


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



'22 DEC -5 P1:17

SENATE

S. No. 1584

RECEIVED BY: 

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
PROVIDING A SAFE HAVEN FOR NEWBORN INFANTS ABANDONED AT
BIRTH**

EXPLANATORY NOTE

The abandonment of children under the age of seven by a person upon whom the custody of the child is incumbent is considered a criminal act under Article 276 of the Revised Penal Code. Albeit an offense punishable by law, it does not seem to deter the rising incidence of infant abandonment. Poverty is often the root cause of abandonment especially during these trying economic times. Also worth mentioning is social or psychological incapability, where the parents are often unprepared to raise a child. The fear of criminal prosecution causes desperate parents, often juvenile mothers and fathers who are unready to take on the responsibilities of parenthood, to abandon newborn infants often in unsafe places and in life-threatening conditions.

This Act aims to ensure a safe haven for abandoned newborn infants, providing their parents, especially the mothers, with the option to properly and safely relinquish their newborns to recognized child-caring and child-placing agencies and institutions that can provide the immediate care needed for the safety and well-being of the child while remaining anonymous without fear of being prosecuted for child abandonment.

This measure aims to protect our country's infants by making the welfare of the newborn an immediate concern of the State, ensuring their health and safety. This bill provides an alternative that could save the life of newborn infants, protecting them and providing them with proper care until finding a permanent home for them.

In line with this, the passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the "*Newborn Infant Safe*
2 *Haven Act of 2022*".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State that
4 the best interests of children shall be of paramount consideration in affording their full
5 growth, protection and assistance. In this regard, the State shall extend such
6 assistance in the most expeditious manner in the interest of full emotional and social
7 development of abandoned newborn infants, to promote their health, safety and
8 welfare and enhance their opportunities for a useful and happy life.

9 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall
10 be defined as follows:

11 a. *Child-caring agency or institution* refers to a private non-profit government
12 agency, duly accredited by the Department of Social Welfare and Development
13 (DSWD), that provides twenty-four (24) hour residential care services for
14 abandoned, neglected, or voluntarily committed children;

15 b. *Child-placing agency or institution* refers to a private non-profit institution or
16 government agency, duly accredited by the DSWD, that receives and processes
17 applicants to become foster or adoptive parents, and facilitate placement of
18 children eligible for foster care or adoption;

- 1 c. *Department* shall mean the Department of Social Welfare and Development
2 (DSWD);
- 3 d. *Newborn infant* means an infant who is seventy-two (72) hours old or younger,
4 whose parent(s) refuse/s or is unable to assume the responsibility for the
5 infant's care, control, and subsistence;
- 6 e. *Relinquish* or *Relinquishment* of an infant means to give over possession or
7 control of the said infant by a parent(s) to a designated safe haven provider,
8 with the settled intent to forego all parental responsibilities;
- 9 f. "*Secretary*" shall mean the Secretary of the DSWD.

10 *Sec. 4. Qualified for Relinquishment.* – An infant who is seventy-two (72) hours
11 old or younger may be relinquished by his or her parent(s) with a safe haven
12 provider.

13 *Sec. 5. Safe Haven Provider.* – The infant may be left with a designated safe
14 haven provider. A safe haven provider includes any of the following:

- 15 a. A police officer or fire-fighter who is on duty;
- 16 b. An emergency medical technician who is on duty;
- 17 c. A medical staff member at a general hospital who is on duty;
- 18 d. A staff member or volunteer of a licensed child-caring agency, a licensed
19 child-placing agency or a church that posts a conspicuous public notice
20 stating in plain terms that it is willing to accept a new-born infant; or
- 21 e. Any other person that shall be designated as a safe haven provider by
22 the Secretary.

23 *Sec. 6. Responsibility of the Safe Haven Provider.* – The safe haven provider to
24 whom an infant is relinquished shall immediately act appropriately to care and take
25 custody of the new-born infant: *Provided* however, That there must be no evidence
26 that the infant has been physically injured or sexually abused before relinquishment,
27 and that the safe haven provider believes, within a reasonable degree of medical
28 certainty, that the child is a new-born infant.

29 The safe haven provider shall immediately transport the infant to a hospital for
30 a physical examination or any medical treatment necessary to ensure the physical
31 health or safety of the newborn infant. The hospital shall conduct comprehensive
32 medical examination and such tests to determine any possible infection or illness such

1 as HIV or hepatitis, fetal exposure to alcohol or drug, injury due to neglect or abuse,
2 and the infant's estimated date of birth, if not previously known. Injuries and/or
3 conditions resulting from childbirth shall not be considered harm, abuse, or neglect.

4 Furthermore, no later than the close of the first business day after the date on
5 which the safe haven provider takes custody of the infant, the safe haven provider
6 shall notify the nearest office of the Department that the infant has been relinquished.
7 Thereupon, the Department shall immediately assume the care, control, and custody
8 of the newborn.

9 The Department shall forward the newborn's birth information to the local civil
10 registry for the issuance of a Certificate of Live Birth, unless it is determined that one
11 has already been issued. Unless otherwise known, the infant shall be presumed to
12 have been born in the city or municipality where the safe haven provider to whom the
13 said infant has been relinquished is located.

14 Immediately after assuming care, control, and protection of the newborn, the
15 Department, or the designated safe haven provider, shall report the infant to the
16 appropriate law enforcement agencies for purposes of matching the child with missing
17 children reports.

18 *Sec. 7. Newborn Child Identity.* – A parent who relinquishes a newborn to a
19 designated safe haven provider and any person who assists the parent(s) in that
20 relinquishment have the right to remain anonymous. However, a safe haven provider
21 shall inform the parent that the parent(s) may, but is not required to, answer any
22 questions regarding the name, identity, and medical history of the infant and parents
23 of the infant. Refusal by the parent(s) delivering the newborn infant to provide such
24 information shall not prevent the safe haven provider from accepting the newborn.

25 No safe haven provider may induce, or coerce, or attempt to induce or coerce,
26 a parent or person assisting a parent who wishes to remain anonymous into revealing
27 his or her identity, unless there is a reasonable cause to suspect that the newborn has
28 been the victim of abuse or neglect, or that the person assisting the parent is coercing
29 the parent into relinquishing custody of the child. The parent(s) shall not be pursued
30 by any person at the time of relinquishment or prosecuted for relinquishing the
31 newborn.

1 If the newborn infant has been relinquished anonymously to a designated safe
2 haven provider, it shall be the duty of the Department or the child placing or child
3 caring agency, which has custody of the child, to exert all efforts to locate the unknown
4 biological parent(s). If the biological parent(s) is/are located, they will be assessed to
5 determine their willingness to keep the child and their parenting capability.

6 If efforts to locate the parent(s) of the newborn infant fail, the infant shall be
7 registered as a foundling and within three (3) months from the time the infant is
8 relinquished to the safe haven provider, the Department shall issue a certification that
9 a child is legally available for adoption. The certification shall be, for all intents and
10 purposes, the primary evidence that the child is legally available in a domestic adoption
11 proceeding, as provided in Republic Act No. 8552, and in an inter-country adoption
12 proceeding, as provided in Republic Act No. 8043.

13 Sec. 8. Relinquishment of Parental Responsibility. – When an infant is left in
14 the physical custody of a designated safe haven provider, without expressing an intent
15 to return for the infant, or without any attempt on the parent(s) to seek contact with
16 the infant for 30 days after the date of relinquishment, the infant’s parent(s) is
17 considered to have abandoned the infant safely, and the parent’s legal duty to support
18 the infant is effectively terminated, without need of a court order.

19 However, if the parent(s) of a newborn returns to reclaim the child within
20 seventy-two (72) hours after relinquishment, the safe haven provider that received
21 the newborn shall inform the parent(s) of the name and location of the hospital in
22 which the newborn was transported.

23 Furthermore, a parent who voluntarily relinquishes a newborn infant may
24 revoke such voluntary relinquishment by applying to the court no later than thirty (30)
25 days after the Department has assumed care, control, and protection of the newborn.
26 After thirty (30) days, no voluntary relinquishment shall be set aside, except upon
27 clear and convincing evidence of duress, fraud, or intentional misrepresentation.

28 The Department shall likewise exercise due diligence in attempting to identify
29 and locate any non-relinquishing parent. If a non-relinquishing parent cannot be
30 identified, the Department, after a period of three (3) months from the time the infant
31 is relinquished to the safe haven provider, upon finding that a diligent effort has been

1 made to identify the parent, shall terminate the parental rights of the unidentified non-
2 relinquishing parent.

3 *Sec. 9. Immunity of the Safe Haven Provider.* – A safe haven provider shall be
4 immune from any criminal liability that otherwise might result from carrying out their
5 responsibility or any civil liability that might otherwise result from merely receiving, in
6 good faith, a newborn child from the parent(s), but is not immune from any civil or
7 criminal liability for any act or omission occurring in subsequently providing care for
8 the newborn.

9 *Sec. 10. Confidentiality.* – All identifying information, documentation, or other
10 records regarding the identity of the newborn infant relinquished to a designated safe
11 haven provider, or of the parent(s) who voluntarily delivered the infant, shall be
12 confidential and not subject to release to any individual or entity, except when the
13 court finds that the interest of the child or the public would be better served by the
14 disclosure of said information, documentation, or other records.

15 *Sec. 11. Implementing Rules and Regulations (IRR).* – The Secretary, in
16 consultation with the proper government agencies and other stakeholders, shall
17 promulgate the IRR within sixty (60) days from the effectivity of this Act.

18 *Sec. 12. Repealing Clause.* – Article 276 of the Revised Penal Code, and any
19 law, presidential decree, executive order, letter of instruction, administrative order,
20 rule, or regulation contrary to, or inconsistent with, the provisions of this Act are
21 hereby repealed, modified, or amended accordingly.

22 *Sec. 13. Separability Clause.* – If any provision of this Act is held invalid or
23 unconstitutional, the other provisions not affected thereby shall remain in full force
24 and effect.

25 *Sec. 14. Effectivity.* – This Act shall take effect fifteen (15) days following
26 completion of its publication either in the *Official Gazette* and in at least two (2)
27 newspapers of general circulation in the Philippines.

Approved,