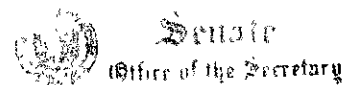


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



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SENATE
S. No. 2457

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
PROVIDING SAFE HAVEN FOR ABANDONED NEWBORN INFANTS

EXPLANATORY NOTE

Last 12 June 2014, the media reported that a newborn baby girl was abandoned by her mother at a lot in Caloocan City. The umbilical cord and the placenta were found with the baby. The baby died shortly after being exposed to the elements.

In 2010, a newborn baby boy was found inside a trash bin of a Gulf Air flight from Bahrain to Manila. This incident was widely reported in the media, and served to highlight the unfortunate prevalence of baby abandonment in the country. According to data from the Department of Social Welfare and Development, 986 babies were abandoned from January 2008 to February 2009. Extreme poverty is the most common reason why parents abandon infants.

In the United States, each state has a law to allow an unharmed infant to be relinquished to the proper authorities, no questions asked. "Baby Safe Haven" laws or infant abandonment laws were created to remove the potential for prosecution so long as children were given unharmed and given to proper authorities. These laws were a response to the surge of infant abandonments in the US in the late 1990s, which resulted

to the death of many innocent babies. Every US state has reported that many lives were saved through the existence of these laws.*

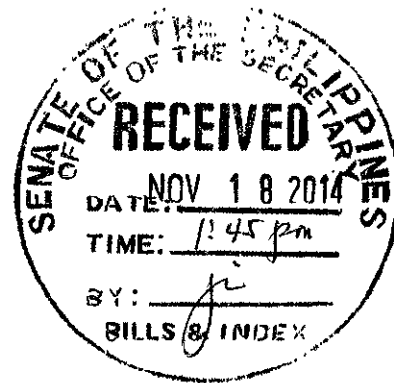
In the Philippines, the abandonment of a child under seven years of age by a person upon whom the custody of the child is incumbent is penalized by Article 276 of the Revised Penal Code. Often, the fear of prosecution and punishment drives desperate parents to abandon their child in unsafe and dangerous places.

There is an urgent need to amend this law to ensure the safety of newborn infants. By providing parents, especially women, with the option to properly and safely relinquish their child to the proper authorities, we can save the lives of many innocent babies. A safe haven law will ensure that relinquished infants are left with persons who can provide the immediate care needed for their safety and well-being.


MIRIAM DEFENSOR SANTIAGO
RP

* <http://www.nationalsafehavenalliance.org/law.php>

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. No. 2457

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 PROVIDING SAFE HAVEN FOR ABANDONED NEWBORN INFANTS

3 SECTION 1. *Short Title.* – This Act shall be known as the “Newborn Infant Safe
4 Haven Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared to be the policy of the
6 State to provide special protection to children from all forms of abuse, neglect, cruelty,
7 exploitation, discrimination, and other conditions prejudicial their development.

8 The best interests of children shall be the paramount consideration in all actions
9 concerning them, whether undertaken by public or private social welfare institutions,
10 courts of law, administrative authorities, and legislative bodies, consistent with the
11 principle of First Call for Children as enunciated in the United Nations Convention of the
12 Rights of the Child. Every effort shall be exerted to promote the welfare of children and
13 enhance their opportunities for a useful and happy life.

14 SECTION 3. *Definition of Terms.* – For purposes of this Act, the terms—

15 (a) “Department” shall mean the Department of Social Welfare and
16 Development; and

17 (b) “Secretary” shall mean the Secretary of Social Welfare and Development.

1 SECTION 4. *Who May Be Relinquished.* – An infant who is thirty (30) days old or
2 younger may be relinquished by his or her parent with a safe haven provider.

3 SECTION 5. *Safe Haven Provider.* – The infant may be left with a designated safe
4 haven provider. A safe haven provider includes any of the following:

- 5 (a) A firefighter who is on duty;
- 6 (b) An emergency medical technician who is on duty;
- 7 (c) A medical staff member at a general hospital who is on duty;
- 8 (d) A staff member or volunteer at any of the following organizations that posts
9 a public notice that it is willing to accept a newborn infant:

- 10 (1) A licensed child-caring agency;
- 11 (2) A licensed child-placing agency; and
- 12 (3) A church.

13 (e) Any other person that shall be designated as a safe haven provider by the
14 Secretary of Social Welfare and Development under the implementing rules and
15 regulations of this Act.

16 SECTION 6. *Responsibilities of the Safe Haven Provider.* – The safe haven
17 provider to whom an infant is surrendered shall:

- 18 (a) Act appropriately to care for the infant;
- 19 (b) Immediately transport the infant to a hospital for a physical examination;
- 20 (c) Inform the parent that the parent may, but is not required to, answer any
21 questions regarding the name, identity, and medical history of the infant and parents of
22 the infant;
- 23 (d) Ask the parent if the parent wishes to relinquish the parent’s parental rights
24 and release the infant for adoption. If the parent indicates that he or she does wish to

1 relinquish the child for adoption, the safe haven provider shall contact the Department of
2 Social Welfare and Development so that the parent can discuss that option with the
3 Department; and

4 (e) No later than the close of the first business day after the date on which the
5 safe haven provider takes possession of the infant, the safe haven provider shall notify the
6 nearest office of the Department that the infant has been surrendered.

7 SECTION 7. *Immunity for the Safe Haven Provider.* – A safe haven provider who
8 receives an infant pursuant to this Act shall not be liable for any civil damages for any act
9 or omission by the safe haven provider in maintaining custody of the infant; *Provided,*
10 the safe haven provider acts in good faith without gross negligence.

11 SECTION 8. *Protection for Relinquishing Parent.* – A parent may not be
12 criminally prosecuted for surrendering a child who:

- 13 (a) is an infant who is thirty (30) days old or younger;
14 (b) is surrendered in the manner provided under this Act; and
15 (c) is not the subject of a court order affecting custody of the child.

16 There must be no evidence that the infant has been physically injured before
17 relinquishment.

18 SECTION 9. *Effect on Parental Rights.* – When an infant is surrendered as
19 described in this Act, the infant's parents is considered to have abandoned the infant
20 safely, and the parent's legal duty to support the infant is extinguished if the parent,
21 without expressing an intent to return for the infant, leaves the infant in the physical
22 custody of a designated safe haven entity.

1 The Department shall assume custody of the child immediately upon receipt of
2 notice of the child's relinquishment.

3 SECTION 10. *Implementing Rules and Regulations.* – The Secretary, in
4 consultation with the proper government agencies and other stakeholders, shall
5 promulgate the rules and regulations to implement this Act within sixty (60) days from
6 the effectivity of this Act.

7 SECTION 11. *Repealing Clause.* – Article 276 of the Revised Penal Code, and
8 any law, presidential decree, executive order, letter of instruction, administrative order,
9 rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby
10 repealed, modified, or amended accordingly.

11 SECTION 12. *Separability Clause.* – If any provision of this Act is held invalid or
12 unconstitutional, the other provisions not affected thereby shall remain valid and
13 subsisting.

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

Approved,

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