

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

SENATE

S. B. No. 2351

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

EXPLANATORY NOTE

Psalm 82:3 tells us to, "Defend the weak and the fatherless; uphold the cause of the poor and the oppressed.

It is the primary role and duty of parents before God and before man to take care of their children. That is the reason why regardless of their financial status in life, parents will normally make sacrifices for the future of their children. Parents start by making sure that they provide their children with all their needs including good education. They work hard to give whatever they can for their children.

The State strongly supports this noble endeavor as mandated by Article II, Section 12 of the 1987 Constitution, "The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government"

In this light, a number of laws have already been enacted towards this end but there seems to be a need for a stronger mechanism to provide for the needs of orphaned, abandoned, neglected or voluntary committed children, who like the other children of their age would also need parental support and guidance so they may grow up someday to be morally upright individuals and civic-minded citizens of our country.

Orphaned, abandoned, neglected or voluntary committed children may be minors who are deserted by their parents by the latter's death or abandonment but they need not go through all their life feeling abandoned and neglected. Unlike other children, they may not have their own parents but their needs are no different from any other children of their age. Like other children, they need to live in a safe and secure family environment, free from poverty and exploitation. Like other children, they, too, are deserving of love and affection.

This proposed bill underscores the fact that while our child-caring institutions receive support from public and private sources, there is a need to address the orphaned, abandoned, neglected or voluntary committed child's need for someone or at least, some form of a mechanism that will provide them a secure and better future. If nobody can do this for them, the Government must step in and perform the task.

This measure seeks to provide for a trust fund account for each orphaned, abandoned, neglected or voluntary committed minor under DSWD-accredited child caring institutions and care centers which the State has to fund by regularly depositing a specified amount for each of the trust fund account. The trust fund account matures

when the orphaned, abandoned, neglected or voluntary committed minor reaches the age of majority, and thus providing him or her some seed money to face the challenges of life.

In the best interest of our orphaned, abandoned, neglected or voluntary committed children, the early approval of this bill is earnestly sought.

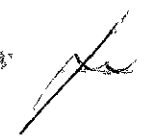


SEN. ALAN PETER "COMPAÑERO" S. CAYETANO

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RECEIVED


INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

AN ACT
PROVIDING FOR A NATIONAL PROGRAM TO SUPPORT AND CARE FOR ORPHANED, ABANDONED, NEGLECTED AND VOLUNTARILY COMMITTED CHILDREN, CREATING A SPECIAL TRUST FUND THEREFORE, AND FOR OTHER PURPOSES

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

Section 1. Short Title.- This Act shall be known as the ***"Trust Fund for the Orphaned, Abandoned, Neglected or Voluntarily Committed Child of 2010"***

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

Section 3. Definition of Terms.- For purposes of this Act, the following terms are defined:

- a.) **"Child"** refers to a person below eighteen (18) years of age or a person over eighteen (18) but is unable to fully take care of him/herself or protect him/herself from abuse, neglect, exploitation or discrimination because of physical or mental disability or condition.

- b.) "**Abandoned Child**" refers to a child who has no proper parental care or guardianship, or whose parent(s) have deserted him/her for a period of at least three (3) continuous months, which include a foundling.
- c.) "**Neglected Child**" refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
1. There is physical neglect when the child is malnourished, ill-clad, and without proper shelter. A child is unattended when left by himself/herself without proper provisions and/or without proper supervision.
 2. There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in moral danger, or exposed to gambling, prostitution, and other vices.
- d.) "**Voluntarily Committed Child**" is one whose parent(s) or legal guardian knowingly and willingly relinquished parental authority to the DSWD or to any duly accredited child-placement or child-caring agency or institution.
- e.) "**Trust Entities or Any Bank Which Offers Trust Services**" refers to a reputable private financial institution with a proven track record in the banking industry owned by a group of individuals which accepts deposits, makes business loans, and offers related services;
- f.) "**Trust Fund for the Orphaned, Abandoned, Neglected or Voluntarily Committed Child**" refers to a special fund set aside for the children under the care of the DSWD or any DSWD-accredited child-caring institution. The said fund shall operate as a special trust fund managed by a reputable trust entity;
- g.) "**Child-Caring Institution**" refers to any twenty-four-hour resident group care service for the physical, mental, social and spiritual well-being of nine or more mentally gifted, dependent, abandoned, neglected, handicapped or disturbed children that is coordinated with the Department of Social Welfare and Development (DSWD);
- h.) "**Guardian**" refers to the owner and/or any elder in the child-caring institution tasked to keep an eye on the orphaned, abandoned, neglected or voluntarily committed child;

Section 4. Coverage.- This Act shall cover all orphaned, abandoned, neglected or voluntarily committed children, under the care of the DSWD or DSWD-accredited

child-caring institutions that may be recognized by the DSWD in accordance with the implementing rules and regulations of this Act.

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

Section 6.- Trust Fund for Orphaned, Abandoned, Neglected, Voluntarily Committed Children.- A trust fund account in a commercial bank or in a number of commercial banks as defined in this Act, shall be opened in the name of every covered orphaned, abandoned, neglected or voluntarily committed child under a memorandum of agreement (MOA) to be entered into by a commercial bank and the DSWD. The DSWD, sourcing it from a regular annual appropriation item in its budget, shall deposit the sum of two thousand five hundred pesos (P2,500.00) quarterly in every trust fund account until the account matures, unless terminated earlier by the DSWD due to the death or ineligibility of the recipient.

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

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

Section 7. Budgetary Requirements.- The DSWD shall incorporate the budgetary requirements of this Act in their annual budget proposal.

Section 8.- Revocation of the Grant.- The grant envisioned for every orphaned, abandoned, neglected or voluntarily committed child under this Act shall be revoked when:

- a) The orphaned, abandoned, neglected or voluntarily committed has attempted against the life of his fellow orphaned, abandoned, neglected or voluntarily committed children or his guardian, his ascendants or descendants;
- b) the orphaned, abandoned, neglected or voluntarily committed child has abandoned the child-caring institution for a period of six months and efforts have been exhausted to locate the orphaned, abandoned, neglected or voluntarily committed child within the stated period;
- c) the orphaned, abandoned, neglected or voluntarily committed child has been found to be pushing or using prohibited drugs, or otherwise involved in illegal activities; and
- d) the orphaned, abandoned, neglected or voluntarily committed child has been convicted of any crime involving moral turpitude.

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

Section 9. Incentives to LGU's.- The National Government shall grant additional incentives to local government units which implement a counterpart Program.

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

Section 11. Separability Clause. – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 12. Repealing Clause.- All laws, decrees, orders, issuances or portions thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 13. Effectivity – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,