

Philippines

National Child Protection Legislation

National Legislation

- Age of Child – **Under the age of 18 years**
[Republic Act No. 7610 - Special Protection of Children Against Abuse, Exploitation and Discrimination Act](#)
Sec. 3 – Definition of Terms
“Children” refers to 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.
 - Age of Consent – **12 years of age**
[Criminal Code of the Philippines](#)
Sec. 55.1 – Rape
Any person who: through force, threat, or intimidation; when the victim is deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; shall commit an act of sexual intercourse or sexual assault upon another nonconsenting person, by having his penis or any other object or instrument touch or inserted into the victim’s genital, anus or mouth; or when the victim is under (12) years of age, shall be punished within level 5.
 - Age of Marriage – **18 years of age**
[The Family Code of The Philippines](#)
Art. 5
Any male or female of the age of eighteen years or upwards not under any of the impediments mentioned in Articles 37 and 38, may contract marriage.
 - Age of Criminal Responsibility – **15 years of age**
[Juvenile Justice and Welfare Act of 2006](#)
Sec. 6
A child fifteen years of age or under at the time of the commission of the offense shall be exempt from criminal liability.
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- **Extraterritoriality**
[Criminal Code of the Philippines](#)
Sec. 2 – Scope
This Code shall apply to:
 1. Crimes committed within the Philippines or against a government facility of the Philippines abroad, including its embassy, diplomatic or consular premises regardless of the location of the perpetrator or when the effects happen in these places;
 2. Crimes committed outside the Philippines against any Philippine citizen, or entity registered in the Philippines, if committed against national security or interest or punishable by level 4 or higher crime, unless punishable in the place where the crime is committed;
 3. It also covers those committed in an aircraft, ship or vessel of Philippine registry or in an aircraft, ship or vessel originating from, passing through or destined for the Philippines;

4. Crimes committed outside the Philippines by a Philippine Citizen; and
5. Crimes committed against humanity and the law of nations.

- **Dual Criminality**

- [Philippine Extradition Law](#)

- **Sec. 3 – Aims of Extradition**

Extradition may be granted only pursuant to a treaty or convention, and with a view to:

- (a) A criminal investigation instituted by authorities of the requesting state or government charging the accused with an offense punishable under the laws both of the requesting state or government and the Republic of the Philippines by imprisonment or other form relevant extradition treaty or convention.
- (b) ...

- **Mandatory reporting requirements**

- [RA 9262 - Law Against Violence Against Women and Their Children](#)

- **Sec. 30 – Duties of Barangay Officials and Law Enforcers**

Barangay officials and law enforcers shall have the following duties:

- a. Respond immediately to a call for help or request for assistance or protection of the victim by entering the necessary whether or not a protection order has been issued and ensure the safety of the victim(s).
- b. Confiscate any deadly weapon in the possession of the perpetrator or within plain view
- c. Transport or escort the victim(s) to a safe place of their choice or to a clinic or hospital
- d. Assist the victim in removing personal belongs from the house
- e. Assist the barangay officials and other government officers and employees who respond to a call for help
- f. Ensure the enforcement of the protection orders issued by the Punong Barangay or the courts
- g. Arrest the suspected perpetrator without a warrant when any of the acts of violence defined by this act is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this act; and
- h. Immediately report the call for assessment or assistance of the DSWD, Social Welfare Department of LGUs or accredited non-government organizations

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten Thousand Pesos or whenever applicable criminal, civil or administrative liability

- **Sec. 31 – Healthcare Provider Response to Abuse**

Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

- a. Properly document any of the victim's physical, emotional or psychological injuries
- b. Properly record any of victim's suspicions, observations and circumstances of the examination or visit
- c. Automatically provide the victim free of charge a medical certificate concerning the examination or visit
- d. Safeguard the records and make them available to the victim upon request at actual cost; and
- e. Provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

[Child and Youth Welfare Code](#)

Art. 166 – Report of Maltreated or Abused Child

All hospitals, clinics and other institutions as well as private physicians providing treatment shall, within forty-eight hours from knowledge of the case, report in writing to the city or provincial fiscal or to the Local Council for the Protection of Children or to the nearest unit of the Department of Social Welfare, any case of a maltreated or abused child, or exploitation of an employed child contrary to the provisions of labor laws. It shall be the duty of the Council for the Protection of Children or the unit of the Department of Social Welfare to whom such a report is made to forward the same to the provincial or city fiscal.

Violation of this provision shall subject the hospital, clinic, institution, or physician who fails to make such report to a fine of not more than two thousand pesos.

In cases of sexual abuse, the records pertaining to the case shall be kept strictly confidential and no information relating thereto shall be disclosed except in connection with any court or official proceeding based on such report. Any person disclosing confidential information in violation of this provision shall be punished by a fine of not less than one hundred pesos nor more than five thousand pesos, or by imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment, at the discretion of the court

Art. 167 – Freedom from Liability of Reporting Person or Institution

Persons, organizations, physicians, nurses, hospitals, clinics and other entities which shall in good faith report cases of child abuse, neglect, maltreatment or abandonment or exposure to moral danger be free from any civil or criminal liability arising therefrom.

▪ **Obligations of Educational Institutions**

No information found.

▪ **Prohibition to hold certain positions**

[Republic Act No. 7610 – Special Protection of Children Against Abuse, Exploitation and Discrimination Act](#)

Art. III – Child Prostitution and Other Sexual Abuse

Sec. 5 – Child Prostitution and Other Sexual Abuse

Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal¹ in its medium period to reclusion perpetua² shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
- (1) Acting as a procurer of a child prostitute;
 - (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - (3) Taking advantage of influence or relationship to procure a child as prostitute;

¹ Reclusion Perpetua is classified as an afflictive penalty, the duration of which ranges from, 20 years and 1 day to 40 years. See, <https://www.lawteacher.net/free-law-essays/international-law/general-principles-international-law-essay.php#ftn55>.

² The duration of the penalty of Reclusion Temporal is imprisonment of 12 and 1 day to 20 years. See, *Id.*

- (4) Threatening or using violence towards a child to engage him as a prostitute; or
- (5) Giving monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution.
- (b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and
- (c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

Sec. 7 – Child Trafficking

Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

Art. XII – Common Penal Provisions

Sec. 31 – Common Penal Provisions

- (a) The penalty provided under this Act shall be imposed in its maximum period if the offender has been previously convicted under this Act;
- (b) When the offender is a corporation, partnership or association, the officer or employee thereof who is responsible for the violation of this Act shall suffer the penalty imposed in its maximum period;
- (c) The penalty provided herein shall be imposed in its maximum period when the perpetrator is an ascendant, parent guardian, stepparent or collateral relative within the second degree of consanguinity or affinity, or a manager or owner of an establishment which has no license to operate or its license has expired or has been revoked;
- (d) When the offender is a foreigner, he shall be deported immediately after service of sentence and forever barred from entry to the country;
- (e) The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public officer or employee: Provided, however, That if the penalty imposed is reclusion perpetua or reclusion temporal, then the penalty of perpetual or temporary absolute disqualification³ shall also be imposed: Provided, finally, That if the penalty imposed is prison correccional or arresto mayor, the penalty of suspension⁴ shall also be imposed; and

³ Perpetual Absolute Disqualification has the effect of depriving the offender of public office or employment, even if he is an elected officer, the right to vote or the right to be voted for, disqualifying the offender of the offices or public employment and the exercise of the right, and loss of retirement pay or pension for any office formerly held. Perpetual Absolute Disqualification lasts during the lifetime of the accused.

Temporary Absolute Disqualification has the effect of depriving the offender of public office of the exercise of the right of suffrage and disqualification from public office and employment only. Temporary Absolute Disqualification lasts during the term of the sentence. After the sentence is served, the disqualification is lifted.

Perpetual and Temporary Special Disqualification include disqualification from public office or employment, profession or calling affected, and for holding similar offices or employment. The penalties of Perpetual or Temporary Special Disqualification for the exercise of the right to suffrage has the effect of depriving offender from voting and be voted for and disqualification from holding any public office/employment during the term of his sentence. See, *Id.*

⁴ The penalty of Suspension has the effect of disqualifying the offender from holding such office and holding another office with the similar functions, during the term of the suspension. See, *Id.*

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

▪ **Employment Law**

[Labour Code of the Philippines](#)

Art. 277

Subject to the constitutional right of workers to security of tenure and their right to be protected against dismissal except for a just and authorized cause and without prejudice to the requirement of notice under Article 283 of this Code, the employer shall furnish the worker whose employment is sought to be terminated a written notice containing a statement of the causes for termination and shall afford the latter ample opportunity to be heard and to defend himself with the assistance of his representative if he so desires in accordance with company rules and regulations promulgated pursuant to guidelines set by the Department of Labor and Employment. Any decision taken by the employer shall be without prejudice to the right of the worker to contest the validity or legality of his dismissal by filing a complaint with the regional branch of the National Labor Relations Commission. The burden of proving that the termination was for a valid or authorized cause shall rest on the employer. The Secretary of the Department of Labor and Employment may suspend the effects of the termination pending resolution of the dispute in the event of a prima facie finding by the appropriate official of the Department of Labor and Employment before whom such dispute is pending that the termination may cause a serious labor dispute or is in implementation of a mass lay-off.

Art. 282

An employer may terminate an employment for any of the following causes:

- a. Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work
- b. Gross and habitual neglect by the employee of his duties
- c. Fraud or willful breach by the employee of the trust reposed in him by his employer or duly authorized representative
- d. Commission of a crime or offense by the employee against the person of his employer or any immediate member of his family or his duly authorized representatives; and
- e. Other causes analogous to the foregoing

▪ **Criminal Law – Defamation**

[Criminal Code of the Philippines](#)

Sec. 62 – Threats

Any person who shall threaten another with the infliction of wrong or harm to the latter's person, family, honor or property, shall be punished under any of the following circumstances:

1. If the threat is subject to a condition or any monetary consideration, if carried out amounts to a crime, or if done in writing or using another person, the penalty shall be within level 2.
2. Any person who threatens another to publish a libel against the latter or any member of the latter's family unless compensation in money or other valuable consideration is paid, shall be punished within level 3.
3. If the threat is done using a weapon, the penalty shall be within level 1.

Sexual Offenses Against Children

The Family Code of The Philippines

Art. 232

If the person exercising parental authority has subjected the child or allowed him to be subjected to sexual abuse, such person shall be permanently deprived by the court of such authority.

Art. 266-A

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances

4. When the victim is a child below seven (7) years old.

Criminal Code of the Philippines

Sec. 55.1 – Rape

Any person who: through force, threat, or intimidation; when the victim is deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; shall commit an act of sexual intercourse or sexual assault upon another nonconsenting person, by having his penis or any other object or instrument touch or inserted into the victim's genital, anus or mouth; or when the victim is under (12) years of age, shall be punished within level 5.

Sec. 55.2

Rape committed under any of the following aggravating circumstances shall be punished with life imprisonment:

8. When the victim is a child below seven (7) years old.

Sec. 56 – Molestation

Any person who shall commit an act that subjects or exposes another to unwanted or improper sexual advances or activity shall be punished within level 2. If the victim is a child, the penalty shall be within level 3.

The Constitution of the Republic of the Philippines, 1987

Art. XV – The Family

Sec. 3 (2)

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.

Child and Youth Welfare Code (Presidential Decree No. 603), 1974

Art. 3 – Rights of the Child

Sec. 8

Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

Republic Act No. 7610 – Special Protection of Children Against Abuse, Exploitation and Discrimination Act

Art. I – Title, Policy, Principles and Definitions of Terms

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 their

development; 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.

Art. III – Child Prostitution and Other Sexual Abuse

Sec. 5 – Child Prostitution and Other Sexual Abuse

Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

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 - (1) Acting as a procurer of a child prostitute;
 - (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - (3) Taking advantage of influence or relationship to procure a child as prostitute;
 - (4) Threatening or using violence towards a child to engage him as a prostitute; or
 - (5) Giving monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution.
- (b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and
- (c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

Sec. 6 – Attempt To Commit Child Prostitution

There is an attempt to commit child prostitution under Section 5, paragraph (a) hereof when any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

There is also an attempt to commit child prostitution, under paragraph (b) of Section 5 hereof when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 5 hereof shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act, or, in the proper case, under the Revised Penal Code.

Art. IV – Child Trafficking

Sec. 7 – Child Trafficking

Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

Art. V – Obscene Publications and Indecent Shows

Sec. 9 – Obscene Publications and Indecent Shows

Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of prison mayor in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of prison mayor in its medium period.

[Anti-Trafficking in Persons Act \(RA 9208\), 2003](#)

Sec. 3 – Definition of Terms

As used in this Act:

- (a) *Trafficking in Persons* - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.
The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.
- (b) *Child* - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) *Prostitution* - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (d) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.
- (e) *Sex Tourism* - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

- (f) *Sexual Exploitation* - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
- (g) *Debt Bondage* - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (h) *Pornography* - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

Sec. 4 – Acts of Trafficking in Persons

It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- (a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
- (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Sec. 6 – Qualified Trafficking in Persons

The following are considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is affected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

- (d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

...

Sec. 10 – Penalties and Sanctions

The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

...