-agency body for children. It is mandated to coordinate and monitor the implementation of policies, programs, and measures for children.

The UN Committee on the Rights of the Child (UN CRC) called on the Philippine government to strengthen CWC being the main coordinating body for children. It emphasized the need for CWC to have adequate human, financial, and technical resources to ensure its effective functioning. To support the Philippines' cause for, by, and with children, this Congress pursues its indubitable duty to create a more responsive and focused arm of the government that shall protect and promote the rights of children.

Hence, this bill seeks to abolish the Council for the Welfare of Children and create the Philippine Commission on Children (PCCh); and establish linkages with government agencies and non-government agencies and with the regional and local level through the Local Councils for the Protection of Children (LCPCs) at the barangay, municipal, city, and provincial levels and through the seventeen (17) Regional Committees/ SubCommittees on Children (RC/ SCCs).

In view of these, the immediate passage of this bill is earnestly sought.


JERICO JONAS B. NOGRALES

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AN ACT
CREATING THE PHILIPPINE COMMISSION ON CHILDREN,
DEFINING ITS POWERS, FUNCTIONS, AND RESPONSIBILITIES, AND
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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 “Philippine Commission on Children Act of 2019”

SECTION 2. Declaration of Policy. – The child is one of the most important assets of the nation. Every effort shall be exerted by the State to promote his or her rights, ensure their holistic development, and enhance his or her opportunities for a useful and happy life.

In pursuit of this, the State create the focal agency to coordinate the implementation and enforcement of all laws relative to the promotion of child welfare so as to formulate and evaluate policies, programs, and services relative to the development of the general welfare and protection of the best interest of children.

The United Nations Committee on the Rights of the Child notes that the Council for the Welfare of Children (CWC) continues to be the focal inter-agency body for the children in the Philippines with the mandate to coordinate the implementation and enforcement of all laws, programs and measures for children.

Further, the United Nations Committee on the Rights of the Child welcomed the Philippines’ initiatives to address the lack of implementation at the local level through the establishment of the Local Councils for the Protection of Children (LCPCs) at the barangay, municipal, city and provincial levels as well as of the seventeen (17) Regional Committees/Sub-committees for the Welfare of Children (RC/SCWCs), linking the

national government with the local government units (LGUs). However, the committee expresses concern at the lack of human, financial and technical resource allocated to the CWC, LCPCs and RC/SCWCs, which may prevent the effective functioning of such mechanisms.

To this end, the state hereby adopts an integrated approach, using the Commission as the authority on children's concerns, rights and advocacy. In accordance with this integrated and holistic approach, the Commission must be further redefined as sustainable, independent, visible, credible, responsive, proactive and focused arm of the government.

SECTION 3. Definition of Terms. – As used in this act:

- (a) "Child" refers to a person below eighteen (18) years old of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- (b) "Commission" refers to the Philippine Commission on Children (PCCh)
- (c) "Resource mobilization" refers to all activities undertaken by the agency to secure new and additional human, financial and material resources to advance its mission.
- (d) "LCPC" refers to the Local Council for the Protection of Children. The LCPC is an institutional mechanism in all levels of local government units that:
 - i. Advocates child rights;
 - ii. Plans, initiates, or recommends interventions, and
 - iii. Monitors children's programs and projects in the locality
- (e) "Regional Committee/ Sub-Committee on Children (RC/SCC)" refers to a structure created at the regional level composed of the regional counterparts of the Technical Advisory Group of the Commission and local government units (LGUs).

SECTION 4. The Philippine Commission on Children. In pursuance of the abovementioned policies, the Philippine Commission on Children (PCCh) is hereby created, hereafter referred to as the Commission.

The Commission shall be attached to the Office of the President.

SECTION 5. The Composition of the Commission. – The Commission shall be composed of Board of Commissioners headed by the Chairperson.

(a) The Chairperson shall be appointed by the President from a list of qualified nominees submitted by the Advisory Board. He/She shall:

- i. Provide leadership in the realization of the vision and mission of the Commission.
- ii. Update and advice the President on matters pertaining to children.

(b) The Board of Commission shall be composed the following:

- a.) Four (4) Commissioner on Children Protection, Child Health and Nutrition, Child Development, and Child Participation.

The Commissioner shall be private individuals concerned with the welfare of children and an active members of a legitimate children's organization.

The Commissioners shall be members of NGO's duly registered with the Securities and Exchange Council (SEC) and with membership preferably in all cities and provinces throughout the country.

They shall be nominated by the Technical Advisory Group (TAG) of the Commission, for appointment by the President for a term of three (3) years, subject to one (1) re-appointment.

b.) The Secretary of the Department of Agriculture.

c.) The Secretary of the Department of Education.

d.) The Secretary of the Department of Health.

e.) The Secretary of the Department of Interior and Local Government

f.) The Secretary of the Department of Justice.

g.) The Secretary of the Department of Labor and Employment.

h.) The Secretary of the Department of Social Welfare and Development.

i.) The Director-General of the National Economic Development Authority

j.) The Executive Director of the National Nutrition Council.

k.) Child Representative.

The child representative shall be an active member of a legitimate children's organization. He/She shall be nominated by the Technical Advisory Group (TAG) of the Commission, for appointment by the President for a term of three(3) years, subject to one (1) re-appointment.

SECTION 6. Technical Advisory Group. – A Technical Advisory Group (TAG) shall be created under the Commission. The TAG shall deliberate on the concerns and the recommendations of the sectoral committees, sub-committees, and other relevant structures. It shall also submit recommendations to the Commission on needed policy guidelines, projected and activities for the welfare of children. It shall be composed of bureau and service heads or equivalent of member agencies and organizations as appropriate. The TAG shall also be composed of one representative each from the following:

- 1.) Department of Agriculture (DA)
- 2.) Department of Budget and Management (DBM)
- 3.) Department of Health (DOH)
- 4.) Department of Information and Communication Technology (DICT)
- 5.) Department of Interior and Local Government (DILG)
- 6.) Department of Justice (DOJ)
- 7.) Department of Labor and Employment (DOLE)
- 8.) Department of Social Welfare and Development (DSWD)
- 9.) National Economic Development Authority (NEDA)
- 10.) National Nutrition Council (NNC)
- 11.) National Youth Commission (NYC)
- 12.) Office of the Cabinet Secretary
- 13.) Philippine Information Agency (PIA)
- 14.) Philippine Sports Commission (PSC)
- 15.) Chair of the Convergence of Councils and Committees on Children (Four Cs)
- 16.) Commission Secretariat
- 17.) Three (3) private individuals
- 18.) Child Representatives

The TAG may invite relevant government and non-government and other institutions and agencies for technical assistance, as deemed necessary.

SECTION 7. Objective of the Commission. . - The Objectives of the Commission are:

- (a.) To provide the leadership in the formulation of policies and in the setting of priorities and direction of all child promotion and development programs and activities;
- (b.) To encourage wide and active participation of the children in all governmental and non-governmental programs, projects and activities affecting them;

- (c.) To harness and develop the full potential of the children as partners in nation building; and
- (d.) To supplement government appropriation for child promotion and development with funds from other sources.

SECTION 8. Powers and Responsibilities of the Commission. – The Commission shall have the following powers:

- (a.) To coordinate the implementation and enforcement of all policies, plans, and programs relative to the promotion and protection of child's right and welfare;
- (b.) To set-up a system of networking and coordination with and among all existing government agencies and non- government organizations for the effective implementation of plans and strategies for children;
- (c.) To serve as an oversight body over the Committees, Councils, and other structures and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child;
- (d.) To conduct researches and studies on children in coordination with other government agencies, bureaus, offices, departments, and/or instrumentalities;
- (e.) To formulate an integral national policy, plans, programs, and pilot projects including services relative to the development of the general welfare and protection of the best interest of the child;
- (f.) To review, monitor and evaluate all policies (local and international), plans, projects and programs on the rights of the child, by establishing a monitoring and evaluation system which shall serve as the primary monitoring, evaluation and reporting tool of the Commission;
- (g.) To advocate, pilot test and recommend to the President and other appropriate agencies for implementation on a nationwide scale when appropriate, new, innovative, programs and services for the general welfare and protection of the child;

- (h.) To provide avenues for the institutionalization, technical assistance, and the needed capacity building for the effective implementation of policies, programs, and projects of the Commission, especially those that involve the setting up or strengthening of mechanism for, by, and with children;
- (i.) To mobilize resources assistance and call upon and utilize department, bureau, offices, agency, or instrumentalities, public, private, or voluntary, for such assistance as it may require in the performance of its functions;
- (j.) To call upon and coordinate with relevant government and non-government and other institutions and agencies for assistance in any form;
- (k.) To enter into contracts facilitating the implementation of undertakings for children and the acceptance of donations, gifts, bequests, and grants among others;
- (l.) To submit annually to the President a comprehensive report on its activities and accomplishments; and
- (m.) To perform such other functions as may be necessary to effectively and efficiently carry out the provisions of this Act.

SECTION 9. Commission Secretariat. – The Commission shall organize a secretariat that will serve as its executive arm to be headed by an Executive Director. He/She shall take charge of the administration, direction, and supervision of the Secretariat and ensure the implementation of the Commission resolutions and decisions.

The Secretariat shall be composed of the following divisions organized in coordination with the Civil Service Commission and the Department of Budget and Management:

1. Office on Coordinating, Planning and Programming.
 - a. Policy and Planning Division
 - b. Monitoring and Evaluation Division

2. Office on Communications and External Affairs
 - a. Advocacy and Communications Division
 - b. External Partnership Division
3. Office on Localization and Regional Coordination
 - a. Localization and Institutionalization Division
 - b. Regional Committee/Sub-Committees on Children (RC/SCC)
4. Office on Administrative, Finance and Support Service
 - a. Administrative and Finance Division

There shall be two (2) permanent Deputy Executive Directors who shall head these Offices. They shall provide assistance and advice to the Executive Director in child related concerns and in the overall direction and supervision of the day to day operations of the specific offices under them. They may take charge of any special projects/programs assigned by the Executive Directors.

The Executive Director and the Deputy Executive Directors shall be appointed by the President and shall respectively have the rank, privileges and emoluments of a Career Executive Service Officer I and Career Executive Service Officer II and shall receive such other allowances and benefits as may be provided by law.

SECTION 10. Sectoral Committees and Sub-Committees. – Sectoral committees shall hereby be created following the five (5) areas of concerns of the UN Convention of the Rights of the Child. Additional committees or sub-committees may be created to address emerging or specific concerns of children. The five areas of concern are:

1. Children in Need of Special protection;
2. Family Environment and Alternative Care;
3. Civil Rights and Freedom;
4. Basic Health and Welfare; and
5. Education, leisure, and cultural activities.

SECTION 11. Convergence of Council and Committees on Children (Four Cs). – The Four Cs shall be created as the system of collaboration and coordination among all councils and committees to specifically address concerns on children. It shall ensure effective and harmonious work relationship among all structures on children and to address their issues at the national, regional and local levels.

As the focal governmental inter-agency body on children's concerns and the overarching mechanism on child protection, the Commission shall ensure the convergence of effort in addressing children's issues and concerns among these councils and committees through an improved and efficient coordination in planning, data-sharing and align monitoring and oversight practices.

SECTION 12. Regional Committee/Sub-Committee for the Welfare of Children (RC/SCC). – There shall be a Regional Committee/Sub-Committee for the Welfare of the Children (RC/SCC) in each region. The RC/SCC will be under the administration and supervision of the Commission Secretariat. The Chair and Vice-persons of the RC/SCC shall be elected by its members to come from government agencies and /or non-government organization. They shall ensure the effective implementation of this Act at the regional and LGU levels and coordination among the member agencies.

The RC/SCC will be composed of permanent representatives who shall have a rank not lower than an Assistant Regional Director or its equivalent to be designated by the concerned department heads from the following agencies and shall receive emoluments as may be determined by the Commission in accordance with existing budget and accounting rules and regulations:

- (a) Department of Social Welfare and Development (DSWD)
- (b) Department of Justice (DOJ)
- (c) Department of Labor and Employment (DOLE)
- (d) Department of Education (DepEd)
- (e) Department of Health (DOH)
- (f) Department of Interior and Local Government (DILG)
- (g) Department of Agriculture (DA)
- (h) Department of Information and Communications Technology (DICT)
- (i) National Economic Development Authority (NEDA)
- (j) National Nutrition Council (NNC)
- (k) League of Provinces of the Philippines (LPP)
- (l) Three (3) representatives from NGOs operating within the region selected by the RC/SCC based on the criteria established by the Commission; and
- (m) One (1) sectoral representative from the children sector within the region.

SECTION 13. Establishing and Strengthening the Local Council for the Protection of Children (LCPC). – The LCPC shall be responsible for planning and spearheading programs for children at the local level. The Commission shall work in coordination with the DILG and other relevant agencies to ensure the establishment and strengthening of the LCPC.

The LCPC shall be allotted at least Seven percent (7%) of the local government's total budget appropriations.

The Commission on Audit (COA) shall conduct an annual audit on the use of the allotted budget for the purpose of determining its judicious use and the efficiency, and effectiveness of intervention in addressing child-related issues towards the realization of the objectives of the country's commitments, plan, and policies on children.

SECTION 14. Honoraria. – The Chairperson and the members of the Commission, members of the sectoral committees, sub-committees, task forces and other structures that may be created under the Commission shall receive honoraria for every meeting

actually attended. The amount of which shall be determined by an appropriate Commission resolution and authorized by the Department of Budget and Management.

SECTION 15. Abolition of the Council for the Welfare of Children. – The Council for the Welfare of Children is hereby abolished. The appropriations, personnel, programs and activities of the CWC, including its membership to existing committees, councils and other inter-agency bodies, shall be transferred to the Commission.

SECTION 16. Transitory Provisions. – Upon approval of this Act, the officers and staff of the CWC Secretariat shall, in a hold over capacity, continue to perform their duties and responsibilities in a hold over capacity and receive their corresponding salaries and benefits.

The incumbents whose positions are not included in the approved new staffing pattern of the Council Secretariat or not re-appointed shall be deemed separated from the service. Such shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one and one-fourth (1 ¼) month basic salary for every year of service or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received, in addition to the retirement benefits or pensions under existing retirement laws.

The new position structure and staffing pattern by the Commission shall be recommended by the Executive Director for approval by the Secretary of the Department of Budget and Management with due concurrence of the Civil Service Commission within one hundred and twenty (120) days from the approval of this Act.

Authorized positions created thereunder shall be filled with regular appointments. The authority of the Executive Director of the Commission shall be extended to: (1) appointment and other personnel actions in accordance to Sec. 29, Chapter 6, Book IV of Executive Order No. 292 or the Administrative Code of 1987.

SECTION 17. Implementing Rules and Regulations. – The Commission Secretariat, in coordination with the proper standing committees of both House of Congress and in consultation with the Board of Commissioners, shall promulgate the implementing rules and regulations (IRR) for this Act within ninety (90) days after its enactment; Provided, that the rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of violation of child's rights not inconsistent with this Act shall supplement the rules and regulations issued by the Commission pursuant to the provisions of this Act.

SECTION 18. Appropriations. – The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the concerned implementing departments/agencies.

There is hereby authorized to be appropriated the initial amount of one hundred million pesos (P 100,000,000.00) as additional funding for the Commission to be charged against the unexpended contingency funds of the Office of the President.

Thereafter, the amount necessary for its continued implementation shall be included in the budgets of the Commission in the annual General Appropriations Act. Adequate funds shall be appropriated annually from any funds in the National Treasury not otherwise appropriated but may be necessary for the operation and maintenance of the Commission, including the effective functioning of RC/SCCs and LCPCs.

Additional funds may be appropriated annually from any funds in the National Treasury not otherwise appropriated but may be necessary for the operation and maintenance of Commission.

SECTION 19. Repealing Clause. – All laws, orders, rules and regulations inconsistent with or contrary to the provisions of tis Act are deemed amended, modified or repealed accordingly.

SECTION 20. Separability Clause. – If any part or provision of tis Act is declared unconstitutional, the same shall not affect the validity and effectiveness of the other provisions hereof.

SECTION 21. Effectivity Clause. – This Act shall take effect fifteen (15) days upon completions of its publication in the Official Gazette or at least two (2) national newspaper of general circulation.

Approved.