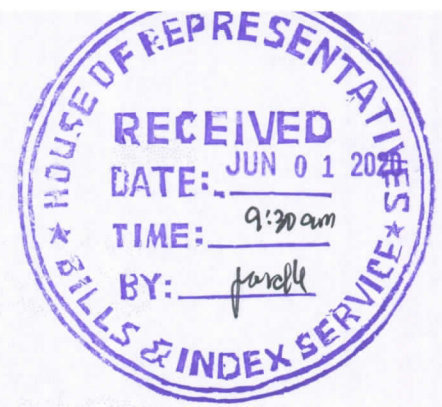


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

Eighteenth Congress  
First Regular Session

HOUSE BILL NO. 6889



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Introduced by: REP. Allan Benedict S. Reyes

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**EXPLANATORY NOTE**

Section 3, Article XV of the 1987 Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation or other conditions prejudicial to their development. The State also guarantees the right to adequate food, care and nutrition of children from zero (0) to two (2) years old.<sup>1</sup> Similarly, under the terms of the United Nations Convention on the Rights of the Child ("UNCRC") which was ratified by the Philippines on 20 July 1990, the government is required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights which include, among others, the right to life, survival and development.

Unfortunately, however, we often hear news about babies being abandoned in hospitals, churches, even garbage dumps and the streets. While abandoning a minor is considered a crime, it must also be taken into account that some parents may have been forced by extreme poverty to abandon their child while others may be too young to be mentally, emotionally and financially prepared for parenthood.

This sad reality is not unique in the Philippines. In California, for instance, they have frequent cases of abandoned infants who die due to lack of medical care.<sup>2</sup> Thus, they enacted the "Safely Surrendered Baby Law" which took effect on 1 January 2001. Pursuant to this law, California has adopted a program known as the Safe Haven for Newborns Program which allows a birth parent, or any adult with legal custody of the child, who is either unwilling or unable to care for their newborn, the option to legally, confidentially and safely surrender that child to a hospital emergency room or other designated location within three (3) days of birth, without criminal prosecution for child abandonment.<sup>3</sup>

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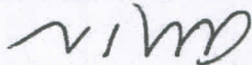
<sup>1</sup> Section 2, Republic Act No. 11148, An Act Scaling Up the National and Local Health and Nutrition Programs through a Strengthened Integrated Strategy for Maternal, Neonatal, Child Health and Nutrition in the First One Thousand (1,000) Days of Life, Appropriating Funds Therefor and for Other Purposes, 29 November 2018.

<sup>2</sup> Baby Safe Surrender Program available at <https://lacounty.gov/residents/family-services/child-safety/safe-surrender/> (last accessed 27 May 2020).

<sup>3</sup> *Id.*

This Representation believes that a similar law must be enacted in the Philippines. This way, a birth parent or legal guardian who is unwilling or unable to care for his/her child is given a legal option to confidentially and safely surrender his/her child without being held liable for abandoning a minor as penalized under Article 276 of the Revised Penal Code. More importantly, the right to life and survival of the newborn is better protected and he or she is still given a fair chance to grow and develop into a productive member of society.

In view of the foregoing, passage of this bill is earnestly sought.



**HON. ALLAN BENEDICT S. REYES**  
*Representative, 3rd District, Quezon City*



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
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Introduced By Representative **ALLAN BENEDICT S. REYES**

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Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
**First Regular Session**

HOUSE BILL NO. 6889

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Introduced By Representative **ALLAN BENEDICT S. REYES**

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**AN ACT PROVIDING SAFE HAVEN  
FOR ABANDONED NEWBORNS**

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled*

1       **SECTION 1. Short Title.** – This Act shall be known as the ***“Safe Haven Act of***  
2 ***2020.”***  
3

4       **SECTION 2. Declaration of Policy.** – Section 3, Article XV of the Constitution  
5 provides that the State shall defend the right of children to assistance, including proper  
6 care and nutrition, and special protection from all forms of neglect, abuse, cruelty,  
7 exploitation or other conditions prejudicial to their development.  
8

9       It is hereby declared the policy of the State to guarantee the basic fundamental  
10 rights of newborns to life, survival and development as well as those pertinent rights  
11 enumerated under Article 3 of Presidential Decree No. 603 or “The Child and Youth  
12 Welfare Code,” as amended. Similarly, the State endeavors to protect the rights of children  
13 under the United Nations Convention on the Rights of the Child.  
14

15       **SECTION 3. Safe Haven.** – This Act provides Safe Havens for abandoned  
16 newborns wherein parents or legal guardians may legally and safely leave a baby three  
17 (3) days old or younger with an employee at any hospital or child-caring agency or  
18 institution duly accredited by the Department of Social Welfare and Development  
19 (“DSWD”).  
20

21       **SECTION 4. No criminal liability** – The parent or legal guardian may surrender the  
22 baby to a Safe Haven without fear of arrest or prosecution under Article 276 of the Revised  
23 Penal Code. For this purpose, the Revised Penal Code is deemed amended.  
24

25       **SECTION 5. Anonymity and Confidentiality.** The surrender of the baby shall be  
26 kept under strict confidentiality. The parent or guardian shall only be required to fill out a  
27 voluntary and anonymous medical history form to help provide proper medical care for the  
28 Safely Surrendered Baby.  
29  
30



1  
2       **SECTION 6. *Change of Mind.*** - In addition to the requirement mentioned under  
3 Section 5 of this Act, the parent or guardian shall also be asked to obtain an I.D. bracelet  
4 that matches one that will be fastened to the baby's ankle. The bracelet shall serve as  
5 identification mark in case the surrendering parent or guardian changes his or her mind.

6       The parent or guardian is given fourteen (14) days from date of surrender to reclaim  
7 the baby. The employee of the hospital or child-caring agency or institution shall facilitate  
8 the return process. Similarly, the return of the baby shall be kept under strict confidentiality.  
9

10       **SECTION 7. *Adoption.*** - After fourteen (14) days from surrender, the Safely  
11 Surrendered Baby may be adopted pursuant to the rules and policies mentioned in  
12 Republic Act No. 8552 or the "Domestic Adoption Act of 1998."  
13

14       **SECTION 8. *Scholarship Fund.*** - The State shall provide scholarships for safely  
15 surrendered children. For this purpose, a Scholarship Fund shall be set up to be  
16 administered by the DSWD in coordination with Higher Education Institutions ("HEIs"), the  
17 Technical Education and Skills Development Authority ("TESDA") and/or the Commission  
18 on Higher Education ("CHED").  
19

20       Youth who were adopted as a Safely Surrendered Baby are eligible for scholarship  
21 grants which may be used for any purpose toward higher education, including those  
22 offered by technical/vocational schools, state colleges and universities. An Eligibility  
23 Verification Letter shall be sent to the adoptive family of a Safely Surrendered Baby at the  
24 time of finalization of their adoption. Subject to the provisions of Republic Act 10931 or the  
25 "Universal Access to Quality Tertiary Education Act", the adoptive parents may present  
26 the said letter to any HEI or the TESDA and/or CHED as verification of eligibility in the  
27 application for scholarship.  
28

29       **SECTION 9. *Implementing Rules and Regulations and Standard Forms.*** - Within  
30 sixty (60) days from the promulgation of this Act, the necessary rules and regulations for  
31 the proper implementation of its provisions shall be formulated by the appropriate  
32 government office or agency in coordination with all the stakeholders and covered  
33 establishments and institutions.  
34

35       **SECTION 10. *Repealing Clause.*** - All laws, executive orders, administrative  
36 orders, rules, regulations, decrees, and other issuances or parts thereof, which are  
37 inconsistent with the provisions of this Act are hereby revoked, repealed, or modified  
38 accordingly.  
39

40       **SECTION 11. *Separability Clause.*** - If any provision of this Act is held  
41 unconstitutional or invalid, the other provisions not affected thereby shall continue in  
42 operation and remain in full force and effect.  
43

44       **SECTION 12. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after  
45 its publication in a newspaper of general circulation or the Official Gazette.  
46

47       Approved,