

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

22 JUL 18 AIO :16

SENATE
S. No. 698

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
ADVANCING THE RIGHTS OF STREET CHILDREN BY STRENGTHENING THE
BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) AND
ESTABLISHING AN INCENTIVES SYSTEM FOR THE PRIVATE SECTOR
ENGAGED IN THE PROMOTION OF THE WELFARE OF STREET CHILDREN,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The concern about the proliferation of street children in the country has been a subject of various studies and policy proposals. While the government authorities and international organizations including UNICEF Philippines stated that there is no definite data on the number of street children, estimates range from 250,000 to one (1) million. Among the factors that sent them to streets are poverty, dismal family structure, abuse, migration, need to work or peer influence. And because of their exposure to various environments outside their homes, they become vulnerable which leads to their exploitation. Most of them are even engaged in petty crimes such as pick pocketing while others are being used for illegal activities such as illegal drugs vending and prostitution.

The Philippines is a signatory of the United Nations Convention on the Rights of the Child which seeks to protect the welfare of children, including those who are in the streets and homeless. Apart from this, various laws were enacted for their protections and this includes Republic Act 7160 or the "Local Government Code of 1991", Republic Act 7610 or the "Special Protection of Children Against Child Abuse,

Exploitation and Discrimination Act”, Republic Act 4373 or “An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes”, and Republic Act 9344 or the “Juvenile Justice and Welfare Act of 2006”. The Department of Social Welfare and Development (DSWD) has also issued several policies to operationalize the projects for street dwellers and program interventions that promote and safeguard the rights of the street children.

Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code mandated the establishment of Barangay Councils for the Protection of Children (BCPC) which are mandated, among others, to protect and assist abandoned or maltreated children and dependents.

The proposed “*Street Children Welfare Act*” seeks to strengthen BCPC to enable it to provide adequate nutrition, clothing and shelter, as well as social, health and educational services to street children. Under the bill, BCPC are tasked to coordinate with the Council for the Welfare of Children (CWC) and the DSWD in drawing and implementing plans for the promotion of child and youth welfare, particularly on issues concerning street children. They shall also monitor the existence of children on the street in their respective communities.

This measure was filed by Senator Ralph G. Recto in the 18th Congress.

In this light, the immediate passage of this measure is earnestly sought.


RAMON BONG REVILLA, JR.



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

1 Section 1. *Short Title.* - This Act shall be known as the "*Street Children Welfare*
2 *Act*".

3 Sec. 2. *Declaration of Policy.* - Article XV of the Constitution provides that the
4 State shall defend the right of children to assistance, including proper care and
5 nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation
6 and other conditions prejudicial to their development.

7 It is also the declared policy of the State to eliminate the presence of street
8 children in its cities and municipalities by promoting their welfare through
9 strengthened programs aimed at protecting their rights at the community level and by
10 encouraging the private sector in aiding government efforts to provide relief for street
11 children who are otherwise deprived of opportunities for growth and development.

12 The State shall also ensure that street children are provided with adequate
13 nutrition, clothing and shelter as well as with social and health services and
14 educational opportunities, including vocational and life-skills training, in order to

1 support their full development and provide them with adequate protection and
2 assistance.

3 The State shall also provide street children who are victims of physical, sexual
4 and substance abuse with adequate rehabilitation and social reintegration services and
5 promote reunification with their families when feasible.

6 *Sec. 3. Definition and Classification of Street Children.* – The term *street*
7 *children* refers to children under the age of eighteen (18) years who spend a large
8 percentage of their time living, working and playing on the street. They are further
9 classified into four (4) groups:

10 (a) *Children on the street* – Children who spend a majority of their time on
11 the street for livelihood but return home to their families on a regular
12 basis;

13 (b) *Children of the street* – Children who also spend a majority of their time
14 living, playing and working on the street, but seldom return to their
15 families in communities or not at all. They generally do not go to school
16 and decide to live on the streets because of problems at home that
17 include extreme poverty, violence and substance abuse;

18 (c) *Abandoned and neglected children* – Children who are on the streets
19 because they have no families; have been abandoned or neglected by
20 their families; or have been displaced from their families. They maintain
21 no connection to their families and are normally out of school; and,

22 (d) *Children of street families* – Children who live with their families on the
23 street. Their families have often been homeless for a long period of time
24 and earn their livelihood on the streets.

25 *Sec. 4. Barangay Council for the Protection of Children (BCPC).* – The BCPC
26 created under Presidential Decree (PD) 603 shall have the following members, who
27 shall be chosen from among the responsible members of the community:

28 (a) Punong Barangay;

29 (b) Barangay Kagawad (Chairperson on Women and Family);

30 (c) Barangay Nutrition Scholar;

31 (d) Barangay Day Care Worker;

32 (e) Barangay Health Nurse / Midwife;

- 1 (f) Barangay Health Worker;
- 2 (g) Department of Education Principal / Teacher-in-Charge;
- 3 (h) Chief Tanod;
- 4 (i) Sangguniang Kabataan (SK) Chairperson;
- 5 (j) Parents-Teachers Association (PTA) President or authorized
- 6 representative; and,
- 7 (k) Two (2) representatives from a Non-Government Organization (NGO)
- 8 concerned with the welfare of children and youth.

9 Upon assumption to office, the Punong Barangay is hereby mandated to
10 convene the BCPC. In its first meeting, the Punong Barangay shall call for an election
11 of the BCPC chairperson from among its members.

12 *Sec. 5. Roles and Functions of the BCPC.* – In addition to its functions under
13 PD 604, the BCPC shall perform the following functions consistent with the declared
14 policies of this Act:

- 15 (a) Coordinate with the Council for the Welfare of Children (CWC) and the
- 16 Department of Social Welfare and Development (DSWD) in drawing and
- 17 implementing plans for the promotion of child and youth welfare,
- 18 particularly on issues concerning street children;
- 19 (b) Monitor the existence of children on the street in their respective
- 20 communities;
- 21 (c) Prepare a report on the number of street children in its respective area
- 22 of responsibility, discussing every case in full detail, including a brief
- 23 history of how the child had been forced to spend most of the child's
- 24 time on the streets. The said report shall be submitted to the CWC and
- 25 the DSWD, including the local Social Welfare Department of its
- 26 respective city or municipality;
- 27 (d) Prepare an intervention plan for each of the cases, which should be
- 28 specifically based on the peculiarity of the circumstances of each child;
- 29 and
- 30 (e) Coordinate with the local government unit and non-government
- 31 organizations promoting the welfare of street children in addressing the
- 32 problem of street children in each barangay.

1 Sec. 6. *Incentives.* – In order to encourage private sector participation, all
2 expenses incurred by any private individual, corporation or a non-governmental
3 organization, in the establishment of facilities or in the performance of services,
4 including donations, which are consistent with the declared policies of this Act, shall
5 be considered as allowable deductions from the gross income as defined under Section
6 32, Chapter VI, Title II of the National Internal Revenue Code of 1997, as amended.

7 Sec. 7. *Applicability of Existing Laws.* –

8 (a) If the child is a victim of abuse, physical violence, neglect, sexual abuse
9 and similar circumstances, provisions of Republic Act No. 9262 or the
10 “Anti-Violence Against Women and Their Children Act of 2004” and
11 Republic Act No. 7620 or the “Special Protection of Children Against
12 Abuse, Exploitation and Discrimination Act”, as amended, shall apply
13 insofar as it is applicable.

14 (b) For children in conflict with the law, Republic Act No. 9344 or the
15 “Juvenile Justice and Welfare Act of 2006” shall apply.

16 Sec. 8. *Implementing Rules and Regulations.* – Within thirty (30) days from
17 the effectivity of this Act, the Department of the Interior and Local Government
18 (DILG), the DSWD and the Bureau of Internal Revenue (BIR) shall issue the necessary
19 rules and regulations to carry out the effective implementation of this Act which shall
20 include the creation of a system of accreditation of private sector entities engaged in
21 the promotion of the welfare of street children.

22 Sec. 9. *Separability Clause.* – If any provision or part hereof is held invalid or
23 unconstitutional, the remainder of the law or the provision or part not otherwise
24 affected shall remain valid and subsisting.

25 Sec. 10. *Repealing Clause.* – Any law, presidential decree or issuance,
26 executive order, letter of instruction, administrative order, rule, or regulation contrary
27 to or inconsistent with the provisions of this Act are hereby repealed, modified, or
28 amended accordingly.

29 Sec. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its
30 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,