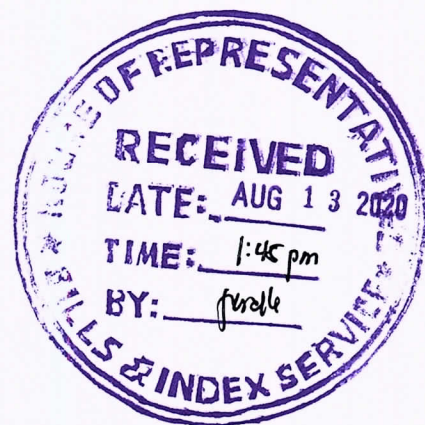


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 7379



Introduced by Representative JAKE VINCENT S. VILLA

AN ACT
ESTABLISHING WELFARE HOMES FOR DESTITUTE PERSONS

EXPLANATORY NOTE

The Section 5, Article II of the 1987 Philippine Constitution, provides:

The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Usually the poor live in crowded settlements near government offices, shopping malls, or wealthy gated enclaves, yet they receive scant attention and support. In these trying times, there's a patchwork of efforts by local governments, churches, civic groups, and ordinary citizens trying to do what they can. Private entities are donating food and supplies. Private citizens have called for donations for street vendors who can no longer peddle their wares. Restaurants have opened its doors to the homeless, as have some churches and Catholic schools. In other words, groups are organizing donations, braving checkpoints, and overcoming government limits on food purchases to help the neediest as the government scrambles for a response against the pandemic.¹

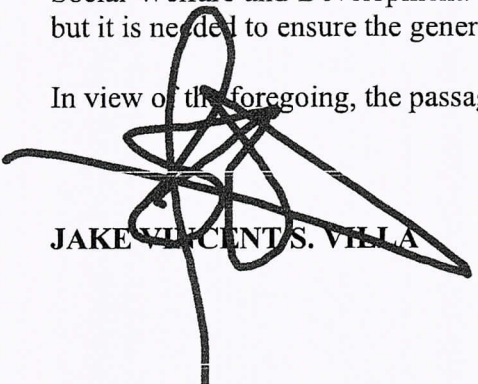
The unprecedented effect of the COVID-19 pandemic in our country caused detrimental effects to destitute people. Worldwide, governments have been racing to house the estimated 1.8 billion people who are homeless or live in inadequate housing and are uniquely at risk of being infected and infecting others during the pandemic. However, housing campaigners said many of the measures taken – from opening up shelters to making more funds available to homeless charities – fall short and are accompanied by counter-productive, strict policing and enforcement.²

¹ <https://www.lowyinstitute.org/the-interpreter/philippines-covid-19-will-devastate-poor>.

² <https://www.interaksyon.com/politics-issues/2020/04/24/167071/homeless-people-treated-as-criminals-amid-coronavirus-lockdowns/>.

This measure promotes the general welfare of the people, particularly the welfare of destitute members of society, by providing for the establishment of welfare homes throughout the country under control and supervision of the Secretary of Department of Social Welfare and Development. This measure is not needed only in times of pandemics but it is needed to ensure the general welfare of the people at all times.

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



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AN ACT
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Be it enacted by the Senate and House of Representatives of the Philippines in the congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Destitute Persons Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State –

- (a) To give highest priority to the protection of the right of all persons to human dignity and guarantee full respect for human rights; and
- (b) To promote the general welfare and a just and dynamic social order by providing for the care and rehabilitation of destitute persons as defined in this Act.

SECTION 3. *Definitions.* – In this Act, the term –

- (a) “Destitute persons” means – Any idle person found in a public place, whether or not he or she is begging, who has no visible means of subsistence or place of residence or is unable to give a satisfactory account of himself or herself.

For the purposes of this Act, a person shall be deemed to be begging if his or her conduct is calculated to include the giving of alms, whether or not there is any pretense of singing, playing, performing, offering anything for sale, otherwise;

- (b) “Secretary” means the Secretary of the Department of Social Welfare and Development;
- (c) “Public place” indicates any place which the public is admitted without payment or on payment;
- (d) “Superintendent” means a person having the management or control of any welfare

home established under the provision of, and for the purpose of, this Act.

- (e) "Welfare home" means any institution or part thereof for the reception, care, and rehabilitation of destitute persons established under the provisions of, and for the purpose of, this Act.

SECTION 4. *Power to Require a Destitute Person to Reside in a Welfare Home.* –

- (a) Any public officer under the Department of Social Welfare and Development (DSWD), acting pursuant to official written instruction from the Secretary or an authorized representative of the latter, may take in his or her charge any destitute person and deliver him or her to the custody of the Secretary.
- (b) If the Secretary or its duly authorized representative has reasonable cause to believe that any person so delivered into his or her custody has no visible means of subsistence, he or she may arrange for that person to be temporarily admitted into a welfare home until an inquiry has been held by him or her.
- (c) Every inquiry shall be completed within a period of thirty (30) days from the date of that person's admission into the welfare home. Such inquiry may be extended upon the discretion of the Secretary or its duly authorized representative for a period not exceeding thirty (30) days.
- (d) If after holding such inquiry the Secretary or its duly authorized representative is satisfied that the person is a destitute person within the meaning of this Act, he or she may by order require that person to reside in a welfare home.

SECTION 5. *Voluntary Admission to a Welfare Home.* – Any destitute person who voluntarily seeks admission into a welfare home shall be required to undertake that, if admitted, he will abide by the conditions of admission imposed under this Act or any rules made hereunder.

SECTION 6. *Power to Establish Welfare Homes.* –

- (a) The Secretary may establish welfare homes at such places as he or she thinks proper within the country for the reception, care, and rehabilitation of destitute persons in accordance with the provisions of this Act.
- (b) The Secretary may appoint superintendent and other officers for the management of such welfare homes.
- (c) Every superintendent or officer shall be deemed to be a public officer within the meaning of the Revised Penal Code.

SECTION 7. *Board of Visitors.* –

- (a) In each city or province where a welfare home is located, the Secretary shall appoint

a Board of Visitors composed of one (1) representative each from the Commission of Human Rights; an accredited non-government organization whose main advocacy is human rights, poverty alleviation, or a similar advocacy; a religious organization with the largest denomination in the city or province; a university in the area, preferably a state university; and the local media in the area.

- (b) The Board of Visitors shall advise and make recommendations to the Secretary on all matters pertaining to the welfare of the residents and such other matters as the Secretary may refer to it.
- (c) A Board of Visitors may be appointed for one or more welfare homes as the Secretary thinks fit.

SECTION 8. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary shall promulgate the rules and regulations to implement this Act. These rules and regulations shall include, but not limited to, the following –

- (a) The constitution and functions of the Boards of Visitors;
- (b) The management of welfare homes and the admissions of persons thereto;
- (c) The care, monitoring, and rehabilitation of persons residing in the welfare homes; and
- (d) The forms to be used for the purpose of this Act.

SECTION 9. *Review Committee.* –

- (a) The Secretary shall appoint a Review Committee composed of a licensed psychologist, a registered social worker, and the superintendent of the welfare home or his or her authorized representative.
- (b) The review Committee shall review the case of every resident at intervals of not more than twelve (12) months to assess his or her suitability for discharge from the welfare home.
- (c) A review Committee may be appointed for one or more welfare homes as the Secretary thinks fit.
- (d) The Review Committee shall have the power to recommend to the Secretary that any resident may be discharged from a welfare home either conditionally or unconditionally.

SECTION 10. *Discharge from Welfare Home.* – Any person admitted to a welfare home, either on his or her own application or otherwise, may be discharged by the Secretary either conditionally or unconditionally on the advice of the Review Committee.

SECTION 11. *Discharge to the Care of a Relative or Other Person.* –

- (a) Whenever any relative or a friend of a destitute person who, in the opinion of the Secretary, is willing and able to provide care and support for the destitute person, desires that the destitute person be discharge from a welfare home to his or her care and support, the Secretary shall, upon the application of the relative or friend and on giving security to the satisfaction of the Secretary that the destitute person will be properly taken care of and that he or she will ensure the person's compliance with any condition of discharge from the welfare home, order that person to be discharge to the care of the relative or friend.
- (b) Where for any reason the care and support of the relative or friend for the destitute person ceases, the relative or friend shall inform the Secretary in writing within twenty-four (24) hours of the cessation of such care and support.
- (c) Any person, having undertaken the care and support of a person discharged from a welfare home, who fails to inform the Secretary in writing twenty-four (24) hours of his or her ceasing to care and support for such discharged person shall be guilty of an offense and shall be liable on conviction to a fine not exceeding five thousand pesos (P5,000.00) or to imprisonment for a term not exceeding two (2) months.

SECTION 12. *Persons in a Welfare Home may be Required to Work.* –

- (a) Any person residing in a welfare home may be required to engage in any suitable work, for which the medical officer of the home certifies him or her to be capable, either with a view to fitting him or her for an employment outside the welfare home or with a view to contributing to his or her maintenance in the welfare home.
- (b) Any person residing in a welfare home who attends work outside the welfare home shall be deemed, while engaged in such employment, to be resident of the welfare home.
- (c) Work under this section has the objective of capacitating destitute persons to form and establish a self-sustaining attitude which will assist such destitute person to properly provide for itself.

SECTION 13. *Persons in a Welfare Home may be Sent to Hospital.* – Any person residing in a welfare home may, if so directed by the medical officer of the home, be sent to a hospital or other medical institution for the treatment, and shall be deemed while receiving such treatment to be a resident of the welfare home.

SECTION 14. *Power to Transfer Persons in Welfare homes.* – Any person in a welfare home may, if so directed by the Secretary, be removed from the welfare home and admitted to another welfare home.

SECTION 15. *Penalty for Escape from Lawful Custody of Welfare Home.* – Any person who –

- (a) Without permission of the superintendent, leaves a welfare home in which he or she

is required to reside in accordance with Section 4 or to which he or she has been admitted on his or her own application under Section 5; or

- (b) Having obtained such permission left a welfare home for a limited time or for a specified purpose, fails to return at the expiration of such time or when such purpose has been accomplished or found to be impracticable, shall be guilty of an offense and shall be barred to enter any welfare home and be disqualified to avail of the benefits of residing in a welfare home.

SECTION 16. *Penalty for Behaving in a Disorderly Manner.* – Any person residing in a welfare home who –

- (a) Takes part in any assault or attack on any officer of the welfare home;
- (b) Aggravates or repeatedly assaults any other person residing in the welfare home; or
- (c) Willfully destroys any property of the welfare home, shall be guilty of an offense and shall be liable on conviction to imprisonment for a term not exceeding two (2) years. If the acts constituting the offense is punishable under the Revised Penal Code or other special laws, the offender shall be prosecuted for the offense with the heavier penalty.

SECTION 17. *Return to Welfare Home after Serving Sentence.* – A person who has completed serving a sentence imposed on him or her under Section 16 shall be returned to a welfare home, and the Secretary shall have the power to take such person into custody for this purpose after he or she has served his or her sentence.

SECTION 18. *Discharge.* – The Secretary may declare that any person admitted to a welfare home be discharged.

SECTION 19. *Authorization of Appropriations.* – To carry out the provisions of this Act, an amount equivalent to at least two (2) years of operations of a pilot welfare home is authorized to be appropriated.

A pilot welfare home must be established within two (2) years after the effectivity of this Act.

SECTION 20. *Reportorial Requirement.* – Within two (2) years after the establishment of the pilot welfare home, the Secretary shall submit a report to Congress on the costs and means to implement the provisions of this Act. Thereafter, the Secretary shall submit an annual report to Congress.

SECTION 21. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 22. *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 23. *Effectivity Clause.* – This act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.