



## Improved Systems and Capacities of National and Local Councils for the Protection of Children Means Better Delivery of Child Protective Services

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The United Nations Children's Fund (UNICEF) defines *child protection* as the prevention of and response to violence, exploitation, and abuse against children – including commercial sexual exploitation, trafficking, child labor, and harmful traditional practices (such as female genital mutilation and child marriage). In the Philippines, a *child in need of special protection* is described as one most vulnerable to violence, abuse, neglect and exploitation mainly by reason of poverty. Such children include the neglected and abandoned, those in worst forms of labor, children with disabilities, those at risk and in conflict with the law, the street children, commercially and sexually abused children, those affected by armed conflict, displacement, and emergencies, and children of indigenous populations.<sup>1</sup>

<sup>1</sup> Definition from the 2nd National Plan of Action for Children, 2011-2016.

Over the years, the Philippines has seen a number of laws passed and enacted concerning the welfare and protection of children. The trend has been particularly remarkable in the period following the country's ratification of the UN Convention on the Rights of the Child in 1990. Without reference to numbers and statistics, it may be easy therefore to resolve that Filipino children are already well placed within the best legal environment that would eventually put an end to child abuse and exploitation. But could this actually be the case? Would it be conclusive to say that the children described above have already seen the end of their plight as vulnerable, abused, and exploited?

In the Mid-Term Report of the 2nd National Plan of Action for Children (NPAC) released in 2015<sup>2</sup>, the data are proving otherwise. Even with significant milestones achieved in education and health targets for children, child protection remains to lag behind. Child poverty incidence has not improved. About 2 million Filipino children are still working in hazardous working conditions. Worse, the

magnitude and number of children victims of neglect, violence, abuse, and exploitation remain to be ascertained given the difficulties of obtaining sensitive and elusive data.

A quick account as to the disconnect between the profusion of laws and the continuing incidence of child abuse may point to the "symptom-specific" approach long used towards addressing child protection. This means that the analytical lens used to understand

and address child protection issues was based on a reactive perspective, so that executive or legislative action were rather "stand-alone" responses corresponding to a specific child protection issue. The presence of several mandated interagency councils to coordinate and oversee the implementation of the various laws – despite the overlap of functions – is one consequence of this. The 3rd Comprehensive Program on Child Protection<sup>3</sup> also explains that the country has

#### **Categories of CNSP and Estimates<sup>4</sup>**

Children without parental care and at risk of losing parental care	4-6 million
Working children	5.5 million
Trafficked children	No data
Prostituted children	60,000 to 100,000
Children in pornography	No data
Child victims of violence, physical, and sexual abuse	8,000
Children living or working on the streets	246,000
Children and young people in drugs and substance abuse	3.4 million
Children in conflict with the law	18,277 (2006 to 2011)
Children in situations of emergency Armed conflict	50,000 displaced Annually
Natural disasters	190,000 annually
Children with disabilities	192,000
Unregistered children	2.6 million
Children belonging to minorities and indigenous peoples	5-7 million

<sup>2</sup> The Mid-Term Report was prepared and published by the Council for the Welfare of Children, being the lead coordinating agency for the Philippine National Strategic Framework for Plan Development for Children or Child 21.

<sup>3</sup> The 3rd CPCP (2012-2016) was prepared and published by the Committee for the Special Protection of Children, an interagency body created by RA 7610. The CSPC is chaired by the Department of Justice, with Secretariat support provided by the Council for the Welfare of Children.

<sup>4</sup> Data taken from the 3rd CPCP.

failed to provide a protective and caring environment for children, an approach anchored on the recognition that child protection is diverse, evolving, and interconnected and that it is the dynamic interplay of individuals, systems, and society that both shapes and addresses the root causes of child abuse, violence, and neglect. To build a protective and caring environment therefore means placing child protection within a system-based framework and providing solutions that go beyond the issues' respective silos and wider towards a more cohesive response that encompasses the micro, meso and macro levels of society.

Presently, there are initiatives by interagency councils towards strategically integrating their work through joint programming. These ex-post facto convergence measures, however, are at most stop-gap solutions to repetitive roles and functions performed within a multiplicity of structures and systems. Without revisiting – and perhaps amending – the laws that created these systems and structures, the inefficiencies are likely to continue, and the need for longer-lasting solutions will remain.



### [\*Governance on child protection in the Philippines: What recent literature say\*](#)

This Policy Brief is based on literature from the 2nd NPAC Mid-Term Review, the 3rd CPCP, and a 2016 study jointly conducted by the Philippine Legislators' Committee on Population and Development (PLCPD) and UNICEF. The latter, in particular, focused on five child protection laws – examining how these laws are implemented (or “localized”) at the city or municipal level and how coordination and

oversight are done from the national level down to local government units.<sup>5</sup> The laws covered by the study were: Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 7610), Anti-Violence Against Women and Children Act (RA 9262), Anti-Trafficking in Persons Act (RA 9208) and the Expanded Anti-Trafficking in Persons Act (RA 10364), Anti-Child Pornography Act (RA 9775), and Juvenile Justice and Welfare Act (RA 9344) and an Act strengthening the Juvenile Justice System in the Philippines (RA 10630).



<sup>5</sup> Participating LGUs in the Study include: Zamboanga City, Quezon City, and the Municipalities of Bobon in Northern Samar and Aroroy in Masbate.

**The Special Protection of Children Against Abuse, Exploitation and Discrimination Act (RA 7610)** signed in 1992, is a comprehensive and encompassing legislative measure providing for stronger deterrence and special protection measures for children – from all forms of abuse, neglect, cruelty, exploitation, and discrimination and other conditions prejudicial to their development. It also puts special attention to children in especially difficult circumstances, those in armed conflict, and those belonging to indigenous cultural communities. It defines the sanctions and penalties applied to child abuse, prostitution, trafficking, and employment of children.

**The Anti-Trafficking in Persons Act (RA 9208)**, enacted in 2003, and **The Expanded Anti-Trafficking in Persons Act (RA 10364)** enacted in 2012, provides for policies and procedures for a comprehensive approach to eliminating trafficking in persons (TIP). The law also specifies the penalties for the commission of TIP, provides for legal protection for victims of TIP, and ensures the provision of services for the recovery and reintegration of said victims. The expanded law makes clear what are considered acts of trafficking, attempted trafficking and qualified trafficking, incorporating the provisions on child trafficking under RA 7610.

**The Juvenile Justice and Welfare Act (RA 9344), enacted in 2006, and An Act Strengthening the Juvenile Justice System in the Philippines (RA 10630)** signed into law in 2012, address the issue of juvenile justice and welfare, covering different stages that involve children at risk (CAR) and children in conflict with the law (CICL) from prevention to rehabilitation and reintegration. The law mandates the establishment of structures and programs that will help create a protective environment for children so that they will not commit crimes or be victims of crimes. The amended law

1) strengthened community-based and center-based interventions through the establishment of *Bahay Pag-Asa* for children below the age

of minimum criminal responsibility, 2) provided for intensive intervention for children who have committed serious crimes and also for repeat offenders, 3) mandated the creation of the Regional Juvenile Justice and Welfare Councils to oversee local and regional implementation of the law, 4) provided for extension of assistance to victims of crimes committed by children and a maximum penalty for those who exploit children for the commission of criminal offenses, and also 5) mandated the establishment and institutionalization of a Referral System and Centralized Juvenile Justice and Welfare Information Management System.

**The Anti-Child Pornography Act (RA 9775)**, enacted in 2009, guarantees the protection of every child from all forms of exploitation and abuse, including, but not limited to, the use of a child in pornographic performances and materials and the inducement or coercion of a child to engage or be involved in pornography through whatever means.

The law, in particular, defines child pornography as any representation, be it visual, audio or written form or combination thereof, by electronic, mechanical, digital, optical, magnetic and other means, of a child engaged in real or simulated explicit sexual activities. Any person who produces, distributes, publishes or commits other related acts will face stiff penalties with fines, prison terms, including the maximum penalty of imprisonment.

**The Anti-Violence Against Women and Their Children Act (RA 9262)**, signed into law in 2004, is a landmark legislation that penalizes physical, sexual, economic, and psychological abuse and violence, committed against a woman or her child by any person, in the context of an ongoing or past intimate relationship. It also provides for various reliefs and remedies for the prevention or discontinuation of violence and the rehabilitation of both victim-survivors and perpetrators.

It is also useful to refer, in particular, to the 3rd CPCP's model of Child Protection System in discussing and framing recent studies on child protection. The model is premised on the multidimensional nature of child protection and therefore on the cohesive functioning of various elements that make up a caring and protective environment for children.

Briefly, the elements of the framework are:

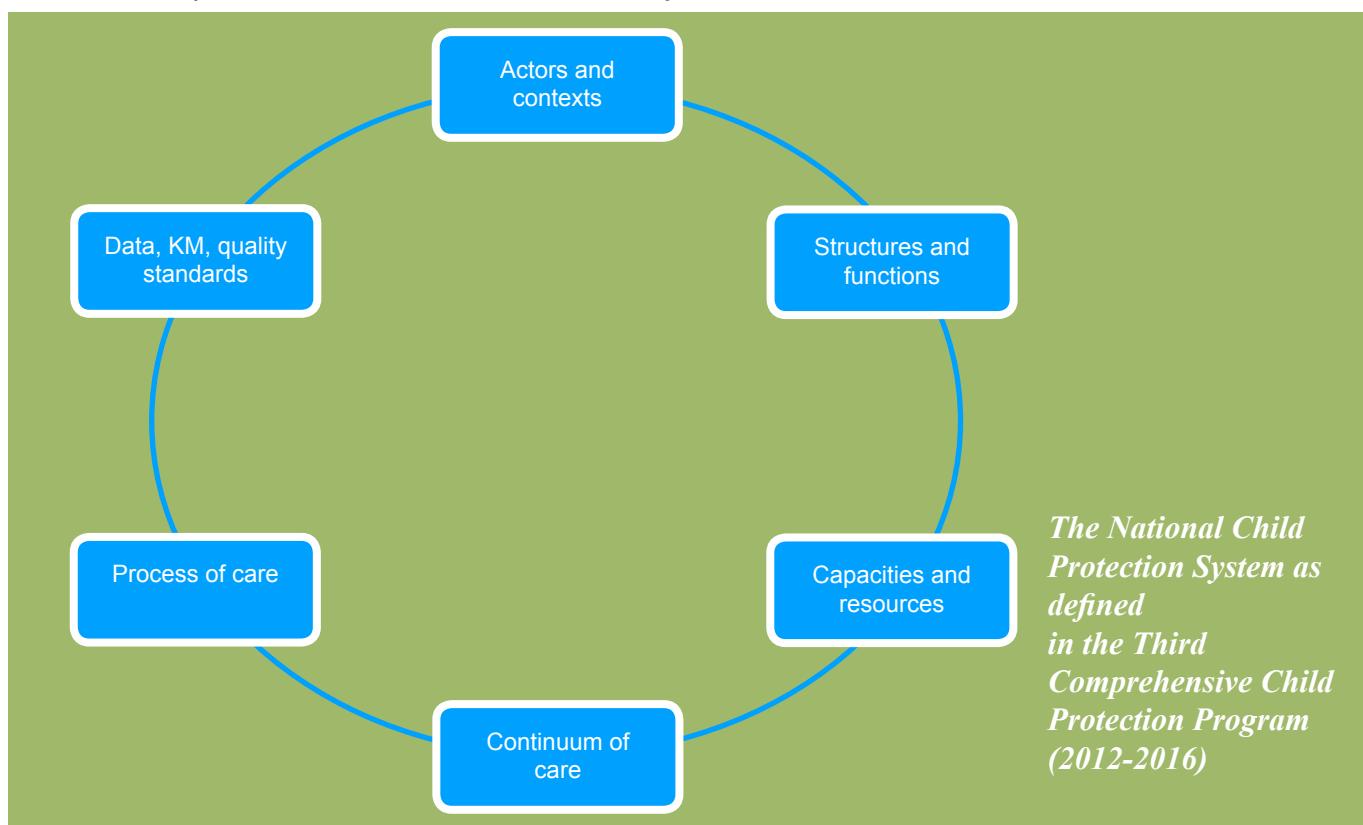
- *Actors and contexts* – pertains to the key actors and contexts for action namely the child, the family, community, city or municipality, province, the nation, and the global context. This means that the situation of every child is a product of the

interplay of the actors within varying contexts, and not just a situation he/she and/or his/her family may have caused.

- *Structures and functions*  
– organizational mechanisms, whether formal (such as government or NGOs) or informal (people's organizations), at various levels that function for the protection of children.
- *Capacities and resources*  
– includes human resources, financial resources, and physical resources (such as infrastructure)
- *Continuum of care*  
– pertains to levels or tiers of intervention and protection measures (prevention, rescue, recovery, reintegration); essentially the content

and “substantive element” of the intervention

- *Process of care* – the system and protocols for delivering the intervention (for example processes for reporting, referral, investigation, assessment, treatment, and follow-up; if cases are filed before the courts, this will include appropriate disposition of cases)
- *Data, knowledge management, and quality standards* – pertains to an accountability mechanism through data retrieval, research, knowledge generation and sharing, and standards of quality in providing care and protective services





Below are some of the salient themes, gaps, and challenges that characterize national and local governance on child protection in the Philippines.

*Within the Child Protection System framework, the most pronounced gaps are in ‘Structures and Functions’ and ‘Capacities and Resources.’*

The real locus of governance in child protection is the local government unit. It serves as the frontline on which the primary and most important layer of preventive action and intervention happens. However, the complex range of national laws, their translation into local policies and plans, and the delivery of devolved social services, overall, present much challenge

to the human resource capacities of LGUs for them to deliver cohesively and effectively.

The sheer number of child rights/child protection inter-agencies comprised more or less of the same departments and personnel at the national level and which need to be mirrored at the local level as “local interagency committees” saturates the LGUs on two fronts: in terms of operationalizing the structures and making them functional, and in terms of sustaining the availability of human resources. For the latter, it is a case of LGU personnel delivering not just child protective services but also their other mandated functions (e.g., the City or Municipal Social Welfare Development Officer (C/ MSWDO) is also in charge of the CCT program, gender and development programs, relief operations, etc.).

For the former, it is a case of the LGU “performing” simultaneously the various roles that come along with the structures: it is, all in all, planner and policy-maker, implementer and enforcer, resource mobilizer, and self-monitor. Moreover, the roles and responsibilities duplicate across the local structures established as counterpart to the national structures.

For example, the Municipal Council for the Protection of Children (MCPC), the Municipal Interagency Council Against Trafficking and VAWC (MIACAT-VAWC), and the Municipal Interagency Council Against Child Pornography (MIACACP) are different structures altogether – the latter two corresponding to the Anti-Trafficking in Persons Law and the Anti-Child Pornography Law. However, the human resources and the roles and responsibilities across these structures are almost the same, with only the thematic focus setting each structure apart.

The situation at the regional level is as complex given the number of regional councils operating to support individual laws. Out of the five laws studied by PLCPD and UNICEF, four laws<sup>6</sup> have or require about 16 to 17 regional sub-committees

<sup>6</sup> The four laws are RA 7610, RA 9344 and 10630 as amended, RA 9262, and RA 9208 and 10364 as amended. RA 9775 only requires a Regional Secretariat.

Article 87 of Presidential Decree (PD) 603 or the Child and Youth Welfare Code provides for the creation of a Local Council for the Protection of Children (LCPC) in every barangay. DILG Memorandum Circular 2002-121 (Revised Guidelines on the Organization and Strengthening of the LCPC Incorporating Thereat Early Childhood Care and Development Coordinating Committees at the Provincial, City, Municipality, and Barangay Levels) provides for the creation of the LCPCs at all levels of the LGU and provides for the specific membership and functions for each level.

The table below shows the LCPC membership and functions at the City or Municipal level:

**Chair: City/Municipal Mayor**

**Co-chair: Any of the members, designated by the Mayor**

**Members:**

C/M Council Member (Chair, Committee on Women and Family)

DILG C/M Filed Officer

Division Superintendent/District Supervisor of DepEd

Local Labor and Employment Officer

C/M Planning and Development Officer

C/M Budget Officer

C/M Health Officer

C/M Social Welfare and Development Officer

C/M Nutrition Officer

C/M PNP Director

C/M Treasurer

C/M LIGA ng mga Barangay President

Parent-Teachers Association (PTA) President

Child Representative

At least three (3) representatives of NGOs, two (2) of whom are appointed by the Committee

handling Early Childhood Care and Development (ECCD) Programs and one (1) from the trade/

labor union sector

#### **Functions:**

- o Formulate plans, programs, and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to 18 years of age
- o Prepare Annual Work and Financial Plan for children and recommend appropriations to the Council
- o Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children
- o Provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children
- o Establish and maintain database on children in the city/municipality
- o Foster education of every child
- o Advocate for the establishment and maintenance of playgrounds, day care centers, and other facilities necessary for child and youth development
- o Recommend local legislations promoting child survival, protection, participation and development, especially on the quality of television shows, media prints and coverage, which are detrimental to children, and with appropriate funding support
- o Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institutions
- o Conduct capability building programs to enhance knowledge and skills in handling children's program
- o Document barangay best practices on children
- o Monitor and evaluate the implementation of the program and submit quarterly status reports to the Provincial Council for the Protection of Children
- o Perform such other functions as provided for in the ECCD and other child related laws

Roles of LGUs as Provided for in the Implementing Rules and Regulations (IRR) of the following Child Protection Laws*			
Anti-Trafficking in Persons	Anti-Violence Against Women and Their Children	Anti-Child Pornography	Juvenile Justice and Welfare
Establish the Local Council Against Trafficking and Violence Against Women and Children (LCAT-VAWC) – to serve as a policy and program coordinating and monitoring body (including the preparation and submission of annual reports) at the local level	<ul style="list-style-type: none"> <li>• Undertake massive education and information on the ACT and other laws</li> <li>• Provide the victim-survivors temporary shelters, counseling, psychosocial services, recovery and rehabilitation programs</li> <li>• Ensure the sustained education and training of their officials and personnel on the prevention of VAC, including gender sensitivity seminars for service providers (police, barangay officials, health personnel, social worker)</li> <li>• In coordination with PNP and other related agencies, establish education and training program for police officers and barangay officials to enable them to properly handle cases</li> <li>• Develop and provide relevant community-based services for the rescue, recovery/rehabilitation and after-care services of victim-survivors</li> <li>• Strengthen coordination with the DSWD Regional Offices, LGUs, NGOs for the continuous conduct of VAWC trainings to service providers</li> <li>• Provision of sustained programs and projects to ensure the protection and effective services for the rehabilitation and integration of VAWC victim-survivors</li> <li>• Monitor and document cases of victim-survivors of VAWC for purposes of data-banking</li> <li>• Enact ordinances aimed at providing protection and support to victim-survivors of VAWC</li> <li>• Strengthen, reactivate, and mobilize existing committees/councils and similar bodies at the provincial, city, municipality, and barangay levels to prevent VAWC</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor and regulate the establishment and operation of internet cafés and kiosks or similar establishments in order to prevent violations of the provisions of the law</li> <li>• C/M Social Welfare and Development Office to monitor and document cases, including a regular submission of the reports in support of establishing a national database</li> <li>• Conduct information and education campaigns</li> <li>• Establish and support community based initiatives</li> <li>• Basic social services for the prevention, rescue, recovery, rehabilitation and reintegration/after-care support</li> <li>• Enact and implement ordinances and issuances</li> <li>• Coordinate with IACACP and DILG to ensure uniformity and consistency between local ordinances and the IRR</li> <li>• Participation of Sangguniang Kabataan and allocation of funds from SK</li> <li>• Strengthen, activate and mobilize existing child-focused committees, councils, and LGUS at all levels to prevent and suppress child pornography cases</li> <li>• Assist in the filing of cases through the WCPD-LGU to the WCPD PNP Headquarters</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and implement Comprehensive Local Juvenile Intervention Program (CLJP) and set aside budget for its implementation</li> <li>• Conduct annual CLJP review together with LCPC</li> <li>• Ensure that no child is detained or admitted in provincial jails</li> <li>• Establish/strengthen LCPCs</li> <li>• Ensure 1% of IRA of cities, municipalities, and barangays for LCPC</li> <li>• Pay a portion of the expense for the care and maintenance of the child in conflict with the law (CICL)</li> <li>• Institute community-based programs for children at risk (CAR) and CICL</li> <li>• Appoint a local social welfare and development officer (LSWDO)</li> <li>• Inventory and mapping of local resources for CICL</li> <li>• Establish youth homes for CICL</li> </ul> <p>Functions of the LCPC</p> <ul style="list-style-type: none"> <li>• Coordinate and assist the LGU for the adoption of the CLJP</li> <li>• Assist Barangay Captain in conducting diversion proceedings for CAR and CICL cases</li> <li>• Assist LSDWO in the development of appropriate diversion programs</li> <li>• Develop a database for cases</li> <li>• Advocate and recommend local legislations</li> <li>• Review existing policies of units providing services to CICL</li> <li>• BCPC to take custody of the CICL if the child is below 15 years old and parents cannot be located</li> <li>• BCPC to be present in the initial investigation of the CICL in the absence of parents</li> </ul>

or interagency committees, totaling to at least 64 regional bodies comprised more or less of the same national government agencies. This has resulted to coordination bottlenecks, duplication of functions, and fragmented and reactive interventions – all trickling down to the local level where LGUs, especially those lacking in resources and capacities, end up organizing counterpart local bodies (such as the Local Council for the Protection of Children or LCPC) that remain rather non-functioning or not fully functional.<sup>7</sup>

Local competencies and capacities, meanwhile, also need to be improved, as these ultimately drive the functionality of the structures. The 2nd NPAC Mid-Term Report mentions the importance of capacitating the pillars of justice such as law enforcers and prosecutors beyond individual capacity development and moving towards strengthening social welfare and legal and judicial systems for more cohesive and integrated service provision in child protection. The 3rd CPCP and the PLCPD-UNICEF Study, on the other hand, underscore the local governance such as rights-based approach to planning and programming for children, results-based



management, knowledge management, systems building approach to child protection and the protective and caring environment framework, strategic information-education-communication, among others. This need was particularly highlighted in the PLCPD-UNICEF Study, which revealed that poor/rural LGUs, having lower financial resources and personnel with lower individual capacities, are also likely to have lower awareness of the laws, lower core competencies, and therefore lesser differentiation of roles and functions within the LGU (consequently, there is a higher concentration or congestion of tasks within a single position, such as the MSWDO).

With regard to financial resources, the allocation of 1% of internal revenue allotment<sup>8</sup> as budget source for the local councils for the protection of children

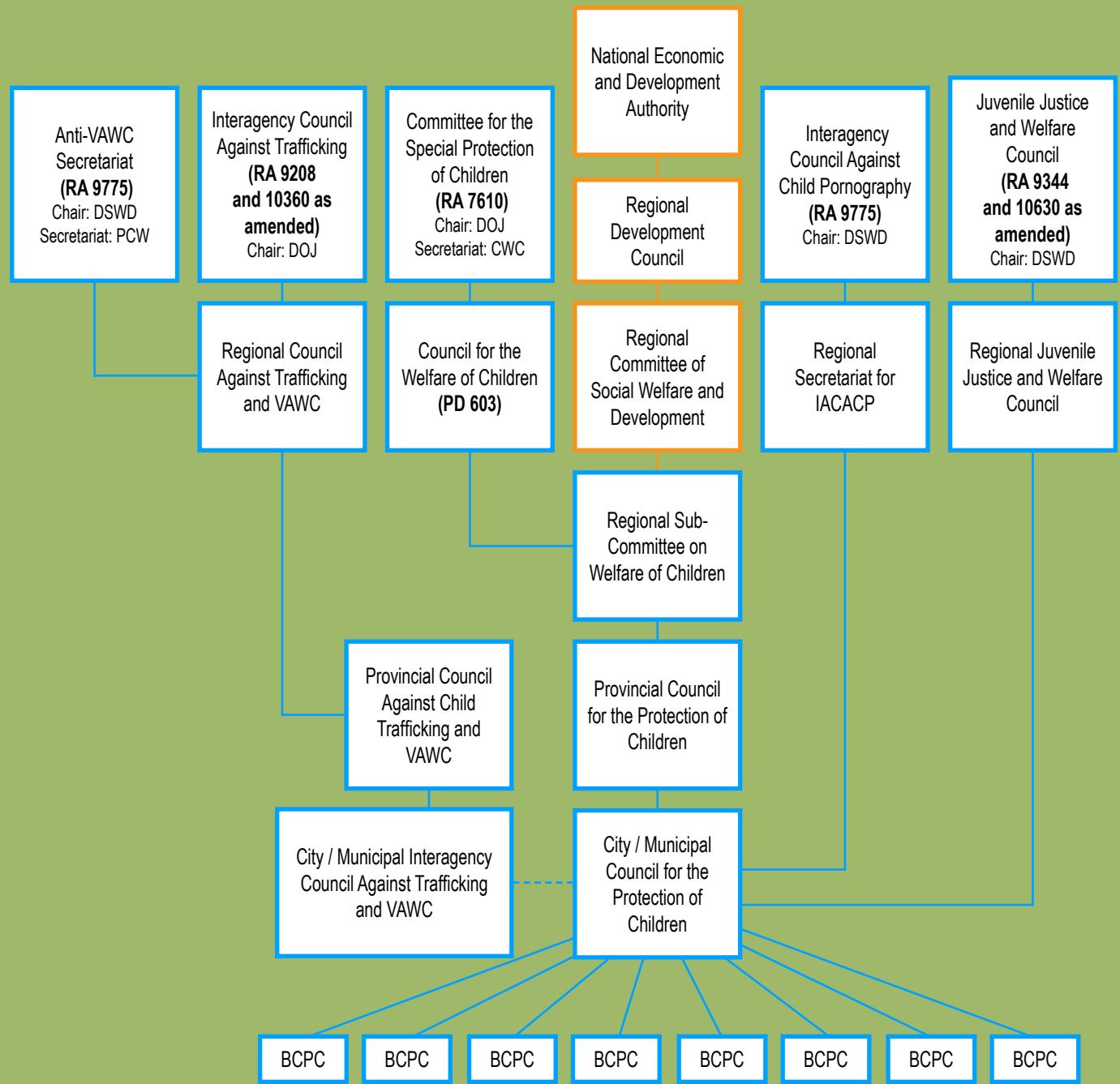
(from the province down to the barangay level) needs to be reviewed considering access, augmentation, prioritization, and utilization by the LGUs. Along with human resource capacities, the availability and sustainability of financial resources provides the latitude needed for LGUs to provide the appropriate, if not innovative, and timely child protection interventions, hence redounding well on the functionality of such local bodies.

The NPAC mid-term report has also pointed out the need for results-based budgeting, the rational distribution of the IRA, cost-sharing and the need to tap non-traditional sources of funds.

At the national level, budget allocation by government agencies delivering on their priority thrusts as members of interagency

<sup>7</sup> This is also the same finding generated by the National Baseline Study on Violence Against Children (Interim Results) of the Council for the Welfare of Children, conducted in 2015-2016.

<sup>8</sup> DILG MC 2012-120 provides guidance on the use of 1% IRA of LGUs as budget for the local councils for the protection of children, as mandated by RA 9344.



*This flowchart demonstrates how the localization of five different laws on Child Protection funnels down to the Municipal or City Government, and down to the 'barangays.'*

*The actual structure may turn out to be much more complex if other laws and local structures – even those not related to child protection - are added.*

*Moving up to the national level, the flowchart also reveals that there is currently no focal-overight agency to act as lead coordinating body for the strategic programming and results-monitoring of these laws.*

councils remains a constant challenge. Most member-agencies do not have specific budget lines within their agencies to fund their programmatic commitments and activities under the interagency councils. Conversely, member-agencies could not immediately and/or directly attribute particular investments or spending to their inter-agency commitments because budget lines are usually clustered according to sectors (e.g., health and nutrition, education, etc.).

*There is a trend towards coherence in the implementation of programs, processes, and protocols for providing care and protective services within agencies – and across, through the Convergence initiative of inter-agencies; but this needs to gain momentum and expand across all elements of the child protection system*

While the different child protection laws and varying mandates of interagency



councils have brought about multi-way coordination bottlenecks and even turfing in the delivery of services, recent efforts by agencies to address these issues are now slowly gaining traction. For instance, service providers are now guided by the “Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation” prepared by the Committee for the Special Protection of Children. The protocol is premised on the importance of a multi-disciplinary approach towards efficient and effective case handling and management.

Strategies and interventions as reviewed in the PLCPD-UNICEF study also show that a continuum of care is present in all levels of protective services for children – ranging from tertiary care (prevention, protection) to secondary

and primary care (rescue, recovery, rehabilitation, and reintegration).

Meanwhile, the multi-disciplinary approach is also being used in the conduct of capacity building activities for service providers, in particular by the SCPC and the Juvenile Justice and Welfare Council. This achieves not just cohesion in the delivery of services per se, but also results to a higher level of efficiency in service provision that is rooted in a deeper understanding of one’s roles and functions in relation to that of other service providers.

There is also an ongoing convergence initiative being undertaken by some inter-agency councils. The Convergence of Councils and Committees for Children (4Cs)<sup>9</sup> is an interagency cooperation and joint

<sup>9</sup> A Memorandum of Agreement signed in 2015 formalized the 4Cs Strategy, with the following signatory agencies/inter-agencies: Council for the Welfare of Children, Juvenile Justice and Welfare Council, Interagency Council Against Trafficking, Interagency Council Against Child Pornography, the National Council on Children’s Television, the National Council on Disability Affairs, and the Early Childhood Care and Development Council. As of this Policy Brief’s writing, the set of Implementing Rules and Regulations to effect the cooperation agreement is still being finalized by a working committee composed of the Chairs and Co-chairs of the signatory agencies/inter-agencies.



programming strategy to achieve harmonization in the following areas: systematic planning and program development, policy development and legislative agenda building, research and integrated information management system, monitoring and evaluation, advocacy, communication and resource mobilization, and capacity building.

These ongoing convergence initiatives, though telling of the need to address ex-post facto the symptom-specific approach that has pervaded past frameworks on child protection, also present new knowledge generation opportunities around which succeeding strategic plans (such as the 3rd NPAC, the 4th CPCP, and the new Philippine Development Plan) can be designed. Processes, protocols, and systems can serve as pilots which can then inform not just the said plans,

but future legislative reform as well.

*Tools and processes for monitoring of child protective cases and monitoring and evaluation of programmes and interventions remain to be standardized.*

Agencies make use of different tools and measures for reporting on child protective cases. The Juvenile Justice and Welfare Council, in its 2015-2017 Strategic Plan, for instance reports that the PNP, DSWD, DILG, and BJMP make use of varying monitoring tools and currently do not adhere to a systematic database or protocol for integrated data sharing. The 3rd CPCP also reports that much of the data on children in need of special

protection are relatively old and not updated, without any disaggregation by age, gender, rural-urban, ethnic groupings and other status. Data surrounding child abuse cases perpetrated in clandestine operations such as child pornography, prostitution, trafficking has also been more difficult to generate and monitor. Instruments and measures that should be the foundation of a common database system are not yet standardized across service providers and are likely to produce data with varying measures.

At the local level, while LGUs are enjoined to develop an Annual State of the Children Report, local monitoring systems by which data are generated remain to be standardized, if not results-based. LCPC monitoring tools and guidelines provided by the national agencies use mostly nominal measures and data generated do not lend much utility towards results-based management and monitoring (e.g., there is an Interagency Monitoring Task Force per LGU that conducts the monitoring and assessment of the functionality of LCPCs).<sup>10</sup> The 2nd NPAC mid-term report also recommends a review of the

<sup>10</sup> DILG Memorandum Circular 2008-126 provides the guidelines on the composition of the Interagency Monitoring Task Force and the process and tools for monitoring the functionality of LCPCs.

LCPC functionality measures to include budget utilization monitored through a tracking system and measured based on results for children.

Given this, most of the inter-agencies are now moving forward towards developing their respective database and information management systems, aiding either actual case monitoring, or building a knowledge platform where data can both be stored and retrieved. The CSPC, in particular, has developed a Protocol on the reporting of child protection-related cases. The document is now for dissemination to and adoption by local government units.

### [Policy options, programmatic directions](#)

The 17th Congress is at the most opportune time to exercise its oversight and legislative roles with regard to child protection. As the 2nd NPAC, the 3rd CPCP, and other related strategies conclude this year or the year after, there is much collaborative space on which a new legislative-executive agenda can be built.

Below are policy options and recommendations the new Parliament may take, by itself or together with the national government agencies:



#### *1. On strengthening national structures and rationalizing coordinative and oversight functions*

The Council for the Welfare of Children (CWC), being the main policy coordinating body for children, may be assigned a focal oversight function to coordinate all the existing Interagency Councils. The Interagency Councils will continue to deliver on their mandated roles; however, the CWC will serve as a convergence point – the mandated agency that will ensure cohesive programmatic planning and delivery by all the interagency groups.

An Executive Order may be issued in the interim to address this; subsequently, placing the CWC back to the Office of the President as an attached agency

may provide the needed strategic leverage so it can efficiently perform the expanded coordinative and oversight role. In the long term, a restructuring of the CWC may be done to make it a more independent body – such as a Department, Commission, or a Bureau – with dedicated capital resources. A review of PD 603 is therefore being recommended, which should include, among others, an assessment of the mandate and structure of the CWC.

#### *2. On improving efficiency of local systems and strengthening local capacities and resources*

Rationalizing the LCPC so that its role expands to serve as a single, umbrella unit for all the local interagency councils will contribute to overall efficiency, not just of the LCPC, but the local



interagency councils as well (e.g., MIACAT-VAWC, MIACACP, etc.). Consequently this improves the efficiency and effectiveness of the individual human resources comprising the LCPC and the local inter-agencies.

From a programming standpoint, streamlining the number of local inter-agencies by lodging these as committees within the LCPC will provide a wider lens for designing a single local strategy (comprehensive development plan that contains its local strategy for children, including child protection), its annual development and investment plan for children – and to do so using results-based planning and monitoring.

While PD 603 and DILG MC 2002-121 have prescribed the composition of the

LCPC (particularly at the provincial, city, and municipal levels), a new DILG MC may be issued to provide the guidance for rationalizing the LCPC. In the long term, an amendment of PD 603 should include the restructuring of the LCPC so that the roles and responsibilities of the LGU are streamlined as it fulfills its roles in the various local interagency councils.

To improve the capacities of LGUs – including a range of core competencies and other governance areas (such as the human rights-based approach, results-based management, child-friendly governance and the child protection laws) – specific funding and a comprehensive programme for local capacity building may be institutionalized through a national policy. The funds and the capacity

building programme may be lodged with the DILG and/or CWC, to be delivered to key personnel at the provincial, city, and municipal levels.

Similarly, a national policy issuance (such as a Joint Memorandum Circular by the DILG, DSWD, DOJ, and the CWC) may be enacted directing local government units to allocate a fixed percentage of the IRA dedicated to a “Children’s Budget,” similar to the Gender and Development (GAD) Fund.

Another executive response which may be supported by the Parliament through its budget oversight function is the expansion of the Bottom-Up Budget facility so that the menu of projects can include those that are social infrastructure-based, particularly in the area of child protection (in any tier of intervention or continuum of care).

### *3. On strengthening national capacities and resources*

Through the Parliament’s budget oversight role, child protection as a unique thematic area may be strengthened

by allowing a dedicated budgetary support for relevant line agencies – those with direct roles and responsibilities in child protection whether through policy-making or provision of services. These agencies may include the Department of Social Welfare and Development, Department of Justice, Department of Education, Department of the Interior and Local Government, Department of Education, and others.

Member-agencies should also be allowed to include a specific budget line in support of their roles and functions in their respective interagency councils. This should not only strengthen and sustain the participation of member-agencies; it will also aid in results-based budgeting and monitoring by the mandated interagency council.

#### 4. *On programmatic focus, processes, and protocols*

Given the varying programs and protocols hinged within each child protection law that LGUs will need to implement, Congress may oversee an updating of all



relevant DILG issuances on child protection. This will include developing an omnibus set of guidelines particularly on rationalizing and/or redefining LCPC structures and functions, ensuring sustainability of human and financial resources as well as planning, budgeting, and monitoring for results.

The omnibus guidelines may also introduce new systems both for improving efficiency and effectiveness in providing protective services, such as the establishment of a one-stop shop for victims of child abuse in every LGU, covering medical, legal, and social services and assistance. This will ensure more cohesive and efficient action as far as local service providers are concerned, not to mention better case management in terms of minimizing trauma on the part of the victim.

#### Conclusion

Problems in child protection require a comprehensive and holistic response, a shift in approach from an issue-based analytical framework to one that is systems-based. This means recognizing the interplay of individuals, systems, and society and how this creates or influences a protective and caring environment for children.

Congress carries with it a huge role in creating this environment being one of the primary duty-bearers that creates the legislative framework for child protection around which society, as a whole, should function.

The year 2016 presents the most opportune time for the 17th Congress to exercise its policy-making and oversight roles. Not only is Congress changing its legislative agenda, but so is the national government

with its executive agenda. With the changing of Administration and the drafting of the 3rd NPAC and 4th CPCP, Congress can already introduce legislative measures that should help bridge current gaps and challenges in the implementation of child

protection laws – particularly their effective localization by local government units.

This Policy Brief served to provide a broad picture of the persistent gaps and to point to the spaces where oversight and policy-making interventions can be made in

this transitional period.

Now more than ever presents much hope for the Filipino child: a protective, safe, and caring environment is much more within their reach.



**PEOPLE COUNT**

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