

**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session**

SENATE

S. B. No. 2112



INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
PROMOTING THE RIGHTS OF AND PROVIDING GREATER PROTECTIONS TO
DESERTED OR ABANDONED CHILDREN WITH UNKNOWN PARENTS,
AMENDING FOR THIS PURPOSE ARTICLES 276 AND 277 OF THE REVISED
PENAL CODE AND SPECIAL LAWS, RECOGNIZING THEIR STATUS AS NATURAL-
BORN CITIZENS OF THE PHILIPPINES, PROVIDING PENALTIES AGAINST ACTS
INIMICAL TO THEIR WELFARE, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

It is the duty of the State to protect all children from abuse, neglect, exploitation and to ensure that their welfare and development are taken into account and made priorities in policymaking. But there is a particular class of children that demand special protections in light of their unique vulnerabilities – neglected and abandoned children. Under current law, not only are they deprived of the love and nurturing environment of a family, but their citizenship may also be called into question and may remain to be stateless unless they undergo naturalization proceedings. Their legitimacy also remains in limbo unless they are adopted in accordance with law. A whole array of rights and protections under our laws is denied to them, through no fault of theirs.

This measure seeks to fill that gap by stating with clarity that foundlings on Philippine territory are considered Filipino citizens from the time of their birth, and they are also considered legitimate children of their founders, provided that the parent-child relationship is evident.

Further, this measure also aims to address situations of abandonment of infants in unsafe and unsanitary places and conditions, for fear of being criminally charged with infant abandonment. It provides parents, especially women, with the option to relinquish their children properly and safely to proper authorities so that they might find their way to parents who can better provide for their safety and well-being.

The immediate passage of this law is earnestly sought.


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

1 Section 1. This Act shall be entitled as the "Foundling Recognition and Protection
2 Act".

3 Sec. 2. *Declaration of Policy.* – The State shall uphold the best interests of the
4 child, including and especially the child with distinct vulnerabilities, such as the neglected
5 and abandoned. It shall protect any child with unknown parents by ensuring a natural-
6 born citizen status consistent with our Constitution, the United Nations Convention on the
7 Rights of the Child and other relevant instruments, and the generally accepted principles
8 of international law.

9 Sec. 3. *Definition of foundling.* – A foundling refers to a deserted or abandoned
10 child of unknown parentage and whose date or circumstances of birth on Philippine
11 territory are unknown and undocumented.

12 Sec. 4. *Citizenship status of a foundling.* – A foundling is a natural-born Filipino
13 citizen regardless of the status or circumstances of birth. As a natural-born citizen of the
14 Philippines, a foundling is accorded with rights and protection at the moment of birth
15 equivalent to those belonging to such class of citizens whose citizenship does not need
16 perfection or any further act. The natural-born status of a foundling may not be impugned
17 in any proceeding unless substantial proof of foreign parentage is shown. The natural-
18 born status of a foundling shall not also be affected by the fact that the birth certificate
19 was simulated, or that there was absence of a legal adoption process, or that there was
20 inaction or delay in reporting, documenting, or registering a foundling.

1 Sec. 5. *Status of legitimacy.* – For all legal intents and purposes, a foundling shall
2 be recognized as the legitimate child of the founder from the time of his birth, provided
3 that the foundling has lived with and depended on the founder until the foundling reaches
4 the age of majority; and provided further that the founder and foundling have conducted
5 themselves as, and made known themselves to be, parent/s and child in their community.
6 If the founder is married at the time the foundling was discovered, the foundling shall be
7 considered the legitimate child of the founder and his spouse.

8 Sec. 6. *Safe haven.* – Notwithstanding Articles 276 and 277 of the Revised Penal
9 Code and Republic Act No. 7610, any parent who relinquishes an infant thirty days old
10 and younger to the following persons or entities shall be exempt from criminal liability:

- 11 (a) A licensed child-caring agency
- 12 (b) A licensed child-placing agency
- 13 (c) A church
- 14 (d) A medical staff member at a licensed government and private hospital; and
- 15 (e) Any other person that shall be designated as a safe haven provider by the
16 Secretary of Social Welfare and Development under the implementing rules
17 and regulations of this Act.

18 Sec. 7. *Duties and responsibilities of the safe haven provider.* – The safe haven
19 provider shall act appropriately to take care of the infant; inform the parent that the
20 parent may, but is not required to answer questions regarding the identity and medical
21 history of the infant; confirm that the parent wishes to permanently relinquish their
22 parental rights and release the infant for adoption; and within forty eight (48) hours
23 inform the nearest office of the Department of Social Welfare and Development.

24 Sec. 8. *Immunity for the safe haven provider.* – A safe haven provider who receives
25 an infant pursuant to this Act shall not be liable for any civil damages for any act or
26 omission done in maintaining custody of the infant, provided that the safe haven provider
27 acts in good faith without gross negligence.

28 Sec. 9. *Retroactive application.* – This Act shall have retroactive effect for any
29 foundling insofar as it does not prejudice or impair vested or acquired rights pursuant to
30 existing laws.

31 Sec. 10. *Implementing rules and regulations.* – Within ninety (90) days from the
32 approval of this Act, the Secretary of Social Welfare and Development shall, in
33 consultation with the Secretary of Justice, Secretary of the Interior and Local

1 Government, Philippine Statistics Authority, Council for the Welfare of Children (CWC)
2 and two (2) representatives from child-caring agencies catering to abandoned children
3 and foundlings, formulate the rules and regulations to implement this Act.

4 Sec. 11. *Repealing Clause.* – All other laws, decrees, executive orders, issuances,
5 rules and regulations, or part thereof inconsistent with this Act are hereby likewise
6 repealed or amended accordingly.

7 Sec. 12. *Separability Clause.* – If, for any reason, any section or provisions of this
8 Act is declared unconstitutional or invalid, the other sections or provisions not affected
9 thereby shall remain in full force and effect.

10 Sec. 13. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days upon
11 publication in at least two (2) newspapers of general circulation.

Approved,