

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7707



Introduced by Representatives Doris E. Maniquiz and Jefferson F. Khonghun

AN ACT
ESTABLISHING THE ZAMBALES BAHAY KALINGA FOR SEXUALLY ABUSED
AND EXPLOITED CHILDREN, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

It is very disheartening that the Province of Zambales is experiencing a continuous surge of child abuse and exploitation cases. In a report by the Philippine National Police in Zambales for 2022, there were a total of 137 reported child abuse cases – commission of Acts of Lasciviousness (Article 366 of the Revised Penal Code); Rape, and Qualified Rape (Republic Act (RA) 8353 or the *Anti-Rape Law of 1997*); Child Abuse and Exploitation (RA 7610 or the *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); Safe Spaces (RA 11313 or the *Safe Spaces Act*). To highlight, these are just the reported cases.

For 2022, the commission of these above-stated crimes were recorded in all the municipalities of the province, as follows:

Municipality	Total Cases
Subic	24
Castillejos	23
San Marcelino	6
San Antonio	6
San Narciso	5
San Felipe	2
Cabangan	5
Botolan	9
Iba	28
Palauig	10
Masinloc	8
Candelaria	4
Santa Cruz	7
TOTAL	137

According to the consolidated report of the Municipal Social Work and Development Offices (MSWDO) of all the municipalities of Zambales, for the period of 2020-2022, there were a total of 381 sexual abuse and exploitation cases, where only 67 were referred to the Department of Social Work and Development (DSWD) or a non-governmental organization (NGO) center. Of the 67 referred, 44 cases are still on-going.

On the other hand, the alarming majority of the reported cases, or 269 out of the total of 381 cases, the abused or exploited children were still under the custody of the family or relatives, with a high rate of 84% of the cases being closed already, with only 43 on-going cases.

The resolution of these cases may be seen in a positive disposition, however, the issue of settlement due to familial intervention especially if the abused and exploited children are still in the custody of these family members, is indeed very high, as shown by these figures. Families are very eager to resolve these issues due to societal and cultural considerations, especially if the perpetrator is also a family member, at the expense of attaining genuine justice for the abused or exploited family member, their hapless child. This scenario may also be brought about by the absence of a dedicated government-run children's facility for sexually abused and exploited children in Zambales, thus, the families will tend to keep their children within the

supposed comfort of their homes, even if the perpetrator also lurks in the same environment.

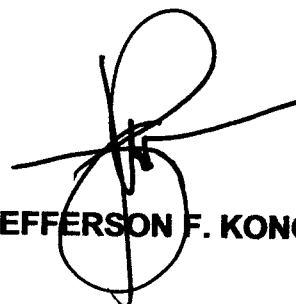
Moreover, as seen from the court records of the Regional Trial Court - Family Court Branch 13 in Iba, Zambales covering the municipalities of Santa Cruz to San Antonio, of the 381 reported sexual abuse cases, there are only 173 current court cases of sexual abuse filed for violations of statutory rape, qualified rape, acts of lasciviousness, and lascivious conduct. As shown by these figures, the majority of the abuse cases never even go to court, again at the expense of the victim-child.

In addition, the passage of Republic Act (RA) No. 11930 or the *Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act* in 2022 can substantially increase the sexually abused and exploited children cases, as this new law tackles child sexual abuse and exploitation using information technology.

The abuse of a child is always a heartbreaking issue, and even just one incidence is far too many already. The Zambales data indeed shows that there is a very alarming rate of breaking the spirits of our dear children. The passage of this bill establishing a safe haven and refuge of our sexually abused and exploited children of Zambales is thus earnestly sought.



REP. DORIS E. MANQUIZ



REP. JEFFERSON F. KONGHUN

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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 "Zambales Bahay
2 Kalinga Act of 2023".
3

4 SEC. 2. *Declaration of Policy.* — The State recognizes the vital role of the youth in
5 nation-building and shall promote and protect their physical, moral, spiritual, intellectual,
6 emotional, psychological and social well-being. The State champions the right of
7 children to assistance, including proper care and nutrition, and special protection from
8 all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their
9 development. Further, the State shall protect and rehabilitate children gravely
10 threatened or endangered by circumstances which affect or will affect their survival and
11 normal development and over which they have no control. The State shall likewise
12 intervene on behalf of the child when the parent, guardian, teacher or person having
13 care or custody of the child fails or is unable to protect the child against abuse,

1 exploitation and discrimination or when such acts against the child are committed by the
2 said parent, guardian, teacher or person having care and custody of the same. Towards
3 this end, the best interests of children shall be the paramount consideration in all actions
4 concerning them, whether undertaken by public or private social welfare institutions,
5 courts of law, administrative authorities, local government units, and legislative bodies,
6 consistent with the principle of First Call for Children as enunciated in the United Nations
7 Convention of the Rights of the Child. Every effort shall be exerted to promote the
8 welfare of children and enhance their opportunities for a useful and happy life.

9
10 **SEC 3. *Definition of Terms.* — As used in this Act:**

11
12 (a) **Zambales Bahay Kalinga** refers to a 24-hour child-caring institution
13 established, funded and managed by the Department of Social Welfare and
14 Development (DSWD), providing short-term residential care and center-based
15 intervention and rehabilitation of children who are sexually abused and
16 exploited.

17
18 (b) **Child** refers to a person below eighteen (18) years of age or those over but are
19 unable to fully take care of themselves or protect themselves from abuse,
20 neglect, cruelty, exploitation or discrimination because of physical, mental,
21 intellectual or sensory disability or condition;

22
23 (c) **Child sexual abuse** refers to any form of communication through any platform
24 or format, or any physical interaction between a child and any person when the
25 child is being used for any act or activity inducing sexual stimulation or for the
26 purpose of sexual gratification or in pursuit of the desire to have carnal
27 knowledge of the child, regardless of the gender of the perpetrator or the victim,
28 or the consent of the victim;

29
30 (d) **Child sexual exploitation** refers to any of the following acts even if consent
31 appears to have been granted by the child:
32

- (1) Child sexual abuse with consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act;
- (2) Actual sexual intercourse with a child or children with or without consideration;
- (3) Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of or sexual intercourse with a child or children; or
- (4) Any other similar or analogous acts related to child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the development of the child;

(e) Sexual activity includes the following acts, whether actually performed or simulated:

- (1) Sexual intercourse or lascivious act, including contact involving the genitalia, oral stimulation of the genitals or oral stimulation of the anus, whether between persons of the same or opposite sex;
- (2) Masturbation;
- (3) Sadistic or masochistic abuse;
- (4) Lascivious exhibition of the genitals, buttocks, breasts, pubic area and anus;
- (5) Bestiality;
- (6) Use of any object or instrument for lascivious acts; or
- (7) Any other analogous circumstance;

SEC. 4. *Establishment of the Zambales Bahay Kalinga.* —There shall be established in the Province of Zambales a Bahay Kalinga to serve sexually abused and exploited children (beneficiaries), under the direct supervision and management of the DSWD.

1 **SEC. 5. *Functions of the Zambales Bahay Kalinga.*** — The Bahay Kalinga shall
2 provide the beneficiaries within its territorial jurisdiction institutionalized residential care
3 programs and services such as but not limited to:

- 4 (a) Comfortable living quarters;
- 5 (b) Adequate food and clothing;
- 6 (c) Medical consultation or treatment;
- 7 (d) Health care;
- 8 (e) Recreational and social interaction activities;
- 9 (f) Counseling and psychological services;
- 10 (g) Case conference;
- 11 (h) Family dialogue and outreach to existing family for reintegration;
- 12 (i) Literacy education;
- 13 (j) Free legal services, which shall include information about the victim's rights and
14 the procedure for filing of complaints, claims for compensation and such other
15 legal remedies available to them in a language understood by the child;
- 16 (k) Productivity development and skills training; and
- 17 (l) Religious, cultural and vocational activities.

18
19 **SEC. 6. *Donations.*** — The Zambales Bahay Kalinga can accept all foreign and
20 local donations in cash or in kind directed to it, from all sources, such as foreign
21 governments, bilateral or multilateral organizations and institutions, and private
22 individuals, groups, partnerships or corporations for purposes relevant to their respective
23 functions, and which shall be used to cover the Zambales Bahay Kalinga's operations
24 expense; support for the beneficiaries; construction, maintenance, rehabilitation, repair
25 and reconstruction of permanent and temporary structures; and other expenses deemed
26 allowed under existing government auditing rules and regulations. Such donations,
27 whether in cash or in kind, shall be deemed automatically appropriated, and shall be tax
28 exempt.

29
30 **SEC. 7. *Exemptions of the Zambales Bahay Kalinga.*** — The Zambales Bahay
31 Kalinga shall be exempted from the payment of customs duties, taxes, and tariffs on the

1 importation of equipment and supplies used actually, directly, and exclusively by the
2 Zambales Bahay Kalinga pursuant to this Act, including those donated to it.

3
4 SEC. 8. *Appropriations.* — The amount necessary to carry out the provisions of
5 this Act shall be included in the General Appropriations Act of the DSWD of the year
6 following its enactment into law and every year thereafter.

7
8 SEC. 9. *Implementing Rules and Regulations.* — The DSWD shall hereby
9 promulgate the rules and regulations to carry out the provisions of this Act not later than
10 ninety (90) days after its effectivity.

11
12 SEC. 10. *Separability Clause.* - If any provision of this Act is declared invalid or
13 unconstitutional, the provisions not affected thereby shall remain in full force and effect.

14
15 SEC. 11. *Repealing Clause.* - All laws, presidential decrees, executive orders,
16 presidential proclamations, rules and regulations or parts thereof contrary to or
17 inconsistent with this Act are hereby repealed or modified accordingly.

18
19 SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
20 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,