

November 9, 1993

REPUBLIC ACT NO. 7658

AN ACT PROHIBITING THE EMPLOYMENT OF CHILDREN BELOW 15 YEARS OF AGE IN PUBLIC AND PRIVATE UNDERTAKINGS, AMENDING FOR THIS PURPOSE SECTION 12, ARTICLE VIII OF R.A. 7610

Sec. 1. Section 12, Article VIII of R.A. No. 7610 otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" is hereby amended to read as follows:

"Sec. 12. Employment of Children. - Children below fifteen (15) years of age shall not be employed except:

1) When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed: Provided, however, That his employment neither endangers his life, safety, health and morals, nor impairs his normal development; Provided, further, That the parent or legal guardian shall provide the said minor child with the prescribed primary and/or secondary education; or

2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: Provided, The employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: and Provided, That the following requirements in all instances are strictly complied with: cd

(a) The employer shall ensure the protection, health, safety, morals and normal development of the child;

(b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and

(c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the requirements.

In the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the child. cd i

The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this Section."

ec. 2. All laws, decrees, executive orders, rules and regulations or parts thereof contrary to, or inconsistent with this Act are hereby modified or repealed accordingly.

Sec. 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers or general circulation whichever comes earlier.

Approved: November 9, 1993

DEPARTMENT ORDER NO. 18

Rules and Regulations Implementing Republic Act No. 7658

By virtue of the provisions of Section 2 of Republic Act No. 7658, An Act Prohibiting the Employment of Children Below Fifteen (15) Years of Age in Public and Private Undertakings, amending Section 12, Article VIII of Republic Act No. 7610, the following Rules and Regulations governing the employment of children are hereby issued:

ec. 1. General Prohibition. - Except as otherwise provided in this Rules, children below 15 years of age shall not be employed, permitted or suffered to work, in any public or private establishments in the Philippines.

Sec. 2. Definition of terms.

a. "Employer" - any parent, legal guardian or producer acting as employer who hires or engages the services of any child below 15 years of age.

b. "Legal Guardian" - any person duly appointed by a court of competent authority to exercise care and custody of or parental authority over the person of such child/employee.

c. "Producer" - any individual or group of individuals engaged in the production of movies, films, motion pictures, shows or advertisements, whether on cinema, theater, radio or television, wherein the services of such child/employee are hired.

d. "Members of the family" - those persons having family relations referred to under Article 150 of the Family Code of the Philippines. It shall include the employer parent's or legal guardian's husband or wife, parents, children, other ascendants or descendants, brothers and sisters whether of full or half blood.

e. "Department" - the Department of Labor and Employment.

Sec. 3. Exceptions and conditions. - The following shall be the only exceptions to the prohibition on the employment of children below 15 years of age and the conditions for availment of said exceptions:

a. When the child works directly under the sole responsibility of his/her parents or legal guardian who employs members of his/her family only, under the following conditions:

1. the employment does not endanger the child's life, safety, health and morals;
2. the employment does not impair the child's normal development.
3. the employer parent or legal guardian provides the child with the primary and/or secondary education prescribed by the Department of Education, Culture and Sports.

b. Where the child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential, provided that:

1. the employment does not involve advertisements or commercials promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products or exhibiting violence;
2. there is a written contract approved by the Department of Labor and Employment; and
3. the condition prescribed in Section a above are met.

Sec. 5. Pre-employment requirements. - Before an employer engages a child for employment under the exceptions enumerated above, he/she must first secure a work permit from the Regional Office of the Department having jurisdiction over the workplace.

The Regional Office shall require the employer to submit the following documents in support of the application for a work permit:

- a. two (2) pictures of the child, one full body and the other showing the child's face, both of which must be recently taken and recognizable;
- b. the child's Birth Certificate or in its absence, his/her Baptismal Certificate and a joint affidavit of his/her two nearest kin showing the year he/she was born and a duly authenticated proof of legal guardianship where the employer is a legal guardian;
- c. a certificate of enrollment issued by the school where he/she is currently or last enrolled or a statement from the parent or legal guardian that the child is attending school;
- d. a written undertaking that:
 1. measures shall be instituted by the employer to prevent the child's exploitation and discrimination such as payment of minimum age, hours of work and other terms and conditions required by law; and
 2. the employer shall ensure the protection, health, safety, morals and normal development of the child;
- e. a medical certificate showing that the child is fit for employment;
- f. a certification of a continuing program for training and skills acquisition approved and supervised by any competent authority, nearest the place of work, which may be recognized vocational or training school, the regional or local office of the Department of Social Welfare and Development and the National Manpower and Youth Council; and
- g. a written contract of employment concluded by the child's parents or legal guardian with the employer in cases of employment or participation in public entertainment or information through cinema, theater, radio or television. Said contract shall bear the express agreement of the child concerned, if possible, and shall state the nature or full description of the job and the justification is essential.

Sec. 5. Hours of Work. - Subject to consultations with the sectors concerned, the Department shall by appropriate regulations, issue standards governing the hours of work and time of day that children may be allowed to work.

Sec. 6. Effect on other issuances. - The provisions of existing rules and administrative issuances not otherwise repealed, modified or inconsistent with this Order shall continue to have full force and effect.

Sec. 7. Penalties. - Any person who shall violate any provision of Article 12 of RA 7658, shall suffer the penalty of a fine of not less than One Thousand Pesos (P1,000) but not more than Ten Thousand Pesos (P10,000) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court: Provided, that in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.

Sec. 8. Effectivity. - This Rules and Regulations shall take effect fifteen (15) days after its publications in a newspaper of general circulation.

Signed this 12th day of May, 1994 in the City of Manila, Philippines.

(SGD.) MA. NIEVES R. CONFESOR

Secretary

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