



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5488



Introduced by HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.

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

EXPLANATORY NOTE

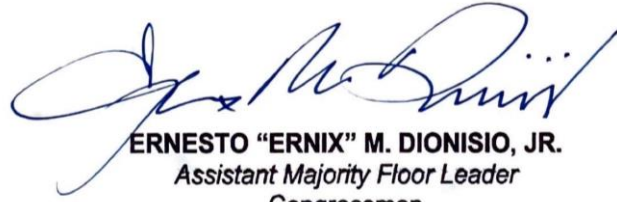
Article 3 of the Convention on the Rights of the Child states: “States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”

In addition, Article 26 of the Convention on the Rights of the Child states: “States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.”

Furthermore, Section 3, Article XV of the 1987 Constitution states: “The State shall 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.”

In line with the aforementioned provisions, this bill seeks to further strengthen the needs of abandoned, neglected, and voluntarily committed children, by creating a trust fund for them, with the end in view that these children will become productive members of society.

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



ERNESTO "ERNIX" M. DIONISIO, JR.
Assistant Majority Floor Leader
Congressman
First Congressional District of Manila



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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 *"Trust Fund for the Abandoned, Neglected, or Voluntarily Committed Child"*.

SECTION 2. Declaration of Policy. - 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 guardians 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. 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;

- 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 at least 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 that 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 and 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 voluntarily committed child:

SECTION 4. Coverage. – This Act shall cover all abandoned, neglected, or voluntarily committed children, under the care of the DSWD or DSWD-accredited child-caring institutions that may be recognized by the DSWD in accordance with the implementing rules and regulations of this Act.

SECTION 5. National Monitoring System for Abandoned, Neglected, or Voluntarily Committed Children. – The DSWD, in coordination with other government agencies tasked with caring for the welfare and development of children and the youth shall come up with a comprehensive monitoring system to address the needs of abandoned, neglected, or voluntarily committed children. This system shall include, but is not limited to, coming up with updated data on the number, location, and personal profile of abandoned, neglected, or voluntarily committed children; profiling child-caring institutions nationwide; and establishing a transparent mechanism that would provide a grant of a reasonable lump sum grant to abandoned, neglected, or voluntarily 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 Voluntarily Committed Children. – A trust fund account in a trusted entity shall be opened in the name of every covered abandoned, neglected, or voluntarily committed children under a memorandum of agreement (MOA) to be entered into by the DSWD and a trust entity. The DSWD, sourcing it from a regular annual appropriation item in its

The 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 of the recipient.

Each trust fund account shall be opened by the DSWD based on a verified list of abandoned, neglected, or voluntarily committed children submitted by their respective child-caring institutions. 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 voluntarily 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 voluntarily 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 lump sum amount of the trust fund for the entire duration of his/her stay at the respective child-caring institutions.

In the event that the abandoned, neglected, or voluntarily committed child has died or becomes ineligible, the trust fund for such minor shall be forfeited in favor of the State.

SECTION 7. Appropriations. – The DSWD shall incorporate the budgetary requirements of this Act in their annual budget proposal.

SECTION 8. Disqualification from the Grant. – The DSWD shall issue the guidelines enumerating the grounds and procedure for disqualification from the grant under this Act.

SECTION 9. Release of the Grant. – The grant envisioned for every abandoned, neglected, or voluntarily 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 Council for the Welfare of Children (CWC), 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 provisions hereof.

SECTION 12. 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 13. Effectivity. — This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,