

Republic Act No. 10821

[May 18, 2016](#)

S. No. 3034

H. No. 5285

**Republic of the Philippines
Congress of the Philippines
Metro Manila**

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10821]

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:

SECTION 1. *Short Title.* – This Act shall be known as the “Children’s Emergency Relief and Protection Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development. Guided by the principles on survival and development, on child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children’s Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the State shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.

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

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

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

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

(d) *Civil Registry Documents* – refer to all certificates, application forms, and certified true copies of legal instruments and court decrees concerning the acts and events affecting the civil status of persons which are presented before the Civil Registrar and are recorded in the Civil Registry;

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

(f) *Disasters* – as defined in Republic Act No. 10121, refer to a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation;

(g) *Emergency* – refers to unforeseen or sudden occurrence, especially danger, demanding immediate action as defined in Republic Act No. 10121;

(h) *Family Tracing and Reunification* – refers to the process where disaster response teams reunite families separated by natural and human catastrophes by bringing together the child and family or previous care-provider for the purpose of establishing or reestablishing long-term care;

(i) *Hazard* – refers to a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage as defined in Republic Act No. 10121;

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

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

(l) *State of Calamity* – refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads, and normal way of life of people in the affected areas as a result of occurrence of natural or human-induced hazard as defined in Republic Act No. 10121;

(m) *Transitional Shelter* – refers to structures temporarily constructed by the government intended for families affected by a disaster while awaiting transfer to permanent shelters; and

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

SEC. 4. *Comprehensive Emergency Program for Children.* – The Department of Social Welfare and Development (DSWD) shall formulate a Comprehensive Emergency Program for Children, hereinafter referred to as the Program, taking into consideration humanitarian standards for their protection. The Program shall be used as the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery. This shall be implemented immediately after the declaration of a national or local state of calamity or occurrence of any other emergency situation.

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

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

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

(b) Establishment of Transitional Shelters for Orphaned, Separated, and Unaccompanied Children. – The National Housing Authority (NHA) shall, in coordination with the DSWD, the Department of Environment and Natural Resources (DENR), Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG), and LGUs of the areas declared under a state of calamity, immediately establish an option for transitional shelters, prioritizing vulnerable and marginalized groups including orphaned, separated, and unaccompanied children, and pregnant and lactating mothers. New transitional shelters, established pursuant to this Act, shall be designed with the following considerations: gender-specific emergency latrines, bathing cubicles, and hand washing facilities specifically designed for children. It shall provide mother and child-friendly spaces where children can take part in child activities. It shall also have provisions for maternal and newborn and infant care and rooms to protect, feed, provide personal care, and ensure the right to privacy. Existing transitional shelters shall be modified to the extent possible to comply with the abovementioned considerations.

(c) Assurance for Immediate Delivery of Basic Necessities and Services. – The Program shall facilitate and ensure the immediate delivery of basic necessities and services specifically required by the affected children in different stages of development such as access to basic health services, food, water, nutrition, medicines, clothing, sanitary and hygiene kits, and other emergency needs such as blankets, mosquito nets, cooking ware and fuel, and flashlights. The Program shall give priority to the specific health and nutrition needs of pregnant women, lactating mothers, newborn babies, children under five (5) years old and children with special needs.

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

Upon the declaration of a national and local state of calamity, the PNP and the DSWD, with the assistance of the AFP operating units in the area and local councils against trafficking and violence against women and their children, in accordance with existing laws, shall immediately heighten comprehensive measures and monitoring to prevent child trafficking, labor, and prostitution, including domestic and sexual violence, in the areas declared under a state of calamity.

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

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

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

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

(f) Plan of Action for Prompt Resumption of Educational Services for Children. – The DepED, in coordination with the DSWD, DILG, and the concerned LGUs shall ensure the prompt resumption of educational services for all children, including early childhood care and development for children aged below five (5).

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

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

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

- (1) Providing child-centered training for all responders;
- (2) Ensuring that children are provided with adequate access to age-appropriate information on their roles and responsibilities and those of government agencies before, during, and after disasters and other emergency situations;
- (3) Providing an effective mechanism for training and meaningful participation of children in community disaster risk reduction program; and
- (4) Consulting with the affected children on their needs and priorities for post-disaster relief and recovery.

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

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

- (a) The name and location of the school;
- (b) All alternative sites and proposal for final site selection;
- (c) Measures being implemented to prevent interference or disruption to the school and educational activities of children; and
- (d) Other particulars to be provided in the implementing rules and regulations of this Act.

The DepED, in coordination with the DPWH, shall continuously monitor and assess the condition of temporary learning spaces or other transitional and semi-permanent structures used as classrooms after a disaster, and if the use exceeds six (6) months after the declaration of a state of calamity, the regional DepED office shall

conduct regular site inspections and shall certify to the Secretary of Education that such spaces are in good physical condition and sufficient to ensure the safety of the children and their environment.

SEC. 6. Orphaned, Unaccompanied, or Separated Children. – The DSWD, upon consultation with relevant agencies, shall develop a minimum set of standards and guidelines for the Family Tracing Reunification System of orphaned, unaccompanied and separated children.

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

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

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

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

SEC. 8. Training of Emergency Responders on Child Protection. – The National Disaster Risk Reduction and Management Council (NDRRMC) shall promote and conduct a child-responsive training program for all responders in the calamity area such as community and barangay leaders, community members, school personnel and other rescuers. The training program shall include the following:

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

(b) Appropriate training on psychosocial interventions for children in different stages of development who are victims of calamities.

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

SEC. 9. Data Gathering, Monitoring, and Reporting. – The agencies mandated by this Act shall monitor and report on the implementation of services under the Program to be submitted jointly to Congress annually. The report shall include a specific section on pregnant women and children under five (5) years of age as a strategy to address the post-disaster nutrition needs of children under age five (5) and pregnant women.

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

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

SEC. 10. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DSWD, Office of Civil Defense (OCD), DepED, DOH, Department of National Defense (DND) and PSA. Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual

General Appropriations Act. For LGUs, the implementation of the programs shall be charged against the Local Disaster Risk Reduction and Management Fund (LDRRMF).

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

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

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

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

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

Approved,

(Sgd.) **FELICIANO BELMONTE JR.**
*Speaker of the House
of Representatives*

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

Senate Bill No. 3034, which was approved by the Senate on February 1, 2016, was adopted as an amendment to House Bill No. 5285 by the House of Representatives on February 2, 2016.

(Sgd.) **MARILYN B. BARUA-YAP**
*Secretary General
House of Representatives*

(Sgd.) **OSCAR G. YABES**
Secretary of the Senate

Approved: **MAY 18 2016**

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

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