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(In Substitution of Senate Bill Nos. 2446, 2448, 2466, 2487, 2502, 2718 and 2906  
taking into consideration Proposed Senate Resolution Nos. 400 and 1025; and  
House Bill No. 5285)

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Prepared by the Committees on Women, Children, Family Relations and  
Gender Equality; Social Justice, Welfare and Rural Development; Finance;  
and Youth with Senators Defensor Santiago, Sotto III, Guingona III, Recto,  
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authors thereof

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**AN ACT**

**MANDATING THE PROVISION OF EMERGENCY RELIEF AND  
PROTECTION FOR CHILDREN BEFORE, DURING, AND AFTER  
DISASTERS AND OTHER EMERGENCY SITUATIONS**

*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 “*Children’s*  
2       *Emergency Relief and Protection Act.*”

3       **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the  
4       State to protect the fundamental rights of children before, during, and after  
5       disasters and other emergency situations when children are gravely  
6       threatened or endangered by circumstances that affect their survival and

1 normal development. Guided by the principles on survival and development,  
2 on child participation, and consistent with the United Nations Convention on  
3 the Rights of the Child, as well as the Children's Charter for Disaster Risk and  
4 Reduction, and the minimum standards for children in humanitarian action, the  
5 State shall establish and implement a comprehensive and strategic program  
6 of action to provide the children and pregnant and lactating mothers affected  
7 by disasters and other emergency situations with utmost support and  
8 assistance necessary for their immediate recovery and protection against all  
9 forms of violence, cruelty, discrimination, neglect, abuse, exploitation and  
10 other acts prejudicial to their interest, survival, development and well-being.

11 **SEC. 3. *Definition of Terms.*** – For the purposes of this Act, the  
12 following shall refer to:

13 **(a) Child** - refers to a person below eighteen (18) years of age or  
14 those over but are unable to fully take care of themselves or  
15 protect themselves from abuse, neglect, cruelty, exploitation or  
16 discrimination because of a physical or mental disability or  
17 condition as defined in Republic Act No. 7610 or the Special  
18 Protection of Children Against Abuse, Exploitation and  
19 Discrimination Act.

20 **(b) Child With Special Needs** – refers to a child with a  
21 developmental or physical disability as defined in Republic Act  
22 No. 10165 or the Foster Care Act of 2012.

23 **(c) Child-Friendly Spaces** – refer to spaces where communities  
24 create nurturing environments for children to engage in free  
25 and structured play, recreation, leisure and learning activities.  
26 The child-friendly space may provide health, nutrition, and  
27 psychosocial support, and other services or activities which  
28 will restore their normal functioning.

29 **(d) Civil Registry Documents** – refer to all certificates,  
30 application forms, and certified true copies of legal instruments

1 and court decrees concerning the acts and events affecting  
2 the civil status of persons which are presented before the Civil  
3 Registrar and are recorded in the Civil Register.

4 **(e) Civil Society Organizations (CSOs)** – as defined in Republic  
5 Act No. 10121 or the Philippine Disaster Risk Reduction and  
6 Management Act of 2010, refer to non-state actors whose  
7 aims are neither to generate profits nor to seek governing  
8 power such as non-government organizations (NGOs),  
9 professional associations, foundations, independent research  
10 institutes, community-based organizations (CBOs), faith-based  
11 organizations, people's organizations, social movements, and  
12 labor unions which are organized based on ethical, cultural,  
13 scientific, religious or philanthropic considerations.

14 **(f) Disasters** – as defined in R.A. 10121, refer to a serious  
15 disruption of the functioning of a community or a society  
16 involving widespread human, material, economic, or  
17 environmental losses and impacts, which exceeds the ability of  
18 the affected community or society to cope using its own  
19 resources. Disasters are often described as a result of the  
20 combination of: the exposure to a hazard; the conditions of  
21 vulnerability that are present; and insufficient capacity or  
22 measures to reduce or cope with the potential negative  
23 consequences. Disaster impacts may include loss of life,  
24 injury, disease and other negative effects on human, physical,  
25 mental and social well-being, together with damage to  
26 property, destruction of assets, loss of services, social and  
27 economic disruption, and environmental degradation.

28 **(g) Emergency** – refers to unforeseen or sudden occurrence,  
29 especially danger, demanding immediate action as defined in  
30 R.A. 10121.

31 **(h) Family Tracing and Reunification** – refers to the process

1 where disaster response teams reunite families separated by  
2 natural and human catastrophes by bringing together the child  
3 and family or previous care-provider for the purpose of  
4 establishing or re-establishing long-term care.

5 **(i) Hazard** – refers to a dangerous phenomenon, substance,  
6 human activity or condition that may cause loss of life, injury or  
7 other health impacts, property damage, loss of livelihood and  
8 services, social and economic disruption, or environmental  
9 damage as defined in R.A. 10121.

10 **(j) Orphans or Orphaned Children** – refer to children who do  
11 not have a family and relatives who can assume responsibility  
12 for their care.

13 **(k) Separated children** – refer to children separated from both  
14 parents, or from their previous legal or usual primary caregiver,  
15 but not necessarily from other relatives. As a result, this may  
16 include children accompanied by other family members.

17 **(l) State of Calamity** – refers to a condition involving mass  
18 casualty and/or major damages to property, disruption of  
19 means of livelihoods, roads, and normal way of life of people  
20 in the affected areas as a result of occurrence of natural or  
21 human-induced hazard as defined in R.A. 10121.

22 **(m) Transitional shelter** – refers to structures temporarily  
23 constructed by the government intended for families affected  
24 by a disaster while awaiting transfer to permanent shelters.

25 **(n) Unaccompanied children** – refer to children who have been  
26 separated from both parents and other relatives, and who are  
27 not being cared for by an adult who, by law or custom, is  
28 responsible for doing so.

29 **SEC. 4. Comprehensive Emergency Program for Children.** –The  
30 Department of Social Welfare and Development (DSWD) shall formulate a

1 Comprehensive Emergency Program for Children, hereinafter referred to as  
2 the Program, taking into consideration humanitarian standards for their  
3 protection. The Program shall be used as the basis for handling disasters and  
4 other emergency situations to protect children, pregnant and lactating  
5 mothers, and support their immediate recovery. This shall be implemented  
6 immediately after the declaration of a national or local state of calamity or  
7 occurrence of any other emergency situation.

8 The DSWD shall engage all relevant government agencies and  
9 stakeholders for the implementation of the Program. Local Government Units  
10 (LGUs) shall integrate the same in their development and Local Disaster Risk  
11 Reduction Management (LDRRM) plans and budget.

12 The Program shall be gender-sensitive and have the following  
13 components:

14 a) ***Establishment of Evacuation Centers.*** – LGUs shall establish  
15 and identify safe locations as evacuation centers for children and families  
16 subject to the limitations found in Section 5 of this Act.

17  
18 b) ***Establishment of Transitional Shelters for Orphaned,***  
19 ***Separated, and Unaccompanied Children.*** – The National Housing Authority  
20 (NHA)<sup>1</sup> shall, in coordination with the DSWD, Department of Environment and  
21 Natural Resources (DENR), Department of Public Works and Highways  
22 (DPWH)<sup>2</sup>, Department of Local and Interior Government (DILG)<sup>3</sup>, and LGUs of  
23 the areas declared under the state of calamity, immediately establish an  
24 option for transitional shelters, prioritizing vulnerable and marginalized groups  
25 including orphaned, separated, and unaccompanied children, and pregnant  
26 and lactating mothers. New transitional shelters, established pursuant to this

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<sup>1</sup> DSWD supplemental position paper: Should not be DSWD, lead should be NHA in coordination with DSWD

<sup>2</sup> DSWD position paper, awaiting comments of agencies on their inclusion

<sup>3</sup> DSWD position paper; DILG is amenable that they be included

1 Act, shall be designed with the following considerations: gender-specific  
2 emergency latrines, bathing cubicles, and hand washing facilities specifically  
3 designed for children. It shall provide mother and child-friendly spaces where  
4 children can take part in child activities. It shall also have provisions for  
5 maternal and newborn and infant care and rooms to protect, feed, provide  
6 personal care, and ensure the right to privacy. Existing transitional shelters  
7 shall be modified to the extent possible to comply with the abovementioned  
8 considerations.

9  
10 **c) Assurance for Immediate Delivery of Basic Necessities and**  
11 **Services.** – The Program shall facilitate and ensure the immediate delivery of  
12 basic necessities and services specifically required by the affected children in  
13 different stages of development such as access to basic health services, food,  
14 water, nutrition, medicines, clothing, sanitary and hygiene kits, and other  
15 emergency needs such as blankets, mosquito nets, cooking ware and fuel,  
16 and flashlights. The Program shall give priority to the specific health and  
17 nutrition needs of pregnant women, lactating mothers, newborn babies,  
18 children under five years old and children with special needs.

19 **d) Stronger Measures to Ensure the Safety and Security of**  
20 **Affected Children.** – Under the Program, the Philippine National Police (PNP)  
21 shall, in coordination with the Armed Forces of the Philippines (AFP) and the  
22 DSWD, DILG, LGUs, DepED, CHED and CSOs in the community, monitor and  
23 ensure the safety and the security of the affected children in the areas  
24 declared under the state of calamity and shall protect them against all forms of  
25 abuse and exploitation.

26 Upon the declaration of a national and local state of calamity, the PNP  
27 and the DSWD, with the assistance of AFP operating units in the area and  
28 local councils against trafficking and violence against women and their  
29 children, in accordance with existing laws, shall immediately heighten

1 comprehensive measures and monitoring to prevent child trafficking, labor,  
2 and prostitution, including domestic and sexual violence, in the areas declared  
3 under the state of calamity.

4 The DSWD shall require all government agencies, LGUs, and CSOs  
5 which are tasked to provide any assistance or services to the affected children  
6 to adopt a child protection policy. The child protection policy shall include  
7 measures to deter and effectively respond to cases of violence, abuse, and  
8 exploitation of children.

9 All LGUs shall prioritize the establishment and functionality of the  
10 barangay violence against women and children (VAWC) desks. The VAWC  
11 desk shall serve as one of the key reporting and referral mechanism for cases  
12 of violence, abuse, and exploitation of children in the barangay during all  
13 phases of emergency response and recovery.

14 Children shall be given priority during evacuation as a result of a  
15 disaster or other emergency situation. Existing CSOs in the community shall  
16 be tapped to look after the safety and well-being of children during evacuation  
17 operations. Measures shall be taken to ensure that children evacuated are  
18 accompanied by persons responsible for their safety and well-being.

19 e) ***Delivery of Health, Medical, and Nutrition Services.*** – Under  
20 the Program, the DOH, in coordination with the DSWD, LGUs, and CSOs in  
21 the community, shall provide the health, medical, and nutritional needs of  
22 children in the areas declared under the state of calamity, including  
23 psychosocial interventions for children in different stages of development.

24 f) ***Plan of Action for Prompt Resumption of Educational***  
25 ***Services for Children.*** – The Department of Education (DepED), in  
26 coordination with the DSWD, DILG, and the concerned LGUs shall ensure the

1 prompt resumption of educational services for all children, including early  
2 childhood care and development for children aged below five (5).

3 g) ***Establishment of Child Friendly Spaces.*** – The concerned LGU  
4 shall set up Child Friendly Spaces in every city or municipality declared under  
5 the state of calamity, as needed, based on the guidelines to be promulgated  
6 by DSWD. In addition, LGUs shall coordinate with lead agencies and CSOs to  
7 effectively respond to the needs of the children in the area. Child Friendly  
8 Spaces shall be made available throughout a crisis, from emergencies to  
9 recovery.

10 In case the concerned LGU cannot immediately respond due to the  
11 huge impact of disaster, the DSWD, together with the concerned national  
12 government agencies and in coordination with CSOs and other stakeholders,  
13 as well as nearby LGUs, shall provide the necessary child care services and  
14 social protection of affected children.

15 h) ***Promotion of Children's Right.*** – The Program shall include  
16 activities and processes that will promote and uphold the rights of children by:

- 17 i) Providing child-centered training for all responders;
- 18 ii) Ensuring that children are provided with adequate access  
19 to age-appropriate information on their roles and responsibilities and  
20 those of government agencies before, during, and after disasters and  
21 other emergency situations;
- 22 iii) Providing for an effective mechanism for training and  
23 meaningful participation of children in community disaster risk reduction  
24 program; and
- 25 iv) Consulting with the affected children on their needs and  
26 priorities for post-disaster relief and recovery.



1           **SEC. 5.     *Evacuation Centers.*** – Only in cases where there is no  
2 other available place or structure which can be used as a general evacuation  
3 center may a school or child development center be used as an evacuation  
4 center.

5           When a school or child development center is used as an evacuation  
6 center, gymnasiums, learning and activity centers, auditoriums and other open  
7 spaces shall be utilized first. Classrooms shall only be used as a last resort.  
8 The use of the school premises shall be as brief as possible. If the use is  
9 predicted to exceed fifteen (15) days, the affected LGU shall provide written  
10 documentation to the DepED and DILG on the following:

- 11                   i. The name and location of the school;
- 12                   ii. All alternative sites and proposal for final site selection;
- 13                   iii. Measures being implemented to prevent interference or  
14                   disruption to the school and educational activities of  
15                   children; and
- 16                   iv. Other particulars to be provided in the Implementing Rules  
17                   and Regulations of this Act.

18           The DepED, in coordination with DPWH, shall continuously monitor and  
19 assess the condition of temporary learning spaces or other transitional and  
20 semi-permanent structures used as classrooms after a disaster, and if the use  
21 exceeds six (6) months after the declaration of a state of calamity, the regional  
22 DepED office shall conduct regular site inspections and shall certify to the  
23 Secretary of Education that such spaces are in good physical condition and  
24 sufficient to ensure the safety of the children and their environment.

25           **SEC. 6. *Orphaned, Unaccompanied, or Separated Children.*** – The  
26 DSWD, upon consultation with relevant agencies, shall develop a minimum

1 set of standards and guidelines for the Family Tracing Reunification System of  
2 unaccompanied and separated children.

3 Orphaned children, and unaccompanied or separated children whose  
4 families or relatives cannot be found or assessed to be incapable of providing  
5 proper care and protection shall be placed in a licensed or accredited  
6 residential care facility or with a foster family in accordance with Article 140 of  
7 the Child and Youth Welfare Code, or a community-based center. A registered  
8 social worker shall provide the needed case management and intervention.

9 **SEC. 7. *System of Restoring Civil Registry Documents.*** – To ensure  
10 that vital information pertaining to the personal circumstances of a child are  
11 adequately protected and available at all times, the Philippine Statistics  
12 Authority (PSA) shall develop a system for the restoration and reconstruction  
13 of civil registry documents that have been destroyed or declared lost or  
14 missing during a disaster or calamity.

15 The PSA shall submit a report on the number of restored or  
16 reconstructed documents to appropriate government agencies for effective  
17 monitoring and reporting and to ensure the continued access of the affected  
18 children to social services and facilitate the reunification of separated children  
19 with their families.

20 The PSA shall likewise develop a system for the registration of children  
21 born during a national or local state of calamity.

22 **SEC. 8. *Training of Emergency Responders on Child Protection.*** –  
23 The NDRRMC shall promote and conduct a child-responsive training program  
24 for all responders in the calamity area such as community and barangay  
25 leaders, community members, school personnel and other rescuers. The  
26 training program shall include the following:

1 (a) Proper procedures and measures to assess the situation,  
2 safeguard and protect the affected children during and after emergencies and  
3 disasters; and

4 (b) Appropriate training on psycho-social interventions for children in  
5 different stages of development who are victims of calamities.

6 Each member agency shall include or mainstream child protection in  
7 their emergency response training to service providers.

8  
9 **SEC. 9. Data Gathering, Monitoring, and Reporting.** – The agencies  
10 mandated by this Act shall monitor and report on the implementation of  
11 services under the Program to be submitted jointly to Congress annually. The  
12 report shall include a specific section on pregnant women and children under  
13 five years of age as a strategy for ensuring to address the post-disaster  
14 nutrition needs of children under age five and pregnant women are both  
15 understood and met.

16 In the aftermath of a national or local state of calamity, the collection  
17 and reporting of data for the Disaster Risk Reduction Management Information  
18 System at all levels, as provided for in Republic Act No. 10121, shall be  
19 disaggregated by age, gender, ethnicity, and special needs. Such collected  
20 data shall be utilized to understand and respond better to the needs of  
21 children affected by disasters and calamities.

22 Within five (5) days from the declaration of a national state of calamity  
23 or as soon as practicable, the DSWD and DILG shall jointly submit written  
24 documentation and report on their surveillance and monitoring under Section  
25 4 (c) to the appropriate committees of the Senate and the House of  
26 Representatives.

1           **SEC. 10. Appropriations.** – The amount necessary for the initial  
2 implementation of this Act shall be charged against the current appropriations  
3 of the DSWD, OCD, DepED, DOH, DND and PSA. Thereafter, the amount  
4 needed for the continued implementation of this Act shall be included in the  
5 annual General Appropriations Act. For LGUs, the implementation of the  
6 programs shall be charged against the Local Disaster Risk Reduction and  
7 Management Fund (LDRRMF).

8           **SEC. 11. Implementing Rules and Regulations.** – Within ninety (90)  
9 days from the effectivity of this Act, the DSWD, in consultation and  
10 coordination with the DND, OCD, DOH, DepED, DILG, PNP, AFP and child-  
11 focused CSOs shall promulgate the necessary rules and regulations for the  
12 effective implementation of this Act.

13           **SEC. 12. Interpretation Clause.** – The provisions of this Act and its  
14 implementing rules and regulations shall be liberally construed in favour of the  
15 best interest of the child.

16           **SEC. 13. Separability Clause.** – If any provision or part of this Act is  
17 declared invalid or unconstitutional, the remaining parts or provisions not  
18 affected shall remain in full force and effect.

19           **SEC. 14. Repealing Clause.** – All laws, executive orders, presidential  
20 decrees, rules and regulations or parts thereof inconsistent with any  
21 provisions of this Act are hereby repealed, amended or modified accordingly.

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

24           Approved,