

Annex J: Legal Framework

Figure 1: Key Child Protection Laws and policies in the Philippines

Family support	<p>The Family Code of the Philippines 1974 deals with the family as an institution and contains provisions relating to family disputes, legitimation, adoption; financial support and parental authority. It came into force under Executive Order No. 209 (1987):</p> <p>Republic Act 8972: The Solo Parents Welfare Act 2000, provides for benefits and privileges for lone parents and their children.</p>
Child protection	<p>1987 Constitution: Article XV Section 3 imposes upon the State the obligation to 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.</p> <p>Republic Act 7610; The Special Protection of Children against Abuse, Exploitation and Discrimination Act 1992: Its provisions protect children against all forms of violence including covers a wide range of acts, including psychological abuse, neglect, cruelty and emotional maltreatment and neglect. It also prohibits and criminalises child prostitution and other sexual abuse; child trafficking, obscene publication and indecent shows; other acts of abuse and circumstances which endanger child survival and development, including child labour, children of indigenous communities and children in situations of armed conflict.</p> <p>Republic Act No. 6972: The Barangay-level Total Development and Protection of Children Act 1990 provides for the protection of children up to the age of 6 against all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. Responsibility for such protection is placed upon the Barangay.</p>
Birth Registration	<p>Republic Act 3753: The Law of Registry of Civil Status established a civil register in the Philippines, including provisions relating to birth registration. The Act has been amended on numerous occasions.</p>
Violence in schools	<p>Republic Act 10627: The Anti-Bullying Act of 2013: provides for schools to introduce anti-bullying policies and procedures for dealing with bullying complaints.</p>
Domestic violence	<p>Republic Act 9262: The Anti-Violence Against Women and Their Children Act of 2004 criminalises acts of physical, sexual, economic and psychological abuse and violence committed against a woman or her child by any person and provides for protective measures.</p>

Children with disabilities	Republic Act 7277: Magna Carta for Disabled Persons 1992 provides for rights of disabled persons, including women and children.
Child labour	<p>Republic Act 9231: The Act Prohibiting Employment of Children in Hazardous Areas 1999 and includes recruitment of children for use in armed conflict as one of the worst forms of child labour.</p> <p>Republic Act 10361: An Act Instituting Policies for the Protection and Welfare of Domestic Workers 2012, which prohibits the employment of a child under the age of 15 as a domestic worker. The Act explicitly states that working children (i.e. children aged 15–18) are entitled to the minimum wage and to all the benefits set out in the Act. A Roadmap for the Elimination of Child Labour in domestic work and the provision of adequate protection for young domestic workers of legal working age (i.e. 15) was adopted in 2015. In addition, a Joint Memorandum Circular was signed in October 2015 by DOLE, the DSWD, the National Bureau of Investigation (NBI) and the Philippine National Police, and guidelines issued to all concerned agencies for the immediate rescue and rehabilitation of abused domestic workers. Further action has been taken by DOLE who issued Department Order No 149 in February 2016 (Guidelines in Assessing and Determining Hazardous Work in Employment of Persons below 18 years of age) which lists work and activities which are considered hazardous to domestic workers below 18 years of age, and are thus prohibited. The CEACR, which supervises the application of International Labour Standards noted in its Observation adopted in 2019, that the National Bureau of Investigation was in the final drafting stage of the NBI Manual and Standard Operating Procedures for Trafficking in persons and online sexual exploitation of children cases.</p>
Children in conflict with the law	Republic Act 9344 as amended by RA 10630;:: The Juvenile Justice and Welfare Act of 2006, provides protection rights for children at risk and children in conflict with the law, including prevention, rehabilitation and reintegration.
Street children	Republic Act 9344: The Juvenile Justice and Welfare Act of 2006, categorises street children as “children at risk”.
Child victims / witnesses in criminal proceedings	A.M. No. 004-07-SC: Under the Supreme Court of the Philippines Rule On Examination of a Child Witness (2000) children are allowed to testify as witnesses so long as they are able to perceive and make known their perceptions to others. Additionally, the court is mandated to include the best interests of the child in their work.

	<p>Section 5 of the Rule states that the Court shall appoint a guardian ad litem to protect the best interests of the child.</p> <p>Republic Act 6981: The Witness Protection, Security and Benefit Act of 1991 established the Philippines witness protection program for those willing to testify in criminal proceedings.</p> <p>Republic Act 7309: The Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes allows for children to be considered as victims of violent crime under Section 3d, and allows children to obtain compensation under the Act.</p>
Physical abuse / corporal punishment	Republic Act 9745: An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Punishment (2009), recognises torture committed against children as a punishable offence.
Sexual abuse	In December 2020 , the House of Representatives passed a Bill raising the age of sexual consent from 12 to 16 years of age. A similar Bill is currently making its way through the Senate and should be passed in the near future.
Child prostitution and pornography	Republic Act 9775: The Anti-Child Pornography Act of 2009 incorporates the provisions of the UNCRC, the Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labour and the Convention against Transnational Organised Crime relating to child pornography, and establishes an Inter-Agency Council against Child Pornography. RA 9995 or the Anti-Photo and Video Voyeurism Act of 2009
Trafficking in Children	<p>the Anti-Trafficking in Persons Act 2003 (Republic Act 9208), was passed to address sexual exploitation and to incorporate the Optional Protocol. Protection was broadened by the Expanded Anti-Trafficking in Persons Act 2012, which provides for more severe penalties for traffickers and decriminalises victims of trafficking.</p> <p>Republic Act 9208: The Anti Trafficking in Persons Act 2003 was passed to address sexual exploitation and to incorporate the CRC Optional Protocol on sale of children, child prostitution and child pornography. Implementing Rules and Regulations 2002 were set in place . The Law was amended by RA 10364, the Expanded Trafficking in Persons Act of 2012. The Law prohibits and criminalises trafficking for the purposes of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage, and</p>

	<p>the recruitment, transportation or abduction of children to engage in armed activities.</p> <p>Legal gaps help to facilitate a culture of impunity surrounding online child sexual abuse and exploitation.</p>
<p>Involvement of Children in Armed Conflict</p>	<p>Republic Act 8371: The Indigenous Peoples Rights Act of 1997, provides for the non-recruitment of children of indigenous cultural communities/indigenous peoples into the armed forces.</p> <p>Republic Act 11188: An Act Providing for the Special Protection of Children in Situations of Armed Conflict of 2018.</p>
<p>Children affected by migration</p>	<p>Republic Act 562: The Alien Registration Act of 1950 regulates the registration of migrants – or aliens – under domestic law. It requires that a parent or legal guardian of an alien who is under fourteen years of age, shall have the duty of registering such alien.</p> <p>Republic Act 9139: The Administrative Naturalization Law of 2000 sets out the process for obtaining Filipino citizenship. It established that the applicant must be a foreigner who was born, who studied and has resided in the Philippines since birth and must be at least 18 years old at the time of filing the petition.</p> <p>A comprehensive Refugees and Stateless Persons Law is currently in draft form and is being considered by the legislature.</p>
<p>Gender-based violence</p>	<p>Republic Act 9262: The Anti-Violence Against Women and Their Children Act of 2004 criminalises acts of physical, sexual, economic and psychological abuse and violence committed against a woman or her child by any person and provides for protective measures.</p> <p>Republic Act 7877: The Anti-Sexual Harassment Act of 1995 sets out a definition of sexual harassment in education, training and employment and mandates training and other proactive measures to prevent sexual harassment. Section 4 of the Act also places responsibilities on employers to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment.</p> <p>Republic Act 8353: The Anti-Rape Law of 1997 amended the previous definition of rape found in the 1930 Penal Code. Additionally, the Act criminalised male rape for the first time under Philippine law. The Act also sets out the criminal penalty for rape, including the death penalty in the most serious cases, including the rape of a child under the age of 7 and rape of a child (under age 18) when the offender is a parent or guardian.</p>

	<p>Republic Act 8505: The Rape Victim Assistance and Protection Act of 1998 establishes a rape crisis centers in every province and City of the Philippines and allocates funds for such purposes.</p> <p>Republic Act 9710: Known as the Magna Carta of Women the 2009 Act sets out national commitments to gender equity.</p>
<p>Online child abuse and exploitation</p>	<p>Republic Act 10175: Cybercrime Prevention Act of 2012: Penalises cybersex for favour or consideration and acts of child pornography committed through a computer system.</p> <p>Republic Act 9775: The Anti-Child Pornography Act of 2009 criminalises the production, manufacturing and distribution of child pornography, as well as the act of possessing child pornography. Additionally, the Act places responsibilities on internet service providers and internet content hosts to notify the Philippines National Police of any child pornography it becomes aware of within 7 days of the material being found.</p> <p>Republic Act 10929: An Act establishing the Free Internet Access program in public places in the country and appropriating funds thereto (2017). The provisions of the Act prohibit child pornography and also provides the basis for the Child Online Safeguarding Policy being developed by Department for Information and Communications Technology.</p>
<p>Emergency relief</p>	<p>Republic Act 10821: The Children’s Emergency Relief and Protection Act of 2015 establishes a comprehensive emergency program to protect children and support their immediate recovery during disasters. It mandates the establishment of evacuation centres and child-friendly spaces, the restoration of civil registry documents to facilitate the reunification of separated children and the training of emergency responders in child protection.</p> <p>Republic Act 10121: An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction & Management Framework & Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefore and for Other Purposes (2009). A very important feature of this law is the mainstreaming of DRR in physical and land-use planning, budget, infrastructure, education, health, environment, housing and other sectors. The law requires government to provide immediate relief and protection to victims of all types of disasters.</p>