

HOUSE OF REPRESENTATIVES Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **6228**



Introduced by Representative GLORIA MACAPAGAL ARROYO

**AN ACT TO STRENGTHEN AND REORGANIZE THE COUNCIL FOR THE
WELFFARE OF CHILDREN**

EXPLANATORY NOTE

For forty-three (43) years, the Child and Youth Welfare Code of the Philippines (Presidential Decree No. 603, as amended) has been the cornerstone of child's rights as enshrined in our Constitution.

In upholding the State's commitment as a signatory to the Convention of the Rights of a Child to support the natural and primary right and duty of parents in rearing the youth for civic efficiency and the development of moral character, and in recognition of the vital role of the youth in nation-building and the State's duty to promote and protect their physical, moral, spiritual, intellectual, and social well-being as well as its duty to inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs, this Congress faces the indubitable duty to review the Code and revise the same to reflect the changing times and to strengthen the Code and the Council for Welfare of Children (CWC) upon which the power to implement the Code is bestowed.

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


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
SENATE/HOUSE OF REPRESENTATIVES

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

Section 1. Short Title. – This Act shall be known as the “Strengthening of the *Council for the Welfare of Children (CWC) Act of 2017.*”

Section 2. Declaration of Policy. – It is hereby declared that the policy of the State to promote and develop children’s rights advocacy and protection.

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

Further, the United Nations Committee on the Rights of the Child welcomed the Philippines’ initiatives to address the lack of implementation at the local level through the establishment of the Local Councils for the Protection of Children (LCPCs) at the *barangay*, municipal, city and provincial levels as well as of the seventeen (17) Regional Committees/Sub-committees for the Welfare of Children (RC/SCWCs), linking the national government with the local government units (LGUs). However, the committee expresses concern at the lack of human, financial and technical resources allocated to the CWC, LCPCs and RC/SCWCs, which may prevent the effective functioning of such mechanisms.

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

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

- (a) "Child" refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- (b) "Council" refers to the Council for the Welfare of Children
- (c) "Resource mobilization" refers to all activities undertaken by the agency to secure new and additional human, financial and material **resources** to advance its mission.

Section 4. *The Council for the Welfare of Children.* – The Council shall be composed of the following:

- (1) The Secretary of the Department of Social Welfare and Development (DSWD);
- (2) The Secretary of the Department of Justice (DOJ);
- (3) The Secretary of the Department of Labor and Employment (DOLE);
- (4) The Secretary of the Department of Education (DepEd);
- (5) The Secretary of the Department of Health (DOH);
- (6) The Secretary of the Department of the Interior and Local Government (DILG);
- (7) The Secretary of the Department of Agriculture (DA);
- (8) The Secretary of the Department of Information and Communications Technology (DICT);
- (9) The Director-General of the National Economic Development Authority (NEDA);
- (10) The Executive Director of the Climate Change Commission (CCC);
- (11) The Chairperson of the Early Childhood Care and Development Council (ECCDC);
- (12) The Executive Director of the National Nutrition Council (NNC);
- (13) The Executive Director of the Council Secretariat

- (14) The Chairman of the Philippine Sports Commission (PSC);
- (15) The Chairman of the Dangerous Drugs Board (DDB); and
- (16) Three (3) private individuals concerned with the welfare of children, one of which is an active member of a legitimate children's organization

Such private individuals are members of NGOs duly registered with the Securities and Exchange Council (SEC) and with membership preferably in all cities and provinces throughout the country.

These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years, subject to one (1) re-appointment.

The Secretaries of the DSWD, DepEd, DOH, and DILG shall act as co-chairpersons of the Council and must be represented by a person with a rank not lower than an Undersecretary.

Section 5. Powers and Functions. The Council shall have the following powers and functions:

- (1) Coordinate the implementation and enforcement of all laws relative to the promotion and protection of child's rights and welfare;
- (2) Formulate an integrated national policy, plans, programs, pilot projects including services relative to the development of the general welfare and protection of the best interests of the child;
- (3) Review, monitor and evaluate policies (local and international), plans, projects and programs that relate to the child's development and ensure the protection and advocacy of child's rights;
 - a. Establish a Child Information Management System (CIMS)
- (4) Advocate and recommend to the President and other appropriate agencies for implementation on a nationwide scale when appropriate, new, innovative, pilot programs and services for the general welfare and protection of the child;
- (5) Undertake a massive information campaign on policies, plans, strategic frameworks among its stakeholders in coordination with the LGUs and other government agencies to promote a better understanding of the importance of the protection of children's rights;
- (6) Review current oversight processes and procedures of Committees or Councils created by law and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child;

- (7) Conduct researches and studies on children in coordination with other government agencies, bureaus, offices, departments and/or instrumentalities;
- (8) Mobilize resources assistance and call upon and utilize department, bureau, office, agency, or instrumentalities, public, private, or voluntary, for such assistance as it may require in the performance of its functions; and
- (9) Submit annually to the President, through the Secretary of Social Welfare and Development, a comprehensive report on its activities and accomplishments.

Section 6. *Executive Director.* – The Executive Director of the Council shall be appointed by the President and shall have the rank, privileges and emoluments of a Career Executive Service Officer I and shall receive such other allowances and benefits as may be provided by law.

As the chief executive officer of the Council Secretariat, the Executive Director shall exercise general supervision and control over its technical and administrative personnel. He/she may hold concurrent positions in other structures as stipulated in Section 12.

Section 7. *Deputy Executive Director.* – There shall be one (1) permanent position of Deputy Executive Director with the rank, privileges, and emoluments of a Career Executive Service Officer II, to be appointed by the President.

The Deputy Executive Director shall provide assistance and advice to the Executive Director in child-related concerns and in the over-all directions and supervision of the day-to-day operations of the External and Internal Offices and the specific divisions under them. He/she may take charge of any special projects/programs assigned by the Executive Director.

Section 8. *Council Secretariat.* – The CWC secretariat shall also serve as the executive arm of the Council and shall have internal and external offices to be headed by two (2) permanent Directors respectively. The following divisions shall be organized in coordination with the Civil Service Commission and the Department of Budget and Management:

- (1) Office of the Executive Director
 - a. Special Programs and External Affairs Unit
- (2) Office of the Deputy Executive Director
- (3) Office on Coordinating, Planning and Programming Secretariat
 - a. Policy and Planning Division
 - b. Monitoring and Evaluation Division
 - c. Localization and Institutionalization Division
- (4) Office of the Administrative, Finance and Support Services
 - a. Advocacy and Communications Division
 - b. Management Information System (Or Knowledge Management) Division
 - c. Administrative and Finance Division

The Council shall hire such other personnel as may be necessary for the performance of its basic functions.

Section 9. *Technical Management Group.* – A Technical Management Group (TMG) shall be created under the Council. It shall be composed of bureau and service heads or equivalent of member agencies and organizations as appropriate. The TMG shall also be composed of one representative each from the following:

- (1) The National Youth Commission (NYC),
- (2) The Inter–Agency Council Against Trafficking (IACAT)
- (3) The Juvenile Justice and Welfare Council (JJWC)
- (4) The Inter–Agency Council on Violence Against Women and Children (IAC–VAWC)
- (5) The Committee for the Special Protection of Children (CSPC)
- (6) The Inter-Agency Council on Children in Armed Conflict (IAC-CIAC)
- (7) The Inter–Agency Council Against Child Pornography (IAC-ACP)
- (8) The National Council On Children’s Television (NCCT)
- (9) The National Child Labor Committee (NCLC)

Section 10. *Sectoral Committees.* – Sectoral committees are hereby created under the Council corresponding to the major concerns of children which are the following:

- (1) Children in Need of Special Protection
- (2) Family and Alternative Parental Care

- (3) Children and HIV/AIDS
- (4) Health and Nutrition
- (5) Child Rights Advocacy
- (6) Child Participation
- (7) Civil Rights and Freedom

Section 11. *Honoraria.* – The chairperson and the members of the Council, members of the sectoral committees, sub-committees, task forces and other structures that may be created under the Council shall receive honoraria for every meeting actually attended. The amount of which shall be determined by an appropriate council resolution and authorized by the Department of Budget and Management.

Section 12. *Convergence of Councils and Committees on Children (Four C's)* – The Four C's shall be created as the system of collaboration and coordination among all Councils and Committees on Children in the Philippines. It shall ensure effective and harmonious work relationship among all structures on children and to address their issues at the national, regional and local levels.

Section 13. *Membership to Agencies Created by Special Laws and issuances on Children* – The CWC shall be a member of and ensure coordination with agencies created under special laws and issuances such as, but not limited to:

- (1) The Special Committee for the Protection of Children (under Republic Act 7610 and strengthened under Executive Order No. 53 s. 2011)
- (2) The National Child Labor Committee (created under the DOLE's Philippine Plan of Action against Child Labor)
- (3) The National Council on Children's Television (under Republic Act No. 8370)
- (4) The Inter-Agency Council Against Trafficking (under Republic Act No. 9208);
- (5) The Inter-Agency Council on Violence Against Women and their Children (under Republic Act No. 9262);
- (6) The Juvenile Justice Welfare Council (under Republic Act No. 9344);

- (7) The Inter–Agency Council Against Child Pornography (under Republic Act No. 9775)
- (8) The Inter-Agency Council on Children in Armed Conflict (Executive Order No. 138 s. 2013)

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

CHAPTER II TRANSITORY PROVISIONS

Section 14. *Incumbent Positions.* – Upon approval of this act, the officers and staff of the Council Secretariat shall, in a hold over capacity, continue to perform their duties and responsibilities and receive their corresponding salaries and benefits.

Those incumbents whose positions are not included in the approved new staffing pattern of the Council Secretariat or not reappointed shall be deemed separated from the service. Such shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one (1) month basic salary for every year of service or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received but in no case shall each payment exceed the equivalent of 12 months salary.

The new position structure and staffing pattern by the Council shall be approved by the Executive Director of the Council within one hundred and twenty (120) days from the approval of this Act. Authorized positions created thereunder shall be filled with regular appointments. The authority of the Executive Director of the Council shall extend to: (1) appointments and other personnel actions in accordance to Section 29, Chapter 6, Book IV of Executive Order No. 292 or the *Administrative Code of 1987*.

CHAPTER III FINAL PROVISIONS

Section 15. *Implementing Rules and Regulations.* – The Council, in coordination with the proper standing committees of both Houses of Congress and in consultation with the Council Board, shall promulgate the implementing rules and regulations (IRR) for this Act within ninety (90) days after its enactment; Provided, that the rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of violation of child's rights not inconsistent with this Act shall supplement the rules and regulations issued by the CWC pursuant to the provisions of this Act.

Section 16. *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 agencies in the annual General Appropriations Act.

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

Section 17. *Repealing Clause.* – All laws, orders, orders, rules and regulations inconsistent with or contrary to the provisions of this act are deemed amended, modified or repealed accordingly.

Section 18. *Separability Clause.* - If any part or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectiveness of the other provisions hereof.

Section 19. *Effectivity Clause.* – This Act shall take effect fifteen (15) days upon completion of its publication in the *Official Gazette* or at least two (2) national newspapers of general circulation

Approved.