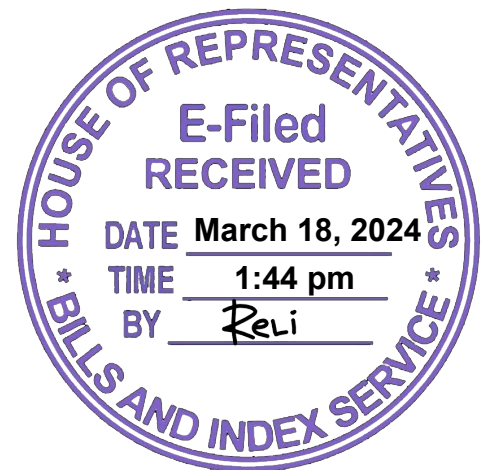


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
Second Regular Session

House Bill No. **10159**



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Introduced by  
**SPEAKER FERDINAND MARTIN G. ROMUALDEZ**  
**YEDDA MARIE K. ROMUALDEZ**  
**FERDINAND ALEXANDER A. MARCOS**  
**JUDE A. ACIDRE**  
and  
**ANGELICA NATASHA CO**

---

**AN ACT**  
**PROVIDING FOR THE MAGNA CARTA OF CHILDREN**

**EXPLANATORY NOTE**

The Constitution provides that “the State shall defend the right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.” It is in view of this obligation that the instant Magna Carta of Children seeks to fulfill.

The Magna Carta of Children (MCC) is a comprehensive children's human rights law that seeks to advocate for all children in the Philippines and all Filipino children, through the recognition, protection, fulfillment, and promotion of their rights, especially those belonging to the marginalized sectors of society. It is the singular, most comprehensive, and cohesive legal framework for children’s right to protection and development.

The MCC establishes the Philippine government’s commitment to the United Nations Convention on the Rights of the Child (UNCRC) after its ratification on 21 August 1990, to take all appropriate measures to respect and ensure the rights of children. It embodies the four basic principles of the UNCRC: the children’s right to non-discrimination, the best interest of children, their right to life and development, and their right to participation in all matters that affect them.

The UNCRC defines a child as a person under 18 years of age. It acknowledges the primary role of parents and the family in the care and protection of children, as well as the obligation of the State to help them carry out these duties. It

contains different types of rights and is not ranked in order of importance, but they interact with one another to form one integrated set of rights. The MCC shall adopt a child's rights approach and shall group these articles under the following themes: **RIGHT TO LIFE AND SURVIVAL, RIGHT TO DEVELOPMENT, RIGHT TO BE PROTECTED, and RIGHT TO PARTICIPATE.**

The MCC codifies existing legislation and harmonizes it with the provisions of UNCRC to protect the rights of children. This shall serve as a guide to the policies of the government to protect and fulfill the rights of children. It encompasses the same general human rights as adults and includes rights that specifically recognize their special needs. This shall also strengthen the child-serving institutions of the government and enable all levels of the Philippine government to act in the best interests of all Filipino children.

The MCC mandates all government offices, including local government units (LGUs) to adopt a comprehensive and integrated strategy through the development and implementation of laws, policies, regulatory instruments, administrative guidelines, and other appropriate measures to implement the provisions of the MCC and other related laws and policies and uphold the rights of Filipino children and create an environment that would steer their growth and well-being in all aspects of life.

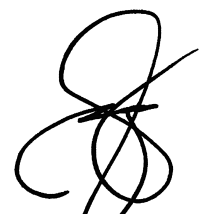
In view of the foregoing, approval of this bill is earnestly sought.

  
**Rep. FERDINAND MARTIN G. ROMUALDEZ**  
Representative, 1st District of Leyte

  
**Rep. YEDDA MARIE K. ROMUALDEZ**  
Representative, Tingog Sinirangan

  
**Rep. FERDINAND ALEXANDER A. MARCOS**  
Representative, 1st District of Ilocos Norte

  
**Rep. JUDE A. ACIDRE**  
Representative, Tingog Sinirangan

  
**Rep. ANGELICA NATASHA CO**  
Representative, BHW

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
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**AN ACT**  
**PROVIDING FOR THE MAGNA CARTA OF CHILDREN**

**CHAPTER 1**  
**General Provisions**

**Section 1. Short Title.** – This Act shall be known as “The Magna Carta of Children”.

**Section 2. Declaration of Policy.** It is hereby declared the policy of the State that:

- a. The State recognizes children as bearers of human rights and values the dignity of every child and guarantees respect for the human rights of the child. The State shall exert every effort to protect, respect, and fulfill the rights of every child as a unique and valuable human being with an individual personality, distinct needs, interests, and privacy.
- b. The State recognizes that the child is entitled to special safeguards and care because of their significant vulnerability, evolving capacity and psychological maturity.

- c. The State recognizes the vital role of children in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate patriotism and nationalism and encourage their responsible involvement in public and civic affairs.
- d. The State shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities.
- e. As a State Party to the Convention on the Rights of the Child, the State shall undertake all appropriate legislative, administrative, and other measures for the implementation of the civil and political rights of the child.

With regard to economic, social, and cultural rights, the State shall undertake such measures to the maximum extent of available resources and, where needed, within the framework of international cooperation.

- f. The State shall respect the responsibilities, rights, and duties of parents, the members of the extended family or community, as provided by local custom, legal guardians, or other persons legally responsible for the child.
- g. Consistent with Section 13, Article II of the Philippine Constitution, the State recognizes the vital role of the youth in nation-building and promotes and protects their physical, moral, spiritual, intellectual, and social well-being. In the pursuit of this policy, the State shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse, and exploitation of children such as the practice of child marriage. The State also affirms that marriage shall be entered into only with the free and full consent of capacitated parties, and child betrothal and marriage shall have no legal effect. Pursuant to these policies, the State thus views child marriage as a

practice constituting child abuse because it debases, degrades, and demeans the intrinsic worth and dignity of children.

**Section 3. Guiding Principles of the Rights of the Child.** – As a State Party to the Convention on the Rights of the Child, the State shall at all times seek to ensure the realization of the Convention by **respecting** children’s rights and avoiding acts or omissions that would result in a breach of the Convention, **protecting** children’s rights by taking steps to prevent acts or omissions which would result in a breach of the Convention and **fulfilling** children’s rights by taking steps to fully implement the Convention.

The State shall adopt a child rights-based approach to childcare and protection wherein a child shall be viewed as a rights holder and not merely a beneficiary of adults’ benevolence or others’ charity.

Further, the State is guided by the following principles:

- a. **Non-discrimination.** The State shall respect and ensure the rights of every child without discrimination of any kind, irrespective of the child's or their parent's or legal guardian's ethnicity or social origin, gender, sexuality, color, sex, language, religion, political views or opinion, nationality, membership in indigenous cultural communities or indigenous peoples (ICC/IPs) property, disability, birth, and other status.
- b. **Life, survival, and development.** The child has the inherent right to life and the State shall ensure to the maximum extent possible the survival and holistic development of the child, including the child’s physical, mental, spiritual, moral, psychological, social, and cultural development.
- c. **Participation.** Children are capable of forming their own views and have the right to express those views freely in all matters affecting them. The views of the child shall be given due weight in accordance with the evolving capacity

of the child.

- d. **Best interest of the child.** In all actions concerning the child, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

## **CHAPTER II**

### **Definition of Terms**

**Section 4. Definitions** – For purposes of this Act, the following terms are defined as follows:

- a. **AIDS** refers to Acquired Immune Deficiency Syndrome, a health condition where there is a deficiency of immune system that stems from infection with the Human Immunodeficiency Virus, making an individual susceptible to opportunistic infections.
- b. **Child** means every human being below the age of eighteen years. However, existing laws expanding this definition to beyond eighteen shall be accepted.
- c. **Child in Conflict with the Law** refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- d. **Child at Risk** refers to a child who is vulnerable to and at risk of committing criminal offenses because of personal, family, and social circumstances.
- e. **Child in Need of Special Protection** refers to a child who is abandoned, neglected, abused, exploited, with disability, a victim of prostitution and pedophilia and other sexual violence, a runaway, engaged in worst forms of labor, at risk or in conflict with the law, a child offender, affected by the use of illicit drugs, living in street situations, in situations of armed conflict, in

ICCs/IPs, a child of a person deprived of liberty, affected by the war on drugs, living with HIV & AIDS or other sexually-transmitted infections, a victim of nature or human-induced disasters, abandoned children or abandoned Filipino children in foreign countries, or experiencing any other analogous condition prejudicial to their development.

- f. **Child in Street Situations (CISS)** refers to: (a) child who depends on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.
- g. **Children as Zones of Peace** – refers to the treatment of children as Zones of Peace which shall extend beyond territorial or geographical boundaries and shall focus on the person of the child whose rights shall be promoted and protected at all times, especially in situations of armed conflict or violence.
- h. **Child sexual abuse or exploitation material or child sexual abuse material (CSAEM/CSAM)** refers to any representation, whether offline, or by, through or with the use of Information and communications technology (ICT), by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child.
- i. **Comprehensive Newborn Screening System** refers to a newborn screening system that includes, but is not limited to, education of relevant stakeholders; collection and biochemical screening of blood samples taken from newborns; tracking and confirmatory testing to ensure the accuracy of

screening results; clinical evaluation and biochemical/medical confirmation of test results; drugs and medical/surgical management and dietary supplementation to address the heritable conditions; and evaluation activities to access long term outcome, patient compliance and quality assurance.

- j. **Convention** refers to the articles of the United Nations Convention on the Rights of the Child.
- k. **Emergency** refers to unforeseen or sudden occurrence, especially in danger, demanding immediate action.
- l. **HIV** refers to Human Immunodeficiency Virus, the virus, of the type called retrovirus, which infects cells of the human immune system, and destroys or impairs the cells' function, infection with HIV results in the progressive deterioration of the immune system.
- m. **Legal guardian** refers to the father and the mother who jointly exercise legal guardianship over the person and property of their unemancipated common child without the necessity of a court appointment. In the absence of the father or mother, those who have been appointed by the court as the legal guardian.
- n. **Social media** refers to forms of media utilizing new information and communication technologies. This includes digital platforms, online applications, and social networking sites, among others.
- o. **Parent-substitute** refers to a person other than the biological parent who has custody over a child and is primarily responsible for the child's care, and physical, moral, and intellectual development, such as foster care parents, legal guardians, and care providers: Provided, that surrogate parents shall secure a certification from the proper office of the Department

of Social Welfare and Development (DSWD) confirming them as a parent-substitute;

- p. **Surrogate parent** refers to any adult member of the family or extended family or a caregiver who chose to act as a substitute parent to a child not legally under their parental authority or care.
- q. **Traditional media** refers to forms of communication used before the internet age including newspapers, radio, television, and billboards among others.
- r. **Violence** refers to any act against children that causes harm, injury, abuse, neglect or negligent treatment, maltreatment, and/or exploitation, whether accepted as tradition or discipline, including hindering child development.
- s. **Violence against children** refers to physical maltreatment, emotional abuse, sexual abuse, neglect or negligent treatment, or commercial and other forms of exploitation, resulting in actual or potential harm to the child's health, survival, development, or dignity in the context of a relationship or responsibility, trust, or power. VAC can happen in settings including home, school, the community, workplace, public spaces, and cyberspace.

### **CHAPTER III**

#### **Duties Related to the Human Rights of Children**

**Section 5. The State as the Primary Duty-Bearer.** – The State is the primary duty-bearer of child rights. It shall:

- a. Respect the rights of the child and refrain from interfering with the child's rights.
- b. Protect the rights of the child and prevent violations and abuses.
- c. Fulfill the rights of the child and take positive actions to realize children's rights.

The State shall endeavor to take the necessary steps, in compliance with the law and the provisions of this Magna Carta, to adopt legislative or other measures as may be necessary to give effect to the provisions of this Magna Carta.

Nothing in this Magna Carta shall affect any provisions that are more conducive to the realization of the rights and well-being of the child contained in other laws or in any other policies in force. Any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in this Magna Carta shall to the extent of such inconsistency be discouraged.

The duties of the State shall extend to all state agencies, offices, and instrumentalities at all levels and government-owned and -controlled corporations, subject to the Constitution and pertinent laws that define specific duties of state agencies and entities concerned.

**Section 6. Role of the Parents, Surrogate Parents and Parent-Substitutes.**

– The parents or, where applicable, the surrogate parents, parent-substitutes, legal guardians, or other persons legally responsible for the child shall provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of their rights.

**Section 7. Role of the Private Sector.** – The private sector shall respect the rights of the child and act with due diligence to avoid infringing on those rights. The private business sector shall assess and identify its impact on child rights, conduct its core business in a manner that respects, protects, and advances those rights and address any adverse impacts.

**Section 8. Role of the Media.** Traditional and social media, whether public or private, shall disseminate information and material for the social, cultural, spiritual, moral well-being, physical, and mental health benefit and development of the child and shall undertake international cooperation in the production, exchange, and dissemination of information and material. It shall take due regard to the linguistic

needs of the child who belongs to a minority group, or who is a member of ICCs/IPs or those with disabilities. It shall develop appropriate guidelines for the protection of the child from information and material injurious to their well-being. It shall, likewise, respect the child's dignity and privacy and provide a platform that enables children to freely participate. The best interests of the child shall be of primary importance and shall be taken into account before posting, publishing, airing any material or data about the child.

**Section 9. Role of Civil Society Organizations.** Civil society organizations play an important role in promoting and safeguarding children's rights and the State shall respect their independence. As far as practicable, civil society organizations may work together with the State in fulfilling this role. This includes organizations formed by and composed of children and young adults.

**Section 10. Role of the Education Sector.** The education sector shall ensure that the education given shall be inclusive and conform to the minimum standards set by the State and shall be directed to the development of the child's personality, talents, and mental and physical abilities to their fullest potential, the development of respect for human rights and fundamental freedoms, respect for the child's parents, their own cultural identity, language and values of the country in which the child is living, or may originate from, and for cultures different from their own, preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin, and respect for the natural environment. Further, school discipline shall be administered in a manner consistent with the child's human dignity and in conformity with the Convention.

**Section 11. Supplementary Effect.** - This chapter shall be deemed integrated into and be supplementary to other provisions of this Act, particularly those that guarantee specific rights to children and define specific roles and require specific conduct of state organs.

## **CHAPTER IV THE RIGHT TO LIFE AND SURVIVAL**

### **TITLE I General Principles**

**Section 12.** Every child has the inherent right to life, survival, and development irrespective of their background and where they live. Respecting the right to life shall include the non-deprivation of life. The death sentence shall not be imposed for crimes committed by children.

**Section 13.** Every child has the right to be registered immediately after birth and shall have the right from birth to a name, acquire a nationality, and, as far as possible, the right to know and be cared for by their parents and family. Should circumstances cause late birth registration, the State shall respect and fulfill the child's right to be registered in accordance with their best interests and shall ensure the prompt registration of the child.

**Section 14.** Every child has the right to the highest attainable standard of healthcare and facilities for the treatment of illness and rehabilitation of health regardless of age, social status, relationships, gender, and sexuality. The child's capacity to consent to medical procedures in accordance with their evolving capacities shall be respected and shall be in accordance with the law. Should the child's parent/s or legal guardian/s not be able to give consent or if attaining their consent is not in the child's best interest, the State shall intervene as *parens patriae* taking into account the child's best interests at all times.

**Section 15.** Every child has the right to an adequate standard of living, and equal opportunities from the earliest stage of life for the child's physical, mental, spiritual, moral, and social development.

**Section 16.** Every child has the right to the highest quality of education.

**Section 17.** Every child shall have the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and the arts.

**Section 18.** Every child shall have the right to a clean, healthy, and sustainable environment.

**Section 19.** The State shall:

- a. Ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities and shall provide intervention and support. Parents and family members shall be the primary and preferred carers for their children. Institutionalization shall only be used as a last resort and if it is in the best interests of the child. The State shall provide aid to parents to better support their children's upbringing and well-being through family strengthening programs.
- b. Protect children from violence in State institutions and by State actors including in schools, care centers, youth or residential homes, police custody and justice institutions, armed groups, and State military forces.
- c. Respect the right of the child to preserve their identity, nationality, name, and family relations as recognized by law without unlawful interference. The State shall ensure the implementation of these rights according to national law.
- d. Provide appropriate assistance and protection where a child is illegally deprived of some or all of the elements of their identity, with a view to re-establishing speedily their identity.
- e. Ensure that child shall not be separated from their parents against their will, except when competent authorities determine, subject to judicial review, in

accordance with applicable law and procedure, that such separation is necessary for the best interests of the child.

## **TITLE II**

### **Health and Health Care**

**Section 20.** The State shall provide an integrated child-friendly healthcare approach to the development of the full range of child health activities considering their family and social environment.

**Section 21.** A child-friendly healthcare approach is a rights-based approach based on child-specific developmental needs and evolving capacities, ensuring children's participation at every level of decision-making, in accordance with their age and degree of maturity.

**Section 22.** The State shall endeavor a child-friendly healthcare approach in its delivery of health services by ensuring that mothers and infants receive the necessary medical and healthcare services under favorable conditions.

**Section 23.** The following shall be ensured:

- a. Access to safe, nutritious, and sufficient food.
- b. End all forms of malnutrition, stunting in the first 1,000 days of the child, and wasting in children under five years of age.
- c. Address the nutritional needs of adolescent girls, pregnant and lactating women.
- d. Reduce maternal mortality rate, end preventable deaths of newborns and children under five years of age, and reduce neonatal mortality.

- e. Universal access to sexual and reproductive healthcare services including family planning, information and comprehensive sexuality education, and the integration of reproductive health.
- f. Universal health coverage including quality essential health care services and access to safe, effective, quality, and affordable essential medicines and vaccines for all, particularly access to routine immunization and to eradicate vaccine preventable diseases.
- g. Universal and equitable access to safe and affordable drinking water.
- h. Adequate and equitable sanitation and hygiene.
- i. Improvement of water and sanitation management by the inclusion of local communities.
- j. Adoption of programs, plans and policies preventing and reducing non-communicable diseases and its risk factors particularly tobacco, alcohol, and illicit drug use.
- k. Integration of road safety education in the curriculum as a public health issue.

**Section 24.** The State shall take all necessary measures to ensure the full enjoyment by children with disabilities of all rights defined herein on an equal basis with other children. Children with disabilities shall also have the right to be given measures of protection in keeping with their physical and moral needs and under conditions which ensure their dignity, promote their self-reliance and active participation in the community such as the right to reasonable accommodation.

**Section 25.** The State shall protect solo parents, especially their children, against discrimination and provide for their inclusion in the development of their competence through policies and practices, particularly in employment, finances,

government benefits, and housing, always taking into consideration the best interests of the child.

**Section 26.** The State shall enact policies and practices that promote and remove barriers to breastfeeding and lactation.

**Section 27.** The State shall promulgate a comprehensive newborn screening to identify those at increased risk for certain genetic and congenital disorders for which early identification treatment may prevent disability and death.

**Section 28.** The State shall enact a child's rights-based approach in the policies and programs for the prevention, care, and treatment of HIV and AIDS, ensure confidentiality, non-discrimination, and non-stigmatization. This includes making access to treatment and care readily and easily accessible.

**Section 29.** Children should be included in decision-making processes about proposed treatment affecting them as well as the effects and outcomes of such treatment. This should be done in a manner consistent with the child's evolving capacities; in case of children with disabilities, the information should be translated in formats appropriate and accessible to them. When a child can demonstrate their capacity to express an informed view on their treatment, this view shall be given due weight.

**Section 30.** Children shall be provided by physicians and health-care facilities clear and accessible information on their rights concerning their participation in pediatric research and clinical trials. Measures enabling children to contribute their views and experiences to the planning and programming of health services affecting them shall be put in place. Their views shall be sought on all aspects of health provision, including what services are needed, how and where they are best provided, discriminatory barriers to accessing services, quality, and attitudes of health professionals, and how to promote their capacities to take increasing levels of responsibility for their own health and development.

**Section 31.** In keeping with existing laws, children should have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being. Children may need such access, where they are experiencing violence or abuse at home, in need of reproductive health education or services, or in case of conflicts between parents and the child over access to health services. The right to counseling and advice is distinct from the right to give medical consent and should not be subject to any age limit.

## **CHAPTER V RIGHT TO PROTECTION**

### **TITLE I General Principles**

**Section 32.** The best interest of every child shall be the primary consideration in all matters involving or affecting them, particularly when they require special protection. This principle shall also govern all preventive measures taken to safeguard their welfare.

**Section 33.** The State shall:

- a. Protect children in need of special protection and shall provide intervention and support when they become victims of hardship and distress.
- b. Take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of violence against children, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person who has the care of the child.
- c. Take such protective measures and should, as appropriate, include effective procedures for the establishment of child protection systems to provide necessary support for the child and for those who have the care of the child,

as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

- d. Protect the child against all other forms of exploitation prejudicial to any aspects of the child's well-being.
- e. Take all appropriate measures to promote physical and psychological recovery and social reintegration of a child who is a victim of: any form of neglect, exploitation, abuse, cruelty, or discrimination; torture or any other form of cruel, inhumane, or degrading treatment or punishment; environmental harm and climate change; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the well-being, self-respect, and dignity of the child.
- f. Grant procedural rights to children in conflict with the law and to facilitate the exercise of these rights by ensuring that children, whether directly or through representatives, are adequately informed, represented, and allowed to participate in proceedings affecting them before any judicial or administrative authority.

## **TITLE II**

### **Child Labor**

**Section 34.** The State shall recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. To this end, it shall promote the dissemination of information on the hazards of child labor to all sectors of the community.

**Section. 35.** Children employed at ages below those stipulated by laws and International Labour Organization Conventions must be afforded the opportunity to

voice their perspectives within child-sensitive environments, in order to facilitate comprehension of their circumstances and the determination of their paramount interests.

**Section 36.** Children should be included in the search for a solution, which respects the economic and socio-structural constraints as well as the cultural context under which these children work. They should be heard when policies, programs, and interventions are being developed to eliminate the root causes of child labor, especially regarding education.

**Section 37.** Children who are already part of the labor force shall have the right to be heard in drafting labor laws and policies to ensure that their best interests and unique disposition are considered.

### **TITLE III Children and Drugs**

**Section 38.** The State shall:

- a. Take all appropriate measures, including legislative, administrative, social, and educational, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.
- b. Take a public health approach in any intervention on illicit drugs.
- c. Protect children actually or alleged as being involved in drug use and distribution from being included in the Drug Watch List and subjected to all forms of torture, cruel and degrading treatment and punishment, coercion, forced admission/confession, arbitrary detention or used as "assets" in intelligence or operations.

- d. Develop age-appropriate, child-sensitive, and responsive intervention, rehabilitation, and reintegration programs for children who are drug users or dependents.
- e. Develop a program to meet the needs of children left behind or orphaned because of the anti-illegal drug campaign.
- f. Mandate LGUs to form Child Protection Technical Working groups in Anti-Drug Abuse Councils (ADACs) to coordinate and cooperate with Local Councils for the Protection of Children (LCPCs), which shall oversee the implementation of anti-drug abuse programs.

#### **TITLE IV**

#### **Sexual Exploitation of Children**

**Section 39.** The State shall undertake to protect the child from all forms of sexual exploitation and abuse. To this end, it shall take all necessary national, bilateral, and multilateral measures to prevent the following:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;
- c. The exploitative use of children in the development and production of child sexual abuse or exploitation material or child sexual abuse material and performances.

**Section 40.** The State shall implement all necessary national, bilateral, and multilateral measures to prevent the abduction, sale, or trafficking of children for any purpose or in any form.

**Section 41.** Child marriage and the betrothal of children shall be prohibited. Effective action, including legislation, shall be taken to specify that the minimum age of marriage is eighteen (18) years and to make the registration of all marriages in an official registry compulsory. Child marriage is deemed as a practice constituting child abuse as it debases, degrades, and demeans the intrinsic worth and dignity of children.

## **TITLE V**

### **Children Affected by Armed Conflict and Displacement**

**Section 42.** The State shall:

- a. Recognize children as zones of peace.
- b. Undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- c. Take all necessary measures to ensure that persons who have not attained the age of eighteen (18) years do not take a direct part in hostilities.
- d. Ensure that persons who have not attained the age of eighteen (18) years are not compulsorily nor voluntarily recruited into the armed forces or any armed groups.
- e. Protect the civilian population in armed conflicts in accordance with its obligations under international humanitarian law and shall take all feasible measures to ensure the protection and care of children who are affected by an armed conflict.
- f. Lodge safeguards to ensure the security and safety of children in times of conflict, and to provide means of adequate psycho-social support during and afterwards.
- g. Ensure that schools, day care facilities, child caring facilities, and educational institutions shall not be used for any purposes in relation to armed conflict.

**Section 43.** Armed forces and armed groups should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen (18)

years. The State shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices. The application of the present section shall not affect the legal status of any party to an armed conflict.

## **TITLE VI**

### **Children Affected By Displacement**

**Section 44.** The State shall ensure the following:

- a. In instances where displacement becomes inevitable, authorities shall prioritize providing adequate accommodation under conditions ensuring safety, nutrition, water, sanitation, health, and hygiene for children affected by displacement to the fullest extent possible, in accordance with their respective mandates and functions.
- b. Children affected by displacement, especially those who are unaccompanied, are entitled to protection and assistance tailored to their needs, with due consideration given to their unique circumstances.
- c. Children affected by displacement, regardless of whether they are located within or outside evacuation centers, shall have secure access to humanitarian support. This includes mother-and-child-sensitive and disability-inclusive facilities such as sanitary breastfeeding stations, temporary educational facilities, and places of worship, among others.
- d. Measures shall be taken to protect children affected by displacement from all forms of violence, exploitation, trafficking, forced labor, slavery, and contemporary forms of slavery, including sale into marriage, and other violations of children's rights.

- e. Immediate efforts shall be made to reunite children separated from their families due to displacement, with appropriate measures taken to expedite the process.
- f. Education for children affected by displacement shall be both free and compulsory for early and basic education. Special efforts shall be made to facilitate the full and equal participation of all children, including those with disabilities, in educational programs, while respecting their cultural identity, language, and religion. Educational and training facilities shall be made available to them whether or not they are living in evacuation facilities, encampments, or other settlements as soon as circumstances permit.
- g. Children affected by displacement have the right to actively engage in the planning and management of their displacement situations, as well as decisions regarding return, local integration, or resettlement elsewhere. Their voices and perspectives shall be incorporated into decision-making processes concerning their well-being and future.

## **TITLE VII**

### **Children in Conflict with the Law**

**Section 45.** The State shall ensure that:

- a. No child shall be subjected to torture or other cruel, inhumane, or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen (18) years of age.
- b. No child shall be deprived of their liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

- c. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, taking into account the needs specific to their age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. They shall also have the right to maintain contact with their family through correspondence and visits, except in exceptional circumstances.
- d. Every child deprived of liberty shall have the right to prompt access to legal and other appropriate assistance. They shall also have the right to challenge the legality of their deprivation of liberty before a court or other competent, independent, and impartial authority, and to receive a prompt decision on such matters.
- e. Recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
- f. In accordance with the relevant provisions of international instruments, the State shall ensure, in particular, that:
  - 1. No child shall be alleged as, accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed.
  - 2. Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - i. To be presumed innocent until proven guilty according to law;

- ii. To be informed promptly and directly of the charges against him or her, and, if appropriate, through their parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of their defense;
  - iii. To have the matter determined without delay by a competent, independent, and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account their age or situation, their parents or legal guardians;
  - iv. Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on their behalf under conditions of equality;
  - v. If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent, and impartial authority or judicial body according to law;
  - vi. To have the free assistance of a translator if the child cannot understand or speak the language used in judicial and administrative proceedings; and
  - vii. To have their privacy fully respected at all stages of the proceedings.
- g. Provide a variety of dispositions, such as care, guidance, and supervision orders; counselling; probation; foster care; education and vocational training programs and other alternatives to institutional care to ensure that children are

dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offense.

## **TITLE VIII**

### **Children of Indigenous Cultural Communities and Indigenous Peoples (ICC/IPs)**

**Section 46.** Every child belonging to ICCs/IPs or of indigenous origin shall have the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. The right established is conceived to be both individual and collective.

**Section 47.** The State shall take all appropriate measures to eliminate harmful social and cultural practices affecting the well-being, dignity, normal growth, and development of the child and in particular: (a) those customs and practices prejudicial to the health or life of the child; and (b) those customs and practices discriminatory to the child on the grounds of sex or other status.

## **TITLE IX**

### **Children In Street Situations**

**Section 48.** The State shall:

- a. Ensure that CISS are safe to move in the streets without fear of repressive efforts to prevent begging, loitering, vagrancy, running away or survival behavior such as criminalization of status offenses, street sweeps or “roundups” “rescue” or “reach out”, and targeted violence, harassment, and extortion.
- b. Ensure that CISS have access to public areas, spaces and facilities that cater to the diverse needs and capacities of children in street situation, including areas for economic activities of children and their families, learning, recreation, social interaction, and essential services.

- c. Ensure that safeguarding policies are adopted and implemented for the prevention and response to exploitation, abuse, harm, and violence that permeates the lives of children in street situations.

**Section 49.** The State shall:

- a. Adopt holistic and long-term strategies and make the necessary budget allocations for children in street situations.
- b. Assess laws and policies that can be improved to reflect the recommendations of the present general comment.
- c. Develop strategies to address multiple causes, ranging from structural inequalities to family violence.
- d. Introduce or review an act on child protection or children based on a child rights approach and that specifically addresses children in street situations.
- e. Enhance systems to provide a continuum of care across all relevant contexts, including prevention, early intervention, street outreach, helplines, drop-in centers, day-care centers, temporary residential care, family reunification, foster care, independent living or other short- or long-term care options.
- f. Invest in good quality initial and in-service basic training on child rights, child protection and the local context of children in street situations for all professionals who may come into direct or indirect contact with children in street situations, in such areas as policymaking, law enforcement, justice, education, health, social work and psychology.
- g. Support local-level, partnership based, specialized interventions on the basis of a child rights approach, small and flexible, with adequate budgets, often led by civil society organizations with local expertise.

- h. Access for children in street situations who have been victims or are survivors of human rights violations to effective legal and other remedies, including legal representation.
- i. Develop systematic, rights-respecting, participatory mechanisms to collect data and share disaggregated information about children in street situations.
- j. Ensure the participation of children in setting the aims and agendas of research, gathering information, analyzing, and disseminating research to inform policymaking, and designing specialized interventions.

## **TITLE X**

### **Emergencies and Calamities**

**Section 50.** The State shall secure a response and evacuation plan that will continuously cater to the development of the children in such state of emergency and afterward.

**Section 51.** The State shall ensure the emergency plans and protocols are also available in child-friendly versions for children to make informed views and decisions concerning their safety.

**Section 52.** The State shall ensure that child-friendly spaces are set up when children and their families are in temporary living arrangements due to emergencies and calamities.

**Section 53.** The State shall ensure that the child's right to be heard and to express their views freely concerning their best interest shall not be compromised and shall continue to be given due weight even in emergency situations – whether natural or human-induced disasters.

## **TITLE XI CHILDREN SEEKING REFUGEE STATUS**

**Section 54.** The State shall take appropriate measures to ensure that a child who is seeking refugee status or is considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied by parents or any other person, receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention and in other international human rights or humanitarian instruments to which the State is a party.

**Section 55.** The State shall provide, as it deems appropriate, cooperation in efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child for reunification purposes. In cases where parents or family members cannot be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of their family environment for any reason, as set forth in the Convention.

## **TITLE XII Identity**

**Section 56.** Every child has a right to identity including a name, nationality, and family relations.

**Section 57.** The State has an obligation that the best interest of the child shall be the paramount consideration in any modification to the child's identity.

**Section 58.** The State shall ensure that full records are kept of any modification to the child's identity and that they are accessible in perpetuity.

**Section 59.** The State has a responsibility in the speedy restoration of the child's incomplete and falsified identity in matters relating to adoption, child brides, child soldiers, child trafficking, child in street situations, and in other similar situations.

**Section 60.** The State shall ensure that the best interests of the child and their right to identity have been met in cases of Inter-Country Adoption.

**Section 61.** The State shall take positive steps in addressing discrimination under the law against a child born to parents who are not married to each other.

## **CHAPTER VI THE RIGHT TO DEVELOPMENT**

### **TITLE I General Principles**

**Section 62.** Every child has the right to education on the basis of equal opportunity and content that reflects the inherent right and dignity of the child. It shall be child-centered, child-friendly, and empowering and shall comprise a wide range of life experiences and learning experiences to develop their personalities, talents, and abilities to live a full and satisfying life within the social order that goes past formal schooling.

**Section 63.** The State shall:

- a. Empower the child by developing their skills, learning abilities, human dignity, self-esteem, and self-confidence.
- b. Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.
- c. Establish and maintain a system of free early childhood care and development, and elementary and high school levels. Without limiting the natural right of

parents to rear their children, elementary and high school education is compulsory for all children of school age.

- d. Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged.
- e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates and ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention.
- f. Promote and encourage international cooperation to contribute to the elimination of ignorance and illiteracy and facilitate access to scientific and technical knowledge and modern teaching methods.
- g. Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs, and provide children with life skills to strengthen the child's capacity to enjoy the full range of human rights.
- h. Promote a culture infused with appropriate human rights values through a balanced approach that reconciles diverse values through dialogue and respect for differences in values to overcome the boundaries of religion, nationality and culture.
- i. Respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational, and leisure activities.

- j. Ensure that a child subjected to school or parental discipline is treated with humanity and respect for their inherent dignity, in conformity with the Convention and this Magna Carta.

**Section 64.** Education of the child shall be directed to the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations, the Department of Education shall include human rights education in its curriculum at all grade levels.

**Section 65.** The curriculum shall cover the Convention and its Optional Protocols, as well as other international human rights instruments that the Philippines may have or have not yet ratified.

**Section 66.** Human rights education shall also be integrated in the alternative learning system for children.

**Section 67.** Teachers and child development workers shall be provided with pre-service and continuous in-service Teacher Education Programs to develop knowledge and skills to teach human rights education.

**Section 68.** Education authorities shall take all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability.

## **CHAPTER VII THE RIGHT TO PARTICIPATE**

### **TITLE I General Principles**

**Section 69.** Every child is a right holder and has a right to participate according to their evolving capacities, to express their views, to have them heard and given due weight in accordance with their age and maturity.

**Section 70.** The State shall provide children a supportive and enabling environment to carry out their own initiatives to fully participate at national and local levels in the conceptualization, design, implementation, coordination, monitoring, and review of policies and programs that affect them.

**Section 71.** The State shall recognize the right of the child to freely and safely participate in all matters concerning their best interest by ensuring the availability of platforms and capacity-building mechanisms, and the establishment of a safe and enabling environment.

**Section 72.** Children with disabilities shall be provided with reasonable accommodation. They shall be equipped with, and enabled to use, any mode of communication, including sign language, Braille, Easy Read, or other alternative and augmentative modes of communication necessary to facilitate the expression of their views.

**Section 73.** Efforts must also be made to recognize the right to expression of views for minority, indigenous and migrant children and other children who do not speak the majority language.

**Section 74.** Non-verbal forms of communication including play, body language, facial expressions, and drawing and painting, through which very young children demonstrate understanding, choices and preferences, should be recognized and respected.

**Section 75.** Children's participation in safe and wholesome recreational and cultural activities shall be ensured by providing the means and infrastructure necessary for all children, regardless of ethnicity, age, gender, physical and mental states, social class, and geographical location.

**Section 76.** Institutional support and capacity development must be provided to service providers/professionals working with children on how to ensure

implementation of child participation principles and strategies consistent with the National Framework on Child and Youth Participation as well as the Guidebook on Child Participation.

**Section 77.** Children shall be given the opportunity to be heard directly, or through a representative or an appropriate body, in a judicial or administrative proceeding. A child-appropriate and accessible environment shall be provided wherein procedures are employed to protect the best interests of the child. Children also have the right to remain silent and no adverse inference should be drawn when they elect not to make statements. Children should be completely aware of the processes involved and the stages they will have to go through.

For children in conflict with the law, the State shall consider the developmental age of the child and the desirability of the child's reintegration in the assumption of a constructive role in society in accordance with the principles of balanced and restorative justice.

**Section 78.** In cases affecting family relations or where the child is an interested party, the child shall be given opportunity to express their views. These views shall be considered in the decision-making process of the court.

The right to be heard, in this case, applies both to proceedings which are initiated by the child, such as complaints against ill-treatment and appeals against school exclusion, as well as to those initiated by others such as parental separation or adoption.

**Section 79.** The Rules on Examination of a Child Witness shall be applied to accommodate the right to be heard of the child victim or witness. Procedural rules under RA 9344 or Juvenile Justice Welfare Act, as amended, shall also be strictly adhered in dealing with a child in conflict with the law, taking into account their distinct circumstances, while assuring all parties of a fair hearing with each party's

constitutional and statutory rights recognized and respected. Appropriate disposition measures shall be implemented by law enforcers, social services, and the court.

**Section 80.** The child shall be heard with regard to all matters affecting them such as education, health, environment, living conditions, or protection.

**Section 81.** Safe spaces shall be created in order to allow the child to express their needs, wishes, or concerns, particularly as regards to what should be deemed their best interests and how such interests can be protected. The special circumstances surrounding the child shall be likewise taken into account and that he or she shall have primary involvement in any decision or plan concerning their future. The child shall be given the opportunity to communicate their experiences and shall be provided with all relevant information tailored in a language understood by him or her.

**Section 82.** No restrictions shall be placed that curtail the children's freedom of expression, except in the interest of national security, public safety, or public health, as may be provided by law. The restriction should not undermine or jeopardize the essence of the right; they should not be arbitrary or unreasonable; and they should be proportionate and kept under review.

**Section 83.** Children shall be protected from harm, such as bullying, arising from the expression of their views.

**Section 84.** Government agencies, local government units, civil society organizations and the private sector must provide sufficient time, skills, and child-friendly information for children to provide their inputs and recommendations.

**Section 85.** Government agencies, local government units, civil society organizations and the private sector must ensure that children with disabilities, children from ICCs/IPs, and other children in vulnerable sectors are consulted.

## **TITLE II**

### **Family and Alternative Care**

**Section 86.** Evidence-based positive parenting programs for young children and adolescents shall be provided to strengthen parent-child relationships, promote positive parenting practices, and sustain nurturing relationships between parents or Parent-substitute and their children. This aims to prevent and reduce the risk of violence against children and child maltreatment at home and in the community.

**Section 87.** Positive parenting programs and interventions shall be designed to promote young people's mental health. Their active participation must be elicited to create a child-friendly environment to support and sustain parent/parent-substitute/surrogate parent-child relationships at home and in temporary child-care facilities, and foster homes. This shall be guided by the National Parenting Framework that will be developed by the DSWD.

**Section 88.** The DSWD, Local Government Units, and other government agencies and civil society organizations, guided by the National Parenting Framework, shall promote and support age-appropriate interventions and active consultations with children in the design and implementation of positive parenting interventions and practices towards building positive parent-child relationships and in the promotion of alternatives to violent discipline to contribute to the prevention and management of disruptive child behaviors, and the reduction of parental stress and depression in all home settings and residential care facilities and the facilitation of Family Reunification and Reintegration.

**Section 89.** Children in residential facilities shall be included in the formulation of policies and monitoring and evaluation of programs, services, and activities to ensure that these are responsive to their needs.

**Section 90.** The Department of Education and the Early Childhood Care and Development Council, in partnership with the Local School Board, LGUs, and the Barangay Council for the Protection of Children, guided by DepEd's Child Protection

Policy, shall promote and sustain age-appropriate interventions and active consultations with children in designing and implementing positive parenting interventions and practices towards building positive teacher-parent-child relationships and in promoting alternatives to violent discipline to contribute to the prevention and management of disruptive child behaviors, the increase of school performance and achievement, the prevention of school drop-outs and the reduction of parent-teacher stress and depression in the context of blended education setting.

### **TITLE III**

#### **Education and School**

**Section 91.** Children, whether in schools or out of school and regardless of ethnic or social origin, color, sex, language, religion, political or other opinions, national, property, disability, birth, or status, shall be given the space to freely express their views on matters affecting the fulfillment of their right to education. These views shall be given due weight in the decision-making processes.

**Section 92.** The children may be consulted or provide their inputs individually or through their selected representatives in the student governing bodies.

**Section 93.** The Department of Education shall:

- a. Ensure that each school will have a student governing body, the Supreme Pupil Government for elementary, and the Supreme Student Government for junior high school and senior high school. The elections for the student governing body shall embody the ideals, principles and practice of participatory democracy and citizenship.
- b. Provide a platform for children to provide inputs to the development of the school curriculum and the school's structure of the day and activities and shall provide support to all schools in gathering inputs from children.

- c. Provide a platform for children to review, evaluate, and suggest improvements to school policies and programs as well as the school's physical environment.
- d. Provide support to all schools in gathering inputs of children.

**Section 94.** No restrictions shall be placed in schools that will curtail the children's freedom of association and freedom of peaceful assembly, except in the interest of national security, public safety, or public health, as may be provided by law.

**Section 95.** Children who are expressing their views regarding the school curriculum, school policies, and other school matters shall be protected from all forms of violence against children under the Department of Education's Child Protection Policy.

**Section 96.** The children's expression of views may include, but not limited to, spoken, written and sign language and such non-verbal expression as images and objects of art. Children's means of expression may include, but not limited to, newspapers, pamphlets, posters, banners, digital and audiovisual media, as well as dress and personal style.

**Section 97.** All educational institutions shall have child-friendly and accessible complaint mechanisms and shall provide clear information on how children can make complaints through these mechanisms.

#### **TITLE IV**

#### **Play, Recreation, Sports, and Cultural Activities**

**Section 98.** The Department of the Interior and Local Governance and the LGUs shall provide a platform for children in the development planning cycle. Children shall be given the space to freely express their views on matters affecting the fulfillment of their right to play, recreation, sports, and cultural activities. These views shall be given due weight in the decision-making processes.

**Section 99.** LGUs and government agencies such as, but not limited to, the Department of the Interior and Local Government, Department of Education, Department of Environment and Natural Resources, Department of Public Works and Highways, Department of Transportation and Communications, Department of Tourism, Department of Trade and Industry – shall require the private sector to conduct consultations with children on the planning, implementation, and evaluation of urban and rural development proposals/projects; the development and maintenance of educational environments, such as public libraries; and the development and maintenance of public parks including freedom parks, playgrounds, and sports facilities and equipment, and other similar facilities.

**Section 100.** Children shall be consulted about the accessibility and appropriateness of urban and rural development proposals/projects as well as their impact on children's access to nature, exposure to unsafe and hazardous environments, and conservation of their culture.

**Section 101.** Children shall enjoy their freedom of expression, freedom of association, and freedom of peaceful assembly in voicing out their dissent against urban and rural development proposals/projects that they deem to curtail the enjoyment of their right to play, recreation, sports, and cultural activities.

## **TITLE V**

### **Media**

**Section 102.** Children shall be given the space to freely express their views on matters affecting the fulfillment of their rights in traditional and social media. These views shall be given due weight in the decision-making processes.

**Section 103.** Children shall have access to information and material from a diversity of national and international sources, especially those aimed at the promotion of their social, spiritual, and moral well-being and physical and mental health.

**Section 104.** Children should have access to information conveyed in a culturally-sensitive manner and in a language that they understand, including sign language and Braille.

**Section 105.** Children shall be consulted by traditional media companies in the development of programs, programming, or publications subject to the principles of child participation.

**Section 106.** Children shall be consulted by social media companies in the development of policies subject to the principles of child participation.

**Section 107.** Children have the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

**Section 108.** Children shall be made aware of how to make complaints should their freedom of expression using traditional and social media is violated.

**Section 109.** Children shall have an absolute right to privacy. The highest ethical and professional standards in reporting and covering cases of children must be observed such that in all publicity concerning children, the best interests of the child shall be the primary concern.

## **TITLE VI**

### **Situation of Violence**

**Section 110.** The State shall ensure that:

- a. All children regardless of gender, ethnicity, religion, educational background, disability, or nationality, most especially the marginalized and disadvantaged, are included in consultations and enabled to genuinely participate in drafting

laws and policies, implementation plans, and evaluation concerning violence against children.

- b. Children should be fully informed of any policies, laws, or programs designed to protect them from any form of violence.
- c. All efforts must be taken to ensure that children are not excluded from consultations concerning the creation of legislations and formulation of policies aimed towards their protection.
- d. Support be given to child-led initiatives made to address and combat violence against children.
- e. Child-led organizations must be included in the establishment and evaluation of anti-violence programs to ensure that children play a key role in the advancement of their own protection.
- f. All children are aware of and understand their right to be protected from all forms of violence.
- g. Provide effective and child-friendly mechanisms that allow children in situations of violence to reach out and be heard and enable them to report instances of violence committed against them.

## **TITLE VII**

### **Child Participation**

**Section 111.** The State shall ensure that genuine children's participation is recognized and enabled in national and international platforms by establishing appropriate structures in the government and through bilateral and multilateral international cooperation.

**Section 112.** The State shall establish and maintain linkages with international child and child-serving organizations, institutions, and counterpart agencies of foreign governments through the Philippine National Children's Conference (PNCC) to ensure the participation of Filipino children in international functions and affairs.

## **TITLE VIII**

### **Federation of Local Children's Associations**

**Section 113.** All LGUs at the municipal, city, and provincial levels shall recognize and institutionalize their Federation of Local Children's Associations (FLCAs) within their jurisdiction, as the primary mechanism to ensure children's participation in the planning, budgeting, monitoring, evaluation, and child-led advocacy, at the local level. The FCLA will also serve as a body that provides inputs and recommendations to ensure a child-centered lens in the development of plans, programs, and activities of the LGU as guided by the Council for the Welfare of Children's Guidelines on the Establishment of Local Children's Associations.

**Section 114.** The following are the functions of FLCAs:

- a. Review and provide strategic inputs to the development plans and budgets of the LGU.
- b. Develop their own sectorial and strategic plan to be integrated on the sectorial and development plans of LGUs based on consultations conducted by the LCA representatives.
- c. Present challenges and recommendations related to children's issues and concerns to be considered in the plans of the LGU and responded to and acted upon by the relevant LGU councils and offices such as Local Development Council, Local Council for the Protection of Children, and Local Youth Development Council.
- d. Review Comprehensive Development Plans and other local plans to check if their recommendations are properly integrated.

- e. Conduct children-led advocacies and children conferences together with LCPC and in partnership with children's civil society organizations and relevant LGU offices.
- f. Facilitate children-led consultations on the issues that affect children which should be considered in the plans, programs, and activities of the LGU.
- g. Conduct children-led monitoring of the status and progress of the plans and commitments of the LGU.
- h. Participate in the evaluation and assessment to ensure the effectiveness of LGU plans, programs, and activities to address children's concerns.

**Section 115.** In the creation and composition of the FLCAs, the LGU shall ensure:

- a. Inclusion of children with age ranging from 10-17 years old.
- b. That FLCAs shall be created only upon the desire and determination of the children to assemble and create an association to be led by them. No child shall be compelled to establish, lead, or become a member of an FLCA. LGUs and CSOs may encourage and assist in the establishment of FLCAs but must not compel children to create such an organization in exchange for any consideration.
- c. That the FCLA shall be composed of child representatives from all LCAs registered and recognized in the LGU.
- d. That every child shall be entitled to membership in any FLCA without discrimination of any kind, regardless of the child's or his or her parent's or legal guardian's ethnicity, sex, language, religion, abilities, or any other status.

- e. That children representatives should include, but are not limited to:
1. Children in education
  2. Children who are members of ICCs/IPs
  3. Children with disabilities
  4. Children in need of special protection
  5. Children-at-risk
  6. Children in conflict with the law
  7. Out-of-school children
  8. Children of diverse SOGIESC
  9. Children in situations of armed conflict
  10. Children in street situations
  11. Working children
  12. Children from inter-faith groups
- f. That the selection and nomination of FLCA members shall take into consideration strict compliance to child protection and safeguarding policies such as securing consent from children and their guardians and confidentiality of their identities.

**Composition at the local level:** A provincial/city/municipal LGU shall ensure children representatives from each sector. Ideally, all municipalities/cities in the province must have at least one (1) representative.

**Section 116.** The selection and induction of FLCA members shall begin no later than November to coincide with the celebration of Children's Month each year.

**Section 117.** The FLCA at the municipal/city level shall be under guidance of the Local Social Welfare and Development Office or if there are existing LCPC secretariat offices. There shall be an assigned focal person who will provide guidance to the creation, institutionalization, and implementation of FLCA activities.

**Section 118.** Operational funds necessary for the conduct of the activities of FLCA shall be funded as part of the LCPC funds.

**Section 119.** An enabling environment shall be provided to the FLCA. This includes primarily providing capacity development activities, training, and operational support from the LGU. Regular capacity building activities shall be provided to cover building the capacities of FLCA on leadership, planning, monitoring, and development of child-led advocacies. Age-appropriate and gender-sensitive approaches shall be taken into consideration in the design of the capacity development activities.

**Section 120.** The LCPC to be led by the LSWDO Focal person shall initiate capacity-building activities for the FLCA upon composition of the group. The Regional Sub-Committee on the Welfare of Children (RSCWC) shall provide technical assistance to the LCPC in the capacity building of the FLCA. The capacity development plan for the FLCA shall be submitted by the LSWDO to the RSCWC.

**Section 121.** The RSCWC shall lead the monitoring of LGUs' implementation of the institutionalization and progress of the FLCA's strategic plan.

**Section 122.** FLCA members shall receive an honorarium for every meeting attended, the amount of which shall be determined by the LGU.

**Section 123.** The State shall acknowledge the FLCA as the consultative body for children-related budgetary concerns.

## **TITLE XII**

### **Governance**

**Section 124.** The State shall:

- a. Ensure that the views of children on laws, policies, judicial and administrative procedures, and other matters concerning their best interest and the

implementation thereof, are given due weight by explaining, in a child-friendly manner, how these views were considered, applied, and the resulting outcomes.

- b. Make budget proposals and appropriations available in child-friendly version to inform and engage children of the budget processes affecting their well-being.
- c. Make available to the public, through various media, the child-sensitive and disability-inclusive version of appropriations.
- d. Provide means of consultation regarding the needs of children that must be taken in utmost consideration in appropriations.

### **TITLE XIII** **Ombudsman for Children**

**Section 125.** Consistent with its constitutional mandate and functions, the Commission on Human Rights (CHR) is hereby designated as the Ombudsman for Children or the Child Ombud. In general, as the Child Ombud, the CHR shall:

- a. Advocate for the promotion and protection of children's rights;
- b. Strengthen its Child Rights Education Program;
- c. Investigate violations, including those committed by private institutions or private individuals;
- d. Monitor the government's compliance with its treaty obligations, particularly the Convention; and

- e. Recommend appropriate measures to Congress and the concerned departments of the government for its prompt and immediate action on matters affecting children.

**Section 126.** In order to protect and promote children's rights, the CHR as the Child Ombud shall have the following functions:

- a. Endeavor to represent the rights and interests of children in view of the Philippine's commitments under the Convention through submission of independent reports to the Committee on Rights of the Child.
- b. Monitor and assess the implementation of children's rights in the Philippines, particularly the domestic implementation of the Convention. It shall undertake to regularly prepare and submit an independent report to the State's report on the status of children's rights in the Philippines to the UN Committee on the Rights of the Child.
- c. Monitor with the Council for the Welfare of Children (CWC) and other concerned agencies, compliance with this Act. In developing indicators and issuance of guidelines for its implementation by concerned agencies, CHR shall ensure that the human rights of children, specifically their right to survival, development, protection, and participation are promoted and guaranteed. As such, the best interest of the child is the primordial consideration at all times.
- d. Establish avenues, processes, guidelines and mechanisms that will facilitate access of children to legal remedies under this Act and other related laws, and enhance the protection and promotion of the rights of children, especially the vulnerable and marginalized children.
- e. Assist in the filing of cases against individuals, agencies, institutions, organizations, or establishments that violate the provisions of this Act. For this purpose, the CHR shall:

1. Provide legal assistance such as preparation of necessary pleadings, referral letters, and counseling;
2. Enter into Memoranda of Agreement with Bar Associations, NGOs, law firms, civil society organizations, and academic institutions providing legal aid to ensure adequate and competent legal representation for complainants;
3. Accredit lawyers who will accept pro bono cases under this Act; and
4. Create an efficient system of case referrals to appropriate government departments or agencies.

Victims of violations of the Magna Carta of Children shall be considered victims of human rights violations, and shall be entitled to other forms of assistance available in the CHR.

- f. Submit to Congress, while furnishing a copy to the Council for the Welfare of Children annually, an assessment report on the implementation of the Magna Carta. It shall also submit its recommendations, which shall include the filing of any possible administrative or criminal action. Acting on the CHR's recommendations, the Office of the President, the Civil Service Commission, or other concerned agencies may issue any of the following:
  1. Administrative and/or executive orders;
  2. Memorandum Circulars;
  3. Proclamations;
  4. Resolutions; and
  5. Other advisories or issuances.
- g. Advise and propose to the Government the adoption or amendment of laws, programs, policies, or measures that promote the rights and interests of children;
- h. Ensure child participation in all its programs and undertakings where appropriate. It shall establish programs that will increase the knowledge of

children of their rights. It shall, likewise, promulgate rules that will facilitate regular consultations with children on issues concerning the realization of children's rights;

- i. Undertake, promote, or publish research and conduct advocacy activity on matters relating to the rights and welfare of children;
- j. Work in collaboration and coordination with stakeholders in dealing with issues concerning children.

**Section 127.** The CHR En Banc shall designate one (1) focal Commissioner, who, together with the Child Rights Center (CHR-CRC), shall be primarily responsible for spearheading and overseeing the discharge of the functions of the CHR as Child Ombud. In particular, they shall spearhead and oversee the formulation of protocols, guidelines, policies and the implementation of programs and activities related to the promotion and protection of the rights of children.

**Section 128.** The Regional Offices of the Commission shall discharge the functions of the Ombud for Children within their respective jurisdictions in collaboration with the Local Council for the Protection of Children (LCPC), and Local School Boards. They shall implement programs, undertake investigations of complaints of discrimination and violations of rights under the Magna Carta.

**Section 129.** Within one (1) year from the adoption of the Rules and Regulations, the CHR with the assistance of the DBM shall rationalize the structure and its staffing pattern particularly of the CHR-CRC and the Regional Offices to execute its functions effectively and efficiently.

#### **TITLE XIV**

#### **PHILIPPINE COMMISSION ON CHILDREN**

**Section 130.** There is hereby created a Philippine Commission on Children (PCCh), which is an independent and autonomous body that has the status akin to a national government agency (NGA). It shall be attached to the Office of the President.

The creation of the Commission abolishes the Council for the Welfare of Children (CWC). 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 131.** The Commission shall be composed of a Board of Commissioners headed by the Chairperson. The Chairperson and the members of the Board of Commissioners shall be appointed by the President for a term of three (3) years, subject to one (1) reappointment. The Board of Commissioners shall be composed of the following members:

- a. One (1) Commissioner-at-Large;
- b. Four (4) Commissioners on Child Protection, Child Health and Nutrition, Child Development, and Child Participation;
- c. Executive Director of the Commission; and
- d. A Child Representative.

The Chairperson of the Commission shall have the rank and privileges of a Department Secretary. The appointive Commissioners shall have the rank and privileges of a Department Undersecretary. They shall be entitled to compensation and other emoluments and shall be subject to the same disqualification.

The Child Representative shall be selected through a transparent and participatory selection process through the Philippine National Children's Conference (PNCC), ensuring that the chosen representative reflects the diverse voices and experiences of Filipino children across the country. The Child Representative shall be an active member of a legitimate children's organization and shall be appointed by the President for a term of three (3) years, subject to one (1) reappointment.

**Section 132.** To achieve the objectives of the Commission, it shall have the following powers and functions:

- a. Provide leadership in the formulation of policies and the setting of priorities and direction of all child promotion and development programs and activities;
- b. Act as the leading advocate for child rights and wellbeing, promoting their integration into all relevant government policies, plans, and programs;
- c. Formulate integrated national plans, policies, programs, and projects including services relative to the development of general welfare and protection of the best interests of the child;
- d. Coordinate the implementation and enforcement of policies, plans, and programs relative to the promotion and protection of children's rights and welfare;
- e. Set up a system of networking and coordination with and among all existing government agencies and non-government organizations (NGOs) for the effective implementation of plans and strategies for children;
- f. Serve as an oversight body over committees, councils, and other structures and recommend areas of convergence for improved and efficient coordination, information-sharing, and monitoring of the safety and well-being of a child;
- g. Review, monitor, and evaluate all local and international policies, plans, and programs on the rights of the child, by establishing a monitoring and evaluation system that shall serve as the primary monitoring, evaluation, and reporting tool of the Commission;
- h. Ensure the establishment of a 24/7 monitoring, reporting, and response system that would cater to all children's concerns;
- i. Provide technical assistance and capacity building at all levels for the effective implementation of policies, plans, and programs of the Commission, especially those that involve the setting up or strengthening of mechanisms for, by, and with children;

- j. Maintain strong partnerships with the LGUs and local communities to facilitate closer collaboration, tailored interventions, and responsive action to the specific needs of children at the grassroots level;
- k. Mobilize resource assistance and call upon and utilize NGAs, LGUs, and other public and private instrumentalities, for such assistance as it may require in the performance of its functions;
- l. Ensure convergence of efforts in addressing children's issues and concerns among council and committees through improved and efficient coordination in planning, data-sharing, and aligning monitoring and oversight practices;
- m. Submit an annual comprehensive report on its activities and accomplishments to the President and to Congress;
- n. Accept grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of child rights and welfare programs and plans: Provided, That in case of donations from foreign governments, acceptance thereof shall be subject to prior clearance and approval of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs; Provided, further, That such donations shall not be used to fund personal services expenditures and other operating expenses of the Commission; and
- o. Perform such other functions as may be necessary to effectively carry out the provisions of this Act.

**Section 133.** The Commission shall be supported by a Secretariat that will serve as its executive arm to be headed by an Executive Director, who shall take charge of the day-to-day operations of the Commission and shall serve as a member of the Board of Commissioners. The Executive Director shall take charge of the administration, direction, and supervision of the Secretariat and ensure the implementation of the Commission's resolutions and decisions.

There shall be two (2) Deputy Executive Directors, who shall assist and advise the Executive Director on child-related concerns and on the overall direction and

supervision of the day-to-day operations of the Secretariat. They may take charge of any special projects and programs assigned by the Executive Director.

Executive Director and 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 other allowances and benefits as may be provided by law.

The Commission shall determine its organizational structure and create new bureaus as it may deem necessary and shall appoint its officers and employees in accordance with the civil service law, rules, and regulations.

**Section 134.** The Convergence of Councils and Committees on Children (4Cs) shall be created as a system of collaboration and coordination among all Councils and Committees to specifically address concerns on children. It shall ensure effective and harmonious work relationships among all structures on children and address their issues at the national, regional, and local levels.

**Section 135.** The Commission shall take the necessary measures to ensure the implementation of its National Plan of Action for Children and all other related frameworks in all the geographic regions of the country through the establishment of Regional Offices on Children under the Commission Secretariat.

Further, pursuant to Republic Act No. 4881, there shall be a LCPC at all levels, which shall spearhead the development and implementation of the Local Development Plan for Children, Local Investment Plan for Children, and the Local Code for Children. The LCPC shall submit to their respective Regional Office on Children an annual Local State of Children's Report for consolidation and submission to the Commission Secretariat.

In recognition of the crucial role of LCPCs in promoting child well-being at the local level, their annual budget allocation shall be increased from the current one

percent (1%) to at least two percent (2%) of the total annual budget appropriations of their respective LGUs.

The Commission on Audit (COA) shall, together with the Commission, conduct an annual audit on the use of the allotted budget to determine its judicious use and the efficiency and effectiveness of interventions in addressing child-related issues towards the realization of the objectives of the country's commitments, plans, and policies on children.

## **TITLE XV**

### **Philippine National Children's Conference (PNCC)**

**Section 136.** The Philippine National Children's Conference (PNCC) shall be a biennial event facilitated by the Philippine Commission on Children (PCCh), that shall serve as a platform to promote the right of children to participate in all matters affecting their lives. It is also a mechanism for consultation on how children can be actively engaged by the government and non-government agencies in addressing children's issues and have an appreciation of current and emerging issues affecting them. The Philippine National Children's Conference shall be held after the Local and Regional Children's Conference.

**Section 137.** The PNCC shall also serve as the in-country process for selecting children delegates to the ASEAN Children's Forum (ACF).

## **CHAPTER VIII**

### **FINAL PROVISIONS**

**Section 138.** *Monitoring and Reporting System.* – The State, through the PCCh, shall ensure the implementation of the provisions of this Act and shall submit to the President and to Congress of the Philippines the annual report thereof.

**Section 139. 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. Thereafter, the amount necessary for its continued implementation shall be included in the budgets of the concerned departments/agencies in the annual General Appropriations Act.

**Section 140. Implementing Rules and Regulations.** – The PCCh, together with its member agencies, in consultation with non-government organizations with advocacy on the upholding of the Rights of the Child, shall promulgate the implementing rules and regulations of this Act within ninety (90) days from its approval.

**Section 141. Congressional Oversight Committee on the Magna Carta of Children** – There is hereby created an oversight committee on the MCC which shall be composed of the chairpersons of the Committee on Children in the Senate and in the House of Representatives, PCCh, CHR, DSWD, and one CSO representative which shall be determined by the aforementioned government agencies.

**Section 142. Suppletory Application.** – For purposes of this Act, the Revised Penal Code, as amended, Presidential Decree No. 603, Republic Act No. 7610, Republic Act No. 8972, Republic Act No. 9208, Republic Act No. 9231, Republic Act No. 9851, Republic Act No. 10364, Republic Act No. 11148, Republic Act No. 11188, Republic Act No. 11166, Republic Act No. 11596, Republic Act No. 11930 and other applicable laws shall have suppletory application.

**Section 143. Separability Clause.** – If any part or provision of this Act is held to be invalid or unconstitutional, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

**Section 144. Repealing Clause.** – All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or

contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

**Section 145. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

*Approved.*