

# Philippines

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Philippines has been a member of ILO-IPEC since 1994, and as part of the program, has established the National Child Labor Committee (NCLC) with the support of ILO-IPEC and UNICEF to oversee the implementation and monitoring of child labor programs.<sup>2013</sup> With funding from USDOL and technical assistance from ILO-IPEC, a national child labor survey was conducted by the Philippine National Statistics Office (NSO) in 1995 to help identify the extent and nature of child labor in the Philippines.<sup>2014</sup> A follow-up national child labor survey was also funded by USDOL in 2001, and is being conducted by the Philippine NSO in consultation with ILO-IPEC's SIMPOC.<sup>2015</sup>

In cooperation with ILO-IPEC, community and direct action initiatives are being implemented in the Philippines to target specific occupations utilizing the worst forms of child labor.<sup>2016</sup> These initiatives include programs funded by USDOL in 1999 to focus on the withdrawal of children engaged in deep-sea fishing, and a regional project to combat child labor in the footwear sector in Laguna.<sup>2017</sup> The government is also in the process of developing an ILO-IPEC Time-Bound Program that will seek to eliminate specified worst forms of child labor within a 5 to 10 year period.<sup>2018</sup>

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<sup>2013</sup> The NCLC includes government, trade union and NGO members; ILO-IPEC members; and the Employers Confederation of the Philippines, and functions as a steering committee for national child labor programs. *See* unclassified telegram 5853. *See also* ILO-IPEC Programme in the Philippines, Field Publication [hereinafter ILO-IPEC Programme], at <http://www.ilo.org/public/english/standards/ipecc/publ/field/asia/philip98pr.htm>.

<sup>2014</sup> ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 1995 [document on file].

<sup>2015</sup> ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour in the Philippines*, project document, 2001 [document on file].

<sup>2016</sup> Under the Philippine-ILO Indicative Framework for Action, the priority target groups are child victims of trafficking, children in mining and quarrying, children in home-based enterprises, children trapped in prostitution, children in domestic service, children in the deep-sea diving and fishing industry, and children in commercial farm agriculture, including sugar and vegetable production. *See* ILO-IPEC Programme.

<sup>2017</sup> ILO-IPEC, *Programme to Combat Child Labour in the Fishing Sector in Indonesia and the Philippines*, project document [document on file]. *See also* *Programme to Combat Child Labour in the Footwear Sector in Southeast Asia: Indonesia, the Philippines, and Thailand*, project document [document on file].

<sup>2018</sup> In a May 2001 speech, President Arroyo committed the government to “undertake effective and time-bound measures to eliminate the worst forms of child labor in our midst and prevent future generations from engaging in the same.” The DOLE has integrated the Time-Bound Program implementation under its National Programme Against Child Labour (NPACL) for 2001-4. USDOL is funding the ILO-IPEC preliminary work on the Time-Bound program. *See* Gloria Macapagal-Arroyo, president of the Philip-

Since 1994, the Department of Labor and Employment (DOLE) has implemented the “Sagip Batang Manggagawa” (SBM-“Rescue the Child Workers”) Program to monitor suspected cases of child labor and intervene on behalf of children in affirmed cases. In the first half of 2001, SBM conducted 34 operations involving 98 minors.<sup>2019</sup> In addition, the DOLE has a number of social welfare programs targeting working children, including the Working Youth Center and the Bureau of Women and Young Workers’ Family Welfare Program,<sup>2020</sup> and the Department of Social Welfare and Development provides social welfare support for demobilized child soldiers and victims of prostitution and trafficking.<sup>2021</sup> The Philippines participates in the Asian Regional Initiative Against Trafficking and the Regional Action Plan, which includes cooperative strategies for combating trafficking throughout the Asia-Pacific region.<sup>2022</sup> Both independently and with UNICEF assistance, the government launched national information and awareness-raising campaigns against child labor.<sup>2023</sup>

The Department of Education, Culture, and Sports is implementing functional education and literacy programs that provide working children with basic education and skills training.<sup>2024</sup> In addition, the government is working in consultation with community groups to implement the National Project on Street Children that provides street children with the financial support to continue their education.<sup>2025</sup> UNICEF is also working actively with the government to promote children’s rights, assist children in need of special protection, including working children, and support educational improvements.<sup>2026</sup>

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pires, statement read by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas at the 21<sup>st</sup> National Convention of the Federation of Free Workers, May 25, 2001. *See also* statement by Secretary Aragon Santo Tomas at ILO Special High-Level Session, June 12, 2001, and “Philippines: Preparatory Activities for Time-Bound Program,” Technical Progress Report, USDOL-funded IPEC projects/programs, November 6, 2001, 4.

<sup>2019</sup> U.S. Embassy-Manila, unclassified telegram no. 4103, June 23, 2000, [hereinafter unclassified telegram 4103]. *See also* unclassified telegram 5990 .

<sup>2020</sup> The Working Youth Center assisted more than 6,000 young workers in 2000. The BWYW has conducted training for government officials who enforce child labor laws as well as 770 companies nationwide. *See* unclassified telegram 5990.

<sup>2021</sup> *Country Reports 2000*, Section 3, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=764>. *See also* unclassified telegram 4103.

<sup>2022</sup> *Country Reports 2000*, Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=764>.

<sup>2023</sup> The Philippine Information Service (PIA) campaign includes posters, comic page inserts, and radio and television announcements that are aimed at children, parents and employers. PIA also holds workshops with the assistance of UNICEF, and it works locally to collect baseline data on people’s attitudes and perceptions on child labor. *See* unclassified telegram 4103.

<sup>2024</sup> DECS offers basic education and skills training to children who have dropped out of school. In addition, the Bureau of Nonformal Education within DECS offers nonformal education accreditation to help children over the age of 15 who drop out of school to gain school accreditation. *See* unclassified telegram 4103.

<sup>2025</sup> Unclassified telegram 4103.

<sup>2026</sup> *CPC V S Programme of Cooperation for Child Survival, Protection, Development and Participation in the Philippines: Master Plan of Operations between the Government of the Philippines and UNICEF*,

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 5.96 percent of children between the ages of 10 and 14 in the Philippines were working.<sup>2027</sup> Child labor is more prevalent in rural areas.<sup>2028</sup> Roughly half of all child workers are employed in agriculture,<sup>2029</sup> while other children work in manufacturing, dynamite production, mining and quarrying, pearl farming, fishing, domestic work, and prostitution.<sup>2030</sup> Children are reported to work as domestic servants or bonded laborers, and children living on the streets engage in informal labor activities such as scavenging or begging. Children are also involved in the commercial sex industry,<sup>2031</sup> and they are reportedly trafficked for purposes of prostitution.<sup>2032</sup> There are no reports of child soldiers in the government armed forces, but children under the age of 18 are used as soldiers in paramilitary and armed opposition groups.<sup>2033</sup>

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1999-2000 (Manila: Government of the Philippines and UNICEF, February 1999) 99-101, 125-28. See also “UNICEF in the Philippines” at <http://www.unicef.org/philippines/> on 11/13/01.

<sup>2027</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001). A child labor survey conducted in 1995 by the Philippine National Statistics Office in cooperation with ILO-IPEC estimated that 11 percent (1.9 million) of children between the ages of 5 and 14 in the Philippines were working. The survey found that of the country’s 22.3 million children between the ages of 5 and 17, 3.7 million children (16 percent) work, and 2.2 million work under hazardous conditions. See National Statistics Office, *Children of the Philippines* and *Working Children and Their Environment*, fact sheets on the Survey of Children 5-17 Years Old, July 1995 [hereinafter *Children of the Philippines*] [documents on file].

<sup>2028</sup> Within the specified age group, 1.3 million children worked in rural areas as opposed to 0.6 million in urban areas. See *Children of the Philippines*.

<sup>2029</sup> Agricultural work includes work on commercial pineapple, rubber, and sugar farms. See ILO, *Report on National Survey of Working Children in the Philippines* (Manila, 1997), 17. See also Alejandro W. Apit, Kamalayan Development Foundation, interview with USDOL official, Manila, April 6, 2000.

<sup>2030</sup> Hazardous work conditions persist in many of these sectors and occupations. For example, children manufacturing footwear from home are exposed to dangerous glue and kerosene fumes; working in mines and quarries involves blasting rocks and carrying heavy loads; and working on docks in ports exposes children to harmful dust and chemicals. Deep-sea fishing is another hazardous and common form of child labor, and an estimated 7 percent of Filipino children from 5 to 15 years old work in the sector. See Juan Escandor, Jr., “Child Labor Extensive in Gold Rush Site,” *Philippine Daily Inquirer*, July 6, 2000. See also Sonia Rosen, Solidarity Center, electronic correspondence to staff of the International Child Labor Program, October 31, 2001, and Alejandro W. Apit, *Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF’s Experience* (Manila: Kamalayan Development Foundation, Inc., January 1998), 145-46.

<sup>2031</sup> This figure is estimated to rise by 3,200 children per year. There are specific reports of girls working as prostitutes on ships in Batangas Bay, a practice said to be increasing dramatically. See Save the Children, *Country Report: The Philippines*, 2001 [hereinafter Save the Children], 6. See also Commission on Human Rights, *Report of the Working Group on Contemporary Forms of Slavery on Its Twenty-Sixth Session*, UN Document E/CN.4/Sub.2/2001/30, Geneva, July 16, 2001, paras. 51-52.

<sup>2032</sup> *Country Reports on Human Rights Practices for 2000—Philippines* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=849>. See also ILO, “The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation,” *Country Report, Philippines*, (Manila, 2001) [CD-ROM].

<sup>2033</sup> Coalition to End the Use of Child Soldiers, *Child Soldiers: Global Report 2001: Philippines*, at [http://www.child-soldiers.org/report2001/global\\_report\\_contents.html](http://www.child-soldiers.org/report2001/global_report_contents.html) on 12/19/01. See also *Country Reports*

Philippine law mandates six years of compulsory primary education for children between the ages of 6 and 11.<sup>2034</sup> Primary and secondary schools are free of tuition, although families must cover peripheral costs, such as transportation and supplies.<sup>2035</sup> The compulsory education age (11 years old) in the Philippines does not coincide with the minimum age (15 years old) for employment. Statistics indicate educational improvements over the past decade. The gross primary enrollment rate was 118.8 percent in 1998, and the net primary enrollment rate rose from 85.1 percent in 1991 to 95.7 percent in 1998.<sup>2036</sup> The gross primary attendance rate in 1998 was 121.1 percent, and the net primary attendance rate was 90.8 percent.<sup>2037</sup> However, according to Save the Children, one-third of all villages cannot provide schools for the requisite six years of primary education.<sup>2038</sup>

## Child Labor Laws and Enforcement

Republic Act No. 7658 of 1993 and the Labor Code of 1993 prohibit the employment of children under the age of 15, except when working directly for a parent and when the work does not interfere with schooling.<sup>2039</sup> Additionally, it is permissible for a child to work as an apprentice at age 14.<sup>2040</sup> The Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children between 15 and 18 years, and prohibits hazardous work for children under 18 years.<sup>2041</sup> Policy Instruction No. 23 of 1977 prohibits night work for children under the

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2000, Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid'764>.

<sup>2034</sup> The Philippine Constitution, Article XIV (1, 2), 1987, as cited in Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines*, Working Paper Series on Child Labor (Manila: ILO-IPEC, December 1995), 2.

<sup>2035</sup> *Country Reports 2000*.

<sup>2036</sup> UNESCO, *Education for All: Year 2000 Assessment* [hereinafter *Education for All: Year 2000 Assessment*] (Paris, 2000) [CD-ROM].

<sup>2037</sup> USAID, GED 2000: Global Education Database (Washington, D.C., 2000) [CD-ROM] at [http://www.usaid.gov/educ\\_training/ged.html](http://www.usaid.gov/educ_training/ged.html)

<sup>2038</sup> Save the Children at 5.

<sup>2039</sup> Philippines Labour Code, Article 139, as cited in Natlex database at [www.natlex.ilo.org/txt/E98PHL01.htm](http://www.natlex.ilo.org/txt/E98PHL01.htm) on 11/9/01. See also Rosario del Rosario and Melinda A. Bonga, *Child Labor in the Philippines: A Review of Selected Studies and Policy Papers* (Manila: University of the Philippines, 2000) [hereinafter *Child Labor in the Philippines*], 175-77.

<sup>2040</sup> Philippines Labour Code, Article 59, as cited in Natlex database at [www.natlex.ilo.org/txt/E98PHL01.htm](http://www.natlex.ilo.org/txt/E98PHL01.htm) on 11/9/01.

<sup>2041</sup> The Department of Labor and Employment's Order No. 4 of 1999 includes in the definition of "hazardous work" the handling of dangerous substances (e.g., adhesives used in footwear manufacture); work hazardous to morals (e.g., employment in dance halls); work that entails exposure to extreme elements of cold, heat, noise, or pressure (e.g., deep-sea diving and underground work); and work that is hazardous by its nature (e.g., mining, logging, and pyrotechnics production). See Philippines Labour

age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 from working after 10 p.m.<sup>2042</sup> Forced labor is prohibited,<sup>2043</sup> and the Constitution and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children from all forms of abuse, cruelty, and exploitation.

The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act also prohibits child prostitution and child trafficking.<sup>2044</sup> The DOLE is responsible for enforcing child labor laws through a core group of 250 nationwide inspectors.<sup>2045</sup> However, child labor enforcement is weak due to a lack of resources, inadequate judicial infrastructure and a low rate of convictions, as well as legislative shortcomings such as absence of coverage in the informal sector.<sup>2046</sup> Philippines ratified ILO Convention 138 on June 4, 1998, ILO Convention 182 on November 28, 2000.<sup>2047</sup>

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Code, Article 139, as cited in Natlex database at [www.natlex.ilo.org/txt/E98PHL01.htm](http://www.natlex.ilo.org/txt/E98PHL01.htm) on 11/9/01. See also *Child Labor in the Philippines* at 173-75 and Government of the Philippines, Department of Labor and Employment, "Hazardous Work and Activities to Persons Below 18 Years of Age," Department Order No. 04, Series 1999.

<sup>2042</sup> *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997) [hereinafter *Opening Doors*], 71-72.

<sup>2043</sup> *Country Reports 2000, Section 6c*.

<sup>2044</sup> Special Protection of Children against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610 of 1992), as cited in Natlex database at [www.natlex.ilo.org/txt/E92PHL01.htm](http://www.natlex.ilo.org/txt/E92PHL01.htm) on 11/9/01, Sections 2, 5, 7. See also ILO-IPEC, *To Learn and to Earn: Education and Child Labor in the Philippines*, Working Paper Series on Child Labor (Manila:, December 1995), 2.

<sup>2045</sup> In 2000, the Department of Labor and Employment (DOLE) officers inspected 35,002 establishments nationwide. Of these, 31 companies were found to employ a total of 50 workers under the age of 18. Penalties for violating Philippine child labor laws range from fines of 1,000 to 10,000 pesos (USD 20 to 196), imprisonment ranging from 3 months to 3 years, or both. Businesses that repeatedly violate these laws may have their operating licenses revoked. See U.S. Embassy-Manila, unclassified telegram no. 5853, September 2000 [hereinafter unclassified telegram 5853]; U.S. Embassy-Manila, unclassified telegram no. 5990, October 2001 [hereinafter unclassified telegram 5990]; and *Opening Doors* at 75. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/7/02.

<sup>2046</sup> Unclassified telegram 5853.

<sup>2047</sup> ILO, IOLEX database, Philippines, at [www.ilolex.ilo.ch](http://www.ilolex.ilo.ch) on 11/9/01.