

TUESDAY, OCTOBER 14, 2003

OPENING OF THE SESSION

At 4:08 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 26th session of the Third Regular Session of the Twelfth Congress is hereby called to order.

Let us all rise for the opening prayer to be led by Sen. Noli "Kabayan" De Castro.

Everybody rose for the prayer.

PRAYER

Senator De Castro.

Ama naming makapangyarihan sa lahat, na Siyang sandigan namin sa lahat ng panahon, Kayo na puno ng awa at pagmamahal para sa Iyong mga anak, pagpalain po Ninyo ang aming bansa.

Panginoon, kami ay nagpapasalamat sa demokrasya na Inyong ipinagkaloob sa aming mga Pilipino. Ang demokrasyang ito ang nagdulot sa amin ng karapatan at kalayaang makapamuhay nang naaayon sa Inyong mga salita. Ngunit nakalulungkot na marami sa amin ang nakakalimot, na ang bawat karapatan at kalayaan ay may mga kaakibat na responsibilidad.

Panginoon, kami po ay tumatawag sa Inyo ukol sa mga problema ng aming bayan: ang banta ng terorismo; patuloy na gulo sa aming pulitika; at ang bumabagsak na ekonomiya.

Panginoon, nalalapit na naman po ang panahon ng kampanya at paghalal ng susunod na mga pinuno ng aming bayan. Alam namin, Panginoon, na ang eleksiyon ay isa sa pinakamahalagang aspeto ng aming demokrasya.

Panalangin po namin na sa pagkakataong ito na may mga naghahangad nang kumandidato, maghari nawa ang Inyong kapayapaan sa puso ng bawat Pilipino, lalo na sa mga kakandidato. Biyayaan po Ninyo kami sana o ang bawat isa sa amin ng kakayahan na umunawa at magpakumbaba. Huwag sana naming kaligtaan na kami ay Inyo lamang kasangkapan upang maayos na pamunuan ang Inyong mahal na bayang Pilipinas... at ang mas mahalaga ay ang Inyong layunin

para sa aming bayan at hindi ang aming mga personal na interes at ambisyon.

Manumbalik nawa sa isipan ng bawat botanteng Pilipino ang katagang minsan Ninyong sinambit kay Haring David:

Sa Diyos ka magtiwala, buong puso at lubusan, at huwag kang mananangan sa sariling karunungan. Siya ay sangguniin sa lahat ng Iyong dapat pagpasyahan. (Proverbs 3:5)

Mula ngayon hanggang sa arawng halalan, huwag po sana Ninyong pahintulutang manaig ang karahasan, personal na bangayan, at pandaraya.

Maghari nawa ang tunay na kahulugan ng demokrasya, kalayaan, at pagmamahalan sa puso at isipan ng bawat Pilipino, ngayon at magpakailanman. Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Edgardo J. Angara	Present
Senator Teresa Aquino-Oreta	Present
Senator Joker P. Arroyo	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present
Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan M. Flavier	Present
Senator Gregorio B. Honasan	Absent
Senator Robert S. "JAWO" Jaworski	Present
Senator Panfilo M. Lacson	Present
Senator Loren B. Legarda	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator John Henry R. Osmeña	Present
Senator Sergio R. Osmeña III	Absent
Senator Francis N. Pangilinan	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Present*
Senator Ramon B. Revilla	Present
Senator Vicente C. Sotto III	Present
Senator Manuel B. Villar Jr.	Present
The President	Present

* Arrived after the roll call

The President. We shall now vote on the resolution and the Secretary will call the roll.

The Secretary. Senators

Angara	Yes
Aquino-Oreta	Yes
Arroyo	Yes
Barbers	Yes
Biazon	Yes
De Castro	Yes
Ejercito Estrada	Yes
Flavier	Yes
Honasan	
Jaworski	Yes
Lacson	Yes
Legarda	Yes
Magsaysay Jr.	Yes
Osmeña (J.)	Yes
Osmeña III	
Pangilinan	Yes
Pimentel Jr.	Yes
Recto	
Revilla	Yes
Sotto	Yes
Villar Jr.	Yes
The President	Yes

APPROVAL OF P. S. RES. NO. 681 ON THIRD READING

The President. With 19 affirmative votes, no negative vote, and no abstention, Proposed Senate Resolution No. 681 is approved on Third Reading.

RESOLUTION ON THIRD READING P. S. Res. No. 682 - Ratification of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation

Senator Legarda. Mr. President, I move that we vote on Third Reading on Proposed Senate Resolution No. 682. Copies of the resolution were distributed to the members on October 14, 2003.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on Proposed Senate Resolution No. 682 is now in order.

The Secretary will please read the title of the resolution.

The Secretary. Proposed Senate Resolution No. 682, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION (SUA CONVENTION)

The President. We shall now vote on the resolution and the Secretary will call the roll.

The Secretary. Senators

Angara	Yes
Aquino-Oreta	Yes
Arroyo	Yes
Barbers	Yes
Biazon	Yes
De Castro	Yes
Ejercito Estrada	Yes
Flavier	Yes
Honasan	
Jaworski	Yes
Lacson	Yes
Legarda	Yes
Magsaysay Jr.	Yes
Osmeña (J.)	Yes
Osmeña III	
Pangilinan	Yes
Pimentel Jr.	Yes
Recto	
Revilla	Yes
Sotto	Yes
Villar Jr.	Yes
The President	Yes

APPROVAL OF P. S. RES. NO. 682 ON THIRD READING

The President. With 19 affirmative votes, no negative vote, and no abstention, Proposed Senate Resolution No. 682 is approved on Third Reading.

The Majority Leader is recognized.

CONFERENCE COMMITTEE REPORT ON S. NO. 2155/H. NO. 4235 (Magna Carta for the Working Child)

Senator Legarda. Mr. President, we are in receipt of the Bicameral Conference Committee Report on the Disagreeing Provisions of Senate Bill No. 2155/House Bill No. 4235.

I move that we recognize the sponsor, Sen. Ramon B. Magsaysay Jr., to present the Conference Committee Report.

The President. There is a motion that the Chamber consider the Bicameral Conference Committee Report on the Disagreeing Provisions of Senate Bill No. 2155/House Bill No. 4235. Is there any objection? [*Silence*] There being none, consideration is in order.

The Chairman of the Senate contingent, Sen. Ramon B. Magsaysay Jr., is recognized to submit the report.

Senator Magsaysay. Thank you, Mr. President. Actually, I am the vice chairman of the Committee on Labor, Employment and Human Resources Development. The chairman is Sen. Ramon B. Revilla.

The President. No, of the Senate panel which submitted this report.

Senator Magsaysay. Of the Senate panel, yes, co-chaired by Sen. Ramon B. Revilla.

The President. Yes, that is correct. Let that be reflected on the record.

REPORT OF SENATOR MAGSAYSAY

Senator Magsaysay. Mr. President, distinguished colleagues of this august Chamber, it is with great honor and pride that I present before the august Body the Joint Explanatory Report of the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2155 and House Bill No. 4235, on the proposed Comprehensive Law Against Child Labor.

As a backgrounder, Mr. President, the Bicameral Conference Committee conducted two Bicameral Conference Committee meetings. On the part of the Senate, the first Bicameral Conference Committee meeting was represented by Senators Loren B. Legarda, Francis N. Pangilinan, and Robert S. Jaworski while the second Bicameral Conference Committee meeting was represented by Sen. Ramon B. Revilla and this humble representation.

The House panel was represented by Representatives Rosseller Barinaga as chairman, Crispin Beltran, Kim Bernardo-Loquin, Cielo Criscelle Lagman-Luistro, Gilbert Remulla, and Bellaflor Angara-Castillo.

I would like to highlight, Mr. President, that in his opening remarks, Sen. Ramon B. Revilla, the chairman of the Senate Committee on Labor, Employment and Human Resources Development, and the co-chairman of the Senate Bicameral Conference Committee panel clearly described and illustrated that this proposed measure will benefit more than 5 million child laborers all over the country, 5 million, as estimated by the UNICEF.

The good senator from Cavite further explained that many of these working children are unpaid, underpaid and unskilled workers, and many of them suffer from serious injuries and work-related illnesses due to the hazardous conditions in their workplace.

He further expounded that all over the world the UNICEF estimated that there are around 250 million children who are working under exploitative situations and 50 million of these children are involved in the worst form of child labor.

With that as a backgrounder, Mr. President, I now present the salient features of the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 2155 and House Bill No. 4235, as follows:

1. The conferees agreed to reconcile both the Senate and the House versions;

2. The conferees agreed that the proposed measure should take the form of an Amendatory Act to Republic Act No. 7610, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act", as amended, to affirm the basic fact that the Philippines already has existing laws on child protection and welfare.

This is the ideal legislative approach recommended by the Body so that it will not appear to the global community of nations that the Congress of the Philippines is passing a law on child labor for the first time;

3. The Senate version, being comprehensive and extensive in scope and content, was used as the working draft;

4. Section 1 of the Senate version on the "*Short Title*" was deleted, in line with the agreement that this proposed measure will take the form of an Amendatory Act;

5. Section 2 of Republic Act No. 7610, as amended, was further amended to reflect the spirit and intent of the provisions of ILO Convention No. 182;

6. Section 3 of the Senate version and Section 2 of the House version on the "Definition of Terms" were deleted, in conformity with the framework adopted by the Body that this measure will take the form of an Amendatory Act;

7. Section 4 of the Senate version on the "*Rights of the Working Child*" was deleted, given that this provision is already provided under the UN Convention on the Rights of the Child;

8. Section 5 of the Senate version on the "*Minimum Age of Employment*" was adopted and reformatted in order to be gender-sensitive in language;

9. Section 6, paragraph 2 of the Senate version was adopted to amend Section 14 of Republic Act No. 7610;

10. Section 7 of the Senate version on the "Prohibition of the Worst Forms of Child Labor", Section 3 of the House version on "Prohibition", and Section 4 of the House version on "Hazardous Work, Undertaking or Activity" were consolidated to read as follows:

"SEC. 12-D. PROHIBITION AGAINST WORST FORMS OF CHILD LABOR. - NO CHILD SHALL BE ENGAGED IN THE WORST FORMS OF CHILD LABOR.

"THE PHRASE 'WORST FORM OF CHILD LABOR', SHALL REFER TO ANY OF THE FOLLOWING:

"(1) ALL FORMS OF SLAVERY, AS DEFINED UNDER THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003, OR PRACTICES SIMILAR TO SLAVERY SUCH AS SALE AND TRAFFICKING OF CHILDREN, DEBT BONDAGE AND SERFDOM AND FORCED OR COMPULSORY LABOR, INCLUDING RECRUITMENT OF CHILDREN FOR USE IN ARMED CONFLICT; OR

"(2) THE USE, PROCURING, OFFERING OR EXPOSING OF A CHILD FOR PROSTITUTION, FOR THE PRODUCTION OF PORNOGRAPHY OR FOR PORNOGRAPHIC PERFORMANCES; OR

"(3) THE USE, PROCURING OR OFFERING OF A CHILD FOR ILLEGAL OR ILLICIT ACTIVITIES, INCLUDING THE PRODUCTION AND TRAFFICKING OF DANGEROUS DRUGS AND VOLATILE SUBSTANCES PROHIBITED UNDER EXISTING LAWS; OR

"(4) WORK WHICH, BY ITS NATURE OR THE CIRCUMSTANCES IN WHICH IT IS CARRIED OUT, IS HAZARDOUS OR LIKELY TO BE HARMFUL TO THE HEALTH, SAFETY OR MORALS OF CHILDREN, SUCH THAT IT:

(A) DEBASES, DEGRADES OR DEMEANS THE INTRINSIC WORTH AND DIGNITY OF A CHILD AS A HUMAN BEING; OR

(B) EXPOSES THE CHILD TO PHYSICAL, EMOTIONAL OR SEXUAL ABUSE, OR IS FOUND TO BE HIGHLY STRESSFUL PSYCHOLOGICALLY OR MAY PREJUDICE MORALS; OR

(C) IS PERFORMED UNDERGROUND, UNDERWATER OR AT DANGEROUS HEIGHTS; OR

(D) INVOLVES THE USE OF DANGEROUS MACHINERY, EQUIPMENT AND TOOLS SUCH AS POWER-DRIVEN OR EXPLOSIVE POWER-ACTUATED TOOLS; OR

(E) EXPOSES THE CHILD TO PHYSICAL DANGER SUCH AS, BUT NOT LIMITED TO THE DANGEROUS FEATS OF BALANCING, PHYSICAL STRENGTH OR CONTORTION, OR WHICH REQUIRES THE MANUAL TRANSPORT OF HEAVY LOADS; OR

(F) IS PERFORMED IN AN UNHEALTHY ENVIRONMENT EXPOSING THE CHILD TO HAZARDOUS WORKING CONDITIONS, ELEMENTS, SUBSTANCES, CO-AGENTS OR PROCESSES INVOLVING IONIZING, RADIATION, FIRE, FLAMMABLE SUBSTANCES, NOXIOUS COMPONENTS AND THE LIKE, OR TO EXTREME TEMPERATURES, NOISE LEVELS, OR VIBRATIONS; OR

(G) IS PERFORMED UNDER PARTICULARLY DIFFICULT CONDITIONS; OR

(H) EXPOSES THE CHILD TO BIOLOGICAL AGENTS SUCH AS BACTERIA, FUNGI, VIRUSES, PROTOZOANS, NEMATODES AND OTHER PARASITES; OR

(I) INVOLVES THE MANUFACTURE OR HANDLING OF EXPLOSIVES AND OTHER PYROTECHNIC PRODUCTS."

11. Section 8 of the Senate version on the "Wage of a Working Child" and Section 9 of the Senate version on "Employee Benefits and Obligations" were deleted.

12. Section 10 of the Senate version on "Access to Education and Training for the Working Child" and Section 11 of the Senate version on the "Provision for Education for Working Children and their Parents" was adopted with modifications to amend Section 13 of Republic Act No. 7610.

13. Section 12 of the Senate version on "Study, Rest and Recreation Time and Area for the Working Child" was deleted with the understanding that the provisions and concerns envisaged in the Senate version will be addressed appropriately in the Implementing Rules and Regulations of this Act;

14. Section 13 of the Senate version on the "Hours of Works for the Working Child" was adopted with some modifications, to read as follows:

"SEC. 12-A. HOURS OF WORK OF A WORKING CHILD. UNDER THE EXCEPTIONS PROVIDED IN SEC. 12 OF THIS ACT, AS AMENDED:

"(1) A CHILD BELOW FIFTEEN (15) YEARS OF AGE MAY BE ALLOWED TO WORK FOR NOT MORE THAN TWENTY (20) HOURS A WEEK: PROVIDED, THAT THE WORK SHALL NOT BE MORE THAN FOUR (4) HOURS AT ANY GIVEN DAY;

“(2) A CHILD FIFTEEN (15) YEARS OF AGE BUT BELOW EIGHTEEN (18) SHALL NOT BE ALLOWED TO WORK FOR MORE THAN EIGHT (8) HOURS A DAY WITH SUFFICIENT TIME TO REST, AND IN NO CASE BEYOND FORTY (40) HOURS A WEEK;

“(3) NO CHILD BELOW FIFTEEN (15) YEARS OF AGE SHALL BE ALLOWED TO WORK BETWEEN EIGHT O’CLOCK IN THE EVENING AND SIX O’CLOCK IN THE MORNING OF THE FOLLOWING DAY AND NO CHILD FIFTEEN (15) YEARS OF AGE BUT BELOW EIGHTEEN (18) SHALL BE ALLOWED TO WORK BETWEEN TEN O’CLOCK IN THE EVENING AND SIX O’CLOCK IN THE MORNING OF THE FOLLOWING DAY.”

15. Section 14 of the Senate version on the “*Ownership and Usage of the Working Child’s Income*” was adopted with further improvements, to read as follows: This provision was very intensely debated by Senator Sotto and Senator Pimentel.

“SEC. 12-B. OWNERSHIP, USAGE AND ADMINISTRATION OF THE WORKING CHILD’S INCOME. - THE WAGES, SALARIES, EARNINGS AND OTHER INCOME OF THE WORKING CHILD SHALL BELONG TO HIM/HER IN OWNERSHIP AND SHALL BE SET ASIDE PRIMARILY FOR HIS/HER SUPPORT, EDUCATION OR SKILLS ACQUISITION AND SECONDARILY TO THE COLLECTIVE NEEDS OF THE FAMILY: PROVIDED, THAT NOT MORE THAN TWENTY PERCENT (20%) OF THE CHILD’S INCOME MAY BE USED FOR THE COLLECTIVE NEEDS OF THE FAMILY.

“THE INCOME OF THE WORKING CHILD AND/OR THE PROPERTY ACQUIRED THROUGH THE WORK OF THE CHILD SHALL BE ADMINISTERED BY BOTH PARENTS. IN THE ABSENCE OR INCAPACITY OF EITHER OF THE PARENTS, THE OTHER PARENT SHALL ADMINISTER THE SAME. IN CASE BOTH PARENTS ARE ABSENT OR INCAPACITATED, THE ORDER OF PREFERENCE ON PARENTAL AUTHORITY AS PROVIDED FOR UNDER THE FAMILY CODE SHALL APPLY.”

16. Section 15 of the Senate version on “*Parental Authority Over the Working Child’s Wages and Property*” was deleted, considering that the provision is already provided for under the Family Code.

17. Section 16 of the Senate version on “*Trust Fund to Preserve Part of the Working Child’s Income*” was adopted with further improvements, to read as follows:

“SEC. 12-C. TRUST FUND TO PRESERVE PART OF THE WORKING CHILD’S INCOME. - THE PARENT OR LEGAL GUARDIAN OF A WORKING CHILD BELOW EIGHTEEN (18)

YEARS OF AGE SHALL SET UP A TRUST FUND FOR AT LEAST THIRTY PERCENT (30%) OF THE EARNINGS OF THE CHILD WHOSE WAGES AND SALARIES FROM WORK AND OTHER INCOME AMOUNT TO AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000.00) ANNUALLY, FOR WHICH HE/SHE SHALL RENDER A SEMI-ANNUAL ACCOUNTING OF THE FUND TO THE DEPARTMENT OF LABOR AND EMPLOYMENT, IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. THE CHILD SHALL HAVE FULL CONTROL OVER THE TRUST FUND UPON REACHING THE AGE OF MAJORITY.”

18. Section 17 of the Senate version on “*Inducement or Coercion to Work*” and Section 18 of the Senate version on “*Unlawful Recruitment of Children*” were deleted because these provisions are already appropriately covered under the provisions of Republic Act No. 8042, the Migrant Workers Act and Overseas Filipinos Act of 1995, and Republic Act No. 9208 on Trafficking in Persons Act of 2003.

19. Section 19 of the Senate version on “*Who May File a Complaint*” was simplified to amend Section 27 of Republic Act No. 7610.

20. Section 20 of the Senate version on “*Jurisdiction*” was adopted with modifications.

21. Section 21 of the Senate version on “*Plea-Bargaining*” was deleted.

22. Section 22 of the Senate version on “*Access to Immediate Legal, Medical and Psycho-social Services*” was adopted.

23. Section 23 of the Senate version on “*Protective Custody of the Child*” was deleted given that Section 28 of Republic Act No. 7610 already covers this particular concern.

24. Section 24 of the Senate version on “*Confidentiality*” was deleted given that Section 29 of Republic Act No. 7610 already covers this particular concern.

25. Sections 25, 26, 27, and 28 of the Senate version were deleted, with the understanding that these provisions will be aptly covered and exhausted in detail in the IRR of this Act.

26. Sections 29, 30, 31 and 32 of the Senate version and Section 5 of the House version, both referring to penalties were consolidated and reconciled to amend Section 16 of RA No. 7610, to read as follows:

SEC. 16. PENAL PROVISIONS—

A) ANY EMPLOYER WHO VIOLATES SECTIONS 12, 12-A AND SECTION 14 OF THIS ACT, AS AMENDED, SHALL BE

PENALIZED BY IMPRISONMENT OF SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH AT THE DISCRETION OF THE COURT.

B) ANY PERSON WHO VIOLATES THE PROVISION OF SECTION 12-D OF THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00), OR IMPRISONMENT OF NOT LESS THAN TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURT.

C) ANY PERSON WHO VIOLATES SECTIONS 12-D (1) AND 12(2) SHALL BE PROSECUTED AND PENALIZED IN ACCORDANCE WITH THE PENALTY PROVIDED FOR BY REPUBLIC ACT 9208, OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003"; PROVIDED, THAT SUCH PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD.

D) ANY PERSON WHO VIOLATES SECTION 12-D (3) SHALL BE PROSECUTED AND PENALIZED IN ACCORDANCE WITH REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"; PROVIDED, THAT SUCH PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD."

27. Section 32 of the Senate version and Section 5, paragraph (c) of the House version, both referring to "Community Service for Parents Violating the Provisions of this Act", were consolidated, to read as follows:

F) PARENTS, BIOLOGICAL OR BY LEGAL FICTION, AND LEGAL GUARDIANS FOUND TO BE VIOLATING SECTIONS 12, 12-A, 12-B AND 12-C OF THIS ACT SHALL PAY A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), OR BE REQUIRED TO RENDER COMMUNITY SERVICE FOR NOT LESS THAN THIRTY (30) DAYS BUT NOT MORE THAN ONE (1) YEAR, OR BOTH SUCH FINE AND COMMUNITY SERVICE AT THE DISCRETION OF THE COURT: PROVIDED, THAT A MAXIMUM LENGTH OF COMMUNITY SERVICE SHALL BE IMPOSED ON PARENTS OR LEGAL GUARDIANS WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT THREE (3) TIMES; PROVIDED, FURTHER, THAT IN ADDITION TO THE COMMUNITY SERVICE, THE PENALTY OF IMPRISONMENT OF THIRTY (30) DAYS BUT NOT MORE THAN ONE (1) YEAR OR BOTH AT THE DISCRETION OF THE COURT, SHALL BE

IMPOSED ON THE PARENTS OR LEGAL GUARDIANS WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT MORE THAN THREE (3) TIMES.

28. Section 33 of the Senate version on "Penalty for Inaction of Public Officials and Employees" was deleted as this is already covered by existing laws;

29. Section 34 (a), (b), (c), (d) and (f) of the Senate version were deleted and letters (e), (g) and (h) of the same Section were adopted with refinements.

30. Section 36, paragraph (2) of the Senate version on the creation of a trust fund from fines and penalties was adopted with modifications to amend Section 16 of Republic Act No. 7610.

31. Sections 35, 37, 38 and 39 of the Senate version, referring to the Implementing Rules and Regulations, Separability Clause, Repealing Clause and Effectivity Clause are standard provisions which are present in both the Senate and the House versions;

32. As an omnibus amendment to all the provisions of Republic Act No. 7610, all the terms referring to the word "his" are amended to read as "his/HER";

Finally, Mr. President, the title of this proposed measure should now read as follows:

"AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT"

With this extensive explanation, Mr. President, I now earnestly ask the venerable halls of the Senate to approve the Bicameral Conference Committee Report to show the global community of nations that, indeed, this country is serious in its battle against the problem of child labor and exploitation.

Thank you very much, Mr. President.

Senator Pimentel. Mr. President.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Thank you very much, Mr. President.

Will the sponsor kindly yield for a very few questions, Mr. President, just to clarify?

Senator Magsaysay. Certainly, Mr. President.

Senator Pimentel. On page 4, Section 13...

The President. What section is that?

Senator Pimentel. Section 13, page 4, Mr. President, states: "ACCESS TO Education AND TRAINING for Working Children - A) NO CHILD SHALL BE DEPRIVED OF FORMAL OR NON-FORMAL EDUCATION IN ALL CASES OF EMPLOYMENT ALLOWED IN THIS ACT," et cetera.

Now, Mr. President, this provision is anchored on the basic constitutional right of the children of this country to have free and compulsory education. Would that be a correct statement?

Senator Magsaysay. That is correct, Mr. President.

Senator Pimentel. Mr. President, can the distinguished gentleman kindly put on record what are the penalties that may be imposed on parents who do not avail themselves or ensure that their children should have the benefit of a free and compulsory primary or intermediate education?

I raised this question because I have been asked by some observers that "how is it that we have a free and compulsory elementary education for all our children, and yet there are so many children whom we see begging on the streets and unable to go to school?" Can the sponsor kindly put on record just exactly how this compulsory elementary education can be carried out, Mr. President, in relation to our children and also, of course, to the working child that is covered by his report?

Senator Magsaysay. Mr. President, it is true that all Filipino children are given access to universal education up to high school.

Senator Pimentel. Mr. President, the high school is not compulsory. What I am talking about is elementary level because that is free and compulsory. And therefore, when we speak of compulsory education, there should be some kind of a sanction that would be imposable on parents if their children play truant, do not go to school, and we see evidence of this everyday even on the streets of Metro Manila.

Senator Magsaysay. Mr. President, Section 4, line 10, states: "PROVIDE A WORKING CHILD WITH ACCESS TO AT LEAST PRIMARY AND SECONDARY EDUCATION." We are talking of "access."

Senator Pimentel. Yes, we know that, but...

Senator Magsaysay. This is based on the Senate version, Mr. President, that in all cases of employment allowed in this Act, the employer should provide a working child with the appropriate

opportunity. So instead of this, we adopted "WITH ACCESS TO AT LEAST PRIMARY AND SECONDARY EDUCATION."

Senator Pimentel. Yes, I understand that, Mr. President.

Senator Magsaysay. The distinguished gentleman is asking for the penalty if they do not.

Senator Pimentel. What I am asking for is the broader aspect of our Constitution itself, providing for free and compulsory elementary education. High school education is also free but there is no compulsion for people to go to high school. Therefore, what I am asking the sponsor, if he will kindly tell us for purposes of record, is: What kind of sanction is imposed primarily on parents who do not make sure that their children of elementary school age should be made to go to school because it is both free and compulsory? Therefore, that should also cover the working child as a matter of fact, Mr. President.

Senator Magsaysay. We have no penalty here. But may I read Section 4 (B) to explain why this is so. Section 4, paragraph (B) of the same Section 4 states:

B) TO ENSURE AND GUARANTEE THE ACCESS OF THE WORKING CHILD TO EDUCATION AND TRAINING, THE DEPARTMENT OF EDUCATION (DEPED) SHALL: (1) FORMULATE, PROMULGATE, AND IMPLEMENT RELEVANT AND EFFECTIVE COURSE DESIGNS AND EDUCATIONAL PROGRAMS; (2) CONDUCT THE NECESSARY TRAINING FOR THE IMPLEMENTATION OF THE APPROPRIATE CURRICULUM FOR THE PURPOSE; (3) ENSURE THE AVAILABILITY OF THE NEEDED EDUCATIONAL FACILITIES AND MATERIALS; AND (4) CONDUCT CONTINUING RESEARCH AND DEVELOPMENT PROGRAM FOR THE NECESSARY AND RELEVANT ALTERNATIVE EDUCATION OF THE WORKING CHILD.

We did not cover any penalty on this basis of access to education, Mr. President.

Senator Pimentel. I would like to thank the gentleman for that.

It looks like we have no information on the general principle of compelling or making sure that children of elementary school age should be made to go to school by their parents. That is what I am saying. I am not even talking about employers here, Mr. President.

Senator Magsaysay. That is correct, Mr. President. We have found it appropriate that the responsibility will rest with the fund

of education to formulate, promulgate and implement relevant and effective course designs and educational programs.

I feel that the DepEd will be the ones to put together the programs that will address this matter but we did not allow for any penalty on this.

Senator Pimentel. In any event, Mr. President, maybe we should take that up in connection with some other bill.

Maybe we should start thinking about that, Mr. President, for the reason that I am, of course, disturbed by the sight of so many children of elementary school age roaming around the streets of our urban centers, not only in Manila, but also in the provincial urban centers of the country and who, apparently, are not made to go to school despite the compulsory nature of elementary schooling in this country which is supposed to be also free. Therefore, poverty should not be an excuse for not allowing them to go to school.

I think that we, probably, should take a look at this, particularly the Committee on Education, Arts and Culture, because if so many children are not going to get any formal educational training at the elementary level, we cannot expect to produce globally competitive people, Mr. President, for purposes of the development of our country.

Thank you very much.

Senator Angara. Mr. President.

The President. Sen. Edgardo J. Angara is recognized.

Senator Angara. Mr. President, I am in support of this bill, but I just want to get a clarification on some of its provisions.

Am I correct, Mr. President, in reading this law to mean that children under 15 years old are allowed to work or permitted to work under certain circumstances?

Senator Magsaysay. Under certain circumstances but not beyond 20 hours a week.

Senator Angara. Yes, Mr. President.

Senator Magsaysay. And not more than four hours in any given day, Mr. President.

Senator Angara. And those areas of employment would be a family-run enterprise and public entertainment?

Senator Magsaysay. That is correct, Mr. President.

Senator Angara. In case of employment in those activities, then the employer is required to provide access to primary and secondary education?

Senator Magsaysay. The Senate version mentioned about the employer spending for the education and some support, but some members of the House panel objected to this. That is why we ended up with "access". We will provide "access" to education.

Senator Angara. What does "access" mean in this instance, Mr. President?

Senator Magsaysay. Well, I would define "access" as the opportunity for the individual child to have the time and the space to be able to continue his or her education. To be given the time, to be given the space.

Senator Angara. So it is just the opportunity.

Senator Magsaysay. It is just the opportunity, yes.

Senator Angara. For instance, if I am the employer of a child entertainer, I must ensure that the Ramon Magsaysay High School will have a place for him or her. Just ensure that there is a place for that child model. Is that what it means?

Senator Magsaysay. The fact that the DepEd is part of this program—and that is to give access to the education of the working child—will, in effect, allow the public school system to have the seat, either regular or special classes in the evening or maybe even early morning.

Senator Angara. Yes. I just want to be clear about the definition of access which appears to be just an opportunity for the child to have education. The employer is not required to pay for the education of the child.

Senator Magsaysay. That is correct, Mr. President.

Senator Angara. But what is the value of providing access, Mr. President, when most institutions determine who can be admitted or not? We cannot guarantee access to any institution unless we are prepared to pay for that access.

Senator Magsaysay. I can see the thoughts or direction of the gentleman from Quezon and Aurora, that the access or the opportunity given to a child should also come with the space and the time given by the public institution to give that kind of education.

Senator Angara. Yes, especially in private schools, Mr. President. They will not assure us of a place unless we are prepared to pay for that place. And the only benefit I can extend to my model employee is a promise that he or she may be admitted to Ateneo. That is not meaningful enough unless access is really guaranteed and that I am willing to pay for the tuition of the child.

So this benefit, Mr. President, does not entail any payment of tuition, any payment of educational costs.

Senator Magsaysay. It does not entail any payment of tuition.

Senator Angara. Just a general assurance that one does everything to ensure the so-called access to a private school or public school.

Senator Magsaysay. That is correct, Mr. President.

Senator Angara. Which seems to be—

Senator Magsaysay. That is the intent of the provision.

Senator Angara. —less than substantive, Mr. President.

Senator Magsaysay. Well, actually, Mr. President, the private schools, particularly, I think, De La Salle and Ateneo, have been managing and operating adult education and even for children to receive their elementary or high school on a subsidized program. I believe that a lot of private schools are also allowing the use of their space after regular hours to give this opportunity for the access.

Senator Angara. Yes. But we are talking here of a child employee, Mr. President.

Not in public schools, yes, they do not have special schooling for a child employee under 18.

But, Mr. President, my own impression is that, we are in effect authorizing really the employment of children under 18 years under the law.

Senator Magsaysay. This exists. That is why we are trying to define the working conditions, the penalties, the maximum number of hours, so that they are not exposed to the worst kind of child labor.

Senator Angara. Even if they do exist and this is the reality, are we not institutionalizing, formalizing and legalizing child labor under this law?

Senator Magsaysay. We are providing a stricter environment so that this will not be abused. There are 250 million children below 18 years working under different conditions. That is precisely what we have done here—to strengthen and increase the penalties also, because actually, we already have the existing law of child protection wherein the penalties are much lower under Republic Act No. 7610. We increased this substantially to give more teeth to such penalties.

Senator Angara. As I said, Mr. President, I am in favor of this bill, but I do not want the bill to be read and be interpreted as leaving the door wide open to child labor. Precisely, we are trying to correct the exploitation of child labor and we should not let this law be read as now legalizing child labor.

Senator Magsaysay. Actually, we have an existing law which defines the parameters of allowing the working child. We are trying to stay away from the child labor, and we have just added stronger provisions in order to discourage the worst forms, especially for those who are 15 years old and younger, and given more definitions of the conditions following the model ILO 182 which, incidentally, Mr. President, we are the first country to have such a measure, provided this is signed by the President within the next few days.

Senator Angara. I appreciate, Mr. President, that the law is quite clear and categorical about the penalties to be incurred by an employer. But I think the bill is not clear in defining the benefits that the working child should be getting like educational benefit. That is my point here.

Senator Magsaysay. The two panels have decided that having discussed this quite extensively, they will put together the implementing rules and regulations so that even such needed benefits may be spelled out. But we did not decide that this would be spelled out in detail because of the different conditions of each sector.

Senator Angara. That is true, Mr. President. But at least the law should be quite clear as to the grant of benefit, because we are trying to compensate the child who is under age. We are allowing him to work under favorable conditions. If he is allowed to work, then he must get these benefits—medical and educational.

What I am saying is that, we are assuring that the child will have access to education and medical benefits.

Senator Magsaysay. Mr. President, there is a provision on trust fund from income and penalties. If we look at...

Senator Angara. Section 16 (a), Mr. President.

Senator Magsaysay. Section 7, Section 16 (a). Trust Fund from fines and penalties. "The fine imposed by the courts shall be treated as a trust fund administered by the Department of Labor and Employment and disbursed exclusively for the needs, including the cost of rehabilitation and reintegration into the mainstream of society of the working children who are victims of the violations of this Act."

Senator Angara. Yes, but these are for victims, Mr. President.

Senator Magsaysay. That is correct, Mr. President.

Senator Angara. Victimized children. But I am talking of the normal child. A child who can perform, who can sing, who can dance is a gifted child. Therefore, if he is a gifted child, I am expecting the bill to say that the employer must ensure that he gets enrolled or he gets a place in a school for gifted child or something to that effect, Mr. President.

Senator Magsaysay. There is another Section 16(c) here: "Access to Immediate Legal, Medical, and Psycho-social Services."

Senator Angara. Yes, but that is the same as access to education, Mr. President.

Senator Magsaysay. That is right.

Senator Angara. It is just access. I think, it is easy to say...

Senator Magsaysay. The statement of the gentleman from Quezon and Aurora will be taken into account as we finalize the implementing rules and regulations.

Senator Angara. Thank you, Mr. President. I hope that the implementing rules will provide details sufficient enough to make access more meaningful and effective.

Senator Magsaysay. We will certainly include that.

Senator Angara. Thank you, Mr. President.

Senator Magsaysay. To be included...

The President. All right. Is there any other colleague of ours who may wish to ask questions on the report?

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 2155/H. NO. 4235

There is a motion that the Chamber approve the Joint Explanatory Statement of the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2155 and House Bill No. 4235. Is there any objection? [*Silence*] There being none, the Bicameral Conference Committee Report is approved.

The following is the whole text of the Conference Committee Report:

JOINT EXPLANATORY STATEMENT OF
CONFERENCE COMMITTEE

The Conference Committee on the disagreeing provisions of Senate Bill No. 2155 and House Bill No.

4235, submits the following Joint Explanatory Statement to both Houses of Congress in explanation of the amendments and recommendations agreed upon by the conferees in the accompanying Conference Committee Report:

1. The conferees agreed to reconcile both the Senate and the House versions;

2. The conferees agreed that the proposed measure should take the form of an Amendatory Act to Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", as amended, to affirm the basic fact that the Philippines has existing laws on child protection and welfare, and so that it will not appear to the international community of nations that the Congress of the Republic of the Philippines is passing a law on child labor for the first time.

With this, the Conference Committee Report was finalized taking into consideration the following concerns, namely:

(a) This proposed measure is our country's compliance with the provisions of ILO Convention No. 182, on the elimination of worst forms of child labor;

(b) This proposed measure should provide stiffer penalties against acts of child labor, particularly its worst forms; and

(c) This proposed measure shall take the form of an Amendatory Act and should not restate what is already provided under existing laws;

3. The Senate version, being comprehensive and extensive in scope and content, was used as the working draft;

4. Section 1 of the Senate version on the "Short Title" was deleted, in line with the agreement that this proposed measure will take the form of an Amendatory Act;

5. Section 2 of the Senate Version and Section 1 of the House Version on "Declaration of State Policy and Principles" were reconciled to reflect the spirit and intent of the provisions of ILO Convention No. 182, to read as follows:

"SEC. 2. *Declaration of State Policy and Principles.*
— It is hereby declared to be the policy of the State to provide special protection to children from all forms of

abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development INCLUDING CHILD LABOR AND ITS WORST FORMS; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same. xxx”

6. Section 3 of the Senate version and Section 2 of the House version on the “*Definition of Terms*” were deleted, in conformity with the framework that this measure will take the form of an Amendatory Act;

7. Section 4 of the Senate version on the “*Rights of the Working Child*” was deleted, given that this provision is already provided under the UN Convention on the Rights of the Child;

8. Section 5 of the Senate version on the “*Minimum Age of Employment*” was adopted and reformatted to read as follows:

“SEC.12. *Employment of Children*—Children below fifteen (15) years of age shall not be employed except:

“1) When a child works directly under the sole responsibility of his/HER parents or legal guardian and where only members of [the employer’s] his/HER family are employed: *Provided, however,* That his/HER employment neither endangers his/HER life, safety, health, and morals, nor impairs his/HER normal development: *Provided, further,* That the parent or legal guardian shall provide the said [minor] child with the prescribed primary and/or secondary education; or

“2) Where a child’s employment or participation in public entertainment or information through cinema, theater, radio, [on] television OR OTHER FORMS OF MEDIA is essential: *Provided,* THAT the employment contract is concluded by the child’s parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: *Provided, FURTHER,* That the following requirements in all instances are strictly complied with;

“(a) The employer shall ensure the protection, health, safety, morals and normal development of the child;

“(b) The employer shall institute measures to prevent the child’s exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and

“(c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

“In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this section].

“FOR PURPOSES OF THIS ARTICLE, THE TERM “CHILD” SHALL APPLY TO ALL PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.”

9. Section 6, paragraph 2 of the Senate version was adopted to amend Section 14 of RA 7610, to read as follows:

SEC. 14. *Prohibition on the Employment of Children in Certain Advertisements.* — No [person shall employ child models in all commercials or advertisements] CHILD SHALL BE EMPLOYED AS A MODEL IN ANY ADVERTISEMENT DIRECTLY OR INDIRECTLY promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, GAMBLING OR ANY FORM OF [and] violence OR PORNOGRAPHY.”

10. Section 7 of the Senate version on the “*Prohibition of the Worst Forms of Child Labor*”, Section 3 of the House version on “*Prohibitions*”, and Section 4 of the House version on “*Hazardous Work, Undertaking or Activity*” were consolidated, to read as follows:

“SEC. 12-D. *PROHIBITION AGAINST WORST FORMS OF CHILD LABOR.* - NO CHILD SHALL BE ENGAGED IN THE WORST FORMS OF CHILD LABOR.

“THE PHRASE “WORST FORM OF CHILD LABOR”, SHALL REFER TO ANY OF THE FOLLOWING:

“(1) ALL FORMS OF SLAVERY, AS DEFINED UNDER THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003, OR PRACTICES SIMILAR TO SLAVERY SUCH AS SALE AND TRAFFICKING OF CHILDREN, DEBT BONDAGE AND SERFDOM AND FORCED OR COMPULSORY LABOR, INCLUDING RECRUITMENT OF CHILDREN FOR USE IN ARMED CONFLICT; OR

“(2) THE USE, PROCURING, OFFERING OR EXPOSING OF A CHILD FOR PROSTITUTION, FOR THE PRODUCTION OF PORNOGRAPHY OR FOR PORNOGRAPHIC PERFORMANCES; OR

“(3) THE USE, PROCURING OR OFFERING OF A CHILD FOR ILLEGAL OR ILLICIT ACTIVITIES, INCLUDING THE PRODUCTION AND TRAFFICKING OF DANGEROUS DRUGS AND VOLATILE SUBSTANCES PROHIBITED UNDER EXISTING LAWS; OR

“(4) WORK WHICH, BY ITS NATURE OR THE CIRCUMSTANCES IN WHICH IT IS CARRIED OUT, IS HAZARDOUS OR LIKELY TO BE HARMFUL TO THE HEALTH, SAFETY OR MORALS OF CHILDREN, SUCH THAT IT:

“(A) DEBASES, DEGRADES OR DEMEANS THE INTRINSIC WORTH AND DIGNITY OF A CHILD AS A HUMAN BEING; OR

“(B) EXPOSES THE CHILD TO PHYSICAL, EMOTIONAL OR SEXUAL ABUSE, OR IS FOUND TO BE HIGHLY STRESSFUL PSYCHOLOGICALLY OR MAY PREJUDICE MORALS; OR

“(C) IS PERFORMED UNDERGROUND, UNDER WATER OR AT DANGEROUS HEIGHTS; OR

“(D) INVOLVES THE USE OF DANGEROUS MACHINERY, EQUIPMENT AND TOOLS SUCH AS POWER-DRIVEN OR EXPLOSIVE POWER-ACTUATED TOOLS; OR

“(E) EXPOSES THE CHILD TO PHYSICAL DANGER SUCH AS, BUT NOT LIMITED TO THE DANGEROUS FEATS OF BALANCING, PHYSICAL STRENGTH OR CONTORTION, OR WHICH REQUIRES THE MANUAL TRANSPORT OF HEAVY LOADS; OR

“(F) IS PERFORMED IN AN UNHEALTHY ENVIRONMENT EXPOSING THE CHILD TO HAZARDOUS WORKING CONDITIONS, ELEMENTS,

SUBSTANCES, COAGENTS OR PROCESSES INVOLVING IONIZING, RADIATION, FIRE, FLAMMABLE SUBSTANCES, NOXIOUS COMPONENTS AND THE LIKE, OR TO EXTREME TEMPERATURES, NOISE LEVELS, OR VIBRATIONS; OR

“(G) IS PERFORMED UNDER PARTICULARLY DIFFICULT CONDITIONS; OR

“(H) EXPOSES THE CHILD TO BIOLOGICAL AGENTS SUCH AS BACTERIA, FUNGI, VIRUSES, PROTOZOANS, NEMATODES AND OTHER PARASITES; OR

“(I) INVOLVES THE MANUFACTURE OR HANDLING OF EXPLOSIVES AND OTHER PYROTECHNIC PRODUCTS.”

11. Section 8 of the Senate version on the “*Wage of a Working Child*” and Section 9 of the Senate version on “Employee Benefits and Obligations” were deleted;

12. Section 10 of the Senate version on “*Access to Education and Training for the Working Child*” and Section 11 of the Senate version on the “*Provision for Education for Working Children and their Parents*” was adopted with modifications to amend Section 13 of RA 7610, to read as follows:

“SEC. 13. [Non-formal] ACCESS TO Education AND TRAINING for Working Children - A) NO CHILD SHALL BE DEPRIVED OF FORMAL OR NON-FORMAL EDUCATION. IN ALL CASES OF EMPLOYMENT ALLOWED IN THIS ACT, THE EMPLOYER SHALL PROVIDE A WORKING CHILD WITH ACCESS TO AT LEAST PRIMARY AND SECONDARY EDUCATION.

“B) TO ENSURE AND GUARANTEE THE ACCESS OF THE WORKING CHILD TO EDUCATION AND TRAINING, THE DEPARTMENT OF EDUCATION (DEPED) SHALL: (1) FORMULATE, PROMULGATE, AND IMPLEMENT RELEVANT AND EFFECTIVE COURSE DESIGNS AND EDUCATIONAL PROGRAMS; (2) CONDUCT THE NECESSARY TRAINING FOR THE IMPLEMENTATION OF THE APPROPRIATE CURRICULUM FOR THE PURPOSE; (3) ENSURE THE AVAILABILITY OF THE NEEDED EDUCATIONAL FACILITIES AND MATERIALS; AND (4) CONDUCT CONTINUING RESEARCH AND DEVELOPMENT PROGRAM FOR THE NECESSARY AND RELEVANT ALTERNATIVE EDUCATION OF THE WORKING CHILD.

"C) The [Department of Education, Culture and Sports] DEPED shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances."

13. Section 12 of the Senate version on "*Study, Rest and Recreation Time and Area for the Working Child*" was deleted with the understanding that the provisions and concerns envisaged in the Senate version will be addressed appropriately in the Implementing Rules and Regulations (IRR) of this Act;

14. Section 13 of the Senate version on the "*Hours of Works for the Working Child*" was adopted with some modifications, to read as follows:

"SEC. 12-A. HOURS OF WORK OF A WORKING CHILD. - UNDER THE EXCEPTIONS PROVIDED IN SEC. 12 OF THIS ACT, AS AMENDED:

"(1) A CHILD BELOW FIFTEEN (15) YEARS OF AGE MAY BE ALLOWED TO WORK FOR NOT MORE THAN TWENTY (20) HOURS A WEEK: PROVIDED, THAT THE WORK SHALL NOT BE MORE THAN FOUR (4) HOURS AT ANY GIVEN DAY;

"(2) A CHILD FIFTEEN (15) YEARS OF AGE BUT BELOW EIGHTEEN (18) SHALL NOT BE ALLOWED TO WORK FOR MORE THAN EIGHT (8) HOURS A DAY, AND IN NO CASE BEYOND FORTY (40) HOURS A WEEK;

"(3) NO CHILD BELOW FIFTEEN (15) YEARS OF AGE SHALL BE ALLOWED TO WORK BETWEEN EIGHT O'CLOCK IN THE EVENING AND SIX O'CLOCK IN THE MORNING OF THE FOLLOWING DAY AND NO CHILD FIFTEEN (15) YEARS OF AGE BUT BELOW EIGHTEEN (18) SHALL BE ALLOWED TO WORK BETWEEN TEN O'CLOCK IN THE EVENING AND SIX O'CLOCK IN THE MORNING OF THE FOLLOWING DAY."

15. Section 14 of the Senate version on the "*Ownership and Usage of the Working Child's Income*" was adopted with further improvements, to read as follows:

"SEC. 12-B. OWNERSHIP, USAGE AND ADMINISTRATION OF THE WORKING CHILD'S

INCOME. - THE WAGES, SALARIES, EARNINGS AND OTHER INCOME OF THE WORKING CHILD SHALL BELONG TO HIM/HER IN OWNERSHIP AND SHALL BE SET ASIDE PRIMARILY FOR HIS/HER SUPPORT, EDUCATION OR SKILLS ACQUISITION AND SECONDARILY TO THE COLLECTIVE NEEDS OF THE FAMILY: PROVIDED, THAT NOT MORE THAN TWENTY PERCENT (20%) OF THE CHILD'S INCOME MAY BE USED FOR THE COLLECTIVE NEEDS OF THE FAMILY.

"THE INCOME OF THE WORKING CHILD AND/OR THE PROPERTY ACQUIRED THROUGH THE WORK OF THE CHILD SHALL BE ADMINISTERED BY BOTH PARENTS. IN THE ABSENCE OR INCAPACITY OF EITHER OF THE PARENTS, THE OTHER PARENT SHALL ADMINISTER THE SAME. IN CASE BOTH PARENTS ARE ABSENT OR INCAPACITATED, THE ORDER OF PREFERENCE ON PARENTAL AUTHORITY AS PROVIDED FOR UNDER THE FAMILY CODE SHALL APPLY."

16. Section 15 of the Senate version on "*Parental Authority Over the Working Child's Wages and Property*" was deleted, considering that this provision is already provided for under the Family Code;

17. Section 16 of the Senate version on "*Trust Fund to Preserve Part of the Working Child's Income*" was adopted with further improvements, to read as follows:

"SEC. 12-C. TRUST FUND TO PRESERVE PART OF THE WORKING CHILD'S INCOME. - THE PARENT OR LEGAL GUARDIAN OF A WORKING CHILD BELOW EIGHTEEN (18) YEARS OF AGE SHALL SET UP A TRUST FUND FOR AT LEAST THIRTY PERCENT (30%) OF THE EARNINGS OF THE CHILD WHOSE WAGES AND SALARIES FROM WORK AND OTHER INCOME AMOUNT TO AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000.00) ANNUALLY, FOR WHICH HE/SHE SHALL RENDER A SEMI-ANNUAL ACCOUNTING OF THE FUND TO THE DEPARTMENT OF LABOR AND EMPLOYMENT, IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. THE CHILD SHALL HAVE FULL CONTROL OVER THE TRUST FUND UPON REACHING THE AGE OF MAJORITY."

18. Section 17 of the Senate version on "*Inducement or Coercion to Work*" and Section 18 of the Senate version on "*Unlawful Recruitment of Children*" were deleted because these provisions are already appropriately covered under the provisions of RA 8042

("Migrant Workers and Overseas Filipinos Act of 1995") and RA 9208 ("Trafficking in Persons Act of 2003");

19. Section 19 of the Senate version on "*Who May File a Complaint*" was simplified to amend Section 27 of RA 7610, to read as follows:

"SEC. 27. *Who May File a Complaint* - Complaints on cases of unlawful acts committed against children as enumerated herein may be filed by the following:

"(a) Offended party;

"(b) Parents or guardians;

"(c) Ascendant or collateral relative within the third degree of consanguinity;

"(d) Officer, social worker or representative of a licensed child-caring institution;

"(e) Officer or social worker of the Department of Social Welfare and Development;

"(f) Barangay chairman OF THE PLACE WHERE THE VIOLATION OCCURRED, WHERE THE CHILD IS RESIDING OR EMPLOYED; or

"(g) At least three (3) concerned, responsible citizens where the violation occurred."

20. Section 20 of the Senate version on "*Jurisdiction*" was adopted with modifications, to read as follows:

"SEC. 16-A. *JURISDICTION* - THE FAMILY COURTS SHALL HAVE ORIGINAL JURISDICTION OVER ALL CASES INVOLVING OFFENSES AGAINST CHILD LABOR PUNISHABLE UNDER THIS ACT: *PROVIDED*, THAT IN CITIES OR PROVINCES WHERE THERE ARE NO FAMILY COURTS YET, THE REGIONAL TRIAL COURTS AND THE MUNICIPAL TRIAL COURTS SHALL HAVE CONCURRENT JURISDICTION DEPENDING ON THE PENALTIES PRESCRIBED FOR THE OFFENSE CHARGED.

"THE PRELIMINARY INVESTIGATION OF CASES FILED UNDER THIS ACT SHALL BE TERMINATED WITHIN A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF FILING.

"IF THE PRELIMINARY INVESTIGATION ESTABLISHES A *PRIMA FACIE* CASE, THEN THE CORRESPONDING INFORMATION SHALL BE

FILED IN COURT WITHIN FORTY-EIGHT (48) HOURS FROM THE TERMINATION OF THE INVESTIGATION.

"TRIAL OF CASES UNDER THIS ACT SHALL BE TERMINATED BY THE COURT NOT LATER THAN NINETY (90) DAYS FROM THE DATE OF FILING OF INFORMATION. DECISION ON SAID CASES SHALL BE RENDERED WITHIN A PERIOD OF FIFTEEN (15) DAYS FROM THE DATE OF THE SUBMISSION OF THE CASE.

"SEC. 16-B. *EXEMPTIONS FROM FILING FEES*. - WHEN THE VICTIM OF CHILD LABOR INSTITUTES A SEPARATE CIVIL ACTION FOR THE RECOVERY OF CIVIL DAMAGES, HE/SHE SHALL BE EXEMPT FROM PAYMENT OF FILING FEES."

21. Section 21 of the Senate version on "*Plea-Bargaining*" was deleted;

22. Section 22 of the Senate version on "*Access to Immediate Legal, Medical and Psycho-social Services*" was adopted, to read as follows:

"SEC 16-C. *ACCESS TO IMMEDIATE LEGAL, MEDICAL AND PSYCHO-SOCIAL SERVICES* - THE WORKING CHILD SHALL HAVE THE RIGHT TO FREE LEGAL, MEDICAL AND PSYCHO-SOCIAL SERVICES TO BE PROVIDED BY THE STATE."

23. Section 23 of the Senate version on "*Protective Custody of the Child*" was deleted given that Section 28 of RA 7610 already cover this particular concern;

24. Section 24 of the Senate version on "*Confidentiality*" was deleted given that Section 29 of RA 7610 already cover this particular concern;

25. Sections 25, 26, 27 and 28 of the Senate version were deleted, with the understanding that these provisions will be aptly covered and exhausted in detail in the IRR of this Act;

26. Sections 29, 30, 31 and 32 of the Senate version and Section 5 of the House version, both referring to penalties, were consolidated and reconciled to amend Section 16 of RA 7610, to read as follows:

"SEC. 16. [*Penalties*] *PENAL PROVISIONS*—[Any person who shall violate any provision of this Article shall suffer the penalty of a fine of not less than One thousand pesos (P1,000) but not more than Ten thousand

pesos (P10,000) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court: *Provided*, That in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.]

"A) ANY EMPLOYER WHO VIOLATES SECTIONS 12, 12-A, AND SECTION 14 OF THIS ACT, AS AMENDED, SHALL BE PENALIZED BY IMPRISONMENT OF SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH AT THE DISCRETION OF THE COURT.

"B) ANY PERSON WHO VIOLATES THE PROVISION OF SECTION 12-D OF THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00), OR IMPRISONMENT OF NOT LESS THAN TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURT.

"C) ANY PERSON WHO VIOLATES SECTIONS 12-D (1) AND 12(2) SHALL BE PROSECUTED AND PENALIZED IN ACCORDANCE WITH THE PENALTY PROVIDED FOR BY RA 9208 OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003"; *PROVIDED*, THAT SUCH PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD.

"D) ANY PERSON WHO VIOLATES SECTION 12-D(3) SHALL BE PROSECUTED AND PENALIZED IN ACCORDANCE WITH RA 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002": *PROVIDED*, THAT SUCH PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD."

27. Section 32 of the Senate version and Section 5, paragraph (c) of the House version, both referring to "Community Service for Parents Violating the Provisions of this Act", were consolidated, to read as follows:

"F) PARENTS, BIOLOGICAL OR BY LEGAL FICTION, AND LEGAL GUARDIANS FOUND TO BE VIOLATING SECTIONS 12, 12-A, 12-B AND 12-C OF THIS ACT SHALL PAY A FINE OF NOT LESS THAN

TENTH THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), OR BE REQUIRED TO RENDER COMMUNITY SERVICE FOR NOT LESS THAN THIRTY (30) DAYS BUT NOT MORE THAN ONE (1) YEAR, OR BOTH SUCH FINE AND COMMUNITY SERVICE AT THE DISCRETION OF THE COURT: *PROVIDED*, THAT A MAXIMUM LENGTH OF COMMUNITY SERVICE SHALL BE IMPOSED ON PARENTS OR LEGAL GUARDIANS WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT THREE (3) TIMES; *PROVIDED, FURTHER*, THAT IN ADDITION TO THE COMMUNITY SERVICE, THE PENALTY OF IMPRISONMENT OF THIRTY (30) DAYS BUT NOT MORE THAN ONE (1) YEAR OR BOTH AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED ON THE PARENTS OR LEGAL GUARDIANS WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT MORE THAN THREE (3) TIMES."

28. Section 33 of the Senate version on "Penalty for Inaction of Public Officials and Employees" was deleted as this is already covered by existing laws;

29. Section 34 (a), (b), (c), (d) and (f) of the Senate version were deleted and letters (e), (g) and (h) of the same Section were adopted with some modifications, to read as follows:

"E) IF A CORPORATION COMMITS ANY OF THE VIOLATIONS AFORECITED, THE BOARD OF DIRECTORS/TRUSTEES AND OFFICERS, WHICH INCLUDE THE PRESIDENT, TREASURER AND SECRETARY OF THE SAID CORPORATION WHO PARTICIPATED IN OR KNOWINGLY ALLOWED THE VIOLATION, SHALL BE PENALIZED ACCORDINGLY AS PROVIDED FOR UNDER THIS SECTION.

XXX

"G) THE SECRETARY OF LABOR AND EMPLOYMENT OR HIS/HER DULY AUTHORIZED REPRESENTATIVE MAY, AFTER DUE NOTICE AND HEARING, ORDER THE CLOSURE OF ANY BUSINESS FIRM OR ESTABLISHMENT FOUND TO HAVE VIOLATED ANY OF THE PROVISIONS OF THIS ACT MORE THAN THREE (3) TIMES. HE/SHE SHALL LIKEWISE ORDER THE IMMEDIATE CLOSURE OF SUCH FIRM OR ESTABLISHMENT IF:

"(1) THE VIOLATION OF ANY PROVISION OF THIS ACT HAS RESULTED IN THE DEATH, INSANITY

OR SERIOUS PHYSICAL INJURY OF A CHILD EMPLOYED IN SUCH ESTABLISHMENT; OR

“(2) SUCH FIRM OR ESTABLISHMENT IS ENGAGED OR EMPLOYED IN PROSTITUTION OR IN OBSCENE OR LEWD SHOWS.

“(H) IN CASE OF SUCH CLOSURE, THE EMPLOYER SHALL BE REQUIRED TO PAY HIS/HER EMPLOYEES THEIR SEPARATION PAY AND OTHER MONETARY BENEFITS PROVIDED FOR BY LAW.”

30. Section 36, paragraph 2 of the Senate version on the creation of a trust fund from fines and penalties was adopted with modifications to amend Section 16 of RA 7610, to read as follows:

“SEC. 16-A. - TRUST FUND FROM FINES AND PENALTIES - THE FINE IMPOSED BY THE COURT SHALL BE TREATED AS A TRUST FUND, ADMINISTERED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT AND DISBURSED EXCLUSIVELY FOR THE NEEDS, INCLUDING THE COSTS OF REHABILITATION AND REINTEGRATION INTO THE MAINSTREAM OF SOCIETY OF THE WORKING CHILDREN WHO ARE VICTIMS OF THE VIOLATIONS OF THIS ACT, AND FOR THE PROGRAMS AND PROJECTS THAT WILL PREVENT ACTS OF CHILD LABOR.”

31. Sections 35, 37, 38 and 39 of the Senate version referring to the Implementing Rules and Regulations, Separability Clause, Repealing Clause and Effectivity Clause are standard provisions which are present in both the Senate and House version;

32. As an omnibus amendment to all the provisions of RA 7610, all the terms referring to the word “his” shall be amended to read as “his/HER”;

33. To be consistent with the reconciled Senate and House version, the title of this proposed measure shall now read as follows:

AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE “SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT”

In case of a conflict between the statements amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 2155, entitled

AN ACT ADOPTING A MAGNA CARTA FOR THE WORKING CHILD PROVIDING FOR STRONGER DETERRENCE AND PROTECTION AGAINST CHILD LABOR AND IMPOSING STIFFER PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES

and House Bill No. 4235, entitled

AN ACT PROHIBITING AND PENALIZING THE EMPLOYMENT OF CHILDREN IN ANY PUBLIC OR PRIVATE UNDERTAKING OR OCCUPATION WHICH IS CONSIDERED HAZARDOUS TO THEIR LIFE, SAFETY, HEALTH AND MORALS, OR WHICH UNDULY INTERFERES WITH THEIR NORMAL DEVELOPMENT AND FOR OTHER PURPOSES,

after full and free conference, agreed to recommend to their respective Houses that Senate Bill No. 2155, in consolidation with House Bill No. 4235, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees, entitled

AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE “SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT.”

Approved,

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES:

(Sgd.) HON. ROSELLER L. BARINAGA
Chairman