

Honorable YEDDA MARIE K. ROMUALDEZ
Chairperson
Committee on the Welfare of Children
House of Representatives
Quezon City

Dear Representative Romualdez:

The Department of Social Welfare and Development (DSWD) **fully supports** House Bill No. 4158 entitled: "An Act Providing Safe Haven for Abandoned Newborn Infants" or the "**Newborn Infant Safe Haven Act**", introduced by the Chair and Rep. Ferdinand Martin G. Romualdez, which seeks to ensure a safe haven for abandoned newborn infants providing parents, especially women, with the option to properly and safely relinquish newborn infants to recognized child-caring and child-placing agencies and institutions that can provide the immediate care needed for their safety and well-being.

To contribute to the bill's enhancement, we are recommending the following:

1. Sec. 3 – Definition of Terms

1.1 To include "**Safe Haven**" and "**Safe Haven Provider**" to distinguish similarity and difference from current mechanisms, policies, and legal instruments.

1.2 To enhance the definition of "**Relinquish**" or "**Relinquishment**", to read as:

"(e) Relinquish or Relinquishment by the parents to a designated safe haven provider with the settled intent to forego all parental responsibilities, where under existing laws, birthparents could validly surrender the care and custody of their children by executing a Deed of Voluntary Commitment (DVC) to the government and not to anyone else."

1.3 To change "**Child-Caring Agency or Institution**" to "Child-Caring Agency" for consistency with Republic Act No. 7610 or the "**Special Protection of Children Against Abuse, Exploitation and Discrimination Act.**"

2. Sec. 5 – Safe Haven Provider

To delete "**fire fighter**" due to the nature of the structure where fire engines and other equipment are housed. The structure is not suitable for newborn children needing a protected environment.

3. Sec. 6 – Responsibility of the Safe Haven Provider

- 3.1 To **include provision on what the safe haven provider must do** if the abandoned newborn infant has been physically injured or sexually abused before relinquishment, or if the child is older than seventy-two hours;
- 3.2 On the 3rd paragraph, to **consider harmonizing this step** currently undertaken under RA 9523 or "Child Legally Available for Adoption";
- 3.3 To **reconcile the discrepancy** where birthparents are allowed to relinquish the child anonymously and for the safe haven provider to maintain such anonymity, yet the DSWD is obliged to locate them. Assuming the parents cannot be located what will happen to the birth registration of the infant? Who will be indicated as parents since initially they are anonymous? Will the child be declared as a Foundling, and if so, such declaration would not be for the child's best interest; and
- 3.4 To **consider the issue of multiple placement** and its impact to the infant when the infant is relinquished to a safe haven provider instead of parents directly surrendering their child to the DSWD as currently practiced.

4. Sec. 8 – Relinquishment of Parental Responsibility

- 4.1 To **include the legal basis** for the statement that the parent's legal duty to have custody of the child is terminated after the child is left in the physical custody of the safe haven provider for thirty (30) days; and
- 4.2 On the 3rd paragraph, to **reconcile the discrepancy in the period within which revocation of voluntary relinquishment may be applied** with the court after the Department has assumed care, control, and protection of the newborn with the timeline in accordance with Sec. 16 on Restoration of Parental Authority of the Implementing Rules and Regulations of RA 9523, which states: *"In the case of voluntarily committed / surrendered child, the petition for restoration of parental authority may be filed by the parent(s) or legal guardian within three (3) months after the signing of the DVC."*

5. Sec. 9 – Immunity of the Safe Haven Provider


To **clarify** whether the safe haven provider is allowed to keep and care for the newborn while at the same time enjoying immunity for any act or omission occurring in subsequently providing care for the newborn.

6. Other Comments:

- 6.1 To train safe haven providers in the relinquishment procedure;
- 6.2 To turn-over the child to the DSWD or Accredited Child Caring Agency within twenty-four (24) hours of relinquishment; and
- 6.3 To include the conduct of extensive information campaign the national down to the regional and local levels so that the public especially the parent/s may know the alternative of leaving their child in a safe place rather than abandoning them in the street unprotected.

For the Committee's consideration.

Very truly yours,


ROLANDO JOSELITO D. BAUTISTA
Secretary
Date: MAR 05 2020