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SENATE  
S. No. 2509



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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
ESTABLISHING WELFARE HOMES FOR DESTITUTE PERSONS

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  
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\* This bill was originally filed in the Fourteenth Congress.

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Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT  
2 ESTABLISHING WELFARE HOMES FOR DESTITUTE PERSONS

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  
13 begging, who has no visible means of subsistence or place of residence or  
14 is unable to give a 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  
2 payment 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)

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

13 (b) If the Secretary has reasonable cause to believe that any person so delivered into  
14 his or her custody has no visible means of subsistence, he or she may arrange for that person to  
15 be 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  
17 of that person's admission into a welfare home. Such inquiry may be extended upon the  
18 discretion 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 to 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. *Power to Establish Welfare Homes.* – (a) The Secretary may establish  
2 welfare homes at such places as he or she thinks proper within the country for the reception,  
3 care, and rehabilitation of destitute persons in accordance with the provisions of this Act.

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

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

8           SECTION 7. *Board of Visitors.* – (a) In each city or province where a welfare home is  
9 located, the Secretary shall appoint a Board of Visitors composed of one (1) representative each  
10 from the Commission of Human Rights; an accredited nongovernment organization whose main  
11 advocacy is human rights, poverty alleviation, or a similar advocacy; the religious organization  
12 with the largest denomination in the city or province; a university in the area, preferably a state  
13 university; and the local media in the area.

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

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

19           SECTION 8. *Implementing Rules and Regulations.* – Within ninety (90) days from the  
20 effectivity of this Act, the Secretary shall promulgate the rules and regulations to implement this  
21 Act. These rules and regulations shall include, but not be limited to, the following –

22           (a) The constitution and functions of the Boards of Visitors;

23           (b) The management of welfare homes and the admissions of persons thereto;

24           (c) The care, monitoring, and rehabilitation of persons residing in welfare homes; and

25           (d) The forms to be used for the purposes of this Act.

1           SECTION 9. *Review Committee.* – (a) The Secretary shall appoint a Review Committee  
2 composed of a licensed psychologist, a registered social worker, and the superintendent of the  
3 welfare home or his or her authorized representative.

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

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

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

11           SECTION 10. *Discharge from Welfare Homes.* – Any person admitted to a welfare  
12 home, either on his or her own application or otherwise, may be discharged by the Secretary  
13 either conditionally or unconditionally on the advice of the Review Committee.

14           SECTION 11. *Discharge to the Care of a Relative or Other Person.* – (a) Whenever any  
15 relative or a friend of a destitute person who, in the opinion of the Secretary, is willing and able  
16 to provide care and support for the destitute person, desires that the destitute person be  
17 discharged from a welfare home to his or her care and support, the Secretary shall, upon the  
18 application of the relative or friend and on giving security to the satisfaction of the Secretary that  
19 the destitute person will be properly taken care of and that he or she will ensure the person's  
20 compliance with any condition of discharge from the welfare home, order that person to be  
21 discharged to the care of the relative or friend.

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

25           (c) Any person, having undertaken the care and support of a person discharged from  
26 a welfare home, who fails to inform the Secretary in writing twenty-four (24) hours of his or her  
27 ceasing to care and support for such discharged person shall be guilty of an offense and shall be

1 liable on conviction to a fine not exceeding five thousand pesos (P5,000.00) or to imprisonment  
2 for a term not exceeding two (2) months.

3 SECTION 12. *Persons in a Welfare Home may be Required to Work.* – (a) Any person  
4 residing in a welfare home may be required to engage in any suitable work, for which the  
5 medical officer of the home certifies him or her to be capable, either with a view to fitting him or  
6 her for an employment outside the welfare home or with a view to contributing to his or her  
7 maintenance in the welfare home.

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

10 SECTION 13. *Persons in a Welfare Home may be Sent to Hospital.* – Any person  
11 residing in a welfare home may, if so directed by the medical officer of the home, be sent to a  
12 hospital or other medical institution for treatment, and shall be deemed while receiving such  
13 treatment to be a resident of the welfare home.

14 SECTION 14. *Power to Transfer Persons in Welfare Homes.* – Any person residing in a  
15 welfare home may, if so directed by the Secretary, be removed from the welfare home and  
16 admitted to another welfare home.

17 SECTION 15. *Penalty for Escape from Lawful Custody of Welfare Home.* – Any person  
18 who –

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

22 (b) Having obtained such permission left a welfare home for a limited time or for a  
23 specified purpose, fails to return at the expiration of such time or when such purpose has been  
24 accomplished or found to be impracticable,

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

3 SECTION 16. *Penalty for Behaving in a Disorderly Manner.* – Any person residing in a  
4 welfare home who –

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

6 (b) Aggravates or repeatedly assaults any other person residing in the welfare home;

7 or

8 (c) Wilfully destroys any property of the welfare home,

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

13 SECTION 17. *Return to Welfare Home after Serving Sentence.* – A person who has  
14 completed serving a sentence imposed on him or her under section 16 shall be returned to a  
15 welfare home, and the Secretary shall have the power to take such person into custody for this  
16 purpose after he or she has served his or her sentence.

17 SECTION 18. *Discharge.* – The Secretary may at any time order any person admitted to  
18 a welfare home to be discharged.

19 SECTION 19. *Authorization of Appropriations.* – To carry out the provisions of this Act,  
20 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

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

23 SECTION 20. *Reportorial Requirement.* – Within two (2) years after the establishment of  
24 the pilot welfare home, the Secretary shall submit a report to Congress on the costs and means to

1 implement the provisions of this Act. Thereafter, the Secretary shall submit an annual report to  
2 Congress.

3 SECTION 21. *Separability Clause.* – If any provision or part hereof is held invalid or  
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
5 valid and subsisting.

6 SECTION 22. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
7 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
8 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 23. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
10 publication in at least two (2) newspapers of general circulation.

Approved,

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