

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **4063**



Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

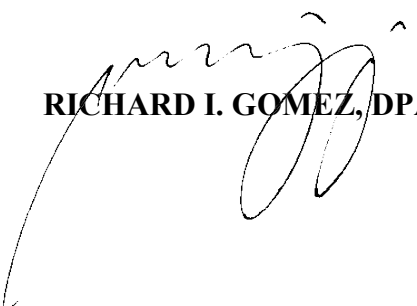
The relocation or expatriation of a father or a mother, or both of them, not only abroad, but to the cities and other areas in the Philippines, far from their children, in order to work or find greener pasture, has brought about the “social costs of migration.”

Too many times we see and hear of children losing self-esteem, yearning for the love, attention, and caring of their migrant parent or parents who are far away, and sadly ending up in situations of substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habitudes and addictions.

Thus, the proposed measure seeks to strengthen the protection of the State, under the *Parens patriae* doctrine, for citizens below 21 years old, whose parent or both parents are not living with them.

The bill provides, among others, specific services and monitoring by barangay officials, officers and personnel of these citizens twenty-four (24) hours a day, seven (7) days a week (24/7) primarily to prevent them from falling into substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habitudes and addictions, among others.

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


RICHARD I. GOMEZ, DPA

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AN ACT
INSTITUTIONALIZING MECHANISMS FOR THE STATE PROTECTION OF CITIZENS
BELOW 21 YEARS OLD, WHOSE PARENT OR BOTH PARENTS ARE NOT LIVING
WITH THEM, FROM SUBSTANCE ABUSE, ABUSE OF PRESCRIPTION MEDICINE,
DRUG DEPENDENCE, DRUG ADDICTION, ALCOHOLISM, AND OTHER SIMILAR
FORMS OF DRUG OR SUBSTANCE MISUSE, INCLUDING PROTECTION FROM THE
FORMING OF GAMBLING, GAMING, AND/OR SMOKING HABITS, AND OTHER
HARMFUL HABITUDES AND ADDICTIONS, AND APPROPRIATING FUNDS
THEREFOR

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

TITLE I
GENERAL PROVISIONS

Chapter I
GENERAL PRINCIPLES

SECTION. 1. *Short Title.* – This Act shall be known as the “Government Offensive on Minors’ Addictions Act” or “G.O.M.A. Law.”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the negative effects of dangerous drugs, alcoholism, gambling, gaming addiction, and other harmful habits on their physical, mental and educational well-being, and to defend the same against acts or omissions detrimental to

their development and nurturing towards what would otherwise be a successful future. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, alcoholism, gambling, gaming addiction and other harmful habits among children, minors, and the youth in general, these being a few of today's more serious social ills.

Toward this end, the government shall pursue an intensive and unrelenting campaign against the misuse, abuse, or addiction to dangerous drugs, alcohol, gambling and/or gaming and other similar harmful habits through an integrated system of planning, implementation and enforcement of relevant policies, programs, and projects.

It is further declared the policy of the State to provide effective mechanisms or measures to act as the parent of minors, whose parent or both parents are not living with them, under the *Parens patriae* doctrine, against substance abuse, drug dependence, drug addiction, alcoholism, and other similar forms of drug or substance misuse, gambling, and gaming habits and/or other addictions and harmful habits. It is the policy of the State to promote policies that provide adequate social services for children, minors and the youth whose parent or both parents are not living with them.

SEC. 3. *Definition of Terms.* – As used in this Act:

- (a) Addiction - A complex, and often chronic, brain disease. It is characterized by excessive craving, seeking, and use of a drug or drugs, alcohol or any other substance. One may also be addicted to gambling, gaming or any other harmful habits. Addiction is caused by brain changes caused by constant gambling, gaming or use of a drug or drugs, alcohol or any other substance.
- (b) Alcohol - A distilled beverage that can make a person drunk. This also refers to an alcoholic drink, also called an alcoholic beverage, adult beverage, or simply a drink, that contains ethanol, a type of alcohol that acts as a drug and is produced by fermentation of grains, fruits, or other sources of sugar. Alcohol is a depressant, which in low doses causes euphoria, reduces anxiety, and increases sociability. In higher doses, it causes drunkenness, stupor, unconsciousness or death. Long-term use can lead to an alcohol use disorder, an increased risk of developing several types of cancer, cardiovascular disease and physical and/or mental dependence.
- (c) Alcoholism - A chronic, progressive, potentially-fatal disorder marked by excessive and usually compulsive drinking of alcohol leading to psychological and physical dependence or addiction. Alcoholism is typically characterized by the inability to control alcoholic drinking, impairment of the ability to work and socialize, tendency to drink alone and engage in violent behavior, neglect of physical appearance and proper nutrition, alcohol-related illness (such as hepatitis or cirrhosis of the liver), and moderate to severe withdrawal symptoms (such as irritability, anxiety, tremors, insomnia, and confusion) upon detoxification.

- (d) Drugs - Chemicals that affect a person in such a way as to bring about physiological, emotional, or behavioral change.
- (e) Dangerous drugs - Medicines or pharmaceutical or chemical substances that have high tendency for abuse and dependency, these substances may be organic or synthetic, and pose harm to those who use them.
- (f) Drug Abuse - This exists when a person continually uses a drug other than for its intended purpose. This continued use can lead to drug dependence, a state of physical and psychological dependence or both on a dangerous drug and/or a prescription medicine.
- (g) Drug Dependence - This is the state of physical and/or psychological reliance or habituation, on a dangerous drug, or drugs, experienced by a person following the use of that substance on a periodic or continuous basis. A person dependent on drugs will experience “withdrawal reactions” after abstaining from drugs (also known as “cold turkey”, or symptoms that occur after long-term use of a drug is reduced or stopped abruptly).
- (h) Drug Addiction - A complex, and often chronic, brain disease. It is characterized by excessive drug craving, seeking, and use. Addiction is caused by brain changes caused by constant drug use.
- (i) Gambling - The betting or staking of something of value, with consciousness of risk and hope of gain, on the outcome of a game, a contest, or an uncertain event whose result may be determined by chance or accident or have an unexpected result by reason of the bettor’s miscalculation. It is likewise the practice or activity of betting or the practice of risking money or other stakes in a game or a bet.
- (j) Gaming - The action or practice of playing video games. Gaming also refers to playing electronic games, whether through consoles, computers, mobile phones or another medium altogether. Gaming is a nuanced term that suggests regular gameplay, possibly as a hobby. Although traditionally a solitary form of relaxation, online multiplayer video games have made gaming likewise a group activity.
- (k) Harmful Habit - An acquired bad behavior pattern regularly followed until it has become almost involuntary that is detrimental, inimical and/or deleterious to the physical, social, and/or mental aspects of a human being.
- (l) Prescription Medicine - A substance or preparation used in treating disease that has been specified by - with a certain dosage and within the authority of - a doctor or a similar authorized medical professional.
- (m) Smoking - The action or habit of inhaling and exhaling the smoke of tobacco or any other similar substances by sucking on the end of a lit cigarette, cigar, pipe, electronic gadget, and others.

- (n) Substance – Chemical or biological or plant-based element, component or mixture such as marijuana, heroin, cocaine, or methamphetamine, which are illegal, or it may also refer to such substances as alcohol, nicotine, or prescription medicines. Alcohol is the most common legal drug of abuse.

SEC. 4. Coverage. – This Act applies to all Filipino citizens who are below twenty-one (21) years old, whose parent or both parents are not living with them. This Act shall be implemented by all relevant agencies of the government, including concerned government-owned and/or controlled corporations (GOCCs), and all local government units (LGUs) including autonomous regions like those in the Bangsa Moro and the Cordilleras.

Chapter II

RIGHTS AND BENEFITS

SEC. 5. Citizens Below 21 Years of Age Whose Parent or Both Parents Are Not Living With Them. – Citizens below twenty-one (21) years old, whose parent or both parents are not living with them, shall have the same basic rights accorded to all other citizens, especially those of the aforementioned age group, as enshrined in the Constitution, and relevant international human rights instruments and international youth standards. Accordingly, the State shall guarantee all the following rights:

- (a) Security in the home, community, school, and/or workplace;
- (b) Protection against substance abuse, drug dependence, drug addiction, alcoholism, and other similar forms of drug or substance misuse, including against the forming of gambling and/or gaming habits, smoking habits, abuse of prescription medicine, other addictions, and other harmful habits;
- (c) Freely chosen or accepted field of study or work, and availment of technical and vocational guidance and training programs;
- (d) Just and favorable conditions of living including safe and healthy living conditions safeguarding general, physical, emotional and mental health;
- (e) Equal inclusion in the list of beneficiaries of government assistance, as qualified;
- (f) Basic services such as affordable medical care, reproductive and other health services including modern family planning, low-cost housing, water, sanitation, electricity, transport, and rehabilitation or reformation for any and all forms of harmful habits like smoking, gambling, gaming

and others, substance abuse, substance dependence, substance addiction, alcoholism, abuse of prescription medicine, etc.;

(g) Equal access to education, skills training, and economic resources to develop self-reliance without any discrimination;

(h) Self-organization to collectively negotiate with government and other entities in the promotion of their welfare and advancement of their interests, free from any political interference;

(i) An adequate standard of living with adequate food, clothing, and shelter, and the continuous improvement of such standard;

(j) Freedom from any form of discrimination, violence, exploitation including sexual exploitation, harassment, abuse, and any form of inhumane treatment which debases, degrades, or demeans their intrinsic worth and dignity as human beings;

(k) Accessible, affordable, and appropriate social and community monitoring and protection, especially coming physically and directly from Barangay officials, officers and personnel, twenty-four (24) hours a day and seven (7) days a week under the *Parens patriae* doctrine;

(l) Equal treatment before the law;

(m) Periodic census and gathering of statistics by Barangay officials, officers and personnel to identify all citizens below twenty-one (21) years old residing within the barangay, whose parent or both parents are not living with them, in order to provide them with all the necessary support and protection coming from the barangay, municipality, city, province, national government agencies, government-owned and/or controlled corporations and other State entities;

(n) Substantial participation in policy and decision-making processes through their organizations and the use of social dialogue, including access to information and other resources relevant to the promotion and protection of their rights and welfare; and

(o) Access to relevant information and educational programs and projects to prevent or treat harmful habits like smoking, gambling, gaming and others, substance abuse, substance dependence, substance addiction, alcoholism, abuse of prescription medicine, etc.

Chapter III

SECURITY, SAFETY, PROTECTION AND PROVISION OF THE FEELING OF A GENUINE HOME IN THE COMMUNITY

SEC. 6. *Designation of Centers for Citizens Below 21 Years of Age Whose Parent or Both Parents Are Not Living With Them.* – Local government units (LGUs) shall - in coordination with Barangays and citizens below 21 years of age whose parent or both parents are not living with them, and who are residing within the Barangay’s jurisdiction - endeavor to identify, designate, and design a system of assignment on the following:

Parens patriae centers as monitoring, guidance, counselling, training, healthcare, legal assistance, security and protection assistance, and meeting place or venue for citizens below 21 years of age whose parent or both parents are not living with them, which may include vacant public spaces and spaces which may be a private property that the LGU may acquire, lease or negotiate for lease under a memorandum of agreement and which must be manned 24 (24) hours a day, seven (7) days a week (24/7) by barangay officials, officers and/or personnel primarily for the protection of said citizens from any and all kinds of harm.

The process of identifying and designating such *Parens patriae centers* shall be determined in the implementing rules and regulations (IRR) of this Act, and the process shall have the substantial participation of organizations and stakeholders. Within ninety (90) days from the effectivity of this Act, the LGUs shall pass an ordinance designating such *Parens patriae centers*.

SEC. 7. *Eviction and Demolition.* – Citizens below 21 years of age whose parent or both parents are not living with them shall not be evicted from their homes and/or workplaces without legal ground as provided by RA 7279, otherwise known as the “Urban Development and Housing Act of 1992,” and provision of livelihood opportunities, adequate availability of water and electricity, as well as decent conditions of living in accordance with the law. The logistical viability for the concerned displaced persons affected shall be given priority in determining resettlement areas. There shall be no demolition without ensuring appropriate resettlement.

Chapter IV

SOCIAL PROTECTION

SEC. 8. *Institutionalization of Social Protection Floor.* – The State shall support, sustain, enhance, and institutionalize social protection initiatives for citizens below 21 years of age whose parent or both parents are not living with them through the convergence of resources of various agencies to provide continuous social security and health insurance subsidies to them based on applicable and ever-improving standards.

SEC. 9. *Social Welfare Efforts.* – The Department of Social Welfare and Development (DSWD) shall consolidate its strategic social welfare efforts to address the needs of the citizens below 21 years of age whose parent or both parents are not living with them, including direct assistance, policy development and community engagement.

SEC. 10. *Role of the Department of Labor and Employment.* – The Department of Labor and Employment (DOLE) shall engage in labor market interventions that provide adequate protection for citizens below 21 years of age whose parent or both parents are not living with them. The DOLE shall likewise ensure timely and immediate action for their labor concerns, security of tenure, job generation and other pertinent concerns. The DOLE shall, in collaboration with the Department of Interior and Local Government (DILG), Department of Finance (DOF) and other livelihood and enterprise development implementing agencies, develop a typology of formalization of informal economic units of citizens below 21 years of age whose parent or both parents are not living with them, in terms of registration, affordable business permit cost, increased compliance, and extension of labor and social security program, among others.

SEC. 11. *Social Safety Nets.* – The State shall ensure that the social safety nets provided by the DOLE, DSWD, Department of Agriculture (DA) and other government agencies shall be easily accessible to citizens below 21 years of age whose parent or both parents are not living with them and their organizations. These include conditional cash transfers, unconditional cash transfers, school feeding programs, unconditional in-kind transfers, public works, cash-for-work, emergency employment schemes, and fee waivers.

SEC. 12. *Women, Family and Child Care Program.* – The DOLE, Department of Health (DOH), Philippine Health Insurance Corporation (PhilHealth), and DSWD shall ensure that maternity protection is extended to citizens below 21 years of age whose parent or both parents are not living with them, in accordance with Sections 9 and 10 of RA 11210, otherwise known as the “105-Day Expanded Maternity Leave Law.” Programs on maternal and child health and nutrition, child feeding, modern family planning, and other health-related services shall be strengthened for women WIE.

The State shall encourage the provision of and access to affordable quality childcare and other care services to promote gender equality in entrepreneurship, employment opportunities, and to enable the transition to a formal economy.

SEC. 13. *Disaster Risk Reduction and Management and Climate Change.* – The State, particularly at the community level, shall engage citizens below 21 years of age whose parent or both parents are not living with them and their organizations in disaster risk reduction and management efforts from preparedness, response, rehabilitation and recovery. Responding to climate change in terms of minimizing contributions to greenhouse gas emissions and adapting to its long-term impact through resiliency-building programs shall also involve citizens below 21 years of age whose parent or both parents are not living with them and their organizations.

Chapter V

LABOR STANDARDS AND ENFORCEMENT OF LABOR LAWS

SEC. 14. *Prioritization for Education and Training.* – The State shall implement adequate training and information campaigns to provide citizens below 21 years of age whose parent or both parents are not living with them and their employers the full knowledge of applicable labor and occupational safety and health standards for their subsequent compliance.

SEC. 15. *Visitorial and Enforcement Power of the Secretary of Labor and Employment.* – Employment contracts or engagements with citizens below 21 years of age whose parent or both parents are not living with them shall be subject to the visitorial and enforcement power of the Secretary of Labor and Employment pursuant to Article 128 of the “Labor Code of the Philippines.”

Chapter VI

SPECIFIC PROGRAMS, PROJECTS AND ACTIVITIES TO PREVENT CITIZENS BELOW 21 YEARS OF AGE WHOSE PARENT OR BOTH PARENTS ARE NOT LIVING WITH THEM FROM FALLING INTO SUBSTANCE ABUSE, ABUSE OF PRESCRIPTION MEDICINE, DRUG DEPENDENCE, DRUG ADDICTION, ALCOHOLISM, GAMBLING, GAMING ADDICTION, SMOKING, AND OTHER HARMFUL HABITUDES AND ADDICTIONS

SEC. 16. *Conduct of Periodic and Regular Seminars, Webinars, Trainings, Workshops and Guidance and Counselling Activities in All Barangays Nationwide for Citizens Below 21 Years of Age Whose Parent Or Both Parents Are Not Living With Them.* – In order to prevent citizens below 21 years of age whose parent or both parents are not living with them from falling into substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habits and addictions, all Barangays nationwide shall conduct periodic and regular seminars, webinars, trainings, workshops and guidance and counselling activities regarding how to fight against depression, healthy and positive thinking, habits to promote mental and emotional health, the dangers and bad results of substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habits and addictions, and other relevant topics.

SEC. 17. *Monitoring By The Teacher Who Is Designated As The Class Adviser.* – The Class Adviser of citizens below 21 years of age whose parent or both parents are not living with them shall periodically and regularly privately talk to them individually to detect any signs of depression, loneliness, sexual and/or bullying victimization, etc. as well as signs of substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habits and addictions. Upon confirmation of any of these, the Class Adviser shall immediately coordinate with the health and social welfare professionals of the LGU so that the latter can deliver the needed services to the concerned person in order to avoid any deterioration in his/her condition. The Class Adviser shall likewise immediately contact the nearest priest, pastor, imam, or any other spiritual adviser in accordance with the religion of the concerned person so that spiritual guidance may likewise be provided as soon as possible.

SEC. 18. *Barangay Visits.* – Barangay officials, officers and/or personnel shall regularly and periodically pay friendly visits to the respective homes of citizens below 21 years of age whose parent or both parents are not living with them to detect any signs of depression, loneliness, sexual and/or bullying victimization, etc. as well as signs of substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habitudes and addictions. Upon confirmation of any of these, the Barangay official, officer and/or personnel shall immediately coordinate with the health and social welfare professionals of the LGU so that the latter can deliver the needed services to the concerned person in order to avoid any deterioration in his/her condition. The Barangay official, officer and/or personnel shall likewise immediately contact the nearest priest, pastor, imam, or any other spiritual adviser in accordance with the religion of the concerned person so that spiritual guidance may likewise be provided as soon as possible.

SEC. 19. *Police Surveillance.* – The officers and members of the Philippine National Police (PNP) who are assigned to the barangay shall conduct constant twenty-four (24) hours per day and seven (7) days per week (24/7) alert and active surveillance (AAS) of all suspected pushers or sellers of substances, prescription medicines, dangerous drugs, alcohol, cigarettes, e-cigarettes, marijuana, as well as gambling joints, gaming joints, internet cafes, and other such suspected persons and places and ensure that all citizens, especially citizens below 21 years of age whose parent or both parents are not living with them, are not victimized and do not fall into substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habitudes and addictions. As such, the buddy-buddy system or patrol walking system composed of at least two (2) officers and/or members of the PNP in the barangay shall be instituted wherein they will walk along streets and alleyways in their uniforms, when not in secret surveillance, and in civilian or plain clothes, whenever is secret surveillance.

Upon confirmation of any victimization of any citizen below 21 years of age whose parent or both parents are not living with him/her, the PNP officer and/or personnel concerned shall immediately coordinate with the health and social welfare professionals of the LGU so that the latter can deliver the needed services to the concerned victim in order to avoid any deterioration in his/her condition. The PNP officer and/or personnel, in coordination with the Barangay Captain of the place, shall likewise immediately contact the nearest priest, pastor, imam, or any other spiritual adviser in accordance with the religion of the concerned victim so that spiritual guidance may likewise be provided as soon as possible.

SEC. 20. *Provision of Free Rehabilitation and/or Reformation Services to Citizens Below 21 Years of Age Whose Parent Or Both Parents Are Not Living With Them.* – Citizens below 21 years of age whose parent or both parents are not living with them who are verified as truly in need of rehabilitation or reformation for substance abuse, abuse of prescription medicine, drug dependence, drug addiction, alcoholism, gambling, gaming addiction, smoking, and other harmful habitudes and addictions, shall

be provided free rehabilitation and/or reformation services by the barangay, the municipality, the city, the province, any national government agency, reputable private organization, or religious group which is verified as not being a cult.

TITLE II

DEVELOPMENT COUNCIL FOR CITIZENS BELOW 21 YEARS OF AGE WHOSE PARENT OR BOTH PARENTS ARE NOT LIVING WITH THEM

Chapter I

COMPOSITION AND ORGANIZATION

SEC. 21. *Development Council For Citizens Below 21 Years Of Age Whose Parent Or Both Parents Are Not Living With Them.* – There is hereby created a Development Council for Citizens Below 21 Years of Age Whose Parent or Both Parents Are Not Living With Them, hereinafter referred to as The Council which shall be an attached agency of the National Economic and Development Authority (NEDA). The Council shall institute appropriate reforms within its structure, programming and other processes, adjusting its human resource capabilities to ensure that programs focused on citizens below 21 years of age whose parent or both parents are not living with them are efficiently and adequately implemented to address their needs. An inter-agency committee shall be formed to coordinate policies and programs of various government agencies for citizens below 21 years of age whose parent or both parents are not living with them.

The Council shall be constituted within thirty (30) days after the approval of the IRR of this Act.

SEC. 22. *Powers and Functions.* – The Council shall exercise the following powers and functions:

(a) Develop and ensure implementation of annual, long-term and medium-term plans for citizens below 21 years of age whose parent or both parents are not living with them which should form part of the Medium-Term Philippine Development Plans (MTPDP) towards institutionalizing comprehensive, needs and rights-based, gender-responsive and child-friendly programs and policies for them;

(b) Develop policies for citizens below 21 years of age whose parent or both parents are not living with them according to standards provided for in this Act and related laws, treaties or statutes;

(c) Develop and implement training programs, and certify workers for jobs in industries that produce goods and render services for the benefit of citizens below 21 years of age whose parent or both parents are not living with them;

(d) Develop and ensure implementation of gender-based monitoring and evaluation mechanisms, efficient and effective programs and policies, and gender-responsive interventions toward harnessing the full potentials of female citizens below 21 years of age whose parent or both parents are not living with them;

(e) Ensure that concerned government agencies shall allocate in their respective Special Allocation for Development Initiatives adequate resources for programs that benefit citizens below 21 years of age whose parent or both parents are not living with them;

(f) Develop and ensure implementation of a simple system of registration of citizens below 21 years of age whose parent or both parents are not living with them, and their organizations in accordance with the standards and provisions of this Act;

(g) Provide guidelines for the implementation by LGUs of a fair and credible system of evaluation, accreditation of organizations, review and assessment, rendering of grant and incentive awards, and other policies relative to the effective and efficient implementation of this Act;

(h) Ensure the effective implementation of protection standards covering citizens below 21 years of age whose parent or both parents are not living with them as provided for by this Act and its corresponding IRR;

(i) Coordinate with LGUs for the development and implementation of periodic evaluation of all citizens below 21 years of age whose parent or both parents are not living with them for use as bases for protection, analyses, grant of awards and incentives, and training and retraining;

(j) Ensure effective participation of citizens below 21 years of age whose parent or both parents are not living with them and their organizations through the establishment of regular consultative mechanisms and processes;

(k) Establish and develop a centralized and sex-disaggregated database system to effectively guide policy formulation and implementation relative to citizens below 21 years of age whose parent or both parents are not living with them which must be available for public use while strictly complying with laws on privacy and confidentiality including other pertinent information specified in the IRR of this Act;

(l) Develop and implement a communication plan and campaign targeting citizens below 21 years of age whose parent or both parents are not living with them, and organizations towards a better understanding and appreciation of the benefits of this Act;

(m) Develop and ensure implementation of a comprehensive plan to prevent or treat substance abuse, drug dependence, drug addiction, alcoholism, and other similar forms of drug or substance misuse, including the forming of gambling and/or gaming habits, smoking habits, abuse of prescription medicine, other addictions, and other harmful habits among citizens below 21 years of age whose parent or both parents are not living with them;

(p) Coordinate and harmonize policies, programs, projects, and activities of various government agencies for citizens below 21 years of age whose parent or both parents are not living with them, including the Regional Council offices in accordance with Section 25 hereof, towards greater efficiency and effectiveness;

(q) Conduct annual reviews of government programs for the citizens below 21 years of age whose parent or both parents are not living with them and submit to Congress and the President of the Philippines corresponding reports thereon together with policy and other recommendations;

(r) Develop and ensure implementation of accessible just conflict resolution and adjudication systems and mechanisms to promote dialogue, conciliation, mediation, and redress of grievances to protect the rights of citizens below 21 years of age whose parent or both parents are not living with them; and

(s) Call on the participation of relevant government agencies in its deliberations regarding the rights, welfare and protection of citizens below 21 years of age whose parent or both parents are not living with them as necessary from time to time.

SEC. 23. *Composition.* – The Council is co-chaired by the Director General of NEDA and the Secretary of Social Welfare and Development. Members of The Council may elect from among themselves a vice-chairperson to preside over meetings in the absence of the chairperson. The members are the relevant government instrumentalities to be determined by the IRR of this Act: Provided, That at least thirty percent (30%) of the total membership of The Council shall come from organizations of citizens below 21 years of age whose parent or both parents are not living with them accredited with the SEC, DOLE or DA: Provided, further, That at least thirty percent (30%) are women.

Representatives from the social partners, private sector, NGOs and organizations of citizens below 21 years of age whose parent or both parents are not living with them shall serve as members of The Council for a term of three (3) years without re-election and shall be subject to terms and conditions provided for by the IRR.

SEC. 24. *Secretariat of The Council.* – The Council’s secretariat shall be jointly organized by the NEDA and the DSWD whose functions shall be determined by the IRR of this Act and integrated with the DSWD secretariat functions.

SEC. 25. *Regional and Provincial Officers of The Council.* – There shall be regional and provincial officers of The Council who shall be appointed by The Council and shall have functions that include: (a) monitoring and coordinating of The Council’s initiatives in the regions and provinces, evaluation of policies programs for citizens below 21 years of age whose parent or both parents are not living with them; (b) providing technical assistance in the development of local plans and programs; and (c) providing other administrative functions necessary for the success of the initiatives of The Council in their jurisdiction.

The Regional officers of The Council shall have automatic seats in all Regional Development Councils (RDCs).

Chapter II

LOCAL DEVELOPMENT OFFICE FOR CITIZENS BELOW 21 YEARS OF AGE WHOSE PARENT OR BOTH PARENTS ARE NOT LIVING WITH THEM

SEC. 26. *Local Development Office for Citizens Below 21 years of age whose parents or both parents are not living with them.* The Local Development Office for Citizens Below 21 Years of Age Whose Parent or Both Parents Are Not Living With Them, otherwise known as The Office, shall, in consultation with citizens below 21 years of age whose parent or both parents are not living with them and their organizations, be established in every city and municipality to perform the following functions:

(a) Prepare an overall development plan and work program that address the needs of citizens below 21 years of age whose parent or both parents are not living with them incorporating the barangay development plans;

(b) Develop and maintain a comprehensive, age, and sex-disaggregated database of all citizens below 21 years of age whose parent or both parents are not living with them within the jurisdiction of the LGU that shall include all relevant information as contained in the IRR of this Act. Provided, That laws on privacy and confidentiality shall be fully complied with. Provided, further, That the database shall include information on payments collected from citizens below 21 years of age whose parent or both parents are not living with them, and their organizations;

(c) Establish a one-stop shop center for citizens below 21 years of age whose parent or both parents are not living with them which handles all transactions and processes within their respective jurisdiction;

(d) Perform other similar functions and undertakings pursuant to the provisions of this Act.

In the performance of the functions of The Office, the principle of preferential treatment to the poorest and most vulnerable shall be observed.

SEC. 27. *Composition.* – The local chief executives (LCEs) are the primary overseers of the operations of the Local Development Office for Citizens Below 21 Years of Age Whose Parent or Both Parents Are Not Living With Them, otherwise referred to as The Office. The IRR of this Act shall provide for the composition of The Office. The representatives of citizens below 21 years of age whose parent or both parents are not living with them shall form at least fifty percent (50%) of the membership of The Office: Provided, That the said representatives are not less than five (5) and at least thirty percent (30%) of the members of The Office are women. Other relevant guidelines on The Office's operations shall be included in the IRR of this Act.

SEC. 28. *Local Government Unit.* - Development Fund for Citizens Below 21 Years Of Age Whose Parent Or Both Parents Are Not Living With Them. – A local government unit - Development Fund for Citizens Below 21 Years Of Age Whose Parent Or Both Parents Are Not Living With Them, otherwise known as The Fund, shall be established in every municipality and city. Such fund shall be supervised and managed by the concerned LGU through the The Office and subject to audit by the Commission on Audit (COA).

For the initial operations of The Office, each LGU shall allocate a portion from its internal revenue allotment or IRA.

Thereafter, the The Fund shall be funded with the following:

(a) Annual allocations from LGUs' development fund the percentage of which shall be determined by LGUs.

Following the principle of merit and equity, LGUs that fulfill such allocations may receive additional assistance from the national government as recommended by The Council: Provided, That the LGUs have sufficiently complied with all requirements by The Council.

SEC. 29. *Registration and Non-Registration.* – In no case shall registration be construed as a basis for rights and entitlements under this Act. Non-registration shall not deprive any citizen below 21 years of age whose parent or both parents are not living with him/her of his/her rights stated in this Act. Registration as a citizen below 21 years of age whose parent or both parents are not living with him/her in the LGU is voluntary and shall not be considered a prerequisite to work in any private

enterprise or government unit. However, registration shall guarantee prioritization and immediate recognition of the rights and benefits due to them.

TITLE III FINAL PROVISIONS

SEC. 30. *Prohibited Acts.* – The following are prohibited acts:

(a) Hazardous living conditions. – Citizens below 21 years of age whose parent or both parents are not living with them shall not be engaged to do hazardous work, activity or undertaking, or be exposed to hazardous or inappropriate situations or living conditions that may lead them to substance abuse, drug dependence, drug addiction, alcoholism, and other similar forms of drug or substance misuse, including the forming of gambling and/or gaming habits, smoking habits, abuse of prescription medicine, other addictions, and other harmful habits, in accordance with existing laws;

(b) Interference and coercion. – Any person is prohibited from committing any of the following acts of interference or coercion:

(1) Preventing any citizen below 21 years of age whose parent or both parents are not living with him/her from upholding or exercising his/her rights, especially his/her right to avoid becoming a victim of substance abuse, drug dependence, drug addiction, alcoholism, and other similar forms of drug or substance misuse, including the forming of gambling and/or gaming habits, smoking habits, abuse of prescription medicine, other addictions, and other harmful habits;

(2) Preventing any citizen below 21 years of age whose parent or both parents are not living with him/her from joining or assisting an organization for purposes not contrary to law;

(3) Preventing any citizen below 21 years of age whose parent or both parents are not living with him/her from carrying out his/her duties or functions in an organization, or penalizing the same for any lawful action performed in that capacity;

(4) Harassing, threatening, coercing, or intimidating any citizen below 21 years of age whose parent or both parents are not living with him/her that result in preventing him/her from performing his/her duties and functions; and

(6) Other acts that threaten to diminish the independence and freedom of an organization of citizens below 21 years of age whose parent or both parents are not living with them, to direct its own affairs.

(7) Non-compliance with RA 7610, as amended, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act,” in the employment of minors.

– In cases where minors are contracted or hired to render work or services, the age must be at least fifteen (15) years old, and there shall be a parental or legal guardian’s consent in the employment contract, which is presented and attested to by any representative of the LGU or duly-elected barangay official where the work is to be done, and that the employers of these children must provide them with access to at least elementary or secondary education, either through traditional schooling or alternative learning systems.

SEC. 31. *Penalties.* – (a) Any person who in violation of any of the Prohibited Acts in Section 30 of this of this Act, except Section (30) (b) (7) thereof, shall, upon conviction, be punished by a fine of not less than Two hundred thousand pesos (P200,000.00), but not more than Three hundred thousand pesos (P300,000.00), or imprisonment of one (1) month and one (1) day to six (6) months, or both at the discretion of the court.

(c) Any person who fails to comply with RA 7610 in the employment of minors under Section 30 (b) (7) of this Act shall, in addition to the penalty of imprisonment imposed by RA 7610, be punished by a fine of not less than Three hundred thousand pesos (P300,000.00), but not more than Five hundred thousand pesos (P500,000.00).

If the offender is a public official or employee, the court may impose the penalty of disqualification to hold public office, in addition to the penalties provided in the preceding paragraph.

If the offender is a juridical entity, the person criminally liable shall be its board of directors, officers or employees who participated in the illegal acts.

SEC. 32. *Transitory Clause.* – Within five (5) years from the effectivity of this Act, all workers in the informal economy are entitled to the same labor standards as workers in the formal economy, in accordance with Section 22 of this Act.

SEC. 33. *Appropriations.* – Such sums as may be necessary for the initial implementation of this Act shall be charged from the existing respective appropriations of the LGUs, government agencies, government-owned and/or controlled corporations and other State entities concerned. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 34. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the Department of Social Welfare and Development, shall, in consultation with the Director-General of NEDA, concerned government agencies, and organizations of citizens below 21 years old, whose parent or both parents are not living with them, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 35. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the provisions not affected shall continue to be in full force and effect.

SEC. 36. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 37. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,