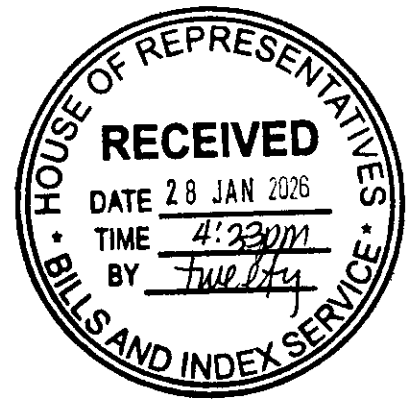


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. 7472



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR ORPHANED CHILDREN AND
KINSHIP FAMILIES, ESTABLISHING A COMPREHENSIVE FRAMEWORK
FOR KINSHIP CAREGIVER SUPPORT, FINANCIAL ASSISTANCE,
AND SERVICE COORDINATION, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

According to UNICEF, there are approximately 1.8 million orphaned and abandoned children in the Philippines. Many of these children lose their parents due to natural disasters, armed conflict, illness, migration, or other family crises. The Philippines, ranked among the world's most disaster-prone countries, sees an average of twenty typhoons enter its area of responsibility each year—disasters that routinely orphan children and displace families.

While the Philippines has enacted significant legislation on child welfare, including Republic Act No. 11642 (Domestic Administrative Adoption and Alternative Child Care Act) and Republic Act No. 10821 (Children's Emergency Relief and Protection Act), these laws primarily address institutional processes for adoption and emergency response. There remains a critical gap in comprehensive legislation that supports the children themselves and, equally important, the kinship caregivers who absorb them into their homes.

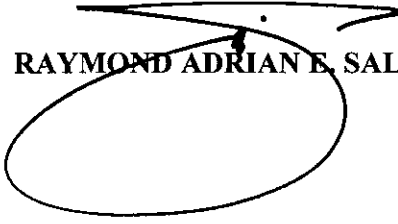
Research consistently shows that children thrive best in family settings. When biological parents cannot provide care, extended family members—grandparents, aunts, uncles, and older siblings—often step in as kinship caregivers. These informal arrangements keep children connected to their families and communities but frequently occur without government support or recognition. Kinship caregivers, many of whom are elderly grandparents on fixed incomes, face extraordinary financial, emotional, and physical challenges in raising children unexpectedly placed in their care.

Studies on Filipino kinship care reveal that grandparents assume caregiving roles due to parental death, disability, imprisonment, migration for employment, substance abuse, and domestic violence. Unlike foster parents who receive training and stipends, kinship caregivers

often navigate these responsibilities alone, sacrificing their retirement, health, and financial security.

This bill seeks to establish a comprehensive Magna Carta for Orphaned Children and Kinship Families. It provides for financial assistance to kinship caregivers, subsidized services for orphaned children, support programs for caregiver wellbeing, and tax incentives that recognize the vital role these families play in the child welfare system. It recognizes that supporting the child means supporting the entire family unit.

The approval of this bill is earnestly sought.


RAYMOND ADRIAN E. SALCEDA

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AN ACT

**PROVIDING FOR A MAGNA CARTA FOR ORPHANED CHILDREN AND KINSHIP
FAMILIES, ESTABLISHING A COMPREHENSIVE FRAMEWORK FOR KINSHIP
CAREGIVER SUPPORT, FINANCIAL ASSISTANCE, AND SERVICE
COORDINATION, AND FOR OTHER PURPOSES**

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* – This Act shall be known as the "Magna Carta for Orphaned Children and Kinship Families."

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

- (a) Protect and promote the rights and welfare of orphaned children, recognizing their inherent dignity and worth as human beings and their right to grow up in a family environment;
- (b) Ensure that orphaned children have access to quality healthcare, education, psychosocial support, and other services necessary for their full development;
- (c) Recognize and support kinship families as the preferred alternative care arrangement for orphaned children, providing them with the resources, services, and assistance they need to fulfill their caregiving role;
- (d) Prioritize family-based care over institutional care, consistent with the principle that children develop best within family settings;
- (e) Prevent the unnecessary separation of children from extended family members by providing support services that enable kinship families to care for orphaned children; and

- (f) Eliminate discrimination, stigma, and barriers that prevent orphaned children and their kinship families from fully participating in society.

SEC. 3. *Definition of Terms.* – For purposes of this Act:

- (g) "Orphaned Child" refers to a person below eighteen (18) years of age who has lost one or both parents through death, or whose parents are permanently incapable of providing care due to incapacity, imprisonment, disappearance, or other circumstances as determined by the Department of Social Welfare and Development (DSWD);
- (h) "Kinship Family" refers to relatives within the fourth civil degree of consanguinity or affinity, or close family friends with a pre-existing relationship to the child, who assume the care and support of an orphaned child without formal adoption or foster care proceedings;
- (i) "Kinship Caregiver" refers to the relative or family friend who assumes principal responsibility for the day-to-day care of an orphaned child within a kinship family arrangement;
- (j) "Formal Kinship Care" refers to kinship care arrangements that have been officially recognized and registered with the DSWD or the National Authority for Child Care (NACC), entitling the family to benefits under this Act;
- (k) "Disaster-Orphaned Child" refers to an orphaned child whose parent or parents died as a direct result of a natural or human-induced disaster, including but not limited to typhoons, earthquakes, volcanic eruptions, floods, armed conflict, or acts of terrorism;
- (l) "Conflict-Affected Child" refers to an orphaned child whose parent or parents died or disappeared as a result of armed conflict, insurgency, or civil unrest;
- (m) "Kinship Family Service Plan" or "KFSP" refers to a written plan developed collaboratively by the kinship family and service providers that outlines the services and supports to be provided to the orphaned child and the kinship family;
- (n) "Psychosocial Support" refers to services and interventions designed to address the emotional, psychological, and social needs of orphaned children and their kinship caregivers, including trauma-informed care, counseling, and peer support; and
- (o) "Respite Care" refers to temporary care provided to an orphaned child to give the kinship caregiver relief from caregiving responsibilities.

CHAPTER II

RIGHTS OF ORPHANED CHILDREN

SEC. 4. *Right to Family-Based Care.* – Every orphaned child shall have the right to be cared for within a family environment. The DSWD, in coordination with local government units and the NACC, shall prioritize placement with kinship families before considering other alternative care arrangements, including foster care or residential care facilities.

SEC. 5. *Right to Identity and Family Connections.* – Every orphaned child shall have the right to preserve their identity, including name, nationality, and family relations. Kinship

caregivers and service providers shall make reasonable efforts to maintain the child's connections with surviving family members, cultural heritage, and community of origin.

SEC. 6. *Right to Healthcare.* – Every orphaned child shall have the right to access comprehensive healthcare services, including preventive care, treatment for illness and injury, mental health services, and developmental assessments. Such services shall be covered under the benefit packages of the Philippine Health Insurance Corporation (PhilHealth).

SEC. 7. *Right to Education.* – Every orphaned child shall have the right to quality education at all levels, consistent with Republic Act No. 10931 (Universal Access to Quality Tertiary Education Act) and other applicable laws. The Department of Education (DepEd), in coordination with the DSWD, shall ensure that orphaned children are not denied enrollment due to lack of documents or legal guardianship papers.

SEC. 8. *Right to Psychosocial Support.* – Every orphaned child shall have the right to psychosocial support services appropriate to their needs, including grief counseling, trauma-informed care, and therapeutic interventions. Such services shall be provided by licensed professionals and covered under PhilHealth benefit packages.

SEC. 9. *Right to Protection from Exploitation.* – Every orphaned child shall be protected from all forms of abuse, neglect, exploitation, and trafficking. The DSWD, in coordination with law enforcement agencies and local government units, shall implement heightened protective measures for orphaned children, particularly disaster-orphaned and conflict-affected children who are at elevated risk.

SEC. 10. *Right to Participation.* – Every orphaned child capable of forming their own views shall have the right to express those views freely in all matters affecting them, with due weight given to the child's age and maturity. Orphaned children shall be consulted in the development of their Kinship Family Service Plan.

CHAPTER III

KINSHIP FAMILY SUPPORT SERVICES

SEC. 11. *Family-Centered Approach.* – All services and supports provided under this Act shall adopt a family-centered approach that recognizes the kinship family as the constant in the child's life. Service providers shall respect family diversity, strengths, and decision-making authority and shall work in partnership with kinship families.

SEC. 12. *Kinship Family Service Plan.* – For every orphaned child in formal kinship care receiving services under this Act, a Kinship Family Service Plan (KFSP) shall be developed in collaboration with the kinship family. The KFSP shall include:

- (p) An assessment of the child's present developmental, educational, health, and psychosocial needs;
- (q) An assessment of the kinship family's resources, strengths, and support needs;
- (r) Measurable goals and outcomes for the child and family;
- (s) The specific services to be provided, including frequency, intensity, and duration;

- (t) Plans for maintaining the child's connections with surviving family members and community; and
- (u) A transition plan for when the child reaches majority age or other significant milestones.

SEC. 13. *Respite Care Services.* – The DSWD, in coordination with local government units, shall establish respite care programs to provide temporary relief to kinship caregivers. Respite care may be provided in the family home, in community-based settings, or in licensed respite care facilities. Kinship families shall be entitled to a minimum of forty-eight (48) hours of subsidized respite care per month.

SEC. 14. *Kinship Caregiver Training.* – The DOH and DSWD shall establish training programs for kinship caregivers. Training shall include:

- (v) Understanding the child's grief, trauma, and developmental needs;
- (w) Techniques for supporting the child's emotional and behavioral development at home;
- (x) Positive discipline and behavior management strategies;
- (y) Navigation of service systems and advocacy skills;
- (z) Self-care and stress management for caregivers.

SEC. 15. *Support Groups and Peer Networks.* – The DSWD shall facilitate the establishment of support groups and peer networks for kinship caregivers. Such programs shall provide opportunities for caregivers to share experiences, receive emotional support, and learn from one another.

SEC. 16. *Mental Health Support for Kinship Families.* – Kinship families shall have access to mental health services, including counseling and therapy, to address the emotional and psychological demands of caregiving. Such services shall be covered under PhilHealth benefit packages. The DSWD shall ensure that mental health services are accessible in rural and underserved areas through community-based delivery models and telehealth.

CHAPTER IV

FINANCIAL ASSISTANCE AND INCENTIVES

SEC. 17. *Monthly Kinship Care Allowance.* – Kinship caregivers of orphaned children in formal kinship care who require substantial support, as certified by a licensed social worker, shall be entitled to a monthly kinship care allowance. The amount of the allowance shall be determined by the DSWD in consultation with the NACC and shall be subject to annual adjustment based on inflation. Priority shall be given to kinship families belonging to the first three (3) income deciles as identified in the Listahanan database.

SEC. 18. *Educational Assistance.* – Orphaned children in formal kinship care shall be entitled to educational assistance covering school fees, uniforms, school supplies, and transportation. The DSWD, in coordination with DepEd and the Commission on Higher Education (CHED), shall establish guidelines for the provision of educational assistance.

SEC. 19. *Tax Incentives.* – Kinship caregivers shall be entitled to an additional personal exemption equivalent to Twenty-five Thousand Pesos (P25,000.00) per orphaned child in their care, in addition to existing exemptions under the National Internal Revenue Code. Expenses for the child's healthcare, education, therapy, and other care-related costs shall be deductible from gross income, subject to guidelines to be issued by the Bureau of Internal Revenue.

SEC. 20. *Emergency Financial Assistance.* – The DSWD shall establish an emergency financial assistance fund for kinship families facing crisis situations, including medical emergencies, displacement due to disasters, or sudden loss of income. Applications for emergency assistance shall be processed within five (5) working days.

SEC. 21. *PhilHealth Coverage.* – PhilHealth shall include in its benefit packages comprehensive coverage for orphaned children and kinship caregivers, including:

- (aa) Preventive and primary healthcare services;
- (bb) Hospitalization and treatment for illness and injury;
- (cc) Mental health services, including counseling and therapy;
- (dd) Developmental screening and assessment;
- (ee) Immunizations and well-child visits; and
- (ff) Respite care services.

CHAPTER V

SERVICE DELIVERY SYSTEM

SEC. 22. *Kinship Family Resource Centers.* – The DSWD, in coordination with local government units, shall establish Kinship Family Resource Centers in all provinces, highly urbanized cities, and independent component cities. These centers shall serve as one-stop shops for information, referral, training, support services, and service coordination for kinship families.

SEC. 23. *Barangay-Based Services.* – Local government units shall endeavor to bring services closer to kinship families by establishing barangay-based support programs. Barangay health workers and social workers shall be trained to identify kinship families, provide basic guidance, and facilitate referrals to appropriate services.

SEC. 24. *Service Coordination.* – Every kinship family receiving services under this Act shall be assigned a service coordinator who shall assist the family in navigating the service system, coordinating services across agencies, and ensuring that the KFSP is implemented.

SEC. 25. *Registry of Orphaned Children and Kinship Families.* – The DSWD, in coordination with the NACC, DOH, and DepEd, shall establish and maintain a national registry of orphaned children and kinship families. The registry shall be used for planning, resource allocation, and monitoring of services. Data collection and management shall comply with the Data Privacy Act of 2012.

SEC. 26. *Coordination with NACC.* – The DSWD shall coordinate closely with the NACC to ensure seamless service delivery for orphaned children, whether in kinship care, foster care, or

other alternative care arrangements. Kinship families seeking to formalize their arrangement through legal guardianship or adoption shall be provided assistance and referred to the appropriate NACC processes.

CHAPTER VI

WORKPLACE SUPPORT FOR KINSHIP CAREGIVERS

SEC. 27. *Flexible Work Arrangements.* – Employers shall endeavor to provide flexible work arrangements to employees who are kinship caregivers, including but not limited to flexible working hours, compressed work weeks, telecommuting, and part-time work, where the nature of the work permits.

SEC. 28. *Special Leave for Kinship Caregivers.* – Employees who are kinship caregivers shall be entitled to a special leave of seven (7) days per year, with pay, to attend to the child's medical appointments, school activities, counseling sessions, or other care-related needs. This leave shall be in addition to existing leave benefits.

SEC. 29. *Non-Discrimination.* – No employer shall discriminate against an employee or job applicant on the basis of being a kinship caregiver. Discrimination includes denial of employment, demotion, termination, or any adverse action based on the employee's caregiving responsibilities.

CHAPTER VII

SPECIAL PROVISIONS FOR DISASTER-ORPHANED AND CONFLICT-AFFECTED CHILDREN

SEC. 30. *Priority Services.* – Disaster-orphaned and conflict-affected children shall be given priority in the provision of all services under this Act, including placement with kinship families, psychosocial support, educational assistance, and financial assistance.

SEC. 31. *Rapid Family Tracing and Reunification.* – The DSWD, in coordination with local government units and civil society organizations, shall implement rapid family tracing and reunification programs for children separated from their families due to disasters or armed conflict, consistent with Republic Act No. 10821. Every effort shall be made to reunite children with surviving extended family members before considering other care arrangements.

SEC. 32. *Transition Support.* – The DSWD shall provide enhanced transition support for disaster-orphaned and conflict-affected children and their kinship families, recognizing the compounded trauma these children experience. Transition support shall include intensive psychosocial services, livelihood assistance for kinship caregivers, and case management for a minimum of two (2) years following placement.

SEC. 33. *Community-Based Healing Programs.* – The DOH and DSWD shall establish community-based healing programs in areas affected by disasters or armed conflict. These programs shall provide culturally appropriate psychosocial support to orphaned children, kinship families, and affected communities.

CHAPTER VIII
FINAL PROVISIONS

SEC. 34. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DSWD, in coordination with the DOH, DepEd, PhilHealth, NACC, Department of Labor and Employment (DOLE), and organizations of and for kinship families, shall promulgate the necessary rules and regulations to implement this Act.

SEC. 35. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 36. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 37. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 38. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,