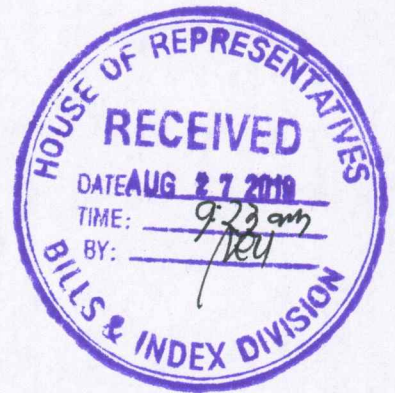


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

House Bill No. **4158**



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Introduced by  
**HON. YEDDA MARIE K. ROMUALDEZ**  
and

**HON. FERDINAND MARTIN G. ROMUALDEZ**

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In the Philippines, the abandonment of a child under seven years of age by a person upon whom the custody of a child is incumbent is considered a criminal act, punishable under Article 276 of the Revised Penal Code. However, these legal restrictions have not deterred the rising incidence of infant abandonment. Poverty is often a root cause of child abandonment especially when for reasons of economic, social or psychological distress or incapability, the parents are unprepared to raise their child. However, the fear of criminal prosecution causes desperate parents, often young mothers who are not ready to take on the responsibilities of parenthood, to abandon newborn infants often in unsafe places and in life-threatening conditions.

This bill proposes to ensure a safe haven for abandoned newborn infants providing parents, especially women, with the option to properly and safely relinquish newborn infants to recognized child-caring and child-placing agencies and institutions that can provide the immediate care needed for their safety and well-being, while remaining anonymous and without fear of being prosecuted for child abandonment.

By making the welfare of the newborn an immediate concern and ensuring their health and safety, this bill provides an alternative that could save the life of newborn infants and ensure that they are protected and provided with medical care until a permanent home is found for them.

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

  
**FERDINAND MARTIN G. ROMUALDEZ**  
Majority Leader

  
**YEDDA MARIE K. ROMUALDEZ**  
Tingog Sinirangan Partylist



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**AN ACT PROVIDING SAFE HAVEN  
FOR ABANDONED NEWBORN INFANTS**

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

**Section 1. Short Title** - This Act shall be known as the Newborn Infant Safe Haven Act.

**Section 2. Declaration of Policy.** - It is hereby declared the policy of the State that the best interests of children shall be of paramount consideration in affording their full growth, protection and assistance. In this regard, the State shall extend such assistance in the most expeditious manner in the interest of full emotional and social development of abandoned newborn infants, to promote their health, safety and welfare and enhance their opportunities for a useful and happy life.

**Section 3. Definition of Terms.** - For the purposes of this Act, the following terms shall be defined as follows:

- (a) *"Child-caring agency or institution"* refers to a private non-profit or government agency duly accredited by the DSWD that provides



twenty-four (24) hour residential care services for abandoned, neglected, or voluntarily committed children;

- (b) "*Child-placing agency or institution*" refers to a private non-profit institution or government agency duly accredited by the DWSD that receives and processes applicants to become foster or adoptive parents and facilitate placement of children eligible for foster care or adoption;
- (c) "*Department*" shall mean the Department of Social Welfare and Development;
- (d) "*Newborn infant*" means an infant who is seventy-two (72) hours old or younger, whose parent(s) refuse/s or is unable to assume the responsibility for the infant's care, control, and subsistence;
- (e) "*Relinquish*" or "*relinquishment*" of an infant means to give over possession or control of the said infant by a parent(s) to a designated safe haven provider, with the settled intent to forego all parental responsibilities.
- (f) "*Secretary*" shall mean the Secretary of Social Welfare and Development.

**Section 4. *Who May Be Relinquished.*** - An infant who is seventy-two (72) hours old or younger may be relinquished by his or her parent(s) with a safe haven provider.

**Section 5. *Safe Haven Provider.*** - The infant may be left with a designated safe haven provider. A safe haven provider includes any of the following:

- (a) a police officer or firefighter who is on duty;
- (b) an emergency medical technician who is on duty;



- (c) a medical staff member at a general hospital who is on duty;
- (d) a staff member or volunteer of a licensed child-caring agency, a licensed child-placing agency or a church that posts a conspicuous public notice stating in plain terms that it is willing to accept a newborn infant
- (e) Any other person that shall be designated as a safe haven provider by the Secretary of Social Welfare and Development.

**Section 6. *Responsibility of the Safe Haven Provider.*** - The safe haven provider to whom an infant is relinquished shall immediately act appropriately to care and take custody of the newborn infant, provided however, that there must be no evidence that the infant has been physically injured or sexually abused before relinquishment, and that the safe haven provider believes, within a reasonable degree of medical certainty, that the child is a newborn infant.

The safe haven provider shall immediately transport the infant to a hospital for a physical examination or any medical treatment necessary to ensure the physical health or safety of the newborn infant. The hospital shall conduct comprehensive medical examination and such tests to determine any possible infection or illness such as HIV or hepatitis, fetal exposure to alcohol or drug, injury due to neglect or abuse, and the infant's estimated date of birth, if not previously known. Injuries and/or conditions resulting from childbirth shall not be considered harm, abuse, or neglect.

Furthermore, no later than the close of the first business day after the date on which the safe haven provider takes custody of the infant, the safe haven provider shall notify the nearest office of the Department that the infant has been relinquished. Thereupon, the Department shall immediately assume the care, control, and custody of the newborn.

The Department shall forward the newborn's birth information to the local civil registry for the issuance of a Certificate of Live Birth unless it is



determined that one has already been issued. Unless otherwise known, the infant shall be presumed to have been born in the city or municipality where the safe haven provider to whom the said infant has been relinquished is located.

Immediately after assuming care, control, and protection of the newborn, the Department or the designated safe haven provider shall report the infant to the appropriate law enforcement agencies for purposes of matching the child with missing children reports.

**Section 7. Newborn Child Identity.** - A parent who relinquishes a newborn to a designated safe haven provider and any person who assists the parent(s) in that relinquishment have the right to remain anonymous. However, safe haven provider shall inform the parent that the parent(s) may, but is not required to, answer any questions regarding the name, identity, and medical history of the infant and parents of the infant. Refusal by the parent(s) delivering the newborn infant to provide such information shall not prevent the safe haven provider from accepting the newborn.

No safe haven provider may induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is a reasonable cause to suspect that the newborn has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child. The parent shall not be pursued by any person at the time of relinquishment or prosecuted for relinquishing the newborn.

If the newborn infant has been relinquished anonymously to a designated safe haven provider, it shall be the duty of the Department or the child placing or child caring agency which has custody of the child to exert all efforts to locate the unknown biological parent(s). If the biological parent(s) is located, they will be assessed to determine their willingness to keep the child and their parenting capability.



If efforts to locate the parent(s) of the newborn infant fail, the infant shall be registered as a foundling and within three (3) months from the time the infant is relinquished to the safe haven provider, the Department shall issue a certification that a child is legally available for adoption. The certification shall be, for all intents and purposes, the primary evidence that the child is legally available in a domestic adoption proceeding, as provided in Republic Act No. 8552 and in an inter-country adoption proceeding, as provided in Republic Act No. 8043.

**Section 8. Relinquishment of Parental Responsibility.** - When an infant is left in the physical custody a designated safe haven provider, without expressing an intent to return for the infant, or without any attempt on the parent(s) to seek contact with the infant for 30 days after the date of relinquishment, the infant's parent(s) is considered to have abandoned the infant safely, and the parent's legal duty to support the infant is effectively terminated, without need of a court order.

However, if the parent(s) of a newborn returns to reclaim the child within seventy-two (72) hours after relinquishment, the safe haven provider that received the newborn shall inform the parent(s) of the name and location of the hospital to which the newborn was transported.

Furthermore, a parent who voluntarily relinquishes a newborn infant may revoke such voluntary relinquishment by applying to the court no later than thirty (30) days after the Department has assumed care, control, and protection of the newborn. After thirty (30) days, no voluntary relinquishment shall be set aside except upon clear and convincing evidence of duress, fraud, or intentional misrepresentation.

The Department shall likewise exercise due diligence in attempting to identify and locate any non-relinquishing parent. If a non-relinquishing parent cannot be identified, the Department, after a period of three (3) months from



the time the infant is relinquished to the safe haven provider, upon finding that a diligent effort has been made to identify the parent, shall terminate the parental rights of the unidentified non-relinquishing parent.

**Section 9. *Immunity of the Safe Haven Provider.*** - A safe haven provider shall be immune from any criminal liability that otherwise might result from carrying out their responsibility or any civil liability that might otherwise result from merely receiving, in good faith, a newborn child from the parent(s), but is not immune from any civil or criminal liability for any act or omission occurring in subsequently providing care for the newborn.

**Section 10. *Confidentiality.*** - All identifying information, documentation, or other records regarding the identity of the newborn infant relinquished to a designated safe haven provider, or of the parent(s) who voluntarily delivered the infant shall be confidential and not subject to release to any individual or entity except when the court finds that the interest of the child or the public would be better served by the disclosure of said information, documentation, or other records.

**Section 11. *Implementing Rules and Regulations*** - The Secretary, in consultation with the proper government agencies and other stakeholders, shall promulgate the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

**Section 12. *Repealing Clause.*** - Article 276 of the Revised Penal Code, and any law, presidential decree, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

**Section 13. *Separability Clause.*** - If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**Section 14. *Effectivity.*** - This Act shall take effect fifteen (15) days following completion of its publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved