



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City



Eighteenth Congress
First Regular Session

5589

HOUSE BILL NO. _____

Introduced by: Representative Florencio Gabriel G. Noel

EXPLANATORY NOTE

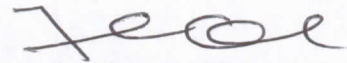
Street children roaming around is an ordinary sight in the Philippines. According to the Council for the Welfare of Children, there are approximately 250,000 children who live in the streets.¹ Without any parent guiding them, these children are exposed to different kinds of danger, virus, disease, and possibly being trafficked and abused by adults. Section 3 (3) of Article XV of the 1987 Philippine Constitution declares that the state shall defend "The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;"

That being said, the state acts as the *parens patriae* which is the power of the state to act as the parent of any child or individual who is in need of protection. Without the parents, the state possesses the power to act as their parents, providing for their proper care and protection which their parents could not provide. Nevertheless, the large number of street children in the Philippines demonstrates the miscarriage of the state to act as *parens patriae*.

¹ "Situation of the Filipino Children", 2012, Council for the Welfare of Children. Accessed at www.cwc.gov.ph

This bill seeks to strengthen the rights of street children by reinforcing the Barangay Council for the Protection of Children (BCPC) which has more capability in overseeing street children in the barangay level. Aside from this, this bill also seeks to provides incentives to private individuals, corporations, NGOs or entities that offer much needed facilities or services aimed at providing our street children short- and long term refuge against the harsh realities of the streets, including donations to such endeavors.

In view of the foregoing, the passage of this bill is earnestly sought,



Florencio Gabriel "Bem" G. Noel
An Waray Partylist Representative



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HOUSE BILL NO. 5589

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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

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

SECTION 1. Title. - This Act shall be known as the "Street Children Welfare Act".

SECTION. 2. Declaration of Policy. - Article XV of the Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. It is also the declared policy of the State to eliminate the presence of street children in its cities and municipalities by promoting their welfare through strengthened programs aimed at protecting their rights at the community level and by encouraging the private sector in aiding government efforts to provide relief for street children who are otherwise deprived of opportunities for growth and development.

The State shall also ensure that street children are provided with adequate nutrition, clothing and shelter as well as with social and health services and educational opportunities, including vocational and life-skills training, in order to support their full development and provide them with adequate protection and assistance. The State shall also provide street children who are

victims of physical, sexual and substance abuse with adequate rehabilitation and social reintegration services and promote reunification with their families when feasible.

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

- a. Children on the street - Children who spend a majority of their time on the street for livelihood but return home to their families on a regular basis;
- b. Children of the street - Children who also spend a majority of their time living, playing and working on the street, but seldom return to their families in communities or not at all. They generally do not go to school and decide to live on the streets because of problems at home that include extreme poverty, violence and substance abuse;
- c. Abandoned and neglected children - Children who are on the streets because they have no families; have been abandoned or neglected by their families; or have been displaced from their families. They maintain no connection to their families and are normally out of school; and
- d. Children of street families - Children who live with their families on the street. Their families have often been homeless for long periods of time and earn their livelihood on the streets.

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

- a. Punong Barangay;
- b. Barangay Kagawad (Chairperson on Women and Family);
- c. Barangay Nutrition Scholar;
- d. Barangay Day Care Worker;
- e. Barangay Health Nurse / Midwife;
- f. Barangay Health Worker;
- g. Department of Education (DepEd) Principal / Teacher-in-charge;
- h. Chief Tanod;
- i. Sangguniang Kabataan (SK) Chairperson;
- j. Parents-Teachers Association (PTA) President or authorized representative; and
- k. Two (2) representatives from a Non-Government Organization (NGO) concerned with the welfare of children and youth.

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

SECTION. 5. Roles and Functions of the BCPC. - In addition to its functions under PD 603, the BCPC shall perform the following functions consistent with the declared policies of this Act:

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

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

SECTION. 7. Applicability of Existing Laws. -

- a. If the child is a victim of abuse, physical violence, neglect, sexual abuse and similar circumstances, provisions of Republic Act No. 9262 or the "Anti-Violence Against Women and Their Children Act of 2004" and Republic Act 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", as amended, shall apply insofar as it is applicable.
- b. For children in conflict with the law. Republic Act 9344 or the "Juvenile Justice and Welfare Act of 2006" shall apply.

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

SECTION 9. Separability Clause. - If, for any reason, any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION. 10. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof, which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

SECTION 11. Effectivity. - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette.

Approved,