

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4218

Introduced by: **HON. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

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

EXPLANATORY NOTE

Article II, Section 12 of the 1987 Constitution states that, "The natural and primary right and duty of parents in the rearing of the youth civic efficiency and the development of moral character shall receive the support of the Government."

As stated by the Constitution, child rearing is one of the primary right and duty of every parents. Every child needs assistance, protection, education, proper care and nutrition catered by their parents.

Yet one of the existing issues that the State currently need to address is our current status on the abandoned, neglected and orphaned children. According to the United Nations' Children's Rights & Emergency Relief Organization, about 1.8 million children in the country, are under the status of "abandoned or neglected". That is more than 1% of our entire population.

Hence, more Filipino children are left to grow up without parents. According to the statistics posted by an organization called "Reaching Beyond Words" thru consolidated reports from United Nations International Children's Emergency Fund (UNICEF), more than 1 in every 10 Filipino children between ages 5 and 14 are engaged in child labor.

The current status quo contradicts the mandate of the Constitution that acknowledge the vital role of the youth in nation-building.

Therefore, the early approval of this bill is earnestly sought to protect these children that is the very foundation of the country's future.

"KUYA" JOSE ANTONIO R. SY-ALVARADO
*Representative
First District of Bulacan*

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

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

SECTION 2. Declaration of Policies. - 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 patriae* or guardian of the rights of the people. The 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 thereby establish a trust fund for such children to be withdrawn only upon their reaching the age of majority

SECTION 3. Definitions of Terms – For purpose of this Act, the following terms are defined:

- a. **“Child”** refer to a person below eighteen (18) years of age;
- b. **“Abandoned Child”** refers to a child who has no proper parental care or guardianship, or whose parent(s) have deserted him/her for a period of three (3) continuous months.
- 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 either through physical or emotional means.
- 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 Entity”** refers to a government financial institution with a proven track record in the banking industry which accepts deposits and offers trust 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 Department of Social Welfare and

Development (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 spiritual well-being of nine or more abandoned, Neglected, or voluntarily committed children that is coordinated with the DSWD;
- h. **"Guardian"** refers to the owner of and/or any elder in the child-caring institution tasked to keep an eye on the abandoned, neglected, or voluntary committed child;

SECTION 4. Coverage – This act shall cover all abandoned, neglected, or voluntary committed children, under the care of a DSWD in accordance with the implementing rules and regulations of this act.

SECTION 5. National Monitoring System for Abandoned, Neglected, or Voluntary Committed Children- The DSWD, in coordination with other government agencies tasked with caring for the welfare of development of children and the youth, shall come up with a comprehensive monitoring system to address the needs of the abandoned, neglected or voluntary committed children. This system shall include, but not limited to, coming up with an update data on the number, location, and personal profile of abandoned, neglected or voluntary committed children; profiling of child-caring institution nationwide; and establishing a transparent mechanism that would provide a grant of reasonable lump sum grant to abandoned, neglected, or voluntary 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, or Voluntary Committed Children-A trust fund account in a trust entity shall be opened in the name of every covered abandoned, neglected, or voluntary committed children under a memorandum of agreement (MOA) to be entered into by the DSWD and trust entity. The DSWD, sourcing it from a regular annual appropriation items in its budget, shall deposit the sum of Twelve Thousand Five Hundred pesos (Php 12,500.00) quarterly in every trust fund account until the account matures, unless terminated earlier by the DSWD due to the death or ineligibility on the recipient.

Each of the trust fund account shall be opened by the DSWD based on verified list of abandoned, neglected, or voluntary committed children submitted by their respective child-caring institution. 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 voluntary committed child shall be entitled to the said quarterly deposit in his/her trust fund for the entire duration that he/she was in an orphanage or child-caring institution until he/she reaches the age of eighteen (18).

If a covered abandoned, neglected, or voluntary committed child is adopted by a foster family before he/she reaches the age of eighteen (18), he/she is still entitled to receive the lumpsum amount of the trust fund for the entire of duration his /her stay at the respective child-caring institution.

In the event that the abandoned, neglected, or voluntary 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 mirror shall be forfeited in the favor of the state.

SECTION 7. Budgetary Requirements- 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 very abandoned, neglected, or the voluntary committed child under this act shall be revoked when the abandoned, neglected, or voluntary committed child has:

- a. Attempted against the life of his fellow abandoned, neglected, or voluntary committed children of his guardian, his ascendants or descendants;
- b. Abandoned the child-caring institution for a period of six (6) months and effort have been exhausted to locate the abandoned, neglected, or voluntary committed child within the stated period;
- c. Been found to be pushing or using prohibited drugs, or otherwise involved in any illegal activity;
- d. Been found to be living a dishonorable or disgraceful life: and,
- e. Been convicted of any crime involving moral turpitude.

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

SECTION 9. Release of the Grant. The grant envisioned for every abandoned, neglected or voluntary committed child under this act shall be released in tranches starting from the date the intended recipient turns eighteen (18) years old.

SECTION 10. 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 11. Separability Clause- If any provision of this act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provision hereof.

SECTION 12. Repealing Clause- All laws, decrees, issuances or portions thereof, which are inconsistent with the provisions of this act are hereby repealed or modified accordingly.

SECTION 13. Effectivity- This act shall take effect fifteen (15) days after its publication in two (2) national newspaper of general circulation.

Approved,