



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

5175

HOUSE BILL NO. _____



Introduced by Representatives Florencio Gabriel “Bem” G. Noel

EXPLANATORY NOTE

“Those who have less in life, should have more in law” - Ramon Magsaysay Sr.

Article 2, Section 13 of the 1987 Philippine Constitution states that:

“The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.”

Additionally, Article 15, Section 3, par. 2 states that:

“The State also recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.”

Many children today are faced with the challenges of growing up deprived of the proper care and support that a family essentially provides. These disadvantaged children are often one of the most forgotten members of our society. It is therefore of the utmost importance to bring into fruition laws that seek to enrich their welfare and well-being.

In line with this, the State as *parens patriae* duty-bound to provide support and care for the abandoned, neglected and voluntarily committed children by

creating a special trust fund purposes which matures and is made available to the same upon reaching the age of majority. The purpose is to give these children aid and support to face the challenges and obstacles that adulthood brings.

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

A handwritten signature in black ink, appearing to read 'F. G. Noel', with a stylized, cursive script.

FLORENCIO GABRIEL "BEM" G. NOEL
An Waray Partylist Representative



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HOUSE BILL NO. **5175**

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AN ACT PROVIDING FOR A NATIONAL PROGRAM TO SUPPORT AND CARE FOR ABANDONED, NEGLECTED AND VOLUNTARILY COMMITTED CHILDREN, CREATING A SPECIAL TRUST FUND THEREFORE, AND FOR OTHER PURPOSES

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

SECTION 1. **Short Title.** – This Act shall be known as the “*Trust Fund for the Abandoned, Neglected or Voluntarily Committed Child of 2019.*”

SECTION 2. **Declaration of Policy.** In line with the State policy recognizing the vital role of the youth in nation-building and the State's duty to promote and protect their physical, moral, spiritual, intellectual, and social well-being, it is hereby declared a policy of the State to support and care for children who have been abandoned, neglected or voluntarily committed in accordance with the duty of the State under the doctrine of *parens patria* or guardian of the rights of the people. This duty of the State becomes even more imperative in light of the constitutional mandate that the State shall strengthen the family as a basic social institution. This is especially so when the relatives or guardian of these children fail, refuse or are incapable of providing for the needs of the said children. The State shall hereby establish a trust fund for such children to be withdrawn only upon their reaching the age of majority.

SECTION 3. *Definition of Terms.* For purposes of this Act, the following terms shall be defined:

- a) "*Child*" refers to a person below eighteen (18) years of age or a person over eighteen (18) but is unable to fully take care of him/herself or protect him/herself from abuse, neglect, exploitation or discrimination because of physical or mental disability or condition.
- b) "*Abandoned child*" refers to a child who has no proper prenatal care of guardianship, or whose parent(s) have deserted him/her for a period of three (3) continuous months, which include a foundling.
- c) "*Neglected child*" refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
 - 1. There is physical neglect when the child is malnourished, ill-clad, and without proper shelter. A child is unattended when left by himself/herself without proper provisions and/or without proper supervision.
 - 2. There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in moral danger or exposed to gambling, prostitution, and other vices.
- d) "*Voluntarily Committed Child*" is one whose parent(s) or legal guardian knowingly and willingly relinquished parental authority to the DSWD or to any duly accredited child-placement or child-caring agency or institution.
- e) "*Trust Entities or Any Bank which Offers Trust Services*" refers to a reputable private financial institution with a proven track record in the banking industry owned by a group of individuals which accepts deposits, makes business loans, and offers related services.
- f) "*Trust Fund for the Abandoned, Neglected or Voluntarily Committed Child*" refers to a special fund set aside for the children under the care of the DSWD or any DSWD-accredited child-caring institution. The said

fund shall operate as a special trust fund managed by a reputable trust entity.

- g) "*Child-Caring Institution*" refers to any twenty-four hour resident group care service for the physical, mental, social and spiritual well-being of nine or more mentally gifted, dependent, abandoned, neglected, handicapped or disturbed children that is coordinated with the Department of Social Welfare and Development (DSWD).
- h) "*Guardian*" refers to the owner and/or any elder in the child-caring institution tasked to keep an eye on the abandoned, neglected or voluntarily committed child.

SECTION 4. **Coverage.** This Act shall cover all abandoned, neglected or voluntarily committed children, under the case of the DSWD or DSWD-accredited child-caring institutions that may be recognized by the DSWD in accordance with the implementing rules and regulations of this Act.

SECTION 5. **National Monitoring System for Abandoned, Neglected or Voluntarily Committed Children.** - The DSWD, in coordination with other government agencies tasked with caring for the welfare and development of children and the youth, shall come up with a comprehensive monitoring system to address the needs of abandoned, neglected or voluntarily committed children. The system shall include, but not be limited to, coming up with an updated data on the number, location and personal profile of abandoned, neglected or voluntarily committed children; profiling of child caring institutions nationwide; and establishing a transparent mechanism that would provide a grant of a reasonable lump sum grant to abandoned, neglected or voluntarily committed children who already turned 18 years old and are ready to lead a life on their own.

SECTION 6. **Trust Fund for Abandoned, Neglected, Voluntarily Committed Children.** - a trust fund account in a commercial bank or in a number of commercial banks as defined in this Act shall be opened in the name of every covered abandoned, neglected or voluntarily committed child under a memorandum of agreement (MOA) to be entered into by a commercial bank and the DSWD. The DSWD, sourcing it from a regular annual appropriation item in its budget, shall deposit the sum of two thousand five hundred pesos (P2,500.00) quarterly in every trust fund account until the account matures, unless terminated earlier by the DSWD due to the death or ineligibility of the recipient.

Each of the trust fund account shall be opened by the DSWD based on a verified list of abandoned, neglected or voluntarily committed children submitted by their respective child-caring institutions. To maintain the real purchasing value of the said amount through the years, it shall be increased by the DSWD every three (3) years in proportion to the average inflation rate for the said period as certified by the National Economic Development Authority (NEDA).

Each covered abandoned, neglected or voluntarily committed child shall be entitled to the said quarterly deposit in his/her trust fund for the entire duration that he/she was in a child-caring institution until he/she reaches the age of 18. In the event that the abandoned, neglected or voluntarily committed child has been rendered ineligible to receive the said fund, or dies prior to reaching the age of majority, the trust fund for such child shall be forfeited in favor of the State.

SECTION 7. *Budgetary Requirement* - The DSWD shall incorporate the budgetary requirements of this Act in their annual budget proposal.

SECTION 8. *Revocation of the Grant* - The grant envisioned for every abandoned, neglected or voluntarily committed child under this Act shall be revoked when:

a) the abandoned, neglected or voluntarily committed children or his guardian, his fellow abandoned, neglected or voluntarily committed children or his guardian, his ascendants or descendants;

b) the abandoned, neglected or voluntarily committed child has abandoned the child-caring institution for a period of six months and efforts have been exhausted to locate the abandoned, neglected, or voluntarily committed child within the stated period;

c) the abandoned, neglected or voluntarily committed child has been found to be pushing or using prohibited drugs, or otherwise involved in illegal activities;

d) the abandoned, neglected or voluntarily committed child has been found to be living a dishonorable or disgraceful life; and

e) the abandoned, neglected or voluntarily committed child has been convicted of any crime involving moral turpitude.

Should the abandoned, neglected or voluntarily committed child die prior to reaching the age of majority, his or her trust fund account shall be forfeited in favor of the State.

SECTION 9. ***Implementing Rules and Regulations.*** - The DSWD, in consultation with the Department of Interior and Local Government (DILG), the National Economic and Development Authority, non-governmental organizations (NGOs) and other agencies they deem necessary to consult, shall issue the Implementing Rules and Regulations (IRR) within ninety (90) days after the approval of this Act.

SECTION 10. ***Separability Clause.*** If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. ***Repealing Clause.*** Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 12. ***Effectivity Clause.*** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,