

S. B. No. 301

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

**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

*"Defend the weak and the fatherless; uphold the cause of the poor and the oppressed."
Psalm 82:3*

It is the primary role and duty of parents to take care of and support their children. That is why regardless of their financial status in life, parents will make sacrifices for the future of their children. Parents start by making sure that they provide their children with their basic needs including quality education. They work hard to cater to the needs of their children.

The State strongly supports this noble endeavour as mandated by Article II, Section 12 of the 1987 Constitution, "The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government". The Constitution also states that 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" (Section 3, Article XV). It further acknowledges, "the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being" (Section 13, Article II).

While a number of laws have already been enacted with this end in view, there is a need for a stronger mechanism to provide for the needs of the abandoned, neglected, or voluntarily committed children, who - like the other children of their age - would also need parental support and guidance so they can reach their fullest potential and grow up to be morally upright individuals and civic-minded citizens for our country.

The needs of the abandoned, neglected, or voluntarily committed children are no different from any other children of their age. Like any other child, they need to

live in a safe, secure, and comfortable family environment, free from poverty and exploitation. Like other children, they, too, are deserving of love and affection.

It is the duty of the State to ensure that parents are provided with the opportunities of decent jobs and livelihood, to equip them with the financial capacity to support their children. It is also the State's duty to provide an enabling environment that will assist parents in child-rearing. But even as efforts are directed to achieve these, it is likewise the obligation of the State to step in as *parens patriae* to ensure that children who have no one to care for them are given adequate assistance and support.

This proposed bill underscores the fact that while our child-caring institutions receive support from public and private sources, there is a need to address the orphaned, abandoned, neglected, or voluntarily committed child's need for assistance in securing a bright and better future. If nobody can do this for them, the Government as *parens patriae* must step in and perform this task. In the same way that the Government can appropriate a hundred billion for social protection programs like the *Pantawid Pamilyang Pilipino Program* (4Ps), the Government also has the capacity to provide for the orphaned, abandoned, neglected, or voluntarily committed minors. No one must be left behind, especially the most vulnerable.

This measure seeks to provide for a trust fund account for each orphaned, abandoned, neglected, or voluntarily committed minor under DSWD-accredited child caring institutions and care centers which the State has to fund by quarterly depositing a specified amount for each of the trust fund account. The trust fund account matures when the orphaned, abandoned, neglected, or voluntarily committed minor reaches the age of majority, thus providing him or her seed money to pursue his or her dreams.

In the best interests of our abandoned, neglected, or voluntary committed children, the early approval of this bill is earnestly sought.



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

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

3
4 **SECTION 2. Declaration of Policy** – In line with the State policy recognizing
5 the vital role of the youth in nation building and the State’s duty to promote and
6 protect their physical, moral, spiritual, intellectual, and social well-being, it is hereby
7 declared a policy of the State to support and care for children who have been
8 abandoned, neglected or voluntarily committed in accordance with the duty of the
9 State under the doctrine of *parens patriae* or guardian of the rights of the people. The
10 duty of the State becomes even more imperative in light of the constitutional mandate
11 that the State shall strengthen the family as a basic social institution. This is especially
12 so when the relatives or guardian of these children fail, refuse or are incapable of
13 providing for the needs of the said children. The State shall thereby establish a trust
14 fund for such children to be withdrawn only upon their reaching the age of majority.

15
16 **SECTION 3. Definition of Terms** – For purposes of this Act, the following
17 terms are defined:

- 18 a. **“Child”** refers to a person below eighteen (18) years of age;
- 19 b. **“Abandoned Child”** refers to a child who has no proper parental care or
20 guardianship, or whose parent(s) have deserted him/her for a period of at
21 least three (3) continuous months.
- 22 c. **“Neglected Child”** refers to a child whose basic needs have been
23 deliberately unattended or inadequately attended within a period of three
24 (3) continuous months. Neglect may occur either through physical or
25 emotional means.

- 1 d. **“Voluntarily Committed Child”** is one whose parent(s) or legal guardian
2 knowingly and willingly relinquished parental authority to the DSWD or to
3 any duly accredited child-placement or child-caring agency or institution.
- 4 e. **“Trust Entity”** refers to a government financial institution with a proven
5 track record in the banking industry which accepts deposits and offers
6 trust services;
- 7 f. **“Trust Fund for the Abandoned, Neglected, or Voluntarily Committed**
8 **Child”** refers to a special fund set aside for the children under the care of
9 the Department of Social Welfare and Development (DSWD) or any DSWD-
10 accredited child-caring institution. The said fund shall operate as a special
11 trust fund managed by a reputable trust entity;
- 12 g. **“Child-Caring Institution”** refers to any twenty-four-hour resident group
13 care service for the physical, mental, social and spiritual well-being of nine
14 or more abandoned, neglected, or voluntarily committed children that is
15 coordinated with the DSWD;
- 16 h. **“Guardian”** refers to the owner of and/or any elder in the child-caring
17 institution tasked to keep an eye on the abandoned, neglected, or
18 voluntarily committed child;

19
20 **SECTION 4. Coverage** – This Act shall cover all abandoned, neglected, or
21 voluntarily committed children, under the care of the DSWD or DSWD-accredited
22 child-caring institutions that may be recognized by the DSWD in accordance with the
23 implementing rules and regulations of this Act.

24
25 **SECTION 5. National Monitoring System for Abandoned, Neglected, or**
26 **Voluntarily Committed Children** – The DSWD, in coordination with other
27 government agencies tasked with caring for the welfare and development of children
28 and the youth, shall come up with a comprehensive monitoring system to address the
29 needs of the abandoned, neglected, or voluntarily committed children. This system
30 shall include, but not limited to, coming up with an updated data on the number,
31 location, and personal profile of abandoned, neglected, or voluntarily committed
32 children; profiling of child-caring institutions nationwide; and establishing a
33 transparent mechanism that would provide a grant of a reasonable lump sum grant
34 to abandoned, neglected, or voluntarily committed children who already turned 18
35 years old and are ready to lead a life on their own.

36
37 **SECTION 6. Trust Fund For Abandoned, Neglected, or Voluntarily**
38 **Committed Children** – A trust fund account in a trust entity shall be opened in the
39 name of every covered abandoned, neglected, or voluntarily committed children
40 under a memorandum of agreement (MOA) to be entered into by the DSWD and a
41 trust entity. The DSWD, sourcing it from a regular annual appropriation item in its
42 budget, shall deposit the sum of Twelve Thousand Five Hundred Pesos (Php
43 12,500.00) quarterly in every trust fund account until the account matures, unless
44 terminated earlier by the DSWD due to the death or ineligibility of the recipient.

1 Each trust fund account shall be opened by the DSWD based on a verified list
2 of abandoned, neglected, or voluntarily committed children submitted by their
3 respective child-caring institutions. To maintain the real purchasing value of the said
4 amount through the years, it shall be increased by the DSWD every three (3) years in
5 proportion to the average inflation rate for the said period as certified by the National
6 Economic Development Authority (NEDA).

7 Each covered abandoned, neglected, or voluntarily committed child shall be
8 entitled to the said quarterly deposit in his/her trust fund for the entire duration that
9 he/she was in an orphanage or child-caring institution until he/she reaches the age
10 of eighteen (18).

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

15 In the event that the abandoned, neglected, or voluntarily committed child has
16 been rendered ineligible to receive the said fund, or dies prior to reaching the age of
17 majority, the trust fund for such minor shall be forfeited in favor of the State.

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

20
21 **SECTION 8. Disqualification from the Grant.** – The DSWD shall issue the
22 guidelines enumerating the grounds and procedure for disqualification from the
23 grant under this Act.

24
25 **SECTION 9. Release of the Grant.** – The grant envisioned for every
26 abandoned, neglected, or voluntarily committed child under this Act shall be released
27 in tranches starting from the date the intended recipient turns eighteen (18) years
28 old.

29
30 **SECTION 10. Implementing Rules and Regulations** – The DSWD, in
31 consultation with the Department of Interior and Local Government (DILG), the
32 National Economic and Development Authority, non-governmental organizations
33 (NGOs) and other agencies they deem necessary to consult, shall issue the
34 Implementing Rules and Regulations (IRR) within ninety (90) days after the approval
35 of this Act.

36
37 **SECTION 11. Separability Clause** – If any provision of this Act is declared
38 unconstitutional, the same shall not affect the validity and effectivity of the other
39 provisions hereof.

40 **SECTION 12. Repealing Clause** – All laws, decrees, orders, issuances or
41 portions thereof, which are inconsistent with the provisions of this Act are hereby
42 repealed or modified accordingly.

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

Approved,