

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH (16TH) CONGRESS
First Regular Session

House Bill No. 1595

Introduced by Representative LINO S. CAYETANO

EXPLANATORY NOTE

The 1987 Constitution (Article XV) provides:

“Section 3. The State shall defend:

xxx

(2) 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;

xxx”

The State recognizes the vital role of children in our future as a nation thus it accords them special protection to uphold their welfare at all times.

While we Filipinos are known for our love for family, there are unfortunate children, however, who have been orphaned, abandoned, or neglected by their parents or other family members, and transferred to the care of “child-caring” institutions which are devoted to the task of providing substitute care to these unfortunate children. In addition to the orphaned, abandoned, or neglected, there are also children who are voluntarily entrusted by their parents or family members to child-caring institutions, out of desperation and knowledge that they are incapable of caring for the child.

These unfortunate children are helpless victims of various adverse circumstances, and have not been given a choice to opt out of their dire predicament. As such, and given their age, innocence, and limited capability to care for themselves, they deserve greater protection and benefits from the State.

This bill aims to provide health, medical, dental, and insurance benefits to these orphaned, abandoned, neglected, and voluntarily-committed children to ensure that what they lack in parental and filial care and devotion are substituted with an institutionalized mechanism which ensures their health and physical well-being, backed up by no less than the State.

Further, this bill likewise encourages the widened stakeholdership and participation of local government units in caring for orphaned, abandoned, neglected, and voluntarily-committed children such that it provides for additional incentives to all local government units which, at their level, institutionalize programs serving as counterparts to those provided under this bill.

In view of these considerations, the immediate approval of this bill is highly and earnestly sought.



LINO S. CAYETANO

Representative

Second District, City of Taguig

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SIXTEENTH (16TH) CONGRESS
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House Bill No. **1595**

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AN ACT
PROVIDING FOR THE WELFARE AND PROTECTION OF THE ORPHANED,
ABANDONED, NEGLECTED, AND VOLUNTARILY COMMITTED CHILDREN, AND
PROVIDING FUNDS THEREFOR

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 *"Orphaned, Abandoned, Neglected or Voluntarily Committed Children's Welfare and Protection Act of 2013."*

Section 2. Declaration of Policy. It is hereby declared the policy of the State to protect the young, innocent, and helpless, especially those who have been deprived of parental and filial care and devotion, specifically the orphaned, abandoned, neglected, and children voluntarily-committed to institutions which provide substitute parental care.

Section 3. Definition of Terms. For purposes of this Act, the following terms are defined:

- a.) *"Child"* refers to a person below eighteen (18) years of age or one older but is unable to fully take care of him/herself or protect him/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- b.) *"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, orphaned, abandoned, neglected, handicapped or disturbed children that is accredited with the Department of Social Welfare and Development (DSWD);
- c.) *"Guardian"* refers to the owner of the child-caring institution and/or any elder in the child-caring institution tasked to look after the welfare of the orphaned, abandoned, neglected or voluntary-committed child;
- d.) *"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 at least three (3) continuous months, which include a foundling.
- e.) *"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 are exposed to gambling, prostitution, drugs, and other vices.
- f.) **"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.
- g.) **"Hospitalization"** refers to the event of the orphaned, abandoned, neglected or voluntary committed child necessitating medical care in a clinic or hospital, whether inpatient or outpatient.

Section 4. Coverage. All orphaned, abandoned, neglected or voluntary-committed children, under the care of child-caring institutions, whether public or private, with a reputable track record, as certified by the DSWD, in participating and contributing to the betterment of the minor orphaned, abandoned, neglected or voluntary-committed children shall be covered by the provisions of this Act.

Section 5. Insurance. The Government of the Philippines shall provide for the contributions of every orphaned, abandoned, neglected, or voluntarily-committed child, in accordance with Section 4 of this Act, to be paid to the National Health Insurance Program to qualify for the insurance benefits provided by the Philippine Health Insurance Corporation (Philhealth). A separate portion in the annual budget of the DSWD shall be allocated for the payment of the Philhealth premiums.

Section 6. Hospitalization. In the event that the hospitalization of the orphaned, abandoned, neglected or voluntary-committed child is necessary for the protection of his or her life or to promote his or her health and well-being, the child-caring institution must immediately attend to the hospitalization of the child. The bill to be incurred due to the hospitalization of the orphaned, abandoned, neglected or voluntary-committed child shall be paid by the State through the DSWD. A special fund in the amount of at least ONE HUNDRED MILLION PESOS (Php100,000,000.00) shall be set aside annually by the DSWD for the payment of such hospitalization expenses.

Section 7. Annual Check-ups. The child-caring institution shall ensure that the orphaned, abandoned, neglected or voluntary-committed child who has been entrusted to its care and custody shall undergo annual medical and, semi-annual dental check-ups in any medical and dental facility and/or hospital which is duly-licensed by the Department of Health. Such dental and medical annual check-ups shall be provided to them for free in public medical and dental facilities and hospitals, upon presentation of a certification the DSWD that the patient is an orphaned, abandoned, neglected or voluntary-committed child covered by this Act. In case the orphaned, abandoned, neglected or voluntary-committed child is brought to a private facility or hospital, the bill to be incurred by the child shall be paid by the State through the DSWD.

Section 8. Incentives to Local Government Units. The National Government shall grant additional incentives to local government units which implement programs serving as counterparts to the initiatives provided by this Act.

Section 9. Implementing Rules and Regulations. The DSWD, in consultation with the Department of Interior and Local Government, nongovernment organizations, and other

agencies, the mandates of which include those necessary to implement this Act, 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 of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 11. Repealing Clause. All laws, decrees, orders, issuances or portions thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 12. Effectivity. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

Approved,