

Philippines

Incidence and Nature of Child Labor

The Philippine National Statistics Office estimated that 11 percent of children ages 5 to 14 years in the Philippines were working in 2001.³²⁴⁸ The survey found that of the country's 24.9 million children ages 5 to 17 years, 2.4 million work under hazardous conditions. Child labor is more prevalent in rural areas, and almost half of all child workers are engaged in agricultural activities.³²⁴⁹ Other children work in pyrotechnics production, deep-sea fishing, mining, and quarrying.³²⁵⁰ Children living on the streets engage in informal labor activities such as scavenging or begging. Children are also engaged in domestic service³²⁵¹ and are involved in the commercial sex industry,³²⁵² including the use of children in the production of pornography and the exploitation of children by sex tourists.³²⁵³ Children are reportedly trafficked internally for purposes of commercial sexual exploitation and labor.³²⁵⁴ Children are also known to be involved in the trafficking of drugs within the country.³²⁵⁵ 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 such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and the New People's Army.³²⁵⁶

³²⁴⁸ Another 36.9 percent of children ages 15 to 17 years were also found working. These statistics are the most recent available data on child labor in the Philippines. See National Statistics Office, *2001 Survey on Children, 5-17 Years Old: Final Report*, International Labour Organization, Manila, Philippines, May 2003. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

³²⁴⁹ Ibid.

³²⁵⁰ Godelia E.S. Ricalde, Nonita Adan-Perez, and Mark Anthony P. Nucum, *An Annotated Bibliography of Child Labor in the Philippines*, The PIDS-ILO Joint Project on Child Labor, 2002, [cited June 1, 2004] 2, 4, 42; available from <http://dirp3.pids.gov.ph/dpnet/documents/annotated%20bibliography.pdf>. See also ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, project document, Geneva, September 25, 2002.

³²⁵¹ Ricalde, *An Annotated Bibliography of Child Labor in the Philippines*, 11, 13, 26. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Philippines*, Washington, D.C., February 24, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27786.htm>.

³²⁵² U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Philippines*, Washington, D.C., February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27786.htm>. See also Department of Social Welfare and Development and UNICEF, *Commercial Sexual Exploitation of Children in the Philippines: A Situation Analysis (Executive Summary)*, 1999, 7-8.

³²⁵³ ECPAT International, *Philippines*, in ECPAT International, [database online] [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. U.S. Department of State, *Country Reports- 2003: Philippines*, Sections 5 and 6f.

³²⁵⁴ U.S. Department of State, *Country Reports- 2004: Philippines*, Sections 6c and 6f. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001.

³²⁵⁵ ILO-IPEC, *Assessing the Situation of Children in the Production, Sales and Trafficking of Drugs in Indonesia, the Philippines, and Thailand*, project document, Geneva, September 17, 2002, 6-8. See also Magdalena Lepiten, *Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment*, no. 22, ILO-IPEC, Geneva, February 2002.

³²⁵⁶ U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5. See also Rufa Cagoco-Guam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002.

The Philippine Constitution mandates six years of compulsory primary education for children,³²⁵⁷ and the government offers free primary and secondary education, although families must cover related costs such as transportation and supplies.³²⁵⁸ The Governance of Basic Education Act (Republic Act No. 9155) of 2001 formalized the structure of the Department of Education (DepED) and outlined the roles and responsibilities of the national, regional and local levels of the administration. The Act aims to improve the local relevance of education by expanding input into the system.³²⁵⁹ In 2001, the gross primary enrollment rate was 112.1 percent, and the net primary enrollment rate was 93.0 percent. The net enrollment for girls was 94.1 percent and the rate for boys was 92.0 percent.³²⁶⁰ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The primary attendance rate in 1999 was approximately 86 percent.³²⁶¹ Many children who enroll in school fail to complete the year, with 67.1 percent of children who enrolled in school completing the year in 2000.³²⁶²

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 with a parent and when the work does not interfere with schooling.³²⁶³ Additionally, it is permissible for a child to work as an apprentice at age 14.³²⁶⁴ In December 2003, Republic Act No. 9231 was signed into law, creating measures to prevent the worst forms of child labor. Also known as the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Strong Protection for the Working Child, the Act effectively codifies in domestic law the provisions of ILO Convention 182. It prohibits children under 15 years from working without a permit, unless the Department of Labor grants a special permit. The Act also limits the number of working hours for children, requires formal administration of working children's income, initiates trust funds for working children, and guarantees their access to education and training.³²⁶⁵

³²⁵⁷ The Philippine Constitution, Article XIV, Section 2 (para 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, 1995), 2.

³²⁵⁸ "Republic Act No. 6655," in *Laws and Issuances on Children Council for Welfare of Children and UNICEF*, 2001. See also U.S. Department of State, *Country Reports- 2003: Philippines*, Section 5.

³²⁵⁹ *Governance of Basic Education Act (Republic Act No. 9155)*, (2001).

³²⁶⁰ World Bank, *World Development Indicators 2004 [CD-ROM]*, Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor. Such data, drawn from the World Bank's World Development Indicators, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³²⁶¹ Government of the Philippines, *Preliminary Report of the Multiple Indicator Cluster Survey (MICS) for the Philippines, 1999*, UNICEF, [cited May 28, 2004]; available from <http://www.childinfo.org/MICS2/newreports/philippines/philippines.htm>.

³²⁶² UNDP, *Philippine Progress Report on the Millennium Development Goals*, January 29, 2003, 25; available from <http://www.undp.org/mdg/countryreports.html>.

³²⁶³ *Philippines Labour Code*, Article 139; available from <http://www.chanrobles.com/legal4labor1.htm#BOOK%20II>. See also "Republic Act No. 7658 of 1993," in *Laws and Issuances on Children Council for Welfare of Children and UNICEF*, 2001, 59-60.

³²⁶⁴ *Philippines Labour Code*, Article 59.

³²⁶⁵ U.S. Embassy- Manila, *unclassified telegram no. 0962*, February 27, 2004.

In addition to setting the minimum age for work, the Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children ages 15 to 18 years, and prohibits hazardous work for children less than 18 years of age.³²⁶⁶ The Department of Labor and Employment's Order No. 4 of 1999 prohibits the handling of dangerous machinery or heavy loads; work that entails exposure to extreme elements of cold, heat, noise, or pressure; work that exposes children to physical, psychological, or sexual abuse; and work that is hazardous by its nature.³²⁶⁷ Policy Instruction No. 23 of 1977 prohibits night work for children under the age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 years from working after 10 p.m.³²⁶⁸

A new counter-trafficking law, Republic Act No. 9208, was enacted in May 2003.³²⁶⁹ The Act criminalizes trafficking for the purposes of exploitation, including trafficking under the guise of arranged marriage, adoption, sex tourism, prostitution, pornography, or the recruitment of children into armed conflict.³²⁷⁰ The Act considers the trafficking of children as "qualified," and sets out higher penalties of life imprisonment and a fine of two million to five million pesos (USD 36,085 to 90,212).³²⁷¹ Those who use the services of trafficked persons are also liable under the law to penalties of 15 years imprisonment and a fine of 500,000 to 1 million pesos.³²⁷² The Act also sets out additional penalties for government employees breaking the law, and mandates immediate deportation of foreign offenders following the completion of the sentence.³²⁷³ Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,³²⁷⁴ and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children under 18 years from all forms of abuse, cruelty, and exploitation and prohibits child prostitution and child trafficking.³²⁷⁵ The Revised Penal code also prohibits engaging in, profiting from, or soliciting prostitution from children.³²⁷⁶

³²⁶⁶ *Philippines Labour Code*, Article 139.

³²⁶⁷ Government of the Philippines: Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 04, 1999.

³²⁶⁸ *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.

³²⁶⁹ U.S. Embassy- Manila, *unclassified telegram no. 4653*, August 29, 2003.

³²⁷⁰ *Anti-Trafficking in Persons Act of 2003*, Republic Act 9208, Sections 3-4; available from Coalition Against Trafficking in Women - Asia Pacific (CATW-AP) at <http://www.catw-ap.org/>.

³²⁷¹ The Act also provides for confiscation of any proceeds deriving from trafficking crimes. See *Ibid.*, Section 6, 10, 14. For currency conversion, see Oanda, *FXConverter - 164 Currency Converter*, [online] [cited January 24, 2005]; available from <http://www.oanda.com/convert/classic>.

³²⁷² *Anti-Trafficking in Persons Act*, Section 5, 10. This is the equivalent of USD 8,993 to USD 17,987. See also FXConverter, [online] [cited September 9, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

³²⁷³ *Anti-Trafficking in Persons Act*, Section 6, 10. See also U.S. Embassy- Manila, *unclassified telegram no. 4072*, August 4, 2004, U.S. Department of State, *Trafficking in Persons Report- 2004: Philippines*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>.

³²⁷⁴ *Revised Penal Code*, as cited in The Protection Project Legal Library, [database online] [cited May 28, 2004], Act No. 3815; available from <http://209.190.246.239/protectionproject/statutesPDF/PhilippinesF.pdf>.

³²⁷⁵ Government of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, (Republic Act No. 7610 of 1992), Sections 2, 3, 5, 7; available from <http://natlex.ilo.org/txt/E92PHL01.htm>.

³²⁷⁶ *Revised Penal Code*, Articles 202, 341.

The Department of Labor and Employment (DOLE) is responsible for enforcing child labor laws through the labor standards enforcement offices. The government has also begun institutionalizing a computer database on children identified as child laborers that includes their needs and identifies appropriate assistance.³²⁷⁷ However, child labor enforcement is reportedly weak due to a lack of resources, inadequate judicial infrastructure, low rates of convictions, and legislative shortcomings such as absence of coverage in the informal sector.³²⁷⁸ In the formal sector, 43 minors were rescued from working in exploitive occupations during the past year.³²⁷⁹ The National Bureau of Intelligence, the Bureau of Immigration and Detention, and the Philippine National Police (PNP) Criminal Investigation and Detection Group are tasked with counter-trafficking activities.³²⁸⁰

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

The *Philippine National Strategic Framework for Plan Development for Children, 2000-2025*, also known as “Child 21”, and the *National Program Against Child Labor (NPACL) Framework 2001-2004*, serve as the primary government policy instruments for the development, implementation, monitoring, and evaluation of programs designed to address the prevention and elimination of child labor in the Philippines.³²⁸¹

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/4/1998	✓
Ratified Convention 182	11/28/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plans (Commercial Sexual Exploitation, Armed Conflict)		✓

The Government of the Philippines is participating in a USD 10.2 million USDOL-funded Timebound Program implemented by ILO-IPEC and World Vision to eliminate child labor in specified worst forms. The program targets children involved in commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.³²⁸² UNICEF also works actively with the government to promote children’s rights, assist children in need of special protection, including working children, and support educational improvements.³²⁸³

³²⁷⁷ U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³²⁷⁸ *Ibid.*, U.S. Embassy- Manila, *unclassified telegram no. 4072*.

³²⁷⁹ U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6d.

³²⁸⁰ *Ibid.*, Section 6f.

³²⁸¹ Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000. Department of Labor and Employment, *National Program Against Child Labor Framework 2000-2004*. Child 21 and NPACL also fall within the government’s overall development agenda for poverty reduction as outlined in its 2015 Millennium Development Goals and the Medium-Term Development Plan 2001-2004.

³²⁸² ILO-IPEC, *Supporting the Time-Bound Program*, project document, 85, Inc. World Vision, *The ABK Initiative: Combating Child Labor Through Education in the Philippines*, project document, World Vision, Inc., Christian Children's Fund, ERDA, Washington, D.C., 2003.

³²⁸³ UNICEF, *CPC V 1999-2003: Country Programme for Children*, [cited May 28, 2004]; available from <http://www.unicef.org/philippines/programmes/cpcv.html>.

Additional government projects contributing to the Timebound Program include a 2-year project to combat child labor in tobacco production in Region I (Ilocos Region),³²⁸⁴ and an ILO-IPEC inter-regional child soldiers project funded by USDOL in 2003 to remove and prevent children from becoming involved in armed conflict in the Mindanao region.³²⁸⁵ The Government of the Philippines has also committed to systematically monitoring the situation of child labor on a nationwide basis. The National Statistics Office includes children 5 years and above in its quarterly Labor Force Survey when measuring the economically active population in the Philippines.³²⁸⁶

There are several departmental agencies in the Philippines that have on-going programs to address the needs of vulnerable children.³²⁸⁷ Since 1994, the 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.³²⁸⁸ In addition, 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.³²⁸⁹ The Department of Social Welfare and Development is the lead government agency that provides social welfare support for victims of trafficking,³²⁹⁰ and also operates programs that provide social services to children in armed conflict and children who have been exploited or abused, or rescued from living on the streets.³²⁹¹

The government has also implemented a number of education programs that benefit children, including establishing new elementary schools, school feeding, and quality improvement projects.³²⁹² DepEd is implementing functional education and literacy programs that provide working children with basic education and skills training. DepEd’s Bureau of Non-formal Education (NFE) collaborates with donors and local government bodies to provide non-formal education under the NFE Accreditation and

³²⁸⁴ ECLT Foundation, *ECLT Foundation Program in the Philippines with the Department of Labor and Employment 2003 - 2005*, [online] 2003 [cited June 19, 2003]; available from www.eclt.org/activities/philippines.html.

³²⁸⁵ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 2003.

³²⁸⁶ ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, PHI/02/P50/USA, March 12 2004. The Philippine National Statistics Office has conducted two stand-alone surveys. The first survey was conducted in 1995 and the second in 2001. Both surveys were implemented with technical assistance from ILO-IPEC’s SIMPOC and funding from USDOL. See 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, 2001. 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.

³²⁸⁷ U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6d.

³²⁸⁸ Department of Labor and Employment: Bureau of Women and Young Workers, *Historical Milestones of the NPACL*, Bureau of Women and Young Workers, [cited June 10, 2004]; available from <http://www.bwyw.dole.gov.ph/NPACL%20Milestones.htm>.

³²⁸⁹ U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³²⁹⁰ U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6f.

³²⁹¹ U.S. Embassy- Manila, *unclassified telegram no. 4653*, Department of Social Welfare and Development, *Retained Programs/Services for Children*, DSWD, 2004 [cited July 7, 2004]; available from <http://www.dswd.gov.ph/ProgProj.php?id=32>.

³²⁹² UNDP, *Philippine Report on Millennium Development Goals*, 25-26. In 2001, DepEd implemented the Zero Collection Fees system that banned collections of fees from students in public schools, leading to an increase in enrollment. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

Equivalency System.³²⁹³ In support of the Timebound Program, the DepEd recently issued Bulletin No.4 Series 2003 instructing education officials at the national, regional, and local levels to make interventions to reduce or eliminate child labor.³²⁹⁴ DepEd also issued Order No. 30 Series 2004 regulating the collection of voluntary contributions from students in public elementary and secondary schools, which are prohibited from collecting fees as a condition for enrollment.³²⁹⁵

International financial institutions and development agencies continue to assist the Philippine government in its efforts to provide children and youth in financial need with educational opportunities. ADB and AusAID are also assisting in the delivery of quality primary and secondary education services, as well as improving access to basic education in Mindanao.³²⁹⁶

³²⁹³ Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001, 4-8. As part of its EFA 2005 initiative, DepEd is in the process of developing a system to provide alternative education to children ages 6 – 12 who are out of school. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³²⁹⁴ *DepED BULLETIN No. 4 S. 2003, Philippine Time-Bound Program (PTBP) for the Elimination of the Worst Forms of Child Labor (WFCL)*, (2003).

³²⁹⁵ *DepED ORDER No. 30 S. 2004, Regulating the Collection of Voluntary Contributions from Students of Public Elementary and Secondary Schools*, (2004).

³²⁹⁶ ADB, *Philippines: Country Strategy and Program Update 2004-2006*, 2003 [cited May 20, 2004], 4; available from http://www.adb.org/Documents/CSPs/PHI/2003/CSP_PHI_2003.pdf, AusAID, *Country Brief- Philippines*, 2003 [cited May 11, 2004]; available from http://www.usaid.gov/au/country/cbrief.cfm?DCon=1148_8702_9418_7487_8517&CountryId=31.