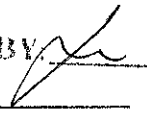


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'11 MAY 26 P2:30

SENATE
S. No. **2844**

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

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

Police power is the plenary power vested in the legislature to make statutes and ordinances to promote the health, morals, peace, education, good order or safety and general welfare of the people. This power flows from the recognition that *salus populi est suprema lex* (the welfare of the people is the supreme law).

In the exercise of the police power, the government may enact legislation that may interfere with personal liberty, property, lawful businesses, and occupations to promote the general welfare. However, the interference must be reasonable and not arbitrary. And to forestall arbitrariness, the methods or means used to protect public health, morals, safety or welfare must have a reasonable relation to the end in view.


This Act is an exercise of the police power of the State to promote the general welfare, particularly the welfare of destitute members of society, by providing for the establishment of welfare homes throughout the country under the control and supervision of the Secretary of Social Welfare and Development.


MIRIAM DEFENSOR SANTIAGO



'11 MAY 26 P 2 :30

SENATE
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1 AN ACT
2 ESTABLISHING WELFARE HOMES FOR DESTITUTE PERSONS

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

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

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

5 (a) to give highest priority to the protection of the right of all persons to human
6 dignity and guarantee full respect for human rights; and

7 (b) to promote the general welfare and a just and dynamic social order by providing
8 for the care and rehabilitation of destitute persons as defined in this Act.

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

10 (a) “destitute person” means –

11 (1) any person found begging in a public place; or

12 (2) any idle person found in a public place, whether or not he or she is begging, who
13 has no visible means of subsistence or place of residence or is unable to give a
14 satisfactory account of himself or herself;

15 For the purposes of this Act, a person shall be deemed to be begging if his or her conduct
16 is calculated to induce the giving of alms, whether or not there is any pretence of singing,
17 playing, performing, offering anything for sale or otherwise.

18 (b) “Secretary” means the Secretary of Social Welfare and Development;

1 (c) "public place" includes any place to which the public is admitted without payment
2 or on payment;

3 (d) "superintendent" means a person having the management or control of any
4 welfare home established under the provisions of, and for the purposes of, this Act;

5 (e) "welfare home" means any institution or part thereof for the reception, care, and
6 rehabilitation of destitute persons established under the provisions of, and for the purposes of,
7 this Act.

8 SECTION 4. *Power to require a destitute person to reside in a welfare home.* – (a) Any
9 public officer under the Department of Social Work and Development (DSWD), acting pursuant
10 to official written instructions from the Secretary or an authorized representative of the latter,
11 may take in his or her charge any destitute person and deliver him or her to the custody of the
12 Secretary.

13 (b) If the Secretary has reasonable cause to believe that any person so delivered into his
14 or her custody has no visible means of subsistence, he or she may arrange for that person to be
15 temporarily admitted into a welfare home until an inquiry has been held by him or her.

16 (c) Every inquiry shall be completed within a period of thirty (30) days from the date of
17 that person's admission into a welfare home. Such inquiry may be extended upon the discretion
18 of the Secretary for a period not exceeding thirty (30) days.

19 (d) If after holding such inquiry the Secretary is satisfied that that person is a destitute
20 person within the meaning of this Act, he or she may by order require that person to reside in a
21 welfare home.

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

1 SECTION 6. *Taking of finger impressions and photographs.* – (a) The Secretary may
2 authorize the taking of finger impressions and photographs of any destitute person residing in a
3 welfare home.

4 (b) Subject to paragraph (c), after the expiry of two years from the date of discharge of a
5 destitute person from a welfare home, the Secretary shall, on the application from that person,
6 deliver to him the sheet upon which his or her finger impressions have been made together with
7 the negatives and copies of photographs taken of him or her, and if no such application is
8 received after the said period of two (2) years and before the expiry of three (3) years from the
9 date of discharge, those records shall be destroyed.

10 (c) The Secretary may retain three (3) copies of the photographs taken of the destitute
11 person for maintaining a register of destitute persons admitted to an discharged from welfare
12 homes.

13 SECTION 7. *Power to establish welfare homes.* – (a) The Secretary may establish
14 welfare homes at such places as he or she thinks proper within the country for the reception,
15 care, and rehabilitation of destitute persons in accordance with the provisions of this Act.

16 (b) The Secretary may appoint superintendents and other officers for the management of
17 such welfare homes.

18 (c) Every superintendent or officer shall be deemed to be a public officer within the
19 meaning of the Revised Penal Code.

20 SECTION 8. *Board of Visitors.* – (a) In each city or province where a welfare home is
21 located, the Secretary shall appoint a Board of Visitors composed of one (1) representative each
22 from the Commission of Human Rights; an accredited nongovernment organization whose main
23 advocacy is human rights, poverty alleviation, or a similar advocacy; the religious organization
24 with the largest denomination in the city or province; a university in the area, preferably a state
25 university; and the local media in the area.

1 (b) The Board of Visitors shall advise and make recommendations to the Secretary on all
2 matters pertaining to the welfare of the residents and such other matters as the Secretary may
3 refer to it.

4 (c) A Board of Visitors may be appointed for one or more welfare homes as the Secretary
5 thinks fit.

6 SECTION 9. *Rules for the management of welfare homes.* – The Secretary may make
7 rules –

8 (a) prescribing the constitution and functions of the Boards of Visitors;

9 (b) regulating the management of welfare homes and the admissions of persons thereto;

10 (c) for the care, monitoring, and rehabilitation of persons residing in welfare homes;

11 (d) prescribing the forms to be used for the purposes of this Act; and

12 (e) for carrying out the purposes of this Act.

13 SECTION 10. *Review Committee.* – (a) The Secretary shall appoint a Review Committee
14 composed of a licensed psychologist, a registered social worker, and the superintendent of the
15 welfare home or his or her authorized representative.

16 (b) The Review Committee shall review the case of every resident at intervals of not
17 more than twelve (12) months to assess his or her suitability for discharge from the welfare
18 home.

19 (c) A Review Committee may be appointed for one or more welfare homes as the
20 Secretary thinks fit.

21 (d) The Review Committee shall have the power to recommend to the Secretary that any
22 resident may be discharged from a welfare home either conditionally or unconditionally.

23 SECTION 11. *Discharge from welfare homes.* – Any person admitted to a welfare home,
24 either on his or her own application or otherwise, may be discharged by the Secretary either
25 conditionally or unconditionally on the advice of the Review Committee.

1 SECTION 12. *Discharge to the care of a relative or other person.* – (a) Whenever any
2 relative or a friend of a destitute person who, in the opinion of the Secretary, is willing and able
3 to provide care and support for the destitute person, desires that the destitute person be
4 discharged from a welfare home to his or her care and support, the Secretary shall, upon the
5 application of the relative or friend and on giving security to the satisfaction of the Secretary that
6 the destitute person will be properly taken care of and that he or she will ensure the person's
7 compliance with any condition of discharge from the welfare home, order that person to be
8 discharged to the care of the relative or friend.

9 (b) Where for any reason the care and support of the relative or friend for the destitute
10 person ceases, the relative or friend shall inform the Secretary in writing within twenty-four (24)
11 hours of the cessation of such care and support.

12 (c) Any person, having undertaken the care and support of a person discharged from a
13 welfare home, who fails to inform the Secretary in writing twenty-four (24) hours of his or her
14 ceasing to care and support for such discharged person shall be guilty of an offense and shall be
15 liable on conviction to a fine not exceeding five thousand pesos (P5,000.00) or to imprisonment
16 for a term not exceeding two (2) months.

17 SECTION 13. *Persons in a welfare home may be required to work.* – (a) Any person
18 residing in a welfare home may be required to engage in any suitable work, for which the
19 medical officer of the home certifies him or her to be capable, either with a view to fitting him or
20 her for an employment outside the welfare home or with a view to contributing to his or her
21 maintenance in the welfare home.

22 (b) Any person residing in a welfare home who attends work outside the welfare home
23 shall be deemed, while engaged in such employment, to be resident of the welfare home.

24 SECTION 14. *Persons in a welfare home may be sent to hospital.* – Any person residing
25 in a welfare home may, if so directed by the medical officer of the home, be sent to a hospital or
26 other medical institution for treatment, and shall be deemed while receiving such treatment to be
27 a resident of the welfare home.

1 SECTION 15. *Power to transfer persons in welfare homes.* – Any person residing in a
2 welfare home may, if so directed by the Secretary, be removed from the welfare home and
3 admitted to another welfare home.

4 SECTION 16. *Penalty for escape from lawful custody of welfare home.* – Any person
5 who –

6 (a) without permission of the superintendent, leaves a welfare home in which he or she is
7 required to reside in accordance with section 4 or to which he or she has been admitted on his or
8 her own application under section 5; or

9 (b) having obtained such permission left a welfare home for a limited time or for a
10 specified purpose, fails to return at the expiration of such time or when such purpose has been
11 accomplished or found to be impracticable,

12 shall be guilty of an offense and shall be liable on conviction to imprisonment for a term
13 not exceeding six (6) months.

14 SECTION 17. *Penalty for behaving in a disorderly manner.* – Any person residing in a
15 welfare home who –

16 (a) takes part in any assault or attack on any officer of the welfare home;

17 (b) aggravates or repeatedly assaults any other person residing in the welfare home; or

18 (c) willfully destroys any property of the welfare home,

19 shall be guilty of an offense and shall be liable on conviction to imprisonment for a term
20 not exceeding two (2) years. If the act or acts constituting the offense is punishable under the
21 Revised Penal Code or other special laws, the offender shall be prosecuted for the offense with
22 the heavier penalty.

23 SECTION 18. *Return to welfare home after serving sentence.* – A person who has
24 completed serving a sentence imposed on him or her under section 17 shall be returned to a
25 welfare home, and the Secretary shall have the power to take such person into custody for this
26 purpose after he or she has served his or her sentence.

1 SECTION 19. *Discharge.* – The Secretary may at any time order any person admitted to
2 a welfare home to be discharged.

3 SECTION 20. *Authorization of Appropriations.* – To carry out the provisions of this Act,
4 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

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

7 SECTION 21. *Reportorial requirement.* – Within two (2) years after the establishment of
8 the pilot welfare home, the Secretary shall submit a report to Congress on the costs and means to
9 implement the provisions of this Act. Thereafter, the Secretary shall submit an annual report to
10 Congress.

11 SECTION 22. *Separability Clause.* – If any provision, or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 SECTION 23. *Repealing Clause.* – Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
16 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

17 SECTION 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved,

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