

RULES AND REGULATIONS ON CHILDREN OF INDIGENOUS CULTURAL COMMUNITIES

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Pursuant to Section 32 of Republic Act No. 7610 ("An Act Providing For Stronger Deterrence and Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties For Its Violation And For Other Purposes"), the following Rules and Regulations are hereby promulgated concerning children of indigenous cultural communities:

SECTION 1. Objectives. - These Rules and Regulations seek to provide children of indigenous cultural communities with basic health, nutrition and other basic social services to ensure their protection, survival and development consistent with the customs and traditions of their respective communities.

SECTION 2. Definition of Terms. - As used in these Rules, unless the context requires otherwise -

- a) indigenous cultural community refers to a native community whose members are bound by a common ethnic origin, language, culture, or religion or beliefs and whose existence as a distinct community with its own particular characteristics should be preserved;
- b) child refers to a person below eighteen (18) years of age who is a member of an indigenous cultural community;
- c) DECS refers to the Department of Education, Culture and Sports;
- d) DOH refers to the Department of Health;
- e) DSWD refers to the Department of Social Welfare and Development or similar agency of a local government unit; and
- f) NGO refers to non-government organizations.

SECTION 3. Access to Education. - The DECS shall ensure that a child is provided with the opportunity to obtain an education and to develop his skills.

SECTION 4. Basic Education. - The DECS, in coordination with the Office for Northern Cultural Communities, Office for Southern Cultural Communities, Office on Muslim Affairs and concerned NGO's shall develop and/or strengthen programs that will enable a child to attend a school offering elementary and secondary education programs.

SECTION 5. Alternative Education. - Consistent with the expressed desire or need of an indigenous cultural community to preserve its ethno-cultural characteristics, the DECS, in coordination with the government agencies named in Section 4 above and concerned NGOs, shall develop establish and maintain an alternative system of education for the children of said community. Whenever practicable, the dialect of the community shall be used as the medium of instruction.

SECTION 6. Non-formal Education. - The DECS shall accredit and support non-formal programs of NGOs that provide a child with practical skills and crafts that will propagate and develop the traditional arts, culture and

vocational skills of the indigenous cultural to which the child belongs.

SECTION 7. Health Services. - The DOH, in coordination with the local government unit concerned and NGOs, shall make essential nutrition and health services available to a child. It shall provide a child with basic immunization services, protect him from endemic diseases, and establish programs as will ensure that the child will be given medical attention in regional and provincial hospitals, rural and municipal health centers and other field units of the DOH.

The health and nutrition programs that may be established by the DOH shall take into account the beliefs, customs and practices of the indigenous cultural community to which the child belongs. The DOH shall train workers in the health practices of the indigenous cultural community to be served and shall encourage the use of scientifically acceptable traditional medicine.

SECTION 8. Coordinating Committee for Children of Indigenous Cultural Communities. — A city/municipal government shall establish a Coordinating Committee for Children of Indigenous Cultural Communities, hereinafter referred to as the Committee, composed of representatives of the local government unit, concerned NGOs and of the indigenous cultural communities in the locality.

The Committee shall elect its Chairman and other officers from among its members. The municipal/city social worker shall act as the convenor of the Committee and shall serve as its secretary.

SECTION 9. Functions of Committee. - The Committee shall

- a) identify the barangays where the indigenous cultural community resides and prepare a mapping plan thereof;
- b) determine the number of indigenous cultural community households in a barangay and the number of children in each household;
- c) identify, coordinate, monitor and evaluate all programs affecting the children of an indigenous cultural community in the area and submit a report thereon to the local government unit concerned and if necessary, recommend the establishment of other programs to meet the identified needs of the children; and
- d) assist the indigenous cultural community and its members in resolving disagreements, disputes or difficulties relating to discrimination and the implementation of government and private programs and projects intended to benefit said community.

SECTION 10. Discrimination. - No person or entity, whether public or private, shall discriminate against a child by reason of his being a member of an indigenous cultural community in, among others, the hiring, promotion and in the enjoyment of the terms and conditions of employment; in the use of public transport; in the enjoyment or use of public accommodations and services; and in the availment of health, recreational, nutrition and educational services and facilities.

Any other act, practice, process or treatment which results in the deprivation or curtailment of the rights, freedoms and privileges to which a child is entitled under the Universal Declaration of Human Rights, the United Nations Convention on the Rights of a Child, The Child and Youth Welfare Code (Presidential Decree No. 603, as amended) and similar issuances and laws on the sole basis of said child being a member of an indigenous cultural community shall be considered discrimination.

SECTION 11. Complaint for Discrimination. - A complaint for discrimination may be filed by the aggrieved child or by his parent or guardian with the Chairman of the Coordinating Committee for Indigenous Cultural Communities, the Barangay Chairman, the DSWD, or directly with Philippine National Police.

SECTION 12. Penalty for Discrimination. - Any person or entity that practices acts of discrimination against a child shall, if found guilty, suffer the penalty of arresto mayor in its maximum period and a fine of not less than five thousand pesos (P5,000.00) nor more than ten thousand pesos (P10,000.00).

SECTION 13. Effectivity. - These Rules and Regulations shall take effect upon completion of its publication in at least two (2) newspapers of general circulation.

Adopted: 24 Nov. 1993.

(SGD.) FRANKLIN M. DRILON
Secretary of Justice

CONFORME:

(SGD.) CORAZON ALMA DE LEON
Secretary of Social Welfare and Development

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