EXPLANATORY NOTE

Section 3, Article XV of the 1987 Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation or other conditions prejudicial to their development. The State also guarantees the right to adequate food, care and nutrition of children from zero (0) to two (2) years old.1 Similarly, under the terms of the United Nations Convention on the Rights of the Child ("UNCRC") which was ratified by the Philippines on 20 July 1990, the government is required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights which include, among others, the right to life, survival and development.

Unfortunately, however, we often hear news about babies being abandoned in hospitals, churches, even garbage dumps and the streets. While abandoning a minor is considered a crime, it must also be taken into account that some parents may have been forced by extreme poverty to abandon their child while others may be too young to be mentally, emotionally and financially prepared for parenthood.

This sad reality is not unique in the Philippines. In California, for instance, they have frequent cases of abandoned infants who die due to lack of medical care.2 Thus, they enacted the "Safely Surrendered Baby Law" which took effect on 1 January 2001. Pursuant to this law, California has adopted a program known as the Safe Haven for Newborns Program which allows a birth parent, or any adult with legal custody of the child, who is either unwilling or unable to care for their newborn, the option to legally, confidentially and safely surrender that child to a hospital emergency room or other designated location within three (3) days of birth, without criminal prosecution for child abandonment.3

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1 Section 2, Republic Act No. 11148, An Act Scaling Up the National and Local Health and Nutrition Programs through a Strengthened Integrated Strategy for Maternal, Neonatal, Child Health and Nutrition in the First One Thousand (1,000) Days of Life, Appropriating Funds Therefor and for Other Purposes, 29 November 2018.
3 Id.
This Representation believes that a similar law must be enacted in the Philippines. This way, a birth parent or legal guardian who is unwilling or unable to care for his/her child is given legal options to confidentially and safely surrender his/her child without being held liable under Article 276 of the Revised Penal Code. More importantly, the right to life and survival of the newborn is better protected and he or she is given a fair chance to grow and develop into a productive member of society.

In view of the foregoing, passage of this bill is earnestly sought.

HON. ALLAN BENEDICT S. REYES (Jr)
Representative, 3rd District, Quezon City
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 6889

Introduced By Representative ALLAN BENEDICT S. REYES

EXPLANATORY NOTE

Section 3, Article XV of the 1987 Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation or other conditions prejudicial to their development. The State also guarantees the right to adequate food, care and nutrition of children from zero (0) to two (2) years old.¹ Similarly, under the terms of the United Nations Convention on the Rights of the Child ("UNCRC") which was ratified by the Philippines on 20 July 1990, the government is required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights which include, among others, the right to life, survival and development.

Unfortunately, however, we often hear news about babies being abandoned in hospitals, churches, even garbage dumps and the streets. While abandoning a minor is considered a crime, it must also be taken into account that some parents may have been forced by extreme poverty to abandon their child while others may be too young to be mentally, emotionally and financially prepared for parenthood.

This sad reality is not unique in the Philippines. In California, for instance, they have frequent cases of abandoned infants who die due to lack of medical care.² Thus, they enacted the "Safely Surrendered Baby Law" which took effect on 1 January 2001. Pursuant to this law, California has adopted a program known as the Safe Haven for Newborns Program which allows a birth parent, or any adult with legal custody of the child, who is either unwilling or unable to care for their newborn, the option to legally, confidentially and safely surrender that child to a hospital emergency room or other designated location within three (3) days of birth, without criminal prosecution for child abandonment.³

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³ Id.
is given a legal option to confidentially and safely surrender his/her child without being held liable for abandoning a minor as penalized under Article 276 of the Revised Penal Code. More importantly, the right to life and survival of the newborn is better protected and he or she is still given a fair chance to grow and develop into a productive member of society.

In view of the foregoing, passage of this bill is earnestly sought.

HON. ALLAN BENEDICT S. REYES
Representative
3rd District, Quezon City
Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
First Regular Session  

HOUSE BILL NO. __6889__

Introducing Representative ALLAN BENEDICT S. REYES

AN ACT PROVIDING SAFE HAVEN  
FOR ABANDONED NEWBORNS

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 "Safe Haven Act of 2020."

SECTION 2. Declaration of Policy. – Section 3, Article XV of the Constitution provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation or other conditions prejudicial to their development.

It is hereby declared the policy of the State to guarantee the basic fundamental rights of newborns to life, survival and development as well as those pertinent rights enumerated under Article 3 of Presidential Decree No. 603 or "The Child and Youth Welfare Code," as amended. Similarly, the State endeavors to protect the rights of children under the United Nations Convention on the Rights of the Child.

SECTION 3. Safe Haven. – This Act provides Safe Havens for abandoned newborns wherein parents or legal guardians may legally and safely leave a baby three (3) days old or younger with an employee at any hospital or child-caring agency or institution duly accredited by the Department of Social Welfare and Development ("DSWD").

SECTION 4. No criminal liability – The parent or legal guardian may surrender the baby to a Safe Haven without fear of arrest or prosecution under Article 276 of the Revised Penal Code. For this purpose, the Revised Penal Code is deemed amended.

SECTION 5. Anonymity and Confidentiality. The surrender of the baby shall be kept under strict confidentiality. The parent or guardian shall only be required to fill out a voluntary and anonymous medical history form to help provide proper medical care for the Safely Surrendered Baby.
SECTION 6. Change of Mind. - In addition to the requirement mentioned under
Section 5 of this Act, the parent or guardian shall also be asked to obtain an I.D. bracelet
that matches one that will be fastened to the baby's ankle. The bracelet shall serve as
identification mark in case the surrendering parent or guardian changes his or her mind.
The parent or guardian is given fourteen (14) days from date of surrender to reclaim
the baby. The employee of the hospital or child-caring agency or institution shall facilitate
the return process. Similarly, the return of the baby shall be kept under strict confidentiality.

SECTION 7. Adoption. - After fourteen (14) days from surrender, the Safely
Surrendered Baby may be adopted pursuant to the rules and policies mentioned in
Republic Act No. 8552 or the "Domestic Adoption Act of 1998."

SECTION 8. Scholarship Fund. - The State shall provide scholarships for safely
surrendered children. For this purpose, a Scholarship Fund shall be set up to be
administered by the DSWD in coordination with Higher Education Institutions ("HEIs"), the
Technical Education and Skills Development Authority ("TESDA") and/or the Commission
on Higher Education ("CHED").

Youth who were adopted as a Safely Surrendered Baby are eligible for scholarship
grants which may be used for any purpose toward higher education, including those
offered by technical/vocational schools, state colleges and universities. An Eligibility
Verification Letter shall be sent to the adoptive family of a Safely Surrendered Baby at the
time of finalization of their adoption. Subject to the provisions of Republic Act 10931 or the
"Universal Access to Quality Tertiary Education Act", the adoptive parents may present
the said letter to any HEI or the TESDA and/or CHED as verification of eligibility in the
application for scholarship.

SECTION 9. Implementing Rules and Regulations and Standard Forms. - Within
sixty (60) days from the promulgation of this Act, the necessary rules and regulations for
the proper implementation of its provisions shall be formulated by the appropriate
government office or agency in coordination with all the stakeholders and covered
establishments and institutions.

SECTION 10. Repealing Clause. – All laws, executive orders, administrative
orders, rules, regulations, decrees, and other issuances or parts thereof, which are
inconsistent with the provisions of this Act are hereby revoked, repealed, or modified
accordingly.

SECTION 11. Separability Clause. - If any provision of this Act is held
unconstitutional or invalid, the other provisions not affected thereby shall continue in
operation and remain in full force and effect.

SECTION 12. Effectivity Clause. - This Act shall take effect fifteen (15) days after
its publication in a newspaper of general circulation or the Official Gazette.

Approved,