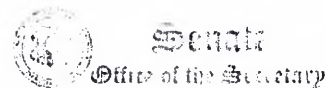


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 25 P1:59

SENATE
S. No. 847

RECEIVED BY *[Signature]*

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

The Convention on the Rights of the Child, to which the Philippines is a state party, provides that "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State."

It cannot be denied that there is still a considerable number of orphaned, abandoned, neglected or voluntarily committed children in the country. These children need the same care and protection, maybe even more, from their environment especially because of their status.

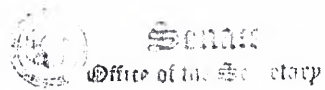
This proposed measure seeks to provide for a trust fund account for each orphaned, abandoned, neglected or voluntarily committed minor under DSWD-accredited child caring institutions and care centers. This fund will be provided by the national government. The trust fund matures when the orphaned, abandoned,

neglected or voluntary committed minor reaches the age of majority. This may aid him/her in starting to face the challenges of matured life.

In view of the foregoing, approval of this bill is earnestly sought.

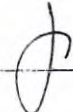

RAMON BONG REVILLA, JR.

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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 of 2022.*”

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

14 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms are
15 defined:

- 1 a) *Child* refers to a person below eighteen (18) years of age or a person over
2 eighteen (18) but is unable to fully take care of him/herself or protect
3 him/herself from abuse, neglect, exploitation or discrimination because of
4 physical or mental disability or condition.
- 5 b) *Abandoned Child* refers to a child who has no proper parental care oof
6 guardianship, or whose parent(s) have deserted him/her for a period of at
7 least three (3) continuous months, which include a foundling.
- 8 c) *Neglected Child* refers to a child whose basic needs have been deliberately
9 unattended or inadequately attended within a period of three (3) continuous
10 months. Neglect may occur in two (2) ways:
- 11 1. There is physical neglect when the child is malnourished, ill-clad, and
12 without proper shelter. A child is unattended when left by
13 himself/herself without proper provisions and/or without proper
14 supervision.
 - 15 2. There is emotional neglect when the child is maltreated, raped,
16 seduced, exploited, overworked, or made to work under conditions
17 not conducive to good health; or is made to beg in the streets or
18 public places; or when children are in moral danger or exposed to
19 gambling, prostitution, and other vices.
- 20 d) *Voluntarily Committed Child* is one whose parent(s) or legal guardian
21 knowingly and willingly relinquished parental authority to the DSWD or to
22 any duly accredited child-placement or child-caring agency or institution.
- 23 e) *Trust Entities or Any Bank which Offers Trust Services* refers to a reputable
24 private financial institution with a proven track record in the banking
25 industry owned by a group of individuals which accepts deposits, makes
26 business loans, and offers related services;
- 27 f) *Trust Fund for the Abandoned, Neglected or Voluntarily Committed Child*
28 refers to a special fund set aside for the children under the care of the
29 DSWD or any DSWD-accredited child-caring institution. The said fund shall
30 operate as a special trust fund managed by a reputable trust entity;
- 31 g) *Child-Caring Institution* refers to any twenty-four hour resident group care
32 service for the physical, mental, social and spiritual well-being of nine or

1 more mentally gifted, dependent, abandoned, neglected, handicapped or
2 disturbed children that is coordinated with the Department of Social Welfare
3 and Development (DSWD); and

4 h) *Guardian* refers to the owner and/or any elder in the child-caring institution
5 tasked to keep an eye on the abandoned, neglected or voluntarily
6 committed child.

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

11 Sec. 5. *National Monitoring System for Abandoned, Neglected or Voluntarily*
12 *Committed Children.* – The DSWD, in coordination with other government agencies
13 tasked with caring for the welfare and development of children and the youth, shall
14 come up with a comprehensive monitoring system to address the needs of abandoned,
15 neglected or voluntarily committed children. The system shall include, but not be
16 limited to, coming up with an updated data on the number, location and personal
17 profile of abandoned, neglected or voluntarily committed children; profiling of child-
18 caring institutions nationwide; and establishing a transparent mechanism that would
19 provide a grant of a reasonable lump sum grant to abandoned, neglected or voluntarily
20 committed children who already turned 18 years old and are ready to lead a life on
21 their own.

22 Sec. 6. *Trust Fund for Abandoned, Neglected, Voluntarily Committed Children.*
23 – A trust fund account in a commercial bank or in a number of commercial banks as
24 defined in this Act shall be opened in the name of every covered abandoned, neglected
25 or voluntarily committed child under a memorandum of agreement (MOA) to be
26 entered into by a commercial bank and the DSWD. The DSWD, sourcing it from a
27 regular annual appropriation item in its budget, shall deposit the sum of two thousand
28 five hundred pesos (P2,500.00) quarterly in every trust fund account until the account
29 matures, unless terminated earlier by the DSWD due to the death or ineligibility of the
30 recipient.

31 Each of the trust fund accounts shall be opened by the DSWD based on a
32 verified list of abandoned, neglected or voluntarily committed children submitted by

1 their respective child-caring institutions. To maintain the real purchasing value of the
2 said amount through the years, it shall be increased by the DSWD every three (3)
3 years in proportion to the average inflation rate for the said period as certified by the
4 National Economic Development Authority (NEDA).

5 Each covered abandoned, neglected or voluntarily committed child shall be
6 entitled to the said quarterly deposit in his/her trust fund for the entire duration that
7 he/she was in a child-caring institution until he/she reaches the age of 18. In the event
8 that the abandoned, neglected or voluntarily committed child has been rendered
9 ineligible to receive the said fund, or dies prior to reaching the age of majority, the
10 trust fund for such child shall be forfeited in favor of the State.

11 *Sec. 7. Budgetary Requirement.* – The DSWD shall incorporate the budgetary
12 requirements of this Act in their annual budget proposal.

13 *Sec. 8. Revocation of the Grant.* – The grant envisioned for every abandoned,
14 neglected or voluntarily committed child under this Act shall be revoked when:

- 15 a) the abandoned, neglected or voluntarily committed children or his guardian,
16 his fellow abandoned, neglected or voluntarily committed children or his
17 guardian, his ascendants or descendants;
- 18 b) the abandoned, neglected or voluntarily committed child has abandoned the
19 child-caring institution for a period of six months and efforts have been
20 exhausted to locate the abandoned, neglected, or voluntarily committed
21 child within the stated period;
- 22 c) the abandoned, neglected or voluntarily committed child has been found to
23 be pushing or using prohibited drugs, or otherwise involved in illegal
24 activities;
- 25 d) the abandoned, neglected or voluntarily committed child has been found to
26 be living a dishonorable or disgraceful life; and
- 27 e) the abandoned, neglected or voluntarily committed child has been convicted
28 of any crime involving moral turpitude.

29 Should the abandoned, neglected or voluntarily committed child die prior to
30 reaching the age of majority, his or her trust fund account shall be forfeited in favor
31 of the State.

1 Sec. 9. *Implementing Rules and Regulations.* – The DSWD, in consultation with
2 the Department of Interior and Local Government (DILG), the National Economic and
3 Development Authority, non-governmental organizations (NGOs) and other agencies
4 they deem necessary to consult, shall issue the Implementing Rules and Regulations
5 (IRR) within ninety (90) days after the approval of this Act.

6 Sec. 10. *Separability Clause.* – If any provision or part hereof, is held invalid
7 or unconstitutional, the remainder of the law or the provision not otherwise affected
8 shall remain valid and subsisting.

9 Sec. 11. *Repealing Clause.* – Any law, presidential decree or issuance,
10 executive order, letter of instruction, administrative order, rule or regulation contrary
11 to, or inconsistent with the provisions of this Act is hereby repealed, modified or
12 amended accordingly.

13 Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
14 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,