

October 17, 2019

Received
[Signature]
11/4/19

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) **supports** House Bill Nos. 3 and 4218 entitled: An Act Providing for a National Program to Support and Care for the Abandoned, Neglected and Voluntarily Committed Children, Creating a Special Trust Fund, and for Other Purposes or the **"Trust Fund for the Abandoned, Neglected, or Voluntarily Committed Child of 2019"**, introduced by the House Speaker and Rep. Sy-Alvarado, as it ensures that orphaned, abandoned and neglected children will be able to live a good life after discharge.

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

1. Sec. 3 – Definition of Terms

1.1 On **letter (c)**, to change the definition of **"Neglected Child"**, which will read as follows:

***"Neglected Child** refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) months." (Sec. 2, Item No. 4, Republic Act (RA) No. 9523 or **"Child Legally Available for Adoption"** Act of 2009). "Neglect may be:*

- a. Physical (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision)*
- b. Medical (e.g., failure to provide necessary medical or mental health treatment)*
- c. Educational (e.g., failure to educate a child or attend to special education needs)*
- d. Emotional (e.g., inattention to a child's emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs." (Source: What is Child Abuse and Neglect? Recognizing the Signs and Symptoms. Retrieved from <https://www.childwelfare.gov>).*

1.2 On **letter (d)**, to add **“xxx child-caring institution by signing the Deed of Voluntary Commitment.”**

1.3 On **letter (g)**, to change the definition of **“Child-Caring Institution”**, which will read as follows:

*“**Child-Caring Institution** refers to a private non-profit or government agency duly accredited by the DSWD that provides twenty-four (24) hour residential care services for abandoned, neglected, or voluntarily committed children.” (Sec. 2, Item No. 7, RA No. 9523 or “**Child Legally Available for Adoption**” Act of 2009).*

1.4 On **letter (h)**, to change the definition of **“Guardian”**, which will be read as follows:

*“**Guardian** refers to the Head of the Child-Caring Agency where the orphaned, abandoned, neglected or voluntarily-committed child is placed.”*

1.5 To include definition of **“Orphaned Child”** which will be read as follows:

*“**Orphaned Child** refers to a child who does not have a family and/or relatives who can assume responsibility for his/her care (DSWD Reception and Study Center for Children (RSCC) Manual).*

2. Sec. 4 – Coverage

To change the sentence *“This Act shall cover all abandoned, neglected, or voluntary 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”* to **“All orphaned, abandoned, neglected or voluntarily-committed children under the care of the Department of Social Welfare and Development (DSWD), Local Government Units (LGUs) or DSWD accredited Child-Caring Agency xxx”**

3. Sec. 5 – National Monitoring System for Abandoned, Neglected, or Voluntary Committed Children

To include the **“Local Government Units”**, which will read as follows:

*“There should be an express statement saying that the DSWD, **the Local Government Units (LGUs)** and child-caring institutions shall coordinate to ensure and/or safeguard the integrity of the information kept under the national monitoring system for abandoned, neglected and voluntarily-committed children and for purposes of compliance with Republic Act No. 10173 or the “**Data Privacy Act of 2012**”.*

4. **Sec. 6 – Trust Fund for Abandoned, Neglected and Voluntary Committed Children**

4.1 To **indicate the purpose/s of the trust fund**, which is to cover the matriculation or tuition fees of tertiary education of the abandoned, neglected or voluntarily- committed child, right after he/she completes the Kindergarten-12 (K-12) program, and secondary to this would be the contributions to the *Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industria at Gobyerno* (Pag-IBIG) fund, Philippine Health Insurance Corporation (PhilHealth), and Social Security System (SSS) while the child has yet to be gainfully employed.

4.2 To consider dedicating the lump sum amount of the trust fund for abandoned, neglected or voluntarily committed children who have been adopted by a foster family, for other grantees;

4.3 To clarify what would be the treatment to the interest income generated by the fund;

5. **Sec. 8 – Revocation of the Grant**

To clarify **who the certifying body will be** when all enumerated acts have been committed.

6. **Sec. 8 – Revocation of the Grant**

To **identify the “authority”** vested with the right to revoke the grant.

7. **Other Comments:**

7.1 To further study this bill as to purpose of the trust fund in relation to the existing duty of the Department and other child-caring institutions (who already provide care, support, assistance, and even skills-training to these types of children from the time of admission until such time that they have already recovered, rehabilitated, and are ready for reintegration to society) in providing care and support to the vulnerable sectors; as to the systems and processes involved in earning, maintaining, and availing of the trust fund; with respect to the policy of non-institutionalization or finding a permanent family for disadvantaged children in our centers and institutions; and as to the overall impact of the assistance to the clients given our social protection mandate and scarce resources;

7.2 Instead of providing trust fund to the children who are already being looked after inside an institution (where their rights are protected and practiced) to look into the plight of the children who were left under the care of their relatives/ extended relatives by their parents who have separated and have built their respective new families without them. These children might be in need more of support rather than the children in institutions whose basic needs are being provided already.

7.3 Precautionary measures should be observed as to the provision of trust fund, this bill should be limited to older children who are abandoned, neglected or voluntarily committed children, no longer adoptable and are being prepared for an independent living.

7.4 To study how the trust fund would affect our policy in deinstitutionalization as this might be used as a reason for the children to stay in the institutions (as opposed to them being placed for adoption) until their age of majority.

For the Committee's consideration.

Very truly yours,



ROLANDO JOSELITO D. BAUTISTA
Secretary

Date: _____