



HOUSE OF REPRESENTATIVES

H. No. 7442

BY REPRESENTATIVES BELMONTE (F.), BELMONTE (J.C.), DALIPE, TAMBUNTING, NIETO, MACEDA, LOBREGAT, BATAOIL, PRIMICIAS-AGABAS, ABAYON, CHIPECO, BRAVO (M.V.), AMATONG, ARBISON, PALMA, JALOSJOS, YU, FORTUN, BULUT-BEGTANG, DE VENECIA, ALEJANO, VILLARIN, BIAZON, NOGRALES (K.A.), FARIÑAS, SAMBAR, DEL MAR, GO (A.C.), LEACHON, MARCOLETA, SACDALAN, GO (M.), SALO, SALON, SARMIENTO (E.M.), YAP (M.), AGGABAO, BARBERS, ROA-PUNO, LABADLABAD, NAVA, VILLARAZA-SUAREZ, NOGRALES (J.J.), MACAPAGAL-ARROYO, VILLAFUERTE, RELAMPAGOS AND BELMONTE (R.), PER COMMITTEE REPORT NO. 681

AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "Special Protection of Children in Situations of Armed Conflict Act".

SEC. 2. *Declaration of State Policy.* - It shall be the policy of the State to provide special protection to children in

1 situations of armed conflict from all forms of abuse, violence,
2 neglect, cruelty, discrimination and other conditions prejudicial
3 to their development, taking into consideration their gender,
4 cultural, ethnic and religious background. For this purpose, the
5 State shall:

6 (a) Fully implement the protection guaranteed under the
7 United Nations Convention on the Rights of the Child (UNCRC), its
8 Optional Protocol on the involvement of children in armed conflict
9 and all other core human rights treaties, particularly, the
10 International Covenant on Civil and Political Rights and the
11 Convention Against Torture and Other Cruel, Inhuman or
12 Degrading Treatment or Punishment; other pertinent international
13 instruments such as the International Labor Organization
14 Convention No. 182 concerning the prohibition and immediate
15 action for the elimination of the worst forms of child labor;
16 the Geneva Conventions of 1949 and the additional protocols
17 ratified by the Philippines; the Convention on the Elimination
18 of All Forms of Discrimination Against Women (CEDAW)
19 General Recommendation No. 30 and the Convention on the
20 Prohibition of the Use, Stockpiling, Production and Transfer
21 of Anti-Personnel Mines and on their Destruction;

22 (b) Take into account the United Nations Guiding
23 Principles on Internal Displacement, the United Nations
24 Security Council Resolutions related to children affected by
25 armed conflict, United Nations Security Council Resolution
26 (UNSCR) No. 1820 on Women, Peace and Security, and other
27 pertinent international instruments in the implementation
28 of its treaty obligations and of this Act;

1 (c) Respect the human rights of children at all times.
 2 It shall be recognized that children are entitled to dignity and
 3 respect as human beings in need of protection from degradation,
 4 humiliation, maltreatment, exploitation and assault;

5 (d) Consider as paramount the best interests of children,
 6 and treat all children involved in, affected by or displaced by
 7 armed conflict as victims;

8 (e) Take all feasible measures to prevent the recruitment
 9 and use of children in armed conflict and shall take all
 10 necessary measures to ensure the effective implementation and
 11 enforcement of the provisions of this Act;

12 (f) Take all the necessary measures to address the root
 13 causes of armed conflict which include poor governance, issues
 14 of injustice and widespread poverty and economic inequity that
 15 result in involving, affecting or displacing children;

16 (g) Continue to recognize its primary role in providing
 17 effective protection and relief to all children in situations of
 18 armed conflict;

19 (h) Continue to fulfill its responsibilities to end impunity
 20 and to prosecute those responsible especially for grave child
 21 rights violations in armed conflict; and

22 (i) Ensure the right to participation of children affected
 23 by armed conflict in all its policies, actions, decisions concerning
 24 their rescue, rehabilitation and reintegration.

25 SEC. 3. *Scope of Application.* – This Act shall apply to
 26 all children involved in, affected by or displaced by armed
 27 conflict.

28 The application of this Act shall not affect the legal
 29 status of any party to the armed conflict.

1 SEC. 4. *Interpretation of this Act.* – Nothing in this Act
 2 shall be construed as precluding provisions in existing Philippine
 3 laws, international human rights laws and related instruments,
 4 and international humanitarian laws that are more conducive to
 5 the realization of the rights of children.

6 SEC. 5. *Definition of Terms.* –

7 (a) *Abduction of children* refers to the seizure, apprehension,
 8 taking into custody, detention or capture of one or more children
 9 either temporarily or permanently by force, threat of force or
 10 coercion, or deception for the purpose of any form of exploitation
 11 of such children in situations of armed conflict.

12 (b) *Acts of gender-based violence* refer to physical or sexual
 13 violence other than rape, and psychosocial harm committed
 14 against a person as a result of power inequities that are based on
 15 gender roles. These include battering, sexual slavery and abuse
 16 of female children, female genital mutilation, prostitution, forced
 17 marriage, forced pregnancy or forced sterilization.

18 (c) *Armed conflict* refers to armed confrontations occurring
 19 between governmental armed forces and one or more armed
 20 groups, or between such groups arising in the Philippine
 21 territory. These shall include activities which may lead to,
 22 or are undertaken in preparation of armed confrontation
 23 or armed violence that put children's lives at risk and their
 24 rights violated.

25 (d) *Armed group* refers to an armed non-state actor or
 26 non-state entity engaged in armed violence against the State and/or
 27 its governmental armed forces or against other non-state armed
 28 groups, actors or non-state entities.

1 (e) *Attacks on schools, hospitals, places of worship, child*
 2 *development or day care centers, evacuation centers and other*
 3 *public places such as recreation parks, playgrounds and malls*
 4 refer to the occupation, shelling or targeting for propaganda of
 5 schools, hospitals or places of worship; causing damage to such
 6 places, or harm or injury to their personnel; or causing the total
 7 or partial physical destruction of such facilities; or disruption
 8 of educational activities and health services. These also refer
 9 to attacks of such places which have been temporarily abandoned
 10 by the community as a result of armed conflict.

11 (f) *Child* refers to:

12 (1) A person below eighteen (18) years of age; or

13 (2) A person eighteen (18) years of age or older but who is
 14 unable to fully take care of one's self; or protect one's self from
 15 abuse, neglect, cruelty, exploitation or discrimination; and unable to
 16 act with discernment because of physical or mental disability or
 17 condition.

18 (g) *Child protection* refers to measures, structures and
 19 activities that ensure the prevention and response to abuse,
 20 neglect, exploitation and violence affecting children. It shall
 21 include the promotion of their development and psychosocial
 22 well-being.

23 (h) *Children affected by armed conflict* refer to all children
 24 population experiencing or who have experienced armed conflict.

25 (i) *Children involved in armed conflict (CIAC)* refer to
 26 children who are either forcibly, compulsorily recruited, or who
 27 voluntarily joined a governmental armed force or any armed
 28 group in any capacity. They may participate directly in armed
 29 hostilities as combatants or fighters; or indirectly through

1 support roles such as scouts, spies, saboteurs, decoys, checkpoint
 2 assistants, couriers, messengers, porters, cooks, or as sexual
 3 objects.

4 (j) *Children in situations of armed conflict* refer to all
 5 children involved in armed conflict, children affected by armed
 6 conflict and internally displaced children.

7 (k) *False branding of children or labeling children as*
 8 *children involved in armed conflict* refers to the voluntary and
 9 intentional act of referring to, calling, defining, reporting, or any
 10 other form of communication that incorrectly defines children
 11 as children involved in armed conflict, when the status or
 12 condition of such children are such that they are not involved
 13 in armed conflict as defined in this Act.

14 (l) *False reporting of a child in custody* refers to the
 15 voluntary and intentional act of any person of providing false,
 16 incorrect or mistaken information in relation to a child in
 17 custody in relation to situations of armed conflict.

18 (m) *Food blockade* refers to an armed conflict tactic of
 19 forcibly cutting off entry of food supplies in a particular area
 20 where children can be found.

21 (n) *Governmental armed forces* refer to the Armed Forces of
 22 the Philippines (AFP), together with its reserve and auxiliary forces
 23 including paramilitary forces, the Philippine National Police (PNP)
 24 and other law enforcement agencies.

25 (o) *Grave child rights violations* refer to the crimes
 26 committed against children that constitute flagrant violations
 27 of their human rights and have severe consequences on their
 28 lives. These crimes include those enumerated in Section 9 of
 29 this Act such as killing or maiming of children, recruitment or

1 use of CIAC, rape and other forms of sexual violence against
2 children, abduction of children, attacks against schools or
3 hospitals, or denial of humanitarian access to children.

4 (p) *Hamleting* refers to an armed conflict strategy used by
5 one party involved in armed conflict that isolates a community
6 of importance to the other party which is inhabited by children,
7 including relocating a community away from crucial zones and
8 could be used to control the activities of the people in said
9 areas.

10 (q) *Hospitals or health facilities* refer to any structure
11 including diagnostic clinics or multispecialty clinics recognized
12 and known by the community as a facility where the sick and
13 wounded are provided with medical or health care services.

14 (r) *Humanitarian access* refers to the right of vulnerable
15 populations to receive international protection and assistance
16 from an impartial humanitarian relief operation to complement
17 efforts of national authorities. Such action is subject to the
18 consent of the State or parties concerned and does not prescribe
19 coercive measures in the event of refusal, however unwarranted.

20 (s) *Humanitarian assistance* refers to any aid that seeks
21 to save lives and alleviate suffering of a crisis-affected population.
22 Humanitarian assistance must be provided in accordance with
23 the basic humanitarian principles of humanity, impartiality,
24 independence and neutrality. Assistance may be divided into
25 three (3) categories: direct assistance, indirect assistance, and
26 infrastructure support, which have diminishing degrees of
27 contact with the affected population.

28 (t) *Internally displaced children* refer to children or group
29 of children, whether separated or together with their families,

1 who have been forced or obliged to flee or to leave their homes or
2 places of habitual residence, in particular, as a result of or in
3 order to avoid the effect of armed conflict and situations of
4 generalized violence.

5 (u) *Killing of children* refers to acts of all kinds in the
6 context of armed conflict that result in the death of one or more
7 children. They include the death of children as a result of
8 direct targeting and indirect actions, such as cross fire, use
9 of landmines and improvised explosive device (IED), cluster
10 munitions, biological weapons of destruction, all other forms
11 and types of explosives; or house demolitions, search and
12 arrest campaigns, suicide attacks and torture; they also include
13 murder, homicide and such other similar crimes as defined in
14 the Revised Penal Code, as amended, and other special laws.

15 (v) *Maiming of children* refers to acts of all kinds in
16 the context of armed conflict that result in serious or permanent
17 or disabling injury, scarring or defacing, or mutilation of children.
18 It shall cover intentional maiming of children where they are
19 directly targeted, and causal maiming of children which result
20 from indirect actions, such as cross fire, use of landmines, IED,
21 cluster munitions, biological weapons of destruction, all forms
22 and types of explosives; or in the context of house demolitions,
23 search and arrest campaigns, suicide attacks and torture.

24 (w) *Rape* refers to a sexual assault that violates a person's
25 right to personal security and bodily integrity with the essential
26 lack of consent and shall include those enumerated in Section 2 of
27 Republic Act No. 8353 or "The Anti-Rape Law of 1997".

28 (x) *Recruitment* refers to compulsory, forced or voluntary
29 conscription or enlistment of children into the governmental

1 armed force or forced or voluntary membership into the armed
2 group.

3 (y) *Release of children* refers to the process of formal
4 and controlled disarmament and demobilization of children
5 and their release from an armed force or armed group as well
6 as informal ways in which children leave by escaping, being
7 captured or by other means. It entails a disassociation from
8 the armed force or armed group and the beginning of transition
9 from military to civilian life. Release can take place during a
10 situation of armed conflict; it is not dependent on the temporary
11 or permanent cessation of hostilities; it is not dependent on
12 children having weapons to forfeit.

13 (z) *School* refers to any structure, with or without marked
14 visible boundaries, which is recognized and known by the
15 government as a learning space.

16 (aa) *Zone of peace* refers to a site with sacred, religious,
17 historic, educational, cultural, geographical or environmental
18 importance which is protected and preserved by its own
19 community and officially recognized by a governmental authority.
20 It is not merely a "Demilitarized Zone", but a sanctuary that
21 operates within ethical principles of nonviolence, free from
22 weapons, acts of violence, injustice and environmental
23 degradation.

24 CHAPTER II

25 RIGHTS OF CHILDREN IN SITUATIONS OF ARMED CONFLICT

26 SEC. 6. *Children as Zones of Peace.* - Children are hereby
27 declared as zones of peace. As such, they shall be treated in
28 accordance with the policies stipulated under Article X,
29 Section 22 of Republic Act No. 7610 or the "Special Protection

1 of Children Against Child Abuse, Exploitation and Discrimination
2 Act". Treatment of children as zones of peace shall extend
3 beyond territorial or geographical boundaries and shall focus
4 on the person of the child whose rights shall be promoted
5 and protected at all times, especially in situations of armed
6 conflict or violence. The State and all sectors concerned shall
7 have the responsibility to resolve armed conflict in order to
8 promote the goal of children as zones of peace. As such, the
9 community, governmental authority and, if appropriate, religious
10 leadership shall preserve the peaceful integrity of children,
11 exemplify mutual respect and nonviolent behavior in the
12 presence of children, and share their resources to further peace
13 and cooperation.

14 SEC. 7. *Rights of Children in Situations of Armed Conflict.* -
15 Children in situations of armed conflict shall have the following
16 rights:

- 17 (a) The right to life, survival and development;
18 (b) The right of special respect and protection against any
19 form of abuse, neglect, exploitation and violation, especially in
20 the context of armed conflict;
21 (c) The right to be treated as victims. They shall be treated
22 in accordance with this Act and other applicable laws,
23 consistent with the State obligation under international law,
24 within the framework of restorative justice, social rehabilitation
25 and promotion of their protection;
26 (d) The right to be accorded with special respect and to be
27 protected from any form of direct or indiscriminate attacks and
28 acts of violence, especially protection from the grave child rights
29 violations as enumerated in Section 9 of this Act;

1 (e) The right to be protected from recruitment into
 2 governmental armed forces or armed groups and from
 3 participation in armed conflict including the right to be
 4 protected from torture or any cruel, inhuman or degrading
 5 practices that compel compliance or punish noncompliance with
 6 recruitment or participation in armed conflict;

7 (f) The right to be protected from extrajudicial killings,
 8 maiming, torture, abduction and rape;

9 (g) The right to be immediately provided and have safe
 10 access to essential, adequate and culturally appropriate food
 11 and nutrition; basic shelter and housing; culturally appropriate
 12 clothing; water, sanitation and hygiene; basic health services
 13 including essential drugs, medicines and vaccines, health
 14 professional evaluation and appropriate intervention; education,
 15 including religious and moral education; early childhood care
 16 and development programs, psychosocial support and social
 17 services. All services provided for them must be child-specific
 18 and gender sensitive and responsive;

19 (h) The right to enjoy their freedom of thought, conscience,
 20 religion or belief, opinion and expression; to associate freely
 21 and participate equally in legitimate community affairs; to
 22 communicate in a language they understand even in situations
 23 of armed conflict and whether or not they have been internally
 24 displaced or are living in evacuation centers or settlements;

25 (i) The right to be treated humanely in all circumstances,
 26 without any adverse distinction founded on race, color, religion
 27 or faith, gender, birth or wealth, or any other similar criteria;

28 (j) The right not to be interned or confined in camp;

1 (k) The right of the wounded and the sick, those with
 2 disabilities, unaccompanied minors including expectant and
 3 lactating mothers, to care, protection and assistance required
 4 by their condition, and to treatment which takes into account
 5 their special needs such as their health needs, reproductive
 6 health care as well as appropriate counseling, prevention
 7 of contagious and infectious diseases, including human
 8 immunodeficiency virus/acquired immunodeficiency syndrome
 9 (HIV/AIDS) and access to psychosocial services;

10 (l) The right to be with their families, especially with their
 11 mothers, during evacuations and in evacuation centers;

12 (m) The right to be reunited with their families in case of
 13 separation due to armed conflict;

14 (n) The right to privacy and confidentiality in all
 15 proceedings;

16 (o) The right to nondiscrimination;

17 (p) The right to liberty of movement and freedom to choose
 18 their residence, especially in the case of internally displaced
 19 children and their families who shall have the right to move
 20 freely in and out of evacuation centers or other settlements,
 21 subject to existing rules and regulations in those centers or
 22 settlements and to other government regulations and directives;

23 (q) The right especially of internally displaced children and
 24 their families to: leave the country; seek safety in another part
 25 of the country; seek other service providers; seek asylum in
 26 another country; and be protected against forcible return to
 27 resettlement in any place where their life, safety, liberty or
 28 health would be at risk;

1 (r) The right to obtain necessary document/s to enjoy their
 2 legal rights. The State shall have the duty to expedite services
 3 in the issuance of new documents or the replacement of
 4 documents lost in the course of displacement, without imposing
 5 unreasonable conditions and without discrimination against
 6 female child and male child, who shall have equal rights to
 7 obtain and to be issued the same in their own names;

8 (s) The right of access to justice including free legal aid
 9 when filing cases against the perpetrators; and

10 (t) The right to the protection of their family's properties
 11 and possessions in all circumstances.

12 The rights enumerated in this section shall not hinder
 13 the application of other rights recognized and guaranteed in
 14 the Constitution and other existing laws in keeping with the
 15 best interests of the child.

16 CHAPTER III

17 PREVENTION

18 SEC. 8. *Prevention.* - The State shall take all feasible
 19 measures to prevent the recruitment, re-recruitment, use or
 20 displacement of children involved in armed conflict. It shall take
 21 all necessary measures to ensure the effective implementation
 22 and enforcement of the provisions of this Act. Towards this end,
 23 the State shall:

24 (a) Prioritize children's issues in the peace program of
 25 the government and include children's concerns, specifically the
 26 effects of armed conflicts, in peace negotiations;

27 (b) Pursue in both formal and nonformal settings the
 28 mainstreaming of peace education programs and the promotion
 29 of the culture of peace and nonviolence;

1 (c) Provide educational assistance, whether formal or
 2 alternative learning system, that is child and culturally sensitive;

3 (d) Develop and implement training programs and campaign
 4 towards promoting a culture of peace and respect for human
 5 rights and international humanitarian law in collaboration with
 6 civil society organizations;

7 (e) Provide capacity building on Local Governance and
 8 Community Development, and ensure the participation of the
 9 Local Councils for the Protection of Children, various
 10 organizations, especially of children's and people's organizations
 11 at the community level. These organizations shall be involved
 12 in consultation and decision-making processes and in the
 13 development and implementation of programs, projects and
 14 activities established for them;

15 (f) Establish livelihood programs which shall be made
 16 available to communities in identified priority areas in order
 17 to alleviate the living conditions of the people;

18 (g) Make available basic health services in health facilities
 19 in identified priority areas. Culturally sensitive nutrition
 20 programs and activities including supplementary feeding shall
 21 also be made available. Efforts to support traditional health
 22 practices in indigenous peoples' area shall also be initiated;

23 (h) Establish basic facilities and infrastructure needed;

24 (i) Ensure that child protection mechanisms are present
 25 and functional; and

26 (j) Establish a comprehensive, effective and efficient system
 27 for monitoring and reporting and response for violations as
 28 provided in Section 9 of this Act.

CHAPTER IV

PROHIBITED ACTS, PENALTIES AND PRESCRIPTION OF CRIME

SEC. 9. *Prohibited Acts and Penalties.* –

(a) It shall be unlawful for any person to commit the following acts of grave child rights violations:

(1) Killing of children;

(2) Torture committed against children. For purposes of this Act, torture shall include those enumerated in Section 4 of Republic Act No. 9745 or the “Anti-Torture Act of 2009”;

(3) Intentional maiming of children; and

(4) Rape of children.

Any person found guilty of committing any of the acts enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).

(b) The following acts of grave child rights violations are also hereby prohibited:

(1) Cruel, inhuman and degrading treatment or punishment committed against children. For purposes of this Act, cruel, inhuman and degrading treatment or punishment shall include those acts enumerated in Section 5 of the Anti-Torture Act of 2009;

(2) Abduction of children;

(3) Causal maiming of children;

(4) Taking children as hostages or using them as human shield;

(5) Recruitment, conscription or enlistment of children into governmental armed forces and other armed groups;

(6) Acts of gender-based violence against children;

(7) Refusal or denial of humanitarian access or assistance to children;

(8) Use or involvement of children involved in armed conflict in any capacity as defined in Section 5(i) of this Act; and

(9) Attack on schools, hospitals, places of worship, evacuation centers and settlements and other public places such as recreation parks, playgrounds and malls.

Any person found guilty of committing any of the acts enumerated in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) of paragraph (b) of this section shall suffer the penalty of imprisonment of not less than fourteen (14) years but not more than twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).

(c) Where the crimes committed under paragraph (b) of this section resulted in the killing, torture, maiming or rape of children as enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a), Section 9, the penalty imposed shall be that of Section 9(a) of this Act.

(d) Likewise, it shall be unlawful for any person to commit the following acts:

(1) Hamleting;

(2) Food blockade;

(3) Intentional delayed reporting of a child in custody;

(4) False reporting of a child in custody;

(5) False branding of children or labeling children as children involved in armed conflict; and

1 (6) Arrest, arbitrary detention or unlawful prosecution of
2 children allegedly associated with armed groups or armed
3 forces.

4 Any person found guilty of committing any of the acts
5 enumerated in subparagraphs (1), (2), (3), (4), (5), and (6) of
6 paragraph (d) of this section shall suffer the penalty of an
7 imprisonment of not less than six (6) years but not more than
8 twelve (12) years and a fine of not less than Five hundred
9 thousand pesos (P500,000.00) but not more than One million
10 pesos (P1,000,000.00).

11 (e) Parental accountability of children in situations of
12 armed conflict are subject to the existing provisions of
13 Presidential Decree No. 603 or "The Child and Youth Welfare
14 Code"; the "Special Protection of Children Against Child Abuse,
15 Exploitation and Discrimination Act"; Republic Act No. 9208 or the
16 "Anti-Trafficking in Persons Act of 2003"; Republic Act No. 9231 on
17 the elimination of the worst forms of child labor; Republic Act
18 No. 9851 or the "Philippine Act on Crimes Against International
19 Humanitarian Law, Genocide, and Other Crimes Against
20 Humanity"; and Republic Act No. 10364 or the "Expanded
21 Anti-Trafficking in Persons Act of 2012": *Provided*, That the
22 involvement of the child was due to parental action or inaction; or
23 the parent directed or ratified the involvement of the child; or the
24 child acted as the parent's agent or servant; or the child was
25 entrusted a dangerous weapon or instrument.

26 SEC. 10. *Non-implementation or Violation of Any Other*
27 *Provision of this Act or the Rules and Regulations in General.* -
28 Any public officer who shall knowingly and maliciously prevent,
29 prohibit, refuse or discontinue the implementation of any

1 provision of this Act or any rule and regulation promulgated
2 in accordance thereof, or in any other way violate them if
3 such officer has the duty to implement, shall be punished by
4 imprisonment of not less than six (6) years but not more
5 than twelve (12) years and perpetual absolute disqualification
6 from public office.

7 Any such officer who shall prevent, prohibit, refuse or
8 discontinue the implementation of this Act or its rules and
9 regulations, or in any other way violate them by reason of
10 inexcusable negligence or ignorance, shall suffer the penalty of
11 an imprisonment of not less than one (1) month but not more
12 than six (6) months and temporary special disqualification from
13 public office.

14 The public officer liable under this section shall, in addition
15 to imprisonment, be held administratively liable under existing
16 applicable laws.

17 Any person who shall deliberately commit any other act
18 not covered in Section 9, which shall result in prejudicing the
19 rights of children in situations of armed conflict shall suffer the
20 penalty of imprisonment of not less than six (6) months but not
21 more than six (6) years.

22 SEC. 11. *Forfeiture of Proceeds, Property and Assets.* -
23 The court shall order the forfeiture of proceeds, property and
24 assets derived, directly or indirectly, from the crimes defined
25 and penalized in this Act, without prejudice to the rights of the
26 *bona fide* third party. The court shall impose the corresponding
27 accessory penalties under the Revised Penal Code, as amended,
28 especially where the offender is a public officer.

1 The liabilities imposed in this Act shall not prejudice the
2 application of other existing criminal, civil and administrative
3 liabilities that may additionally be imposed upon the person.

4 SEC. 12. *Nonprescription.* – The crimes defined and
5 penalized under this Act, their prosecution and the execution
6 of sentences imposed on their account shall not be subject to
7 any prescription.

8 CHAPTER V

9 PRINCIPLES OF CRIMINAL LIABILITY AND 10 APPLICATION OF PENALTIES

11 SEC. 13. *Irrelevance of Official Capacity.* – This Act shall
12 apply equally to all persons without any distinction based on
13 official capacity. In no case shall the official capacity exempt a
14 person from criminal responsibility or constitute a ground for
15 reduction of sentence.

16 SEC. 14. *Responsibility of Superiors.* – In addition to the
17 grounds of criminal responsibility for crimes defined and penalized
18 under this Act, a superior shall be criminally responsible for such
19 crimes committed by subordinates where:

20 (a) The superior either knew or, owing to the circumstances
21 at the time, should have known that the subordinates were
22 committing or were about to commit such crimes; or

23 (b) The superior failed to take all necessary, legitimate and
24 reasonable measures to prevent or repress their commission
25 or to submit the matter to the competent authorities for
26 investigation and prosecution.

27 SEC. 15. *Orders from a Superior.* – The fact that a crime
28 defined and penalized under this Act has been committed by
29 a person pursuant to an order of a superior shall not relieve

1 that person of criminal responsibility unless all of the following
2 elements occur:

3 (a) The person was under a legal obligation to obey orders
4 of the superior in question;

5 (b) The person did not know that the order was unlawful; and

6 (c) The person acted under duress or coercion.

7 For purposes of this section, orders to commit grave child
8 rights violations enumerated in Section 9 are manifestly unlawful
9 and shall be punished under this Act and other applicable existing
10 laws.

11 SEC. 16. *Unknown Superior.* – Where the crimes defined
12 and penalized under this Act have been committed by a person
13 pursuant to an order or command of unknown superior, any
14 person who in fact directed the others, spoke for them, signed
15 receipts and other documents issued in their name, or who has
16 performed similar acts on behalf of the armed groups, shall be
17 deemed the superior.

18 CHAPTER VI

19 INVESTIGATION, PROSECUTION AND COURT

20 SEC. 17. *Court, Prosecutors and Investigators.* – The Family
21 Courts shall have original and exclusive jurisdiction over the
22 crimes punishable under this Act.

23 The Commission on Human Rights (CHR), the Department
24 of Justice (DOJ) and its attached agencies, the PNP or other
25 concerned law enforcement agencies shall designate prosecutors
26 or investigators, as the case may be, for cases involving crimes
27 punishable under this Act.

28 The State shall ensure that judges, prosecutors and
29 investigators, especially those designated for purposes of this

1 Act, receive effective training in human rights particularly on
2 the Convention on the Rights of the Child and its Optional
3 Protocol on the Involvement of Children Involved in Armed
4 Conflict and related international instruments, International
5 Humanitarian Law, International Criminal Law and National
6 Guidelines and Protocols on the Handling and Treatment of CIAC.

7 SEC. 18. *Requirement and Procedures on Age Verification*
8 *and Presumption of Minority.* – The child involved in, affected by
9 or displaced by armed conflict, shall enjoy the presumption of
10 minority and shall enjoy all the rights of a child recognized in
11 this Act and other applicable laws unless proven to be at least
12 eighteen (18) years of age or older.

13 The age of a child may be determined from the child's birth
14 certificate, baptismal certificate or any other pertinent document.
15 In the absence of these documents, age may be based on information
16 from the child, testimonies of other persons, the physical
17 appearance of the child and other relevant evidence such as dental
18 records. In case of doubt as to the age of the child, it shall be
19 resolved in favor of the child being deemed a minor.

20 Any person contesting the age of the child prior to the
21 filing of the information in any appropriate court may file a case
22 in a summary proceeding for the determination of age before the
23 Family Court, which shall decide the case within twenty-four (24)
24 hours from receipt of the appropriate pleadings of all interested
25 parties.

26 If a case has been filed against the child and is pending in
27 the appropriate court, the person shall file a motion to determine
28 the age of the child in the same court where the case is pending.

1 Pending hearing on the said motion, proceedings on the main case
2 shall be suspended.

3 In all proceedings, law enforcement officers, prosecutors,
4 judges and other government officials concerned shall exert all
5 efforts to determine the age of the child involved in armed conflict.

6 SEC. 19. *Protection of Victims and Witnesses.* – In addition to
7 existing provisions in Philippine law for the protection of victims
8 and witnesses, the following measures shall be undertaken:

9 (a) The court shall take appropriate measures to protect the
10 safety, physical and psychological well-being, dignity and privacy
11 of child victims and witnesses. Pursuant thereto, the court shall
12 give due regard to all relevant factors, including age, gender
13 and health, and the nature of the crime, particularly where the
14 crime involves sexual or gender-based violence or violence against
15 children;

16 (b) The court shall protect the privacy of child victims and
17 witnesses and observe confidentiality consistent with existing
18 rules on examination of child victims and witnesses;

19 (c) Where the personal interests of the child victims are
20 affected, the court shall consider the child victim's views and
21 concerns in accordance with established rules of procedure and
22 evidence; and

23 (d) Where the disclosure of evidence or information may be
24 prejudicial to the security of the child, witness or the family, the
25 prosecution may withhold such evidence or information and
26 instead submit a summary thereof consistent with the rights of
27 the accused to a fair and impartial trial.

1 to their parents, relatives or guardians or to the victims when they
2 become of age;

3 (c) Reintegration. – The State shall bring children back to
4 their families or communities whenever possible. This shall
5 involve services including the provision of alternative parental
6 care. Trainings aimed to enhance community readiness in the
7 reintegration of these children shall also be undertaken. Processes
8 to facilitate the reintegration, healing and reconciliation of CIAC
9 with their communities shall also be undertaken. Whenever
10 possible, interventions for children shall be done with respect to
11 their opinion. Interventions for indigenous peoples (IP) children
12 shall be conducted in recognition of the traditional structures
13 and institutions of their communities.

14 SEC. 23. *Release of Children Involved in Armed Conflict*
15 *(CIAC)*. – The State shall take all feasible measures to ensure
16 that children recruited or used in armed conflict are demobilized,
17 dissociated or otherwise released from the armed force or armed
18 group.

19 For purposes of this Act, release activities shall be initiated
20 independent of any negotiated peace agreements.

21 The State, through its concerned agencies, in coordination
22 with other stakeholders shall have the following duties:

23 (a) Develop a child-specific release program. This release
24 program should not make as a requirement the surrender of
25 arms by CIAC;

26 (b) Monitor and document the status of CIAC who undergo
27 either a formal or informal release process;

28 (c) With due regard to the right to privacy of CIAC, their
29 security and safety, and considering the confidentiality of records,

1 there will be data and information sharing between government
2 and nongovernment organizations to assess the needs of released
3 CIAC and to formulate ways to address these needs, and be
4 informed of their status and updates of released CIAC;

5 (d) Mobilize and strengthen networks for referrals;

6 (e) Provide free legal assistance to released CIAC ensuring
7 that the legal needs of the former CIAC will be addressed, such as
8 the prohibition or stoppage of filing charges or dismissal of cases
9 against CIAC as criminal or political offenders irrespective of their
10 association with any armed group or force; and

11 (f) Ensure the formal release of CIAC through various
12 approaches such as negotiating through the Government Peace
13 Negotiating Panel (GPNP).

14 Other criminal armed groups that utilize children and are
15 not involved in formal peace negotiation with the government
16 shall, however, be dealt with in accordance with the peace and
17 order or security policy as may be provided by the appropriate
18 government agency: *Provided*, That in any release action, the
19 best interest of the child shall be observed.

20 SEC. 24. *Rescued, Taken into Custody, or Surrendered*
21 *Children Involved in Armed Conflict (CIAC)*. – Where the CIAC
22 have been rescued, taken into custody, or surrendered, they shall
23 at all times be treated in a child-friendly and sensitive manner.
24 The State, at all times, shall consider the safety and security of
25 the CIAC. The following procedures shall apply without prejudice
26 to the application of other existing laws that will uphold the best
27 interests of the child:

28 (a) The identity of rescued CIAC shall be protected. Any
29 identifying information regarding them shall remain confidential;

1 (b) Rescued CIAC shall not be used for any political
2 propaganda nor be unnecessarily exposed to media in violation of
3 child rights to privacy, security and confidentiality of their cases;

4 (c) Upon the rescue or surrender of CIAC, government
5 agencies, in particular, the AFP, PNP, Department of National
6 Defense (DND), local government units (LGUs), other concerned
7 government agencies or nongovernment organizations in possession
8 of the CIAC shall report immediately within twenty-four (24) hours
9 the incident to the LSWDO and the Council for the Welfare of
10 Children (CWC);

11 (d) The LSWDO shall coordinate with the agency or
12 nongovernment organization in possession of CIAC for the
13 handover of custody of the children to the Department of Social
14 Welfare and Development (DSWD);

15 (e) The handover to the LSWDO shall take place within
16 twenty-four (24) hours or in cases where handover is not possible
17 within the prescribed twenty-four (24)-hour period due to valid
18 reasons and without the fault of the person having custody of
19 the child, the handover shall be done within the next seventy-two
20 (72) hours;

21 (f) The LSWDO shall facilitate the family tracing and
22 coordinate with parents, relatives or guardians of the CIAC to
23 inform them of the handover;

24 (g) The Local Health Office (LHO), in coordination with the
25 LSWDO, shall check and assess the medical and physical
26 condition of CIAC. In cases where medical needs are apparent,
27 the LHO shall ensure that medical services or treatment are
28 received by the CIAC;

1 (h) The LSWDO shall assess the needs of the CIAC and
2 refer to concerned agencies to provide immediate assistance or
3 appropriate services;

4 (i) The LSWDO, in coordination with other agencies, shall
5 enter the CIAC into the child-specific reintegration programs; and

6 (j) The CIAC shall be reintegrated into the community. In
7 cases where reintegration to original community of origin is not
8 feasible for reasons of CIAC's security, a conflict-free foster
9 community or institution shall be identified. For other cases
10 where children associated with armed forces or armed groups
11 remain with their family and community or maintain close ties,
12 reintegration shall entail the reorientation of children towards
13 civilian life.

14 CHAPTER VIII

15 INVOLVEMENT OF GOVERNMENT AND 16 NONGOVERNMENT ORGANIZATIONS

17 SEC. 25. *Inter-Agency Committee on Children In Situations*
18 *of Armed Conflict.* - To effectively undertake the protection of
19 the welfare of children in situations of armed conflict and
20 for proper implementation of this Act, the Inter-Agency
21 Committee on Children Involved in Armed Conflict (IAC-CIAC)
22 created by Executive Order No. 138 shall now be known as
23 the Inter-Agency Committee on Children in Situations of Armed
24 Conflict (IAC-CSAC). It shall be chaired by the CWC, with the
25 following government organizations (GOs) as members:

26 (a) Armed Forces of the Philippines (AFP);

27 (b) Commission on Human Rights (CHR);

28 (c) Department of the Interior and Local Government (DILG);

29 (d) Department of Health (DOH);

- 1 (e) Department of Education (DepEd);
 2 (f) Department of Justice (DOJ);
 3 (g) Department of National Defense (DND);
 4 (h) Department of Social Welfare and Development (DSWD);
 5 (i) Local government units (LGUs);
 6 (j) National Commission on Indigenous Peoples (NCIP);
 7 (k) National Commission on Muslim Filipinos (NCMF);
 8 (l) National Disaster Risk Reduction and Management
 9 Council (NDRRMC);
 10 (m) Office of the Presidential Adviser on the Peace Process
 11 (OPAPP);
 12 (n) Philippine Commission on Women (PCW); and
 13 (o) Philippine National Police (PNP).

14 In caring for children in situations of armed conflict,
 15 child-focused NGOs, shall take active part in and continually
 16 strive to strengthen their programs and capabilities to deliver
 17 protection to these children.

18 For proper implementation of this Act, all GOs and NGOs
 19 including those identified herein shall provide their respective
 20 counterpart support including technical, logistical and financial
 21 assistance relative to the implementation of programs, projects
 22 and activities for children in situations of armed conflict, in
 23 accordance with their mandate and in accordance with existing
 24 accounting and auditing rules and regulations.

25 All programs should be participatory and should ensure
 26 the involvement of children, their communities, NGOs, faith-based
 27 organizations or groups, and other concerned groups.

28 SEC. 26. *Functions of the IAC-CSAC.* – The IAC-CSAC
 29 shall perform the following functions:

1 (a) Ensure that international instruments such as the
 2 UNCRC, the optional protocol on the involvement of children in
 3 armed conflict and other related human rights treaties are
 4 considered as actions taken;

5 (b) Formulate guidelines and develop programs, in
 6 coordination with concerned agencies, for the handling of
 7 children involved in armed conflict and monitor/document cases
 8 of capture, surrender, arrest, rescue, or recovery by government
 9 forces;

10 (c) Conduct human rights training, advocacy and information
 11 campaigns and capability building of LGUs;

12 (d) Implement a monitoring, reporting and response system
 13 for grave child rights' violations in situations of armed conflict; and

14 (e) Work closely with concerned agencies in coordinating and
 15 monitoring the implementation of the enhanced CSAC program
 16 framework.

17 CHAPTER IX

18 MONITORING AND REPORTING

19 SEC. 27. *Monitoring and Reporting System.* – The State,
 20 through IAC-CSAC, shall ensure the implementation of the
 21 provisions of this Act and shall submit to the President and
 22 to Congress of the Philippines the annual report thereof. The
 23 IAC-CSAC, through the CWC, shall continue to maintain and
 24 strive to improve the database established by Executive Order
 25 No. 138 for the monitoring and reporting of children in situations
 26 of armed conflict. Its monitoring system should have demographic
 27 data on children disaggregated by sex, age, disability and ethnicity.

1 The CWC may hire additional personnel to complement
2 its present secretariat to perform its functions relative to
3 this Act.

4 CHAPTER X

5 TRANSITORY PROVISIONS

6 SEC. 28. *Dismissal of Criminal Cases.* – Upon the effectivity
7 of this Act, criminal cases against children involved in armed
8 conflict shall immediately be dismissed and the child shall be
9 referred to the LSWDO. Such office, upon thorough assessment
10 of the child, shall determine whether to release the child to
11 the custody of the parents, or refer the child to prevention,
12 rehabilitation and reintegration programs as provided under
13 this Act. Those with suspended sentences and undergoing
14 rehabilitation at a youth rehabilitation center shall likewise
15 be released: *Provided, That* the Family Court shall, in consultation
16 with concerned agencies, determine and order the appropriate
17 prevention, rehabilitation and reintegration programs the person
18 shall undergo as provided under this Act.

19 SEC. 29. *Inventory of Custody of Children in Situations of*
20 *Armed Conflict.* – The AFP, PNP, BJMP, DSWD, NCIP, NCMF and
21 the concerned LGUs are hereby directed to submit to the CWC,
22 within ninety (90) days from the effectivity of this Act, an inventory
23 of all children in situations of armed conflict under their custody.

24 SEC. 30. *Children Who Reach the Age of Eighteen (18) Years*
25 *Pending Court Proceedings or in Suspended Sentences.* – In cases
26 when a child with a pending case reaches the age of eighteen (18)
27 years, the Family Court shall dismiss the case against the person
28 and determine, in consultation with concerned agencies, whether

1 or not there is a need for the person to undergo appropriate
2 rehabilitation and reintegration programs provided under this Act.

3 Those with suspended sentences and undergoing
4 rehabilitation at a youth rehabilitation center shall likewise
5 be released: *Provided, That* the Family Court shall, in consultation
6 with concerned agencies, determine and order the appropriate
7 rehabilitation and reintegration programs the person shall
8 undergo as provided under this Act.

9 SEC. 31. *Children Who Have Been Convicted and are*
10 *Serving Sentence.* – Persons who have been convicted and are
11 serving sentence at the time of the effectivity of this Act and
12 who were below the age of eighteen (18) years at the time of
13 the commission of the offense for which they were convicted, and
14 are serving sentence, shall likewise benefit from the retroactive
15 application of this Act. They shall be entitled to appropriate
16 dispositions provided under this Act, and their sentences shall
17 be adjusted accordingly. They shall be immediately released if
18 they are so qualified under this Act or other applicable laws.

19 CHAPTER XI

20 FINAL PROVISIONS

21 SEC. 32. *Appropriations.* – The amount necessary to cover
22 the initial implementation of this Act shall be charged against
23 the current year's appropriations of the concerned implementing
24 departments/agencies. Thereafter, the amount necessary for its
25 continued implementation shall be included in the budgets of
26 the concerned departments/agencies in the annual General
27 Appropriations Act.

28 SEC. 33. *Implementing Rules and Regulations.* – The CWC,
29 together with its member agencies in the IAC-CSAC, in consultation

1 with civil society organizations, shall promulgate the implementing
2 rules and regulations of this Act within ninety (90) days from
3 its approval. All government agencies enumerated in Section 25
4 of this Act shall be consulted in order that the responsibilities
5 set for them in the aforesaid rules and regulations are duly
6 validated.

7 Nongovernment organizations involved in caring for children
8 in situations of armed conflict shall likewise be consulted in the
9 drafting of the implementing rules and regulations of this Act.

10 SEC. 34. *Suppletory Application.* – For purposes of this Act,
11 the Revised Penal Code, as amended, and other applicable laws
12 shall have suppletory application.

13 SEC. 35. *Separability Clause.* – If any part or provision of
14 this Act is declared invalid or unconstitutional, the other parts
15 hereof not affected thereby shall remain valid.

16 SEC. 36. *Repealing Clause.* – Article X, Sections 22 to 26 of
17 Republic Act No. 7610; Executive Order No. 138; all laws, acts,
18 presidential decrees, executive orders, administrative orders, rules
19 and regulations inconsistent with or contrary to the provisions of
20 this Act are deemed amended, modified or repealed accordingly.

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

Approved,