

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



SENATE

'19 SEP -9 A9 :09

S. No. 1021

RECEIVED BY: _____



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."

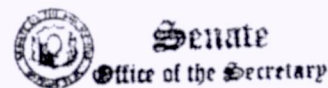
It cannot be denied that there is still a considerable number of orphaned, abandoned, neglected or voluntarily committed children in the country. These children need the same care and protection, maybe even more, from their environment especially because of their status.

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 funded by the State regularly. 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 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 2019.”
3

4 Sec. 2. *Declaration of Policy.* In line with the State policy recognizing the vital
5 role of the youth in nation-building and the State’s duty to promote and protect their
6 physical, moral, spiritual, intellectual, and social well-being, it is hereby declared a
7 policy of the State to support and care for children who have been abandoned,
8 neglected or voluntarily committed in accordance with the duty of the State under the
9 doctrine of *parens patria* or guardian of the rights of the people. This duty of the State
10 becomes even more imperative in light of the constitutional mandate that the State
11 shall strengthen the family as a basic social institution. This is especially so when the
12 relatives or guardian of these children fail, refuse or are incapable of providing for the
13 needs of the said children. The State shall thereby establish a trust fund for such
14 children to be withdrawn only upon their reaching the age of majority.
15

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

- 3 a) ***Child*** refers to a person below eighteen (18) years of age or a person over
4 eighteen (18) but is unable to fully take care of him/herself or protect
5 him/herself from abuse, neglect, exploitation or discrimination because of
6 physical or mental disability or condition.
- 7 b) ***Abandoned Child*** refers to a child who has no proper parental care o0f
8 guardianship, or whose parent(s) have deserted him/her for a period of at
9 least three (3) continuous months, which include a foundling.
- 10 c) ***Neglected Child*** refers to a child whose basic needs have been
11 deliberately unattended or inadequately attended within a period of three
12 (3) continuous months. Neglect may occur in two (2) ways:
- 13 1. There is physical neglect when the child is malnourished, ill-clad, and
14 without proper shelter. A child is unattended when left by
15 himself/herself without proper provisions and/or without proper
16 supervision.
- 17 2. There is emotional neglect when the child is maltreated, raped,
18 seduced, exploited, overworked, or made to work under conditions
19 not conducive to good health; or is made to beg in the streets or
20 public places; or when children are in moral danger or exposed to
21 gambling, prostitution, and other vices.
- 22 d) ***Voluntarily Committed Child*** is one whose parent(s) or legal guardian
23 knowingly and willingly relinquished parental authority to the DSWD or to
24 any duly accredited child-placement or child-caring agency or institution.
- 25 e) ***Trust Entities or Any Bank which Offers Trust Services*** refers to a reputable
26 private financial institution with a proven track record in the banking
27 industry owned by a group of individuals which accepts deposits, makes
28 business loans, and offers related services;
- 29 f) ***Trust Fund for the Abandoned, Neglected or Voluntarily Committed Child***
30 refers to a special fund set aside for the children under the care of the
31 DSWD or any DSWD-accredited child-caring institution. The said fund shall
32 operate as a special trust fund managed by a reputable trust entity;

- 1 g) *Child-Caring Institution* refers to any twenty-four hour resident group care
2 service for the physical, mental, social and spiritual well-being of nine or
3 more mentally gifted, dependent, abandoned, neglected, handicapped or
4 disturbed children that is coordinated with the Department of Social Welfare
5 and Development (DSWD); and
6 h) *Guardian* refers to the owner and/or any elder in the child-caring institution
7 tasked to keep an eye on the abandoned, neglected or voluntarily
8 committed child.

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

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

26
27 Sec. 6. *Trust Fund for Abandoned, Neglected, Voluntarily Committed Children.*
28 – a trust fund account in a commercial bank or in a number of commercial banks as
29 defined in this Act shall be opened in the name of every covered abandoned, neglected
30 or voluntarily committed child under a memorandum of agreement (MOA) to be
31 entered into by a commercial bank and the DSWD. The DSWD, sourcing it from a
32 regular annual appropriation item in its budget, shall deposit the sum of two thousand

1 five hundred pesos (P2,500.00) quarterly in every trust fund account until the account
2 matures, unless terminated earlier by the DSWD due to the death or ineligibility of the
3 recipient.

4 Each of the trust fund account shall be opened by the DSWD based on a verified
5 list of abandoned, neglected or voluntarily committed children submitted by their
6 respective child-caring institutions. To maintain the real purchasing value of the said
7 amount through the years, it shall be increased by the DSWD every three (3) years in
8 proportion to the average inflation rate for the said period as certified by the National
9 Economic Development Authority (NEDA).

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

16
17 *Sec. 7. Budgetary Requirement.* – The DSWD shall incorporate the budgetary
18 requirements of this Act in their annual budget proposal.

19
20 *Sec. 8. Revocation of the Grant.* – The grant envisioned for every abandoned,
21 neglected or voluntarily committed child under this Act shall be revoked when:

- 22 a) the abandoned, neglected or voluntarily committed children or his guardian,
23 his fellow abandoned, neglected or voluntarily committed children or his
24 guardian, his ascendants or descendants;
- 25 b) the abandoned, neglected or voluntarily committed child has abandoned the
26 child-caring institution for a period of six months and efforts have been
27 exhausted to locate the abandoned, neglected, or voluntarily committed
28 child within the stated period;
- 29 c) the abandoned, neglected or voluntarily committed child has been found to
30 be pushing or using prohibited drugs, or otherwise involved in illegal
31 activities;

- 1 d) the abandoned, neglected or voluntarily committed child has been found to
2 be living a dishonorable or disgraceful life; and
3 e) the abandoned, neglected or voluntarily committed child has been convicted
4 of any crime involving moral turpitude.

5
6 Should the abandoned, neglected or voluntarily committed child die prior to
7 reaching the age of majority, his or her trust fund account shall be forfeited in favor
8 of the State.

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

15
16 *Sec. 10. Separability Clause.* If any provision or part hereof, is held invalid or
17 unconstitutional, the remainder of the law or the provision not otherwise affected shall
18 remain valid and subsisting.

19
20 *Sec. 11. Repealing Clause.* Any law, presidential decree or issuance, executive
21 order, letter of instruction, administrative order, rule or regulation contrary to, or
22 inconsistent with the provisions of this Act is hereby repealed, modified or amended
23 accordingly.

24
25 *Sec. 12. Effectivity Clause.* This Act shall take effect fifteen (15) days after its
26 publication in at least two (2) newspapers of general circulation.

27
28 *Approved,*