

HOUSE OF REPRESENTATIVES

H. No. 7679

BY REPRESENTATIVES ONG (R.), ROMUALDEZ (Y.M.), DELOS SANTOS, FERRER (J.M.), RADAZA, ACOSTA-ALBA, HOFER, ALONTE, ESCUDERO, SAVELLANO, DE VENECIA, VILLARAZA-SUAREZ, VERGARA, TUTOR, ACOP, ABUNDA, ARROYO, MENDOZA, TAMBUNTING, TY (D.), MARIANO-HERNANDEZ, SAULOG, BROSAS, LIM, YU, CASTELO, ROMAN, TAN (A.S.), ELAGO, CULLAMAT, TALLADO, TIANGCO, FORTUN AND DALOG, PER COMMITTEE REPORT NO. 494

AN ACT

PROMOTING THE RIGHTS OF DESERTED OR ABANDONED CHILDREN WITH UNKNOWN PARENTS, PROTECTING THEIR STATUS AS NATURAL-BORN CITIZENS OF THE PHILIPPINES, AND PROVIDING PENALTIES AGAINST ACTS INIMICAL TO THEIR WELFARE

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 “Foundling Welfare Act.”

SEC. 2. Declaration of Policy. – The State values the dignity of every human being and guarantees full respect for human rights. A child has the same general human rights as an adult with specific rights that recognize specific needs. As such, the State shall protect the rights and ensure access to assistance, including proper care, nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to the development of every child.

Towards this end, the State shall uphold the best interest of the child, including the welfare of deserted or abandoned, by proactively and diligently inquiring into the facts of the child’s birth and parentage. It shall protect any child with unknown parents by ensuring a natural-born citizen status consistent with our

1 Constitution, the United Nations Convention on the Rights of the Child and other
2 relevant instruments, and the generally accepted principles of international law.
3 The State shall also adopt measures to ensure that support services are provided
4 to foundlings and acts inimical to their welfare are penalized.

5
6 **SEC. 3. *Definition of Foundling.*** – A foundling refers to a deserted or
7 abandoned child of unknown parentage and whose date or circumstances of birth
8 on Philippine territory are unknown and undocumented.

9
10 **SEC. 4. *Citizenship Status of a Foundling.*** – A foundling is a natural-born
11 Filipino citizen regardless of the status or circumstances of birth. As a natural-born
12 citizen of the Philippines, a foundling is accorded with rights and protection at the
13 moment of birth as those belonging to such class of citizens whose citizenship does
14 not need perfection or any further act.

15 The natural-born status of a foundling may not be impugned in any
16 proceeding unless substantial proof of foreign parentage is shown. The natural-born
17 status of a foundling shall not also be affected by the fact that the birth certificate
18 was simulated, or that there was absence of a legal adoption process, or that there
19 was inaction or delay in reporting, documenting or registering a foundling.

20
21 **SEC. 5. *Conduct of Search and Inquiry.*** – Within fifteen (15) days after
22 commitment, submission of the affidavit of the finder or other concerned person, or
23 the information that there is a probable foundling was brought to the attention of the
24 Department of Social Welfare and Development (DSWD), unless more time is
25 needed in view of significant developments, the DSWD or any of its accredited child
26 caring centers or licensed and accredited social welfare and development agencies
27 (SWDAs), shall conduct a proactive and diligent search and inquiry into the facts of
28 birth and parentage of the foundling.

29
30 The DSWD or its accredited child caring center or licensed and accredited
31 SWDAs, shall ask assistance from the finder, the local government units (LGUs),
32 Local Social Welfare Development Offices (LSWDOs), the local or rural health
33 units, the women and child protection desks of the Philippine National Police (PNP),
34 the Department of Health (DOH), any public or private hospital, and other concerned
35 individuals in the conduct of the search and inquiry.

36
37 Television, radio or print media or tri-media and other social media platforms
38 may be used to conduct the search or to locate the whereabouts of the parents of
39 the foundling without compromising the confidentiality of one's identity.

40
41 **SEC. 6. *Registration of a Foundling.*** – In addition to the affidavit of the
42 finder and the certification of the barangay captain or police authority, the report of
43 the DSWD or its accredited child caring center or licensed and accredited SWDAs,
44 duly signed by the authorized officer, is also required before the foundling may be
45 registered with the Local Civil Registrar. The report must indicate the fact that the

1 birth and parentage of the foundling are unknown despite the proactive and diligent
2 search and inquiry conducted.

3
4 The report must be exhaustive and must include all facts that have been
5 gathered regarding the parents and the birth of the foundling.

6
7 The DSWD shall fill up and submit the application for registration to the Local
8 Civil Registrar which shall issue the certificate of live birth of the foundling after
9 receipt of the foregoing requirements: *Provided*, That one who has an existing
10 certificate of foundling or a similar official document issued before the
11 implementation of this Act, shall also be immediately issued a certificate of live birth
12 on the basis of such document alone: *Provided further*, That if such certificate of live
13 birth has not been issued yet, the certificate of foundling or a similar official
14 document shall function as such with the same legal effect.

15
16 The DSWD, along with the other concerned agencies enumerated under
17 Section 5 of this Act, shall conduct a proactive and diligent search and inquiry into
18 the facts of birth and parentage of a foundling without need for any document as
19 basis for such search or inquiry. The official report of such inquiry shall thereafter be
20 used for the application for and issuance of the certificate of live birth.

21
22 The concerned agencies shall streamline the registration process for a
23 foundling, regardless of age and circumstances, in order to expedite the issuance of
24 a certificate of live birth and without placing any unnecessary burden on the
25 foundling: *Provided*, That the foundling has the right to access all the documentary
26 requirements submitted for registration: *Provided further*, That in the certificate of
27 live birth and succeeding public documents, the foundling shall not be referred to as
28 such, or in any other discriminatory manner: *Provided finally*, That the privacy of the
29 child shall be protected at all times.

30
31 **SEC. 7. Support Services.** – A foundling shall, as a matter of right, be
32 entitled to every available government program or service, including registration,
33 facilitation of documents for adoption, education, legal and police protection, proper
34 nourishment and medical care for survival and development, and admission to safe
35 and secure child centers.

36
37 The DSWD or its accredited child caring center or licensed and accredited
38 SWDAs, the concerned LGUs, police authority and the finder shall, at all times,
39 consider the best interest in all actions or support services provided for a foundling.

40
41 The Council for the Welfare of Children (CWC) or its local counterpart, shall
42 provide the necessary assistance to authorities when the biological parents of a
43 foundling are identified and express the desire to reclaim parental authority over
44 one.

45
46 **SEC. 8. Revocation of Issued Certificate of Live Birth.** –The following are
47 grounds for cancellation of a foundling's certificate of live birth:

- 48
49 a. Parentage of the foundling has been established; or

1 b. Fraud to conceal the material facts of birth or parentage of the person that
2 would otherwise not render the person as a foundling.
3

4 If the parentage of one foundling is established, and the foundling cannot
5 acquire the citizenship of the parents which will result in statelessness, the foundling
6 shall retain Philippine citizenship until such time that it can be established that the
7 foundling is able to benefit from the citizenship of either parent.
8

9 **SEC. 9. Data Collection.** – In order to develop and implement more
10 responsive policies, plans and programs for foundlings, regular and synchronized
11 data collection shall be conducted by the LGUs in coordination with the Philippine
12 Statistics Authority (PSA), DSWD and other relevant stakeholders. The collection,
13 preservation and sharing of data shall be conducted pursuant to Republic Act No.
14 10173 otherwise known as the Data Privacy Act.
15

16 **SEC. 10. Penalties.** –The following penalties shall be imposed:
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18 a) The penalty of fine ranging from Fifty thousand pesos (P50,000.00) to
19 One hundred thousand pesos (P100,000.00) or imprisonment of not less than one
20 (1) month but not more than one (1) year shall be imposed on any person using the
21 status of the child as foundling in a derogatory remark or to cause dishonor to the
22 foundling as a second-class citizen resulting in an adverse effect on the foundling's
23 well-being;
24

25 b) A fine ranging from Two hundred thousand pesos (P200,000.00) to
26 One million pesos (P1,000,000.00) or imprisonment of not less than one (1) month
27 but not more than one (1) year, or both, at the discretion of the court, shall be
28 imposed on any person discriminating against a foundling in terms of education,
29 scholarship, practice of profession, delaying the delivery of services due to the
30 foundling, or requiring proof of parentage from the foundling before allowing the
31 exercise of the foundling's rights as a natural-born citizen. If the violation is
32 committed by a corporation, partnership, or association, the board of directors,
33 partners, trustees, officials, and employees who directly participated in the
34 commission of the unlawful act shall be liable;
35

36 c) The penalty of imprisonment of not less than six (6) months but not
37 more than six (6) years shall be imposed on any person who falsifies or is involved in
38 the falsification of the registration of the supposed foundling, including the
39 documents required therefor. A public officer found to have been involved in such act
40 of falsification shall be punished by the penalty next higher in degree;
41

42 d) The penalty of imprisonment of not less than six (6) months but not
43 more than five (5) years shall be imposed on the finder, the concerned DSWD
44 officer or staff or its accredited child caring center or licensed and accredited SWDA,
45 police officers, city, municipal and barangay officers, health employees, hospital staff
46 and any other concerned person who refuses, delays, or obstructs the conduct of
47 search and inquiry into the facts of birth and parentage of the foundling; and
48

49 e) A fine ranging from One million pesos (P1,000,000.00) to Five million
50 pesos (P5,000,000.00) or imprisonment of not less than three (3) months but not

1 more than two (2) years, or both, at the discretion of the court, shall be imposed on
2 any person filing a malicious complaint found to have been initiated for the purpose
3 of harassing, annoying, vexing, persecuting or injuring a foundling especially in the
4 exercise of the foundling's rights as a natural-born citizen.
5

6 The penalties under this section are without prejudice to other liabilities arising
7 from existing civil, administrative and criminal laws for the same act or violation.

8
9 **SEC. 11. *Advocacy and Information Dissemination.*** – The PSA and
10 DSWD, together with LSWDOs, and other relevant stakeholders shall conceptualize,
11 conduct and coordinate information dissemination and advocacy campaigns on the
12 provisions and implementation of this Act, and the issues and concerns affecting a
13 foundling.
14

15 **SEC. 12. *Retroactive Application.*** – This Act shall have retroactive effect for
16 any foundling insofar as it does not prejudice or impair vested or acquired rights
17 pursuant to existing laws.
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19 **SEC. 13. *Implementing Rules and Regulations.*** – Within ninety (90) days
20 from the approval of this Act, the Secretary of Social Welfare and Development shall,
21 in consultation with the Secretary of Justice, Secretary of the Interior and Local
22 Government, PSA, CWC, and two (2) representatives from child-caring agencies
23 catering to abandoned children and foundlings, formulate the rules and regulations
24 to implement this Act.
25

26 **SEC. 14. *Separability Clause.*** – If any provision or part hereof is held invalid
27 or unconstitutional, the remaining provisions not affected thereby shall remain valid
28 and subsisting.
29

30 **SEC. 15. *Suppletory Clause.*** Republic Act No. 11222 or the "Simulated Birth
31 Rectification Act", Executive Order No. 209, s. 1987 or "The Family Code of the
32 Philippines," and other existing and applicable laws on adoption and on child welfare,
33 care and protection, shall have suppletory application to this Act.
34

35 **SEC. 16. *Repealing Clause.*** – All laws, presidential decrees or issuances,
36 executive orders, letters of instruction, administrative orders, rules or regulations
37 contrary to or inconsistent with the provisions of this Act are hereby repealed,
38 modified or amended accordingly.
39

40 **SEC. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
41 publication in the *Official Gazette* or in a newspaper of general circulation.
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43 Approved,