

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 10390



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
JOCELYN P. TULFO, AND ERWIN T. TULFO**

AN ACT PROVIDING FOR THE MAGNA CARTA OF CHILDREN

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Philippine Constitution mandates the State to recognize the vital role of the youth in nation-building and promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Being universal in scope, the United Nations Sustainable Development Goals (SDGs) impact every child's life, particularly in addressing poverty, hunger, good health and well-being, quality education, gender equality, clean water and sanitation, affordable and clean energy, decent work and economic growth, reduced inequalities, climate action, peace, justice and strong institutions, and partnerships.¹ In order to achieve the SDGs for children, it is crucial to provide a legal framework that caters to the advancement of child rights and the systemic improvement of child well-being.

This proposed legislative measure seeks to establish children's right to life and survival including health care; right to protection against child labor, drugs, sexual exploitation, armed conflict and displacement, deprivation of liberty, harmful social

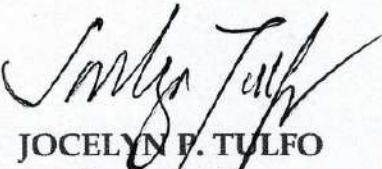
¹ "SDGs", UNICEF, Accessed 15 Apr. 2024, <https://data.unicef.org/sdgs/>

and cultural practices, street situation, emergency and calamities, refugee status, identity matters; right to development; right to participate concerning family, education, play, recreation, sports, and cultural activities, media, situation of violence, and child participation in national and international platforms, among others. As we endeavor to always act in the best interests of the child, this bill shall also institutionalize the Federation of Local Children's Associations (FLCAs), establish the Ombudsman for Children and the Philippine Commission on Children, and facilitate the Philippine National Children's Conference.

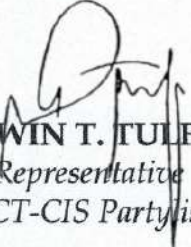
In view of the foregoing, the urgent passing of this bill is earnestly sought.



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AN ACT PROVIDING FOR THE MAGNA CARTA OF CHILDREN

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

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

SEC. 2. *Declaration of Policy.* – It is hereby declared 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-

1 being. It shall inculcate patriotism and nationalism and encourage their
2 responsible involvement in public and civic affairs.

3
4 (d) The State shall ensure that the institutions, services, and facilities responsible for
5 the care or protection of children shall conform to the standards established by
6 competent authorities.

7
8 (e) As a State Party to the Convention on the Rights of the Child, the State shall
9 undertake all appropriate legislative, administrative, and other measures for the
10 implementation of the civil and political rights of the child.

11
12 With regard economic, social, and cultural rights, the State shall undertake such
13 measures to the maximum extent of available resources and, where needed,
14 within the framework of international cooperation.

15
16 (f) The State shall respect the responsibilities, rights, and duties of parents, the
17 members of the extended family or community, as provided by local custom,
18 legal guardians, or other persons legally responsible for the child.

19
20 (g) Consistent with Section 13, Article II of the 1987 Philippine Constitution, the State
21 recognizes the vital role of the youth in nation-building and promotes and
22 protects their physical, moral, spiritual, intellectual, and social well-being. In the
23 pursuit of this policy, the State shall abolish all traditional and cultural practices
24 and structures that perpetuate discrimination, abuse, and exploitation of children
25 such as the practice of child marriage. The State also affirms that marriage shall
26 be entered into only with the free and full consent of capacitated parties, and child
27 betrothal and marriage shall have no legal effect. Pursuant to these policies, the
28 State thus views child marriage as a practice constituting child abuse because it
29 debases, degrades, and demeans the intrinsic worth and dignity of children.

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

8
9 The state shall adopt a child rights-based approach to childcare and protection
10 wherein a child shall be viewed as a rights holder and not merely a beneficiary of adults’
11 benevolence or others’ charity.

12
13 Further, the State is guided by the following principles:

14
15 (a) *Non-discrimination.* The State shall respect and ensure the rights of every child
16 without discrimination of any kind, irrespective of the child’s or their parent’s or
17 legal guardian’s ethnicity or social origin, gender, sexuality, color, sex, language,
18 religion, political views or opinion, nationality, membership in indigenous
19 cultural communities or indigenous peoples (ICC/IPs) property, disability, birth,
20 and other status.

21
22 (b) *Life, survival, and development.* The child has the inherent right to life and the State
23 shall ensure to the maximum extent possible the survival and holistic
24 development of the child, including the child’s physical, mental, spiritual, moral,
25 psychological, social, and cultural development.

26
27 (c) *Participation.* Children are capable of forming their own views and have the right
28 to express those views freely in all matters affecting them. The views of the child
29 shall be given due weight in accordance with the evolving capacity of the child.

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

5
6 **CHAPTER II**
7 **DEFINITION OF TERMS**

8
9 **SEC. 4. Definitions.** – For purposes of this Act, the following terms are defined as
10 follows:

11
12 (a) *AIDS* refers Acquired Immune Deficiency Syndrome, a health condition where
13 there is a deficiency of immune system that stems from infection with the
14 Human Immunodeficiency Virus, making an individual susceptible to
15 opportunistic infections;

16
17 (b) *Child* means every human being below the age of eighteen years. However,
18 existing laws expanding this definition to beyond eighteen shall be accepted;

19
20 (c) *Child in Conflict with the Law* refers to a child who is alleged as, accused of, or
21 adjudged as, having committed an offense under Philippine laws;

22
23 (d) *Child at Risk* refers to a child who is vulnerable to and at risk of committing
24 criminal offenses because of personal, family, and social circumstances;

25
26 (e) *Child in Need of Special Protection* refers to a child who is abandoned, neglected,
27 abused, exploited, with disability, a victim of prostitution and pedophilia and
28 other sexual violence, a runaway, engaged in worst forms of labor, at risk or in
29 conflict with the law, a child offender, affected by the use of illicit drugs, living
30 in street situations, in situations of armed conflict, in ICCs/IPs, a child of a
31 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;

- 1
2 (j) *Convention* refers to the articles of the United Nations Convention of the Rights
3 of the Child;
- 4
5 (k) *Emergency* refers to unforeseen or sudden occurrence, especially in danger,
6 demanding immediate action;
- 7
8 (l) *HIV* refers to Human Immunodeficiency Virus, the virus, of the type called
9 retrovirus, which infects cells of the human immune system, and destroys or
10 impairs the cells' functions, infection with HIV results in the progressive
11 deterioration of the immune system;
- 12
13 (m) *Legal guardian* refers to the father and the mother who jointly exercise legal
14 guardianship over the person and property of their unemancipated common
15 child without the necessity of a court appointment. In the absence of the father
16 or mother, those who have been appointed by the court as the legal guardian;
- 17
18 (n) *Social media* refers to forms of media utilizing new information and
19 communication technologies. This includes digital platforms, online
20 applications, and social networking sites, among others;
- 21
22 (o) *Parent-substitute* refers to a person other than the biological parent who has
23 custody over a child and is primarily responsible for the child's care, and
24 physical, moral, and intellectual development, such as foster care parents, legal
25 guardians, and care providers: *Provided*, That surrogate parents shall secure a
26 certification from the proper office of the Department of Social Welfare and
27 Development (DSWD) confirming them as a parent-substitute;
- 28
29 (p) *Surrogate parent* refers to any adult member of the family or extended family or
30 a caregiver who chose to act as a substitute parent to a child not legally under
31 their parental authority or care;
- 32

(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; and

(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

SEC. 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; and

(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.

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

6
7 The duties of the State shall extend to all state agencies, offices, and instrumentalities
8 at all levels and government-owned and -controlled corporations, subject to the
9 Constitution and pertinent laws that define specific duties of state agencies and entities
10 concerned.

11
12 **SEC. 6. *Role of the Parents, Surrogate Parents, and Parent-Substitutes.*** – The parents
13 or, where applicable, the surrogate parents, parent-substitutes, legal guardians, or other
14 persons legally responsible for the child shall provide, in a manner consistent with the
15 evolving capacities of the child, appropriate direction and guidance in the exercise by
16 the child of their rights.

17 .
18 **SEC. 7. *Role of the Private Sector.*** – The private sector shall respect the rights of the
19 child and act with due diligence to avoid infringing on those rights. The private
20 business sector shall assess and identify its impact on child rights, conduct its core
21 business in a manner that respects, protects, and advances those rights and address any
22 adverse impacts.

23
24 **SEC. 8. *Role of the Media.*** – Traditional and social media, whether public or private,
25 shall disseminate information and material for the social, cultural, spiritual, moral well-
26 being, physical, and mental health benefit and development of the child and shall
27 undertake international cooperation in the production, exchange, and dissemination of
28 information and material. It shall take due regard to the linguistic needs of the child
29 who belongs to a minority group, or who is a member of ICCs/IPs or those with
30 disabilities. It shall develop appropriate guidelines for the protection of the child from

1 information and material injurious to their well-being. It shall, likewise, respect the
2 child's dignity and privacy and provide a platform that enables children to freely
3 participate. The best interests of the child shall be of primary importance and shall be
4 taken into account before posting, publishing, or airing any material or data about the
5 child.

6
7 **SEC. 9. *Role of Civil Society Organizations.*** – Civil society organizations play an
8 important role in promoting and safeguarding children's rights and the State shall
9 respect their independence. As far as practicable, civil society organizations may work
10 together with the State in fulfilling this role. This includes organizations formed by and
11 composed of children and young adults.

12
13 **SEC. 10. *Role of the Education Sector.*** – The education sector shall ensure that the
14 education given shall be inclusive and conform to the minimum standards set by the
15 State and shall be directed to the development of the child's personality, talents, and
16 mental and physical abilities to their fullest potential, the development of respect for
17 human rights and fundamental freedoms, respect for the child's parents, their own
18 cultural identity, language and values of the country in which the child is living, or may
19 originate from, and for cultures different from their own, preparation of the child for
20 responsible life in a free society, in the spirit of understanding, peace, tolerance, equality
21 of sexes, and friendship among all peoples, ethnic, national and religious groups and
22 persons of indigenous origin, and respect for the natural environment. Further, school
23 discipline shall be administered in a manner consistent with the child's human dignity
24 and in conformity with the Convention.

25
26 **SEC. 11. *Supplementary Effect.*** – This chapter shall be deemed integrated into and be
27 supplementary to other provisions of this Act, particularly those that guarantee specific
28 rights to children and define specific roles and require specific conduct of state organs.

1 CHAPTER IV
2 THE RIGHT TO LIFE AND SURVIVAL
3

4 TITLE I
5 GENERAL PRINCIPLES
6

7 SEC. 12. Every child has the inherent right to life, survival, and development
8 irrespective of their background and where they live. Respecting the right to life shall
9 include the non-deprivation of life. The death sentence shall not be imposed for crimes
10 committed by children.
11

12 SEC. 13. Every child has the right to be registered immediately after birth and shall
13 have the right from birth to a name, acquire a nationality, and, as far as possible, the
14 right to know and be cared for by their parents and family. Should circumstances cause
15 late birth registration, the State shall respect and fulfill the child's right to be registered
16 in accordance with their best interests and shall ensure the prompt registration of the
17 child.
18

19 SEC. 14. Every child has the right to the highest attainable standard of healthcare and
20 facilities for the treatment of illness and rehabilitation of health regardless of age, social
21 status, relationships, gender, and sexuality. The child's capacity to consent to medical
22 procedures in accordance with their evolving capacities shall be respected and shall be
23 in accordance with the law. Should the child's parent/s or legal guardian/s not be able
24 to give consent or if attaining their consent is not in the child's best interest, the State
25 shall intervene as *parens patriae* taking into account the child's best interests at all times.
26

27 SEC. 15. Every child has the right to an adequate standard of living, and equal
28 opportunities from the earliest stage of life for the child's physical, mental, spiritual,
29 moral, and social development.
30

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

2
3 **SEC. 17.** Every child has the right to rest and leisure, to engage in play and
4 recreational activities appropriate to the age of the child, and to participate freely in
5 cultural life and the arts.

6
7 **SEC. 18.** Every child has the right to a clean, healthy, and sustainable environment.

8
9 **SEC. 19.** The State shall:

10
11 (a) Ensure that the institutions, services, and facilities responsible for the care or
12 protection of children shall conform to the standards established by competent
13 authorities and shall provide intervention and support. Parents and family
14 members shall be the primary and preferred carers for their children.
15 Institutionalization shall only be used as a last resort and if it is in the best interests
16 of the child. The State shall provide aid to parents to better support their
17 children's upbringing and well-being through family strengthening programs;

18
19 (b) Protect children from violence in State institutions and by State actors including
20 in schools, care centers, youth or residential homes, police custody and justice
21 institutions, armed groups, and State military forces;

22
23 (c) Respect the right of the child to preserve their identity, nationality, name, and
24 family relations as recognized by law without unlawful interference. The State
25 shall ensure the implementation of these rights according to national law;

26
27 (d) Provide appropriate assistance and protection where a child is illegally deprived
28 of some or all of the elements of their identity, with a view to re-establishing
29 speedily their identity; and
30

(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

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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, and 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; and
- (k) Integration of road safety education in the curriculum as a public health issue.

SEC. 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 and promote their self-reliance and active participation in the community such as the right to reasonable accommodation.

SEC. 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.

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

1
2 **SEC. 27.** The State shall promulgate a comprehensive newborn screening to identify
3 those at increased risk for certain genetic and congenital disorders for which early
4 identification treatment may prevent disability and death.

5
6 **SEC. 28.** The State shall enact a child's rights-based approach in the policies and
7 programs for the prevention, care, and treatment of HIV and AIDS, ensure
8 confidentiality, non-discrimination, and non-stigmatization. This includes making
9 access to treatment and care readily and easily accessible.

10
11 **SEC. 29.** Children should be included in decision-making processes about proposed
12 treatment affecting them as well as the effects and outcomes of such treatment. This
13 should be done in a manner consistent with the child's evolving capacities. In case of
14 children with disabilities, the information should be translated in formats appropriate
15 and accessible to them. When a child can demonstrate their capacity to express an
16 informed view on their treatment, this view shall be given due weight.

17
18 **SEC. 30.** Children shall be provided by physicians and health-care facilities clear and
19 accessible information on their rights concerning their participation in pediatric
20 research and clinical trials. Measures enabling children to contribute their views and
21 experiences to the planning and programming of health services affecting them shall be
22 put in place. Their views shall be sought on all aspects of health provision, including
23 what services are needed, how and where they are best provided, discriminatory
24 barriers to accessing services, quality, and attitudes of health professionals, and how to
25 promote their capacities to take increasing levels of responsibility for their own health
26 and development.

27
28 **SEC. 31.** In keeping with existing laws, children should have access to confidential
29 medical counselling and advice without parental consent, irrespective of the child's age,
30 where this is needed for the child's safety or well-being. Children may need such access,

1 where they are experiencing violence or abuse at home, in need of reproductive health
2 education or services, or in case of conflicts between parents and the child over access
3 to health services. The right to counseling and advice is distinct from the right to give
4 medical consent and should not be subject to any age limit.

5 6 **CHAPTER V** 7 **RIGHT TO PROTECTION**

8 9 **TITLE I** 10 **GENERAL PRINCIPLES**

11
12 **SEC. 32.** The best interest of every child shall be the primary consideration in all
13 matters involving or affecting them, particularly when they require special protection.
14 This principle shall also govern all preventive measures taken to safeguard their
15 welfare.

16
17 **SEC. 33.** The State shall:

- 18
19 (a) Protect children in need of special protection and shall provide intervention and
20 support when they become victims of hardship and distress;
21
22 (b) Take all appropriate legislative, administrative, social, and educational measures
23 to protect the child from all forms of violence against children, including sexual
24 abuse, while in the care of parent/s, legal guardian/s, or any other person who
25 has the care of the child;
26
27 (c) Take such protective measures and should, as appropriate, include effective
28 procedures for the establishment of child protection systems to provide necessary
29 support for the child and for those who have the care of the child, as well as for
30 other forms of prevention and for identification, reporting, referral, investigation,

1 treatment, and follow-up of instances of child maltreatment described heretofore,
2 and, as appropriate, for judicial involvement;

3
4 (d) Protect the child against all other forms of exploitation prejudicial to any aspects
5 of the child's well-being;

6
7 (e) Take all appropriate measures to promote physical and psychological recovery
8 and social reintegration of a child who is a victim of: any form of neglect,
9 exploitation, abuse, cruelty, or discrimination; torture or any other form of cruel,
10 inhumane, or degrading treatment or punishment; environmental harm and
11 climate change; or armed conflicts. Such recovery and reintegration shall take
12 place in an environment which fosters the well-being, self-respect, and dignity of
13 the child; and

14
15 (f) Grant procedural rights to children in conflict with the law and to facilitate the
16 exercise of these rights by ensuring that children, whether directly or through
17 representatives, are adequately informed, represented, and allowed to participate
18 in proceedings affecting them before any judicial or administrative authority.

19
20 **TITLE II**
21 **CHILD LABOR**
22

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

28
29 **SEC. 35.** Children employed at ages below those stipulated by laws and International
30 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.

SEC. 36. Children should be included in the search for a solution, which respects the economic and socio-cultural 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.

SEC. 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

SEC. 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; and

(f) Mandate local government units (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

SEC. 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;
and

(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.

SEC. 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.

SEC. 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

SEC. 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

1 measures to ensure the protection and care of children who are affected by an
2 armed conflict;

3
4 (f) Lodge safeguards to ensure the security and safety of children in times of conflict,
5 and to provide means of adequate psycho-social support during and afterwards;
6 and

7
8 (g) Ensure that schools, day care facilities, child caring facilities, and educational
9 institutions shall not be used for any purposes in relation to armed conflict.

10
11 **SEC. 43.** Armed forces and armed groups should not, under any circumstances,
12 recruit or use in hostilities persons under the age of eighteen (18) years. The State shall
13 take all feasible measures to prevent such recruitment and use, including the adoption
14 of legal measures necessary to prohibit and criminalize such practices. The application
15 of the present section shall not affect the legal status of any party to an armed conflict.

16
17 **TITLE VI**
18 **CHILDREN AFFECTED BY DISPLACEMENT**
19

20 **SEC. 44.** The State shall ensure the following:

21
22 (a) In instances where displacement becomes inevitable, authorities shall prioritize
23 providing adequate accommodation under conditions ensuring safety, nutrition,
24 water, sanitation, health, and hygiene for children affected by displacement to the
25 fullest extent possible, in accordance with their respective mandates and
26 functions;

27
28 (b) Children affected by displacement, especially those who are unaccompanied, are
29 entitled to protection and assistance tailored to their needs, with due
30 consideration given to their unique circumstances;

1
2 (c) Children affected by displacement, regardless of whether they are located within
3 or outside evacuation centers, shall have secure access to humanitarian support.
4 This includes mother-and-child-sensitive and disability-inclusive facilities such
5 as sanitary breastfeeding stations, temporary educational facilities, and places of
6 worship, among others;

7
8 (d) Measures shall be taken to protect children affected by displacement from all
9 forms of violence, exploitation, trafficking, forced labor, slavery, and
10 contemporary forms of slavery, including sale into marriage, and other violations
11 of children's rights;

12
13 (e) Immediate efforts shall be made to reunite children separated from their families
14 due to displacement, with appropriate measures taken to expedite the process;

15
16 (f) Education for children affected by displacement shall be both free and
17 compulsory for early and basic education. Special efforts shall be made to
18 facilitate the full and equal participation of all children, including those with
19 disabilities, in educational programs, while respecting their cultural identity,
20 language, and religion. Educational and training facilities shall be made available
21 to them whether or not they are living in evacuation facilities, encampments, or
22 other settlements as soon as circumstances permit; and

23
24 (g) Children affected by displacement have the right to actively engage in the
25 planning and management of their displacement situations, as well as decisions
26 regarding return, local integration, or resettlement elsewhere. Their voices and
27 perspectives shall be incorporated into decision-making processes concerning
28 their well-being and future.

1 TITLE VII

2 CHILDREN IN CONFLICT WITH THE LAW

3
4 SEC. 45. The State shall ensure the following:

5
6 (a) No child shall be subjected to torture or other cruel, inhumane, or degrading
7 treatment or punishment. Neither capital punishment nor life imprisonment
8 without possibility of release shall be imposed for offenses committed by persons
9 below eighteen (18) years of age;

10
11 (b) No child shall be deprived of their liberty unlawfully or arbitrarily. The arrest,
12 detention, or imprisonment of a child shall be in conformity with the law and
13 shall be used only as a measure of last resort and for the shortest appropriate
14 period of time;

15
16 (c) Every child deprived of liberty shall be treated with humanity and respect for the
17 inherent dignity of the human person, taking into account the needs specific to
18 their age. In particular, every child deprived of liberty shall be separated from
19 adults unless it is considered in the child's best interest not to do so. They shall
20 also have the right to maintain contact with their family through correspondence
21 and visits, except in exceptional circumstances;

22
23 (d) Every child deprived of liberty shall have the right to prompt access to legal and
24 other appropriate assistance. They shall also have the right to challenge the
25 legality of their deprivation of liberty before a court or other competent,
26 independent, and impartial authority, and to receive a prompt decision on such
27 matters;

28
29 (e) Recognize the right of every child alleged as, accused of, or recognized as having
30 infringed the penal law to be treated in a manner consistent with the promotion
31 of the child's sense of dignity and worth, which reinforces the child's respect for

1 the human rights and fundamental freedoms of others and which takes into
2 account the child's age and the desirability of promoting the child's reintegration
3 and the child's assuming a constructive role in society;

4
5 (f) In accordance with the relevant positions of international instruments, the State
6 shall ensure, in particular, that:

7
8 1. No child shall be alleged as, accused of, or recognized as having infringed the
9 penal law by reason of acts or omissions that were not prohibited by national
10 or international law at the time they were committed;

11
12 2. Every child alleged as or accused of having infringed the penal law has at least
13 the following guarantees:

- 14
15 i. To be presumed innocent until proven guilty according to law;
16 ii. To be informed promptly and directly of the charges against him or
17 her, and, if appropriate, through their parents or legal guardians, and
18 to have legal or other appropriate assistance in the preparation and
19 presentation of their defense;
20 iii. To have the matter determined without delay by a competent,
21 independent, and impartial authority or judicial body in a fair hearing
22 according to law, in the presence of his/her legal representative or
23 other appropriate assistance and, unless it is considered not to be in the
24 best interest of the child, in particular, taking into account their age or
25 situation, their parents or legal guardians;
26 iv. Not to be compelled to give testimony or to confess guilt, to examine
27 or have examined adverse witnesses, and to obtain the participation
28 and examination of witnesses on their behalf under conditions of
29 equality;
30 v. If considered to have infringed the penal law, to have the decision and
31 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; and

(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 (ICCs/IPs)

SEC. 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.

SEC. 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, particularly: (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

SEC. 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 and their families, learning, recreation, social interaction, and essential services; and
- (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.

SEC. 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 center, 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 professions 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; and
- (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

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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 REFUGE STATUS

SEC. 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.

SEC. 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

1 temporarily deprived of their family environment for any reason, as set forth in the
2 Convention.

3
4 **TITLE XII**
5 **IDENTITY**
6

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

9
10 **SEC. 57.** The State has an obligation that the best interest of the child shall be the
11 paramount consideration in any modification to the child's identity.

12
13 **SEC. 58.** The State shall ensure that full records are kept of any modification to the
14 child's identity and that they are accessible in perpetuity.

15
16 **SEC. 59.** The State has a responsibility in the speedy restoration of the child's
17 incomplete and falsified identity in matters relating to adoption, child brides, child
18 soldiers, child trafficking, child in street situations, and in other similar situations.

19
20 **SEC. 60.** The State shall ensure that the best interests of the child and their right to
21 identity have been met in cases of Inter-Country Adoption.

22
23 **SEC. 61.** The State shall take positive steps in addressing discrimination under the
24 law against a child born to parents who are not married to each other.

CHAPTER VI

THE RIGHT TO DEVELOPMENT

TITLE I

GENERAL PRINCIPLES

SEC. 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.

SEC. 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;

- 1 (e) Take measures to encourage regular attendance at schools and the reduction of
2 drop-out rates and ensure that school discipline is administered in a manner
3 consistent with the child's human dignity and in conformity with the Convention;
4
- 5 (f) Promote and encourage international cooperation to contribute to the elimination
6 of ignorance and illiteracy and facilitate access to scientific and technical
7 knowledge and modern teaching methods;
8
- 9 (g) Encourage non-formal, informal, and indigenous learning systems, as well as
10 self-learning, independent, and out-of-school study programs, and provide
11 children with life skills to strengthen the child's capacity to enjoy the full range
12 of human rights;
13
- 14 (h) Promote a culture infused with appropriate human rights values through a
15 balanced approach that reconciles diverse values through dialogue and respect
16 for differences in values to overcome the boundaries of religion, nationality, and
17 culture;
18
- 19 (i) Respect and promote the right of the child to participate fully in cultural and
20 artistic life and shall encourage the provision of appropriate and equal
21 opportunities for cultural, artistic, recreational, and leisure activities; and
22
- 23 (j) Ensure that a child subjected to school or parental discipline is treated with
24 humanity and respect for their inherent dignity, in conformity with the
25 Convention and this Magna Carta.
26

27 **SEC. 64.** Education of the child shall be directed to the development of respect for
28 human rights and fundamental freedoms and for the principles enshrined in the
29 Charter of the United Nations. The Department of Education shall include human rights
30 education in its curriculum at all grade levels.
31

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

4
5 **SEC. 66.** Human rights education shall also be integrated in the alternative learning
6 system for children.

7
8 **SEC. 67.** Teachers and child development workers shall be provided with pre-service
9 and continuous in-service Teacher Education Programs to develop knowledge and
10 skills to teach human rights education.

11
12 **SEC. 68.** Education authorities shall take all appropriate measures to ensure that
13 children who become pregnant before completing their education shall have an
14 opportunity to continue with their education on the basis of their individual ability.

15
16 **CHAPTER VII**
17 **THE RIGHT TO PARTICIPATE**

18
19 **TITLE I**
20 **GENERAL PRINCIPLES**

21
22 **SEC. 69.** Every child is a right holder and has a right to participate according to their
23 evolving capacities, to express their views, to have them heard and given due weight in
24 accordance with their age and maturity.

25
26 **SEC. 70.** The State shall provide children a supportive and enabling environment to
27 carry out their own initiatives to fully participate at national and local levels in the
28 conceptualization, design, implementation, coordination, monitoring, and review of
29 policies and programs that affect them.

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

5
6 **SEC. 72.** Children with disabilities shall be provided with reasonable
7 accommodation. They shall be equipped with, and enabled to use, any mode of
8 communication, including sign language, Braille, Easy Read, or other alternative and
9 augmentative modes of communication necessary to facilitate the expression of their
10 views.

11
12 **SEC. 73.** Efforts must also be made to recognize the right to expression of views for
13 minority, indigenous and migrant children, and other children who do not speak the
14 majority language.

15
16 **SEC. 74.** Non-verbal forms of communication including play, body language, facial
17 expressions, and drawing and painting, through which very young children
18 demonstrate understanding, choices, and preferences, should be recognized and
19 respected.

20
21 **SEC. 75.** Children's participation in safe and wholesome recreational and cultural
22 activities shall be ensured by providing the means and infrastructure necessary for all
23 children, regardless of ethnicity, age, gender, physical and mental states, social class,
24 and geographical location.

25
26 **SEC. 76.** Institutional support and capacity development must be provided to service
27 providers/professionals working with children on how to ensure implementation of
28 child participation principles and strategies consistent with the National Framework on
29 Child and Youth Participation as well as the Guidebook on Child Participation.

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

8
9 For children in conflict with the law, the State shall consider the developmental age
10 of the child and the desirability of the child's reintegration in the assumption of a
11 constructive role in society in accordance with the principles of balanced and restorative
12 justice.

13
14 **SEC. 78.** In cases affecting family relations or where the child is an interested party,
15 the child shall be given opportunity to express their views. These views shall be
16 considered in the decision-making process of the court.

17
18 The right to be heard, in this case, applies both to proceedings which are initiated by
19 the child, such as complaints against ill-treatment and appeals against school exclusion,
20 as well as to those initiated by others such as parental separation or adoption.

21
22 **SEC. 79.** The Rules on Examination of a Child Witness shall be applied to
23 accommodate the right to be heard of the child victim or witness. Procedural rules
24 under Republic Act No. 9344, otherwise known as the "Juvenile Justice Welfare Act",
25 as amended, shall also be strictly adhered in dealing with a child in conflict with the
26 law, taking into account their distinct circumstances, while assuring all parties of a fair
27 hearing with each party's constitutional and statutory rights recognized and respected.
28 Appropriate disposition measures shall be implemented by law enforcers, social
29 services, and the court.

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

3
4 **SEC. 81.** Safe spaces shall be created in order to allow the child to express their needs,
5 wishes, or concerns, particularly as regards to what should be deemed their best
6 interests and how such interests can be protected. The special circumstances
7 surrounding the child shall be likewise taken into account and that he or she shall have
8 primary involvement in any decision or plan concerning their future. The child shall be
9 given the opportunity to communicate their experiences and shall be provided with all
10 relevant information tailored in a language understood by him or her.

11
12 **SEC. 82.** No restrictions shall be placed that curtail a child's freedom of expression,
13 except in the interest of national security, public safety, or public health, as may be
14 provided by law. The restrictions should not undermine or jeopardize the essence of
15 the right; they should not be arbitrary or unreasonable; and they should be
16 proportionate and kept under review.

17
18 **SEC. 83.** Children shall be protected from harm, such as bullying, arising from the
19 expression of their views.

20
21 **SEC. 84.** Government agencies, LGUs, civil society organizations (CSOs), and the
22 private sector must provide sufficient time, skills, and child-friendly information for
23 children to provide their inputs and recommendations.

24
25 **SEC. 85.** Government agencies, LGUs, CSOs, and the private sector must ensure that
26 children with disabilities, children from ICCs/IPs, and other children in vulnerable
27 sectors are consulted.

1 TITLE II

2 FAMILY AND ALTERNATIVE CARE

3
4 SEC. 86. Evidence-based positive parenting programs for young children and
5 adolescents shall be provided to strengthen parent-child relationships, promote
6 positive parenting practices, and sustain nurturing relationships between parents or
7 parent-substitutes and their children. This aims to prevent and reduce the risk of
8 violence against children and child maltreatment at home and in the community.
9

10 SEC. 87. Positive parenting programs and interventions shall be designed to promote
11 young people's mental health. Their active participation must be elicited to create a
12 child-friendly environment to support and sustain parent/parent-substitute/surrogate
13 parent-child relationships at home and in temporary child-care facilities, and foster
14 homes. This shall be guided by the National Parenting Framework that will be
15 developed by the DSWD.
16

17 SEC. 88. The DSWD, LGUs, and other government agencies and CSOs, guided by
18 the National Parenting Framework, shall promote and support age-appropriate
19 interventions and active consultations with children in the design and implementation
20 of positive parenting interventions and practices towards building positive parent-child
21 relationships and in the promotion of alternatives to violent discipline to contribute to
22 the prevention and management of disruptive child behaviors, and the reduction of
23 parental stress and depression in all home settings and residential care facilities and the
24 facilitation of Family Reunification and Reintegration.
25

26 SEC. 89. Children in residential facilities shall be included in the formulation of
27 policies and monitoring and evaluation of programs, services, and activities to ensure
28 that these are responsive to their needs.
29

SEC. 90. The Department of Education (DepEd) 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

SEC. 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.

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

SEC. 93. The DepEd 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; and

(d) Provide support to all schools in gathering inputs of children.

SEC. 94. No restrictions shall be placed in schools that will curtail a child'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.

SEC. 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 DepEd's Child Protection Policy.

SEC. 96. The children's expressions 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.

SEC. 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.

1 TITLE IV

2 PLAY, RECREATION, SPORTS, AND CULTURAL ACTIVITIES

3
4 SEC. 98. The Department of the Interior and Local Governance (DILG) and the LGUs
5 shall provide a platform for children in the development planning cycle. Children shall
6 be given the space to freely express their views on matters affecting the fulfillment of
7 their right to play, recreation, sports, and cultural activities. These views shall be given
8 due weight in the decision-making processes.
9

10 SEC. 99. LGUs and government agencies such as, but not limited to, the DILG,
11 DepEd, Department of Environment and Natural Resources, Department of Public
12 Works and Highways, Department of Transportation, Department of Information and
13 Communications Technology, Department of Tourism, Department of Trade and
14 Industry, shall require the private sector to conduct consultations with children on the
15 planning, implementation, and evaluation of urban and rural development
16 proposals/projects; the development and maintenance of educational environments,
17 such as public libraries; and the development and maintenance of public parks
18 including freedom parks, playgrounds, and sports facilities and equipment, and other
19 similar facilities.
20

21 SEC. 100. Children shall be consulted about the accessibility and appropriateness of
22 urban and rural development proposals/projects as well as their impact on children's
23 access to nature, exposure to unsafe and hazardous environments, and conservation of
24 their culture.
25

26 SEC. 101. Children shall enjoy their freedom of expression, freedom of association,
27 and freedom of peaceful assembly in voicing out their dissent against urban and rural
28 development of proposals/projects that they deem to curtail the enjoyment of their
29 right to play, recreation, sports, and cultural activities.
30

1 **TITLE V**

2 **MEDIA**

3
4 **SEC. 102.** Children shall be given the space to freely express their views on matters
5 affecting the fulfillment of their rights in traditional and social media. These views shall
6 be given due weight in the decision-making processes.
7

8 **SEC. 103.** Children shall have access to information and material from a diversity of
9 national and international sources, especially those aimed at the promotion of their
10 social, spiritual and moral well-being, and physical and mental health.
11

12 **SEC. 104.** Children should have access to information conveyed in a culturally
13 sensitive manner and in a language that they understand, including sign language and
14 Braille.
15

16 **SEC. 105.** Children shall be consulted by traditional media companies in the
17 development of programs, programming, or publications subject to the principles of
18 child participation.
19

20 **SEC. 106.** Children shall be consulted by social media companies in the development
21 of policies subject to the principles of child participation.
22

23 **SEC. 108.** Children shall be made aware of how to make complaints should their
24 freedom of expression using traditional and social media is violated.
25

26 **SEC. 109.** Children shall have an absolute right to privacy. The highest ethical and
27 professional standards in reporting and covering cases of children must be observed
28 such that in all publicity concerning children, the best interests of the child shall be the
29 primary concern.
30

TITLE VI
SITUATION OF VIOLENCE

SEC. 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; and
- (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.

1 TITLE VII
2 CHILD PARTICIPATION
3

4 SEC. 111. The State shall ensure that genuine children's participation is recognized
5 and enabled in national and international platforms by establishing appropriate
6 structures in the government and through bilateral and multilateral international
7 cooperation.
8

9 SEC. 112. The State shall establish and maintain linkages with international child and
10 child-serving organizations, institutions, and counterpart agencies of foreign
11 governments through the Philippine National Children's Conference (PNCC) to ensure
12 the participation of Filipino children in international functions and affairs.
13

14 TITLE VIII
15 FEDERATION OF LOCAL CHILDREN'S ASSOCIATIONS
16

17 SEC. 113. All LGUs at the municipal, city, and provincial levels shall recognize and
18 institutionalize their Federation of Local Children's Associations (FLCAs) within their
19 jurisdiction, as the primary mechanism to ensure children's participation in the
20 planning, budgeting, monitoring, evaluation, and child-led advocacy, at the local level.
21 The FCLA will also serve as a body that provides inputs and recommendations to
22 ensure a child-centered lens in the development of plans, programs, and activities of
23 the LGU as guided by the Council for the Welfare of Children's Guidelines on the
24 Establishment of Local Children's Associations.
25

26 SEC. 114. The following are the functions of FLCAs:
27

- 28 (a) Review and provide strategic inputs to the development plans and budgets of the
29 LGU;
30

- 1 (b) Develop their own sectorial and strategic plan to be integrated on the sectorial
2 and development plans of LGUs based on consultations conducted by the LCA
3 representatives;
- 4
- 5 (c) Present challenges and recommendations related to children's issues and
6 concerns to be considered in the plans of the LGU and responded to and acted
7 upon by the relevant LGU councils and offices such as Local Development
8 Council, Local Council for the Protection of Children, and Local Youth
9 Development Council;
- 10
- 11 (d) Review Comprehensive Development Plans and other local plans to check if their
12 recommendations are properly integrated;
- 13
- 14 (e) Conduct children-led advocacies and children conferences together with LCPC
15 and in partnership with children's civil society organizations and relevant LGU
16 offices;
- 17
- 18 (f) Facilitate children-led consultations on the issues that affect children which
19 should be considered in the plans, programs, and activities of the LGU;
- 20
- 21 (g) Conduct children-led monitoring of the status and progress of the plans and
22 commitments of the LGU; and
- 23
- 24 (h) Participate in the evaluation and assessment to ensure the effectiveness of LGU
25 plans, programs, and activities to address children's concerns.
- 26

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

28

- 29 (a) Inclusion of children with age ranging from 10-17 years old;
- 30
- 31 (b) That FLCAs shall be created only upon the desire and determination of the
32 children to assemble and create an association to be led by them. No child shall

1 be compelled to establish, lead, or become a member of an FLCA. LGUs and CSOs
2 may encourage and assist in the establishment of FLCAs, but must not compel
3 children to create such an organization in exchange for any consideration;

4
5 (c) That the FLCA shall be composed of child representatives from all LCAs
6 registered and recognized in the LGU;

7
8 (d) That every child shall be entitled to membership in any FLCA without
9 discrimination of any kind, regardless of the child's or his or her parent's or legal
10 guardian's ethnicity, sex, language, religion, abilities, or any other status;

11
12 (e) That children representatives should include, but are not limited to:

- 13
14 (1) Children in education;
15 (2) Children who are members of ICCs/IPs;
16 (3) Children with disabilities;
17 (4) Children in need of special protection;
18 (5) Children-at-risk;
19 (6) Children in conflict with the law;
20 (7) Out-of-school children;
21 (8) Children of diverse SOGIESC;
22 (9) Children in situations of armed conflict;
23 (10) Children in street situations;
24 (11) Working children; and
25 (12) Children from inter-faith groups; and

26
27 (f) That the selection and nomination of FLCA members shall take into consideration
28 strict compliance to child protection and safeguarding policies such as securing
29 consent from children and their guardians and confidentiality of their identities.
30

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

4
5 **SEC. 116.** The selection and induction of FLCA members shall begin no later than
6 November to coincide with the celebration of Children’s Month each year.

7
8 **SEC. 117.** The FLCA at the municipal/city level shall be under guidance of the Local
9 Social Welfare and Development Office or if there are existing LCPC secretariat offices.
10 There shall be an assigned focal person who will provide guidance to the creation,
11 institutionalization, and implementation of FLCA activities.

12
13 **SEC. 118.** Operational funds necessary for the conduct of the activities of FLCA shall
14 be funded as part of the LCPC funds.

15
16 **SEC. 119.** An enabling environment shall be provided to the FLCA. This includes
17 primarily providing capacity development activities, training, and operational support
18 from the LGU. Regular capacity building activities shall be provided to cover building
19 the capacities of FLCA on leadership, planning, monitoring, and development of child-
20 led advocacies. Age-appropriate and gender-sensitive approaches shall be taken into
21 consideration in the design of the capacity development activities.

22
23 **SEC. 120.** The LCPC to be led by the LSWDO Focal Person shall initiate capacity-
24 building activities for the FLCA upon composition of the group. The Regional Sub-
25 Committee on the Welfare of Children (RSCWC) shall provide technical assistance to
26 the LCPC in the capacity building of the FLCA. The capacity development plan for the
27 FLCA shall be submitted by the LSWDO to the RSCWC.

28
29 **SEC. 121.** The RSCWC shall lead the monitoring of LGUs’ implementation of the
30 institutionalization and progress of the FLCA’s strategic plan.

1
2 **SEC. 122.** FLCA members shall receive an honorarium for every meeting attended,
3 the amount of which shall be determined by the LGU.
4

5 **SEC. 123.** The State shall acknowledge the FLCA as the consultative body for
6 children-related budgetary concerns.
7

8 **TITLE IX**
9 **GOVERNANCE**
10

11 **SEC. 124.** The State shall:
12

- 13 (a) Ensure that the views of children on laws, policies, judicial and administrative
14 procedures, and other matters concerning their best interest and the
15 implementation thereof, are given due weight by explaining, in a child-friendly
16 manner, how these views were considered, applied, and the resulting outcomes;
17
18 (b) Make budget proposals and appropriations available in child-friendly version to
19 inform and engage children of the budget processes affecting their well-being;
20
21 (c) Make available to the public, through various media, the child-sensitive and
22 disability-inclusive version of appropriations; and
23
24 (d) Provide means of consultation regarding the needs of children that must be taken
25 in utmost consideration in appropriations.
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TITLE X
OMBUDSMAN FOR CHILDREN

SEC. 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.

SEC. 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

1 the status of children's rights in the Philippines to the UN Committee on the
2 Rights of the Child;

3
4 (c) Monitor with the Council for the Welfare of Children (CWC) and other concerned
5 agencies, compliance with this Act. In developing indicators and issuance of
6 guidelines for its implementation by concerned agencies, CHR shall ensure that
7 the human rights of children, specifically their right to survival, development,
8 protection, and participation are promoted and guaranteed. As such, the best
9 interest of the child is the primordial consideration at all times;

10
11 (d) Establish avenues, processes, guidelines, and mechanisms that will facilitate
12 access of children to legal remedies under this Act and other related laws, and
13 enhance the protection and promotion of the rights of children, especially the
14 vulnerable and marginalized children;

15
16 (e) Assist in the filing of cases against individuals, agencies, institutions,
17 organizations, or establishments that violate the provisions of this Act. For this
18 purpose, the CHR shall:

- 19
20 (1) Provide legal assistance such as preparation of necessary pleadings, referral
21 letters, and counseling;
22 (2) Enter into Memoranda of Agreement with Bar Associations, NGOs, law firms,
23 CSOs, and academic institutions providing legal aid to ensure adequate and
24 competent legal representation for complainants;
25 (3) Accredite lawyers who will accept pro bono cases under this Act; and
26 (4) Create an efficient system of case referrals to appropriate government
27 departments or agencies.

28
29 Victims of violations of the Magna Carta of Children shall be considered victims of
30 human rights violations, and shall be entitled to other forms of assistance available in
31 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 undertaking 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; and

(j) Work in collaboration and coordination with stakeholders in dealing with issues concerning children.

SEC. 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.

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

SEC. 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 XI PHILIPPINE COMMISSION ON CHILDREN

SEC. 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 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.

SEC. 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)

1 reappointment. The Board of Commissioners shall be composed of the following
2 members:

- 3
- 4 (a) One (1) Commission-at-Large;
 - 5 (b) Four (4) Commissioners on Child Protection, Child Health and Nutrition, Child
6 Development, and Child Participation;
 - 7 (c) Executive Director of the Commission; and
 - 8 (d) A Child Representative.
- 9

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

14

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

21

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

24

- 25 (a) Provide leadership in the formulation of policies and the setting of priorities and
26 direction of all child promotion and development programs and activities;
 - 27
 - 28 (b) Act as the leading advocate for child rights and well-being, promoting their
29 integration into all relevant government policies, plans, and programs;
- 30

- (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 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;

- 1
2 (k) Mobilize resource assistance and call upon and utilize NGAs, LGUs, and other
3 public and private instrumentalities, for such assistance as it may require in the
4 performance of its functions;
5
6 (l) Ensure convergence of efforts in addressing children's issues and concerns
7 among council and committees through improved and efficient coordination in
8 planning, data-sharing, and aligning monitoring and oversight practices;
9
10 (m) Submit an annual comprehensive report on its activities and accomplishments
11 to the President and to Congress;
12
13 (n) Accept grants, contributions, donations, endowments, bequests, or gifts in cash,
14 or in kind from local and foreign sources in support of the development and
15 implementation of child rights and welfare programs and plans: *Provided*, That
16 in case of donations from foreign governments, acceptance thereof shall be
17 subject to prior clearance and approval of the President of the Philippines upon
18 recommendation of the Secretary of Foreign Affairs: *Provided, further*, That such
19 donations shall not be used to fund personal services expenditures and other
20 expenses of the Commission; and
21
22 (o) Perform such other functions as may be necessary to effectively carry out the
23 provisions of this Act.

24
25 **SEC. 133.** The Commission shall be supported by a Secretariat that will serve as its
26 executive arm to be headed by an Executive Director, who shall take charge of the day-
27 to-day operations of the Commission and shall serve as a member of the Board of
28 Commissioners. The Executive Director shall take charge of the administration,
29 direction, and supervision of the Secretariat and ensure the implementation of the
30 Commission's resolutions and decisions.
31

1 There shall be two (2) Deputy Executive Directors, who shall assist and advise the
2 Executive Director on child-related concerns and on the overall direction and
3 supervision of the day-to-day operations of the Secretariat. They may take charge of any
4 special projects and programs assigned by the Executive Director.

5
6 Executive Director and Deputy Executive Directors shall be appointed by the
7 President and shall respectively have the rank, privileges, and emoluments of a Career
8 Executive Service Officer I and Career Executive Service Officer II and shall receive
9 other allowances and benefits as may be provided by law.

10
11 The Commission shall determine its organizational structure and create new bureaus
12 as it may deem necessary and shall appoint its officers and employees in accordance
13 with the civil service law, rules, and regulations.

14
15 **SEC. 134.** The Convergence of Councils and Committees on Children (4Cs) shall be
16 created as a system of collaboration and coordination among all Councils and
17 Committees to specifically address concerns on children. It shall ensure effective and
18 harmonious work relationships among all structures on children and address their
19 issues at the national, regional, and local levels.

20
21 **SEC. 135.** The Commission shall take the necessary measures to ensure the
22 implementation of its National Plan for Action for Children and all other related
23 frameworks in all the geographic regions of the country through the establishment of
24 Regional Offices on Children under the Commission Secretariat.

25
26 Further, pursuant to Republic Act No. 4881, or “An Act Creating a Council for the
27 Protection of Children in Every City and Municipality of the Philippines”, there shall
28 be a LCPC at all levels, which shall spearhead the development and implementation of
29 the Local Development Plan for Children, Local Investment Plan for Children, and the
30 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 XII

PHILIPPINE NATIONAL CHILDREN'S CONFERENCE (PNCC)

SEC. 136. The Philippine National Children's Conference (PNCC) shall be a biennial event facilitated by the 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 PNCC shall be held after the Local and Regional Children's Conference.

SEC. 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

SEC. 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 the Congress of the Philippines the annual report thereof.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

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SEC. 143. *Separability Clause.* – If any provision or part of this Act is held unconstitutional or invalid, the other provisions or parts thereof not affected thereby shall remain in force and effect.

SEC. 144. *Repealing Clause.* – All laws, decrees, orders, ordinances, executive orders, and rules and regulations or parts thereof inconsistent with the provisions of this Act are repealed or amended accordingly.

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

Approved,