

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: AUG 06 2019

TIME: 9:45 am

BY: josh

BILLS & INDEX DIVISION

House Bill No. 3472

EXPLANATORY NOTE

The uncertainty surrounding the natural-born status of foundlings will also cast doubt on a wide array of privileges available to them- whether or not they can avail some state scholarships, if they can aspire for and practice some professions and if they qualify

reiterate the children's right to support services for their survival and development and the abuses that must be penalized to protect their welfare.

In addition, under the present practice, finding the parents of an abandoned child or infant is not proactive- concerned officers will just wait for parents or relatives to show up which rarely happens. This should not be the case. We aim to mandate the social welfare officer, the finder and all other concerned agencies to conduct a proactive and diligent search and inquiry into the facts of birth and parentage of the child. This will increase the chances of being able to find the parents or relatives of the child and protect him or her from the emotional, psychological and legal sufferings later on experienced by foundlings.

This bill could be the start and could be a breath of fresh air for thousands of abandoned children who have been legally put at a disadvantage for many decades now.

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



RONNEL L. ONG
Representative, Ang Probinsyano Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3472

Introduced by Hon. **RONNIE L. ONG**

**AN ACT PROMOTING THE RIGHTS OF DESERTED OR ABANDONED CHILDREN
WITH UNKNOWN PARENTS, DECLARING THEIR STATUS AS NATURAL-BORN
CITIZENS OF THE PHILIPPINES AND PROVIDING PENALTIES AGAINST ACTS
INIMICAL TO THEIR WELFARE**

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

Section 1. Short Title. This Act shall be known as the "Foundling Welfare Act."

SEC. 2. Declaration of Policy. The State values the dignity of every human person and guarantees full respect for human rights. It is also the policy of the State to defend 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.

Toward this end, the State shall promote the welfare of abandoned infants and children by proactively and diligently inquiring into the facts of their birth and parentage, protect those with unknown parents by declaring their status as natural-born citizens consistent with our Constitution and the generally accepted principles of international law, ensure the provision of support services and penalize acts inimical to their welfare.

SEC. 3. Definition of Foundling. A foundling refers to a deserted or abandoned child or infant with unknown facts of birth and parentage.

SEC. 4. Citizenship Status of Foundlings. All foundlings shall be recognized as natural-born citizens of the Philippines, without need of perfection or any further act, and shall automatically be accorded such rights and protection as those belonging to such class of citizens. These include foundlings who are committed to orphanage and charitable or government institutions or those who have undergone or are undergoing adoption proceedings.

Such natural-born status of the child or infant shall not be impugned in any proceeding all the days of his or her life unless substantial proof of foreign parentage is shown. The said status shall not also be affected by the fact that the birth certificate of the child is simulated or that there was an absence of a legal adoption process.

SEC. 5. Conduct of Search and Inquiry. Within fifteen (15) days after commitment or submission of foundling report by the finder or other concerned person, unless more time is needed in view of significant developments, the Department of Social Welfare and Development (DSWD) or any of its duly licensed institution or non-government organization (NGO) shall conduct a proactive and diligent search and inquiry into the facts of birth and parentage of the child or infant.

In the conduct of the said search and inquiry, the DSWD or its licensed institution or NGO shall call the assistance of the finder, the city, municipal and barangay LGUs, the Philippine National Police, the Department of Health and government hospitals.

SEC. 6. Registration. In addition to the affidavit of the finder and the certification of the barangay captain or police authority, the report of the DSWD or the licensed institution or NGO, duly signed by the authorized officer, showing the finding that the facts on birth and parentage of the child or infant are unknown despite the proactive and diligent search and inquiry, shall be required before causing the registration of the foundling.

The said report must be exhaustive and must include all facts that have been gathered regarding the birth and parents of the foundling.

SEC. 7. Support Services. The foundling shall, as a matter of right, be entitled to every available government program or service, including but not limited to, registration, facilitation of documents for adoption, legal and police protection, proper nourishment and medical care for their survival and development and admission to safe and secure child centers.

The DSWD or its duly licensed institution or NGO, the concerned city, municipal or barangay LGU, police authority and/or the finder shall, at all times, consider the best interest of the foundlings in all actions concerning them or support services provided to them.

SEC. 8. Penalties. The following are the penalties under this Act without prejudice to other liabilities arising from existing civil, administrative and criminal laws for the same act or violation:

- 1) The penalty of *arresto mayor* to *prision correccional* shall be imposed on any person using the status of the child or person as foundling as a derogatory remark or to cause dishonor to the child or person as a second-class citizen.
- 2) A fine of PhP200,000.00 to PhP1,000,000.00, or imprisonment of not less than one (1) month but not more than one (1) year, at the discretion of the court, shall be imposed on any individual discriminating against foundlings in terms of education, scholarship, practice of profession, etc., delaying the delivery of services due to them or requiring them to prove their parentage before they can exercise their rights as natural-born citizens. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

- 3) The penalty of *prision correccional* to *prision mayor* shall be imposed on any private individual involved in the falsification of the registration of the supposed foundling, including the documents required therefor. Any public officer involved shall be punished by the penalty next higher in degree.
- 4) The penalty of imprisonment of not less than six (6) months but not more than five (5) years shall be imposed on the finder, DSWD or NGO staff, police officers, city, municipal and barangay officers, health employees, hospital staff and any other concerned person refusing, delaying or obstructing the conduct of search and inquiry into the facts of birth and parentage of the abandoned child or infant.
- 5) A fine of PhP1,000,000.00 to PhP5,000,000.00, or imprisonment of not less than three (3) months but not more than two (2) years, at the discretion of the court, shall be imposed on any person initiating a complaint found to be for the purpose of harassing, annoying, vexing, persecuting or injuring the foundling especially in his or her exercise of rights due to natural-born citizens.

SEC. 9. *Implementing Rules and Regulations.* The DSWD, in coordination with the Department of Justice, Philippine Statistics Authority and other concerned agencies, shall formulate its rules and regulations, including the list of support services to be given to abandoned children, within ninety (90) days after the effectivity of this Act.

SEC. 10. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 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.

SEC. 12. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,