

# Presidential Decree No. 603

## The Child and Youth Welfare Code

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 [Presidential Decree 603](#)

## THE CHILD AND YOUTH WELFARE CODE

### TITLE I. GENERAL PRINCIPLES

**Article 1. Declaration of Policy.** - The Child is one of the most important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life.

The child is not a mere creature of the State. Hence, his individual traits and aptitudes should be cultivated to the utmost insofar as they do not conflict with the general welfare.

The molding of the character of the child start at the home. Consequently, every member of the family should strive to make the home a wholesome and harmonious place as its atmosphere and conditions will greatly influence the child's development.

Attachment to the home and strong family ties should be encouraged but not to the extent of making the home isolated and exclusive and unconcerned with the interests of the community and the country.

The natural right and duty of parents in the rearing of the child for civic efficiency should receive the aid and support of the government.

Other institutions, like the school, the church, the guild, and the community in general, should assist the home and the State in the endeavor to prepare the child for the responsibilities of adulthood.

**Art. 2. Title and Scope of Code.** - The Code shall be known as the "Child and Youth Welfare Code". It shall apply to persons below twenty-one years of age except those emancipated in accordance with law. "Child" or "minor" or "youth" as used in this Code, shall refer to such persons.

**Art. 3. Rights of the Child.** - All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

(1) Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.

(2) Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counseling, and moral and material security.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

(3) Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

The gifted child shall be given opportunity and encouragement to develop his special talents.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.

The physically or mentally handicapped child shall be given the treatment, education and care required by his particular condition.

(4) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

(5) Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.

(6) Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.

(7) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his leisure hours.

(8) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

(9) Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.

(10) Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development, and improvement.

(11) Every child has the right to an efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.

(12) Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance, and universal brotherhood, and with the determination to contribute his share in the building of a better world.

**Art. 4. Responsibilities of the Child.** - Every child, regardless of the circumstances of his birth, sex, religion, social status, political antecedents and other factors shall:

(1) Strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the biddings of a clean conscience;

(2) Love, respect and obey his parents, and cooperate with them in the strengthening of the family;

(3) Extend to his brothers and sisters his love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;

(4) Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities, in order that he may become an asset to himself and to society;

(5) Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy;

(6) Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and

(7) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity, and the furtherance of world peace.

**Art. 5. Commencement of Civil Personality.** - The civil personality of the child shall commence from the time of his conception, for all purposes favorable to him, subject to the requirements of Article 41 of the Civil Code.

**Art. 6. Abortion.** - The abortion of a conceived child, whether such act be intentional or not, shall be governed by the pertinent provisions of the Revised Penal Code.

**Art. 7. Non-disclosure of Birth Records.** - The records of a person's birth shall be kept strictly confidential and no information relating thereto shall be issued except on the request of any of the following:

(1) The person himself, or any person authorized by him;

(2) His spouse, his parent or parents, his direct descendants, or the guardian or institution legally in-charge of him if he is a minor;

(3) The court or proper public official whenever absolutely necessary in administrative, judicial or other official proceedings to determine the identity of the child's parents or other circumstances surrounding his birth; and

(4) In case of the person's death, the nearest of kin.

Any person violating the prohibition shall suffer the penalty of imprisonment of at least two months or a fine in an amount not exceeding five hundred pesos, or both, in the discretion of the court.

**Art. 8. Child's Welfare Paramount.** - In all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration.

**Art. 9. Levels of Growth.** - The child shall be given adequate care, assistance and guidance through his various levels of growth, from infancy to early and later childhood, to puberty and adolescence, and when necessary even after he shall have attained age 21.

**Art. 10. Phases of Development.** - The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to ensure and enable his fullest development physically, mentally, emotionally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity appropriate to the corresponding developmental stage.

**Art. 11. Promotion of Health.** - The promotion of the Child's health shall begin with adequate pre-natal and post-natal care both for him and his mother. All appropriate measures shall be taken to insure his normal total development.

It shall be the responsibility of the health, welfare, and educational entities to assist the parents in looking after the health of the child.

**Art. 12. Education.** - The schools and other entities engaged in non-formal education shall assist the parents in providing the best education for the child.

**Art. 13. Social and Emotional Growth.** - Steps shall be taken to insure the child's healthy social and emotional growth. These shall be undertaken by the home in collaboration with the schools and other agencies engaged in the promotion of child welfare.

**Art. 14. Morality.** - High moral principles should be instilled in the child, particularly in the home, the school, and the church to which he belongs.

**Art. 15. Spiritual Values.** - The promotion of the child's spiritual well-being according to the precepts of his religion should, as much as possible, be encouraged by the State.

**Art. 16. Civic Conscience.** - The civic conscience of the child shall not be overlooked. He shall be brought up in an atmosphere of universal understanding, tolerance, friendship, and helpfulness and in full consciousness of his responsibilities as a member of society.

## **TITLE II CHILD AND YOUTH WELFARE AND THE HOME**

### **Chapter 1 PARENTAL AUTHORITY**

#### **Section A. In General**

**Art. 17. Joint Parental Authority.** - The father and mother shall exercise jointly just and reasonable parental authority and responsibility over their legitimate or adopted children. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary.

In case of the absence or death of either parent, the present or surviving parent shall continue to exercise parental authority over such children, unless in case of the surviving parent's remarriage, the court, for justifiable reasons, appoints another person as guardian.

In case of separation of his parents, no child under five years of age shall be separated from his mother unless the court finds compelling reasons to do so.

**Art. 18. Grandparents.** - Grandparents shall be consulted on important family questions but they shall not interfere in the exercise of parental authority by the parents.

**Art. 19. Absence or Death of Parents.** - Grandparents and in their default, the oldest brother or sister who is at least eighteen years of age, or the relative who has actual custody of the child, shall exercise parental authority in case of absence or death of both parents, unless a guardian has been appointed in accordance with the succeeding provision.

**Art. 20. Guardian.** - The court may, upon the death of the parents and in the cases mentioned in Arts. 328 to 332 of the Civil Code, appoint a guardian for the person and property of the child, on petition of any relative or friend of the family or the Department of Social Welfare.

**Art. 21. Dependent, Abandoned or Neglected Child.** - The dependent, abandoned or neglected child shall be under the parental authority of a suitable or accredited person or institution that is caring for him as provided for under the four preceding articles, after the child has been declared abandoned by either the court or the Department of Social Welfare.

**Art. 22. Transfer to the Department of Social Welfare.** - The dependent, abandoned or neglected child may be transferred to the care of the Department of Social Welfare or a duly licensed child-caring institution or individual in accordance with **Articles 142 and 154 of this Code**, or upon the request of the person or institution exercising parental authority over him.

From the time of such transfer, the **Department of Social Welfare** or the duly licensed child-caring institution or individual shall be considered the guardian of the child for all intents and purposes.

**Art. 23. Case Study.** - It shall be the duty of the Department of Social Welfare to make a case study of every child who is the subject of guardianship or custody proceedings and to submit its report and recommendations on the matter to the court for its guidance.

**Art. 24. Intervention of Department of Social Welfare.** - The Department of Social Welfare shall intervene on behalf of the child if it finds, after its case study, that the petition for guardianship or custody should be denied.

**Art. 25. Hearings Confidential.** - The hearing on guardianship and custody proceedings may, at the discretion of the court, be closed to the public and the records thereof shall not be released without its approval.

**Art. 26. Repealing Clause.** - All provisions of the Civil Code on parental authority which are not inconsistent with the provisions of this Chapter shall remain in force: Provided, That Articles 334 up to 348 inclusive on Adoption, are hereby expressly repealed and replaced by Section B of this Chapter.

## **Section. B. Adoption**

**Art. 27. Who May Adopt** - Any person of age and in full possession of his civil rights may adopt: Provided, That he is in a position to support and care for his legitimate, legitimated, acknowledged natural children, or natural children by legal fiction, or other illegitimate children, in keeping with the means, both material and otherwise, of the family.

In all cases of adoption the adopter must be at least fifteen years older than the person to be adopted.

**Art. 28. Who May Not Adopt** - The following persons may not adopt:

- (1) A married person without the written consent of the spouse;
- (2) The guardian with respect to the ward prior to final approval of his accounts;
- (3) Any person who has been convicted of a crime involving moral turpitude;
- (4) An alien who is disqualified to adopt according to the laws of his own country or one with whose government the Republic of the Philippines has broken diplomatic relations.

**Art. 29. Adoption by Husband and Wife.** - Husband and Wife may jointly adopt. In such case, parental authority shall be exercised as if the child were their own by nature.

**Art. 30. Who May Not Be Adopted.** - The following may not be adopted:

- (1) A married person, without the written consent of the spouse;
- (2) An alien with whose government the Republic of the Philippines has broken diplomatic relations;
- (3) A person who has already been adopted unless the adoption has been previously revoked or rescinded in accordance with this Chapter.

**Art. 31. Whose Consent is Necessary.** - The written consent of the following to the adoption shall be necessary:

- (1) The person to be adopted, if fourteen years of age or over;
- (2) The natural parents of the child or his legal guardian of the Department of Social Welfare or any duly licensed child placement agency under whose care the child may be;
- (3) The natural children, fourteen years and above, of the adopting parents.

**Art. 32. Hurried Decisions.** - In all proceedings for adoption, steps should be taken by the court to prevent the natural parents from making hurried decisions caused by strain or anxiety to give up the child, and to ascertain, that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in his own home will be inimical to his welfare and interest.

**Art. 33. Case Study.** - No petition for adoption shall be granted unless the Department of Social Welfare, or the Social Work and Counselling Division, in case of Juvenile and Domestic Relations Courts, has made a case study of the child to be adopted, his natural parents as well as the prospective adopting parents, and has submitted its report and recommendations on the matter to the court hearing such petition. The Department of Social Welfare shall intervene on behalf of the child if it finds, after such case study, that the petition should be denied.

**Art. 34. Procedure.** - The proceedings for adoption shall be governed by the Rules of Court in so far as they are not in conflict with this Chapter.

**Art. 35. Trial Custody.** - No petition for adoption shall be finally granted unless and until the adopting parents are given by the court a supervised trial custody period of at least six months to assess their adjustment and emotional readiness for the legal union. During the period of trial custody parental authority shall be vested in the adopting parents.

The court may, upon its own motion or on motion of the petitioner, reduce or dispense with the trial period if it finds that it is to the best interest of the child. In such case, the court shall state its reasons for reducing said period.

**Art. 36. Decree of Adoption.** - If, after considering the report of the Department of Social Welfare or duly licensed child placement agency and the evidence submitted before it, the court is satisfied that the petitioner is qualified to maintain, care for, and educated the child,

that the trial custody period has been completed, and that the best interests of the child will be promoted by the adoption, a decree of adoption shall be entered, which shall be effective as of the date the original petition was filed. The decree shall state the name by which the child is thenceforth to be known.

**Art. 37. Civil Registry Record.** - The adoption shall be recorded in the local civil register and shall be annotated on the record of birth, and the same shall entitle the adopted person to the issuance of an amended certificate of birth.

**Art. 38. Confidential Nature of Proceedings and Records.** - All hearings in adoption cases shall be confidential and shall not be open to the public. All records, books and papers relating to the adoption cases in the files of the court, of the Department of Social Welfare, and of any other agency or institution participating in the adoption proceedings, shall be kept strictly confidential.

Subject to the provisions of Article 7, in any case in which information from such records, books and papers is needed, the person or agency requesting the release of the information may file a petition to the court which entered the decree of adoption for its release. If the court finds that the disclosure of the information is necessary for purposes connected with or arising out of the adoption and will be for the best interests of the child, the court may permit the necessary information to be released, restricting the purposes for which it may be used.

**Art. 39. Effects of Adoption.** - The adoption shall:

(1) Give to the adopted person the same rights and duties as if he were a legitimate child of the adopter: Provided, That an adopted child cannot acquire Philippine citizenship by virtue of such adoption:

(2) Dissolve the authority vested in the natural parent or parents, except where the adopter is the spouse of the surviving natural parent;

(3) Entitle the adopted person to use the adopter's surname; and

(4) Make the adopted person a legal heir of the adopter: Provided, That if the adopter is survived by legitimate parents or ascendants and by an adopted person, the latter shall not have more successional rights than an acknowledged natural child: Provided, further, That any property received gratuitously by the adopted from the adopter shall revert to the adopter should the former predecease the latter without legitimate issue unless the adopted has, during his lifetime, alienated such property: Provided, finally, That in the last case, should the adopted leave no property other than that received from the adopter, and he is survived by illegitimate issue or a spouse, such illegitimate issue collectively or the spouse shall receive one-fourth of such property; if the adopted is survived by illegitimate issue and a spouse, then the former collectively shall receive one-fourth and the latter also one-fourth, the rest in any case reverting to the adopter, observing in the case of the illegitimate issue the proportion provided for in Article 895 of the Civil Code.



The adopter shall not be a legal heir of the adopted person, whose parents by nature shall inherit from him, except that if the latter are both dead, the adopting parent or parents take the place of the natural parents in the line of succession, whether testate or interstate.

**Art. 40. Rescission by Adopted.** - The adopted person or the Department of Social Welfare or any duly licensed child placement agency if the adopted is still a minor or otherwise incapacitated, may ask for the rescission of the adoption on the same grounds that cause the loss of parental authority under the Civil Code.

**Art. 41. Revocation by Adopter.** - The adopter may petition the court for the revocation of the adoption in any of these cases:

(1) If the adopted person has attempted against the life of the adopter and/or his spouse;

(2) When the adopted minor has abandoned the home of the adopter for more than three years and efforts have been exhausted to locate the minor within the stated period;

(3) When by other acts the adopted person has definitely repudiated the adoption.

**Art. 42. Effects of Rescission or Revocation.** - Where the adopted minor has not reached the age of majority at the time of the revocation or rescission referred to in the next preceding articles, the court in the same proceeding shall determine whether he should be returned to the parental authority of his natural parents or remitted to the Department of Social Welfare or any duly licensed child placement agency or whether a guardian over his person and property should be appointed.

Where the adopted child has reached the age of majority, the revocation or rescission, if and when granted by the court, shall release him from all obligations to his adopting parents and shall extinguish all his rights against them: Provided, That if the said adopted person is physically or mentally handicapped as to need a guardian over his person or property, or both, the court may appoint a guardian in accordance with the provisions of existing law.

In all cases of revocation or rescission, the adopted shall lose the right to continue using the adopter's surname and the court shall order the amendment of the records in the Civil Register in accordance with its decision.

## **Chapter 2 RIGHTS OF PARENTS**

**Art. 43. Primary Right of Parents.** - The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with the child's development, the primary right and obligation to provide for their upbringing.

**Art. 44. Rights Under the Civil Code.** - Parents shall continue to exercise the rights mentioned in Articles 316 to 326 of the Civil Code over the person and property of the child.

**Art. 45. Right to Discipline Child.** - Parents have the right to discipline the child as may be necessary for the formation of his good character, and may therefore require from him obedience to just and reasonable rules, suggestions and admonitions.

### **Chapter 3 DUTIES OF PARENTS**

**Art. 46. General Duties.**- Parents shall have the following general duties toward their children:

- (1) To give him affection, companionship and understanding;
- (2) To extend to him the benefits of moral guidance, self-discipline and religious instruction;
- (3) To supervise his activities, including his recreation;
- (4) To inculcate in him the value of industry, thrift and self-reliance;
- (5) To stimulate his interest in civic affairs, teach him the duties of citizenship, and develop his commitment to his country;
- (6) To advise him properly on any matter affecting his development and well-being;
- (7) To always set a good example;
- (8) To provide him with adequate support, as defined in Article 290 of the Civil Code; and
- (9) To administer his property, if any, according to his best interests, subject to the provisions of Article 320 of the Civil Code.

**Art. 47. Family Affairs.** - Whenever proper, parents shall allow the child to participate in the discussion of family affairs, especially in matters that particularly concern him.

In cases involving his discipline, the child shall be given a chance to present his side.

**Art. 48. Winning Child's Confidence.** - Parents shall endeavor to win the child's confidence and to encourage him to conduct with them on his activities and problems.

**Art. 49. Child Living Away from Home.** - If by reason of his studies or for other causes, a child does not live with his parents, the latter shall communicate with him regularly and visit him as often as possible.

The parents shall see to it that the child lives in a safe and wholesome place and under responsible adult care and supervision.

**Art. 50. Special Talents.** - Parents shall endeavor to discover the child's talents or aptitudes, if any, and to encourage and develop them.

If the child is especially gifted, his parents shall report this fact to the National Center for Gifted Children or to other agencies concerned so that official assistance or recognition may be extended to him.

**Art. 51. Reading Habit.** - The reading habit should be cultivated in the home. Parents shall, whenever possible, provide the child with good and wholesome reading material, taking into consideration his age and emotional development. They shall guard against the introduction in the home of pornographic and other unwholesome publications.

**Art. 52. Association with Other Children.** - Parents shall encourage the child to associate with other children of his own age with whom he can develop common interests of useful and salutary nature. It shall be their duty to know the child's friends and their activities and to prevent him from falling into bad company. The child should not be allowed to stay out late at night to the detriment of his health, studies or morals.

**Art. 53. Community Activities.** - Parents shall give the child every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities.

**Art. 54. Social Gatherings.** - When a party or gathering is held, the parents or a responsible person should be present to supervise the same.

**Art. 55. Vices.** - Parents shall take special care to prevent the child from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices.

**Art. 56. Choice of career.** - The child shall have the right to choose his own career. Parents may advise him on this matter but should not impose on him their own choice.

**Art. 57. Marriage.** - Subject to the provisions of the Civil Code, the child shall have the prerogative of choosing his future spouse. Parents should not force or unduly influence him to marry a person he has not freely chosen.

#### **Chapter 4**

#### **LIABILITIES OF PARENTS**

**Art. 58. Torts.** - Parents and guardians are responsible for the damage caused by the child under their parental authority in accordance with the Civil Code.

**Art. 59. Crimes.** - Criminal liability shall attach to any parent who:

- (1) Conceals or abandons the child with intent to make such child lose his civil status.
  - (2) Abandons the child under such circumstances as to deprive him of the love, care and protection he needs.
  - (3) Sells or abandons the child to another person for valuable consideration.
  - (4) Neglects the child by not giving him the education which the family's station in life and financial conditions permit.
  - (5) Fails or refuses, without justifiable grounds, to enroll the child as required by Article 72.
  - (6) Causes, abates, or permits the truancy of the child from the school where he is enrolled. "Truancy" as here used means absence without cause for more than twenty schooldays, not necessarily consecutive.
- It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five schooldays.
- (7) Improperly exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare.
  - (8) Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignities and other excessive chastisement that embarrass or humiliate him.
  - (9) Causes or encourages the child to lead an immoral or dissolute life.
  - (10) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership.
  - (11) Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive.

"**Parents**" as here used shall include the guardian and the head of the institution or foster home which has custody of the child.

**Art. 60. Penalty.** - The act mentioned in the preceding article shall be punishable with imprisonment from two or six months or a fine not exceeding five hundred pesos, or both, at the discretion of the Court, unless a higher penalty is provided for in the Revised Penal Code or special laws, without prejudice to actions for the involuntary commitment of the child under Title VIII of this Code.

## **Chapter 5**

### **ASSISTANCE TO PARENTS**

**Art. 61. Admonition to Parents.** - Whenever a parent or guardian is found to have been unreasonably neglectful in the performance of his duties toward the child, he shall be admonished by the Department of Social Welfare or by the local Council for the Protection of Children referred to in Article 87.

Whenever a child is found delinquent by any court, the father, mother or guardian may be judicially admonished.

**Art. 62. Medical and Dental Services.** - If the child has special health problems, his parents shall be entitled to such assistance from the government as may be necessary for his care and treatment in addition to other benefits provided for under existing law.

**Art. 63. Financial Aid and Social Services to Needy Families.** - Special financial or material aid and social services shall be given to any needy family, to help maintain the child or children in the home and prevent their placement elsewhere.

The amount of such aid shall be determined by the Department of Social Welfare, taking into consideration, among other things, the self-employment of any of the family members and shall be paid from any funds available for the purpose.

**Art. 64. Assistance to Widowed or Abandoned Parent and Her Minor Dependents.** - The State shall give assistance to widowed or abandoned parent or where either spouse is on prolonged absence due to illness, imprisonment, etc. and who is unable to support his/her children. Financial and other essential social services shall be given by the National Government or other duly licensed agencies with similar functions to help such parent acquire the necessary knowledge or skill needed for the proper care and maintenance of the family.

**Art. 65. Criterion for Aid.** - The criteria to determine eligibility for the aid mentioned in the next two preceding articles shall be (1) the age of the child or children (2) the financial condition of the family, (3) the degree of deprivation of parental care and support, and (4) the inability to exercise parental authority.

**Art. 66. Assistance to Unmarried Mothers and Their Children.** - Any unmarried mother may, before and after the birth of the child, seek the assistance and advice of the Department of Social Welfare or any duly licensed child placement agency. The said agencies shall offer specialized professional services which include confidential help and protection to such mother and her child, including placement of protection to such mother and child, including placement of such mother's rights, if any, against the father of such child.

## **Chapter 6 FOSTER - CARE**

**Art. 67. Foster Homes.** - Foster Homes shall be chosen and supervised by the Department of Social Welfare or any duly licensed child placement agency when and as the need therefore arises. They shall be run by married couples, to be licensed only after thorough

investigation of their character, background, motivation and competence to act as foster parents.

**Art. 68. Institutional Care.** - Assignment of the child to a foster home shall be preferred to institutional care. Unless absolutely necessary, no child below nine years of age shall be placed in an institution. An older child may be taken into an institution for child care if a thorough social case study indicates that he will derive more benefit therefrom.

**Art. 69. Day-care service and other substitute parental arrangement.** - Day-care and other substitute parental arrangement shall be provided a child whose parents and relatives are not able to care for him during the day. Such arrangements shall be the subject of accreditation and licensing by the Department of Social Welfare.

**Art. 70. Treatment of Child Under Foster Care.** - A child under foster care shall be given, as much as possible, the affection and understanding that his own parents, if alive or present, would or should have extended to him. Foster care shall take into consideration the temporary nature of the placement and shall not alienate the child from his parents.

### **TITLE III CHILD AND YOUTH WELFARE AND EDUCATION**

#### **Chapter 1 ACCESS TO EDUCATIONAL OPPORTUNITIES**

**Art. 71. Admission to Schools.** - The state shall see to it that no child is refused admission in public schools. All parents are required to enroll their children in schools to complete, at least, an elementary education.

**Art. 72. Assistance.** - To implement effectively the compulsory education policy, all necessary assistance possible shall be given to parents, specially indigent ones or those who need the services of children at home, to enable the children to acquire at least an elementary education. Such assistance may be in the form of special school programs which may not require continuous attendance in school, or aid in the form of necessary school supplies, school lunch, or whatever constitutes a bar to a child's attendance in school or access to elementary education.

**Art. 73. Nursery School.** - To further help promote the welfare of children of working mothers and indigent parents, and in keeping with the Constitutional provision on the maintenance of an adequate system of public education, public nursery and kindergarten schools shall be maintained, whenever possible. The operation and maintenance of such schools shall be the responsibility of local governments. Aid from local school board funds, when available, may be provided.

**Art. 74. Special Classes.** - Where needs warrants, there shall be at least special classes in every province, and, if possible, special schools for the physically handicapped, the mentally

retarded, the emotionally disturbed, and the specially gifted. The private sector shall be given all the necessary inducement and encouragement to establish such classes or schools.

**Art. 75. School Plants and Facilities.** - Local school officials and local government officials shall see to it that school children and students are provided with adequate schoolrooms and facilities including playground, space, and facilities for sports and physical development activities. Such officials should see to it that the school environment is free from hazards to the health and safety of the students and that there are adequate safety measures for any emergencies such as accessible exits, firefighting equipment, and the like. All children shall have the free access to adequate dental and medical services.

## **Chapter II THE HOME AND THE SCHOOL**

**Art. 76. Role of the Home.** - The home shall fully support the school in the implementation of the total school program - curricular and co-curricular - toward the proper physical, social, intellectual and moral development of the child.

**Art. 77. Parent-Teacher Associations.** - Every elementary and secondary school shall organize a parent-teacher association for the purpose of providing a forum for the discussion of problems and their solutions, relating to the total school program, and for insuring the full cooperation of parents in the efficient implementation of such program. All parents who have children enrolled in a school are encouraged to be active members of its PTA, and to comply with whatever obligations and responsibilities such membership entails.

Parent-Teacher Association all over the country shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.

## **Chapter III MISCELLANEOUS**

**Art. 78. Contributions.** - No school shall receive or collect from students, directly or indirectly, contributions of any kind or form, or for any purpose except those expressly provided by law, and on occasions of national or local disasters in which case the school may accept voluntary contribution or aid from students for distribution to victims of such disasters or calamities.

## **TITLE IV CHILD AND YOUTH WELFARE AND THE CHURCH**

**Art. 79. Rights of the Church.** - The State shall respect the rights of the Church in matters affecting the religious and moral upbringing of the child.

**Art. 80. Establishment of Schools.** - All churches and religious orders, congregations or groups may, conformably to law, establish schools for the purpose of educating children in accordance with the tenets of their religion.

**Art. 81. Religious Instruction.** - The religious education of children in all public and private schools is a legitimate concern of the Church to which the students belong. All churches may offer religious instruction in public and private elementary and secondary schools, subject to the requirements of the Constitution and existing laws.

**Art. 82. Assistance to Churches.** - Insofar as may be allowed by the Constitution, the government shall extend to all churches, without discrimination or preference, every opportunity to exercise their influence and disseminate their teachings.

**Art. 83. Parents.** - Parents shall admonish their children to heed the teachings of their Church and to perform their religious duties. Whenever possible, parents shall accompany their children to the regular devotions of their Church and other religious ceremonies.

## **TITLE V CHILD AND YOUTH WELFARE AND THE COMMUNITY**

### **Chapter I DUTIES IN GENERAL OF THE COMMUNITY**

**Art. 84. Community Defined.** - As used in this Title, a community shall mean, the local government, together with the society of individuals or institutions, both public and private, in which a child lives.

**Art. 85. Duties of the Community.** - To insure the full enjoyment of the right of every child to live in a society that offers or guarantee him safety, health, good moral environment and facilities for his wholesome growth and development, it shall be the duty of the community to:

(1) Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being;

(2) Help institutions of learning, whether public or private, achieve the fundamental objectives of education;

(3) Organize or encourage movements and activities, for the furtherance of the interests of children and youth;

(4) Promote the establishment and maintenance of adequately equipped playgrounds, parks, and other recreational facilities;

(5) Support parent education programs by encouraging its members to attend and actively participate therein;

(6) Assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children;



(7) Aid in carrying out special projects for the betterment of children in the remote areas or belonging to cultural minorities or those who are out of school; and

(8) Cooperate with private and public child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, handicapped and disturbed children.

## **Chapter 2**

### **COMMUNITY BODIES DEALING WITH CHILD WELFARE**

#### **Section. A. Barangay Councils**

**Art. 86. Ordinances and Resolutions.** - Barangay Councils shall have the authority to enact ordinances and resolutions not inconsistent with law or municipal ordinances, as may be necessary to provide for the proper development and welfare of the children in the community, in consultation with representatives of national agencies concerned with child and youth welfare.

**Art. 87. Council for the Protection of Children.** - Every barangay council shall encourage the organization of a local Council for the Protection of Children and shall coordinate with the Council for the Welfare of Children and Youth in drawing and implementing plans for the promotion of child and youth welfare. Membership shall be taken from responsible members of the community including a representative of the youth, as well as representatives of government and private agencies concerned with the welfare of children and youth whose area of assignment includes the particular barangay and shall be on a purely voluntary basis.

#### **Said Council shall:**

- (1) Foster the education of every child in the barangay;
- (2) Encourage the proper performance of the duties of parents, and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- (3) Protect and assist abandoned or maltreated children and dependents;
- (4) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advise;
- (5) Adopt measures for the health of children;
- (6) Promote the opening and maintenance of playgrounds and day-care centers and other services that are necessary for child and youth welfare;
- (7) Coordinate the activities of organizations devoted to the welfare of children and secure their cooperation;

(8) Promote wholesome entertainment in the community, especially in movie houses;  
and

(9) Assist parents, whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agency.

In addition, it shall hold classes and seminars on the proper rearing of the children. It shall distribute to parents available literature and other information on child guidance. The Council shall assist parents, with behavioral problems whenever necessary, in securing expert guidance counseling from the proper governmental or private welfare agency.

**Art. 88. Barangay Scholarships.** - Barangay funds may be appropriated to provide annual scholarship for indigent children who, in judgment of the Council for the Protection of Children, deserve public assistance in the development of their potentialities.

**Art. 89. Youth Associations in Barangays.** - Barangay councils shall encourage membership in civil youth associations and help these organizations attain their objectives.

**Art. 90. Aid to Youth Associations.** - In proper cases, barangay funds may be used for the payment of the cost of the uniforms and equipment required by these organizations.

## **Section. B. Civic Associations of Adults**

**Art. 91. Civic Associations of Adults.** - As used in this Title, a civic association shall refer to any club, organization or association of individuals twenty-one years of age or over, which is directly or indirectly involved in carrying out child welfare programs and activities.

**Art. 92. Accounting of Proceeds or Funds.** - It shall be the duty of any civic association of adults holding benefits or soliciting contributions pursuant to the provisions of the next preceding article, to render an accounting of the proceeds thereof to the Department of Social Welfare or to the city or municipal treasurer, as the case may be.

**Art. 93. Functions.** - Civic associations and youth associations shall make arrangements with the appropriate governmental or civic organization for the instruction of youth in useful trades or crafts to enable them to earn a living.

**Art. 94. Youth Demonstrations.** - Any demonstrations sponsored by any civic associations and youth associations shall be conducted in a peaceful and lawful manner.

**Art. 95. Unwholesome Entertainment and advertisements.** - It shall be the duty of all civic associations and youth associations to bring to the attention of the proper authorities the exhibition of indecent shows and the publication, sale or circulation of pornographic materials.

The **Board of Censors or the Radio Control Board** may, upon representation of any civic association, prohibit any movie, television or radio program offensive to the proprieties of language and behavior.

Commercial and advertisements and trailers which are improper for children under eighteen years of age due to their advocating or unduly suggesting violence, vices, crimes and immorality, shall not be shown in any movie theater where the main feature is for general patronage nor shall they be used or shown during or immediately before and after any television or radio program for children.

**Art. 96. Complaint Against Child Welfare Agency.** - Any civic association and any youth association may complain to the officials of any public or private child-caring agency about any act or omission therein prejudicial to the wards of such agency.

If the complaint is not acted upon, it may be brought to the **Council for the Protection of Children or the Department of Social Welfare**, which shall promptly investigate the matter and take such steps as may be necessary.

**Art. 97. Studies and Researches.** - The government shall make available such data and technical assistance as may be needed by civic associations conducting studies and researches on matters relating to child welfare, including the prevention of juvenile delinquency.

**Art. 98. Exchange Programs.** - Student exchange programs sponsored by civic associations or youth associations shall receive the support and encouragement of the State.

### **Section. C. Youth Associations**

**Art. 99. Youth Associations.** - As used in this Title, a youth association shall refer to any club, organization or association of individuals below twenty-one years of age which is directly or indirectly involved in carrying out child or youth welfare programs and activities.

**Art. 100. Rights and Responsibilities.** - All youth associations shall enjoy the same rights and discharge the same responsibilities as civic associations as may be permitted under existing laws.

**Art. 101. Student Organizations.** - All student organization in public or private schools shall include in their objectives the cultivation of harmonious relations among their members and with the various segments of the community.

### **Chapter 3**

#### **COLLABORATION BETWEEN THE HOME AND THE COMMUNITY**

**Art. 102. Proper Atmosphere for Children.** - The home shall aid the community in maintaining an atmosphere conducive to the proper upbringing of children, particularly with respect to their preparation for adult life and the conscientious discharge of their civic duties as a whole.

**Art. 103. Unwholesome Influence.** - The home and the community shall cooperate with each other in counteracting and eliminating such influences as may be exerted upon children by useless and harmful amusements and activities, obscene exhibitions and programs, and establishments inimical to health and morals.

## **TITLE VI CHILD AND YOUTH WELFARE AND THE SAMAHAN**

### **Chapter 1 DUTIES IN GENERAL OF THE SAMAHAN**

**Art. 104. "Samahan" Defined.** - As used in this Code, the term "**samahan**" shall refer to the aggregate of persons working in commercial, industrial, and agricultural establishments or enterprises, whether belonging to labor or management.

**Art. 105. Organization.** - The barangay, municipal and city councils, whenever necessary, shall provide by ordinance for the formation and organization of a samahan in their respective communities. Membership in the samahan shall be on voluntary basis from among responsible persons from the various sectors of the community mentioned in the preceding article.

**Art. 106. Duties of the Samahan.** - The Samahan shall:

(1) Prevent the employment of children in any kind of occupation or calling which is harmful to their normal growth and development;

(2) Forestall their exploitation by insuring that their rates of pay, hours of work and other conditions of employment are in accordance not only with law but also with equity;

(3) Give adequate protection from all hazards to their safety, health, and morals, and secure to them their basic right to an education;

(4) Help out-of-school youth to learn and earn at the same time by helping them look for opportunities to engage in economic self-sufficient projects;

(5) To coordinate with vocational and handicraft classes in all schools and agencies in the barangay, municipality or city to arrange for possible marketing of the products or articles made by the students; and

(6) Provide work experience, training and employment in those areas where the restoration and conservation of our natural resources is deemed necessary.

### **Chapter 2 WORKING CHILDREN**

**Art. 107. Employment of Children Below Sixteen Years.** - Children below sixteen years of age may be employed to perform light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies.

The provisions of the Labor Code relating to employable age and conditions of employment of children are hereby adopted as part of this Code insofar as not inconsistent herewith.

**Art. 108. Duty of Employer to Submit Report.** - The employer shall submit to the Department of Labor a report of all children employed by him. A separate report shall be made of all such children who are found to be handicapped after medical examination. The Secretary of Labor shall refer such handicapped children to the proper government or private agencies for vocational guidance, physical and vocational rehabilitation, and placement in employment.

**Art. 109. Register of Children.** - Every employer in any commercial, industrial or agricultural establishment or enterprise shall keep:

- (1) A register of all children employed by him, indicating the dates of their birth;
- (2) A separate file for the written consent to their employment given by their parents or guardians;
- (3) A separate file for their educational and medical certificates; and
- (4) A separate file for special work permits issued by the Secretary of Labor in accordance with existing laws.

**Art. 110. Education of Children Employed as Domestic.** - If a domestic is under sixteen years of age, the head of the family shall give him an opportunity to complete at least elementary education as required under Article 71. The cost of such education shall be a part of the domestic's compensation unless there is a stipulation to the contrary.

### **Chapter 3 LABOR-MANAGEMENT PROJECTS**

**Art. 111. Right to Self-Organization.** - Working children shall have the same freedoms as adults to join the collective bargaining union of their own choosing in accordance with existing law.

Neither management nor any collective bargaining union shall threaten or coerce working children to join, continue or withdraw as members of such union.

**Art. 112. Conditions of Employment.** - There shall be close collaboration between labor and management in the observance of the conditions of employment required by law for working children.

**Art. 113. Educational Assistance Programs.** - The management may allow time off without loss or reduction of wages for working children with special talents to enable them to pursue formal studies in technical schools on scholarships financed by management or by the collective bargaining union or unions.

**Art. 114. Welfare Programs.** - Labor and management shall, in cooperation with the Women and Minors Bureau of the Department of Labor, undertake projects and in-service training programs for working children which shall improve their conditions of employment, improve their capabilities and physical fitness, increase their efficiency, secure opportunities for their promotion, prepare them for more responsible positions, and provide for their social, educational and cultural advancement.

**Art. 115. Research Projects.** - Labor and management shall cooperate with any government or private research project on matters affecting the welfare of working children.

#### **Chapter 4**

### **COLLABORATION BETWEEN THE HOME AND THE SAMAHAN**

**Art. 116. Collaboration Between the Home and the Samahan.** - The home shall assist the Samahan in the promotion of the welfare of working children and for this purpose shall:

- (1) Instill in the hearts and minds of working children the value of dignity of labor;
- (2) Stress the importance of the virtues of honesty; diligence and perseverance in the discharge of their duties;
- (3) Counsel them on the provident use of the fruits of their labor for the enrichment of their lives and the improvement of their economic security; and
- (4) Protect their general well-being against exploitation by management or unions as well as against conditions of their work prejudicial to their health, education, or morals.

## **TITLE VII**

### **CHILD AND YOUTH WELFARE AND THE STATE**

#### **Chapter 1**

### **REGULATION OF CHILD AND YOUTH WELFARE SERVICES**

**Art. 117. Classifications of Child and Youth Welfare Agencies.** - Public and private child welfare agencies providing encouragement, care, and protection to any category of children and youth whether mentally gifted, dependent, abandoned, neglected, abused, handicapped, disturbed, or youthful offenders, classified and defined as follows, shall be coordinated by the Department of Social Welfare:

(1) A child-caring institution is one that provides twenty-four resident group care service for the physical, mental, social and spiritual well-being of nine or more mentally gifted, dependent, abandoned, neglected, handicapped or disturbed children, or youthful offenders.

An institution, whose primary purpose is education, is deemed to be a child-caring institution when nine or more of its pupils or wards in the ordinary course of events do not return annually to the homes of their parents or guardians for at least two months of summer vacation.

(2) A detention home is a twenty-four hour child-caring institution providing short term resident care for youthful offenders who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

(3) A shelter-care institution is one that provides temporary protection and care to children requiring emergency reception as a result of fortuitous events, abandonment by parents, dangerous conditions of neglect or cruelty in the home, being without adult care because of crisis in the family, or a court order holding them as material witnesses.

(4) Receiving homes are family-type homes which provides temporary shelter from ten to twenty days for children who shall during this period be under observation and study for eventual placement by the Department of Social Welfare. The number of children in a receiving home shall not at any time exceed nine: Provided, That no more than two of them shall be under three years of age.

(5) A nursery is a child-caring institution that provides care for six or more children below six years of age for all or part of a twenty-four hour day, except those duly licensed to offer primarily medical and educational services.

(6) A maternity home is an institution or place of residence whose primary function is to give shelter and care to pregnant women and their infants before, during and after delivery.

(7) A rehabilitation center is an institution that receives and rehabilitates youthful offenders or other disturbed children.

(8) A reception and study center is an institution that receives for study, diagnosis, and temporary treatment, children who have behavioral problems for the purpose of determining the appropriate care for them or recommending their permanent treatment or rehabilitation in other child welfare agencies.

(9) A child-placing agency is an institution or person assuming the care, custody, protection and maintenance of children for placement in any child-caring institution or home or under the care and custody of any person or persons for purposes of adoption, guardianship or foster care. The relatives of such child or children within the sixth degree of consanguinity or affinity are excluded from this definition.

**Art. 118. License Required.** - No private person, natural or juridical, shall establish, temporarily or permanently, any child welfare agency without first securing a license from the Department of Social Welfare.

Such license shall not be transferable and shall be used only by the person or institution to which it was issued at the place stated therein.

No license shall be granted unless the purpose of function of the agency is clearly defined and stated in writing. Such definition shall include the geographical area to be served, the children to be accepted for care, and the services to be provided.

If the applicant is a juridical person, it must be registered in accordance with **Philippine laws.**

**Art. 119. Guiding Principles.** - The protection and best interests of the child or children therein shall be the first and basic consideration in the granting, suspension or revocation of the license mentioned in the preceding article.

**Art. 120. Revocation or Suspension of License.** - The Department of Social Welfare may, after notice and hearing, suspend or revoke the license of a child welfare agency on any of the following grounds:

- (1) That the agency is being used for immoral purposes;
- (2) That said agency is insolvent or is not in a financial position to support and maintain the children therein or to perform the functions for which it was granted license;
- (3) That the children therein are being neglected or are undernourished;
- (4) That the place is so unsanitary so as to make it unfit for children;
- (5) That said agency is located in a place or community where children should not be, or is physically dangerous to children or would unduly expose children to crime, vice, immorality, corruption or severe cruelty; or
- (6) That said agency has by any act or omission shown its incompetence or unworthiness to continue acting as a child welfare agency. During the period of suspension, the agency concerned shall not accept or admit any additional children. In any case, the Department of Social Welfare shall make such order as to the custody of the children under the care of such agency as the circumstances may warrant. The suspension may last for as long as the agency has not complied with any order of the Department of Social Welfare to remove or remedy the conditions which have risen to the suspension. The aggrieved agency may appeal the suspension and/or revocation in a proper court action. In such case, the court shall within fifteen days from the filing of the Department of Social Welfare's answer, conduct a hearing and decide the case, either by lifting the suspension, or continuing it for such period of time as it may order, or by revoking the license of the agency where the Department of Social Welfare has proven the revocation to be justified.



**Art. 121. Responsible Government Body.** - The governing body of a child welfare agency or institution shall be composed of civic leaders or persons of good standing in the community. The administrator must be a competent person qualified by education or experience or both to serve as such.

**Art. 122. Child-Caring Institution Serving as Child-Placement Agency.** - An association or corporation may be both a child-caring institution and a child-placement agency and it may be licensed to carry out both types of service.

When a license also serves as a child-placement agency, it shall maintain a staff equipped by training to make thorough studies of every prospective family home. Staff arrangements must also be made for continuing supervision of the children staying in family homes so long as the children remain in the legal custody of the agency.

**Art. 123. Responsible Staff of Employees.** - The licensee shall choose its employees who shall be persons of good health and character, and whenever possible, the higher rank of employees shall in addition have training, preferably in child psychology.

**Art. 124. Intake Study and Periodic Investigations.** - The licensee shall undertake investigations to determine if the acceptance or continued stay of a child in its institution is necessary. Each licensee shall make provisions for continuing services, including social casework for every child under its care.

**Art. 125. Records.** - The licensee shall keep confidential records of every child in its study. These records shall be made available only to such persons as may be authorized by the Department of Social Welfare or by the proper court.

**Art. 126. Home Atmosphere.** - Child welfare agencies shall endeavor to provide the children with a pleasant atmosphere that shall approximate as nearly as possible the conditions of an ideal home. Vocational rehabilitation shall also be provided in accordance with existing law and the particular needs of the children.

**Art. 127. Adequate Diet.** - The licensee shall provide a varied and balanced diet to satisfy the child's total nutritional requirements.

**Art. 128. Clothing.** - The licensee shall furnish clean, comfortable, and appropriate clothing for every child under its care.

**Art. 129. Physical Surroundings and Outings.** - The licensee shall maintain a building adequate both in ventilation and sanitation, and with a safe, clean and spacious playground.

Regular inexpensive periodic outing shall be an important part of its activities in order to make the children aware of their vital role in their community and country.

**Art. 130. Medical and Nursing Care.** - The licensee shall provide adequate medical and nursing care for sick children who may be confined due to illness.

**Art. 131. Religious Training.** - The licensee shall provide opportunities for religious training to children under its custody, taking into consideration the religious affiliation or express wishes of the child or his parents. For such purpose, it shall have a defined policy regarding its religious activities for the information of those wishing to place children in its care.

**Art. 132. Annual Report.** - Every child welfare agency or institution shall submit to the Department of Social Welfare an annual report setting forth a brief summary of its operations during the preceding year, including the funds received during said period, the sources thereof, the purposes for which they were spent and the cash position of the agency or institution as of the date of the report, number of children admitted, and such other information as may be required by the Department of Social Welfare.

## **Chapter 2**

### **COLLABORATION BETWEEN THE HOME AND THE STATE**

**Art. 133. Healthy Growth of Children.** - Pursuant to its obligation to assist the parents in the proper upbringing of the child, the State shall, whenever possible, in collaboration and cooperation with local government establish:

- (1) Puericulture and similar centers;
- (2) Juvenile courts;
- (3) Child welfare agencies;
- (4) Orphanages and other similar institutions; and
- (5) Children's recreation centers.

**Art. 134. Puericulture or Health Centers.** - Puericulture or health centers shall be established in every barangay to perform, among other things, the following functions:

- (1) Disseminate information concerning the health of children and expectant or nursing mothers;
- (2) Provide consultation service and treatment, whenever necessary, for the children and the expectant or nursing mothers;
- (3) Provide guidance and special treatment to children with physical handicaps; and
- (4) Advise child welfare institutions on matters relating to nutrition and hygiene.

**Art. 135. Juvenile and Domestic Relations Courts.** - Juvenile and Domestic Relations Courts shall, as far as practicable, be established in every province or city to hear and decide cases involving juvenile and domestic problems.

**Art. 136. Regional Child Welfare Agencies.** - The State shall, whenever practicable, establish regional child welfare agencies, orphanages and other similar institutions to provide care for the children mentioned in Title VIII of this Code.

**Art. 137. Children's Reading and Recreation Centers.** - The State shall establish in every barangay reading centers and recreation centers where children may meet and play together for their healthy growth and their social and cultural development.

**Art. 138. Parent Education Program.** - The Department of Social Welfare shall from time to time hold a Parent Education Congress, which shall aim to enable parents to understand child growth and development, parent-child relationship, family life, and family-community relationship, and to improve their ability to discharge their duties.

**Art. 139. Curfew Hours for Children.** - City or municipal councils may prescribe such curfew hours for children as may be warranted by local conditions. The duty to enforce curfew ordinances shall devolve upon the parents or guardians and the local authorities.

Any parent or guardian found grossly negligent in the performance of the duty imposed by this article shall be admonished by the Department of Social Welfare or the Council for the Protection of Children.

**Art. 140. State Aid in Case of Public Calamity.** - In case of earthquake, flood, storm, conflagration, epidemic, or other calamity, the State shall give special assistance to children whenever necessary. The Department of Social Welfare shall take immediate custody of dependent children and give temporary shelter to orphaned or displaced children (who are separated from their parents or guardian).

## **TITLE VIII SPECIAL CATEGORIES OF CHILDREN**

### **Chapter 1 DEPENDENT, ABANDONED AND NEGLECTED CHILDREN**

**Art. 141. Definition of Terms.**- As used in this Chapter:

(1) A **dependent child** is one who is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause desires to be relieved of his care and custody; and is dependent upon the public for support.

(2) An **abandoned child** is one who has no proper parental care or guardianship, or whose parents or guardians have deserted him for a period of at least six continuous months.

(3) A **neglected child** is one whose basic needs have been deliberately unattended or inadequately attended. Neglect may occur in two ways:

a) There is a **physical neglect** when the child is malnourished, ill clad and without proper shelter.

A child is unattended when left by himself without provisions for his needs and/or without proper supervision.

b) **Emotional neglect exists:** when children are maltreated, raped or seduced; when children are exploited, overworked or made to work under conditions not conducive to good health; or are made to beg in the streets or public places, or when children are in moral danger, or exposed to gambling, prostitution and other vices.

(4) Commitment or surrender of a child is the legal act of entrusting a child to the care of the Department of Social Welfare or any duly licensed child placement agency or individual.

Commitment may be done in the following manner:

a) **Involuntary commitment**, in case of a dependent child, or through the termination of parental or guardianship rights by reason of abandonment, substantial and continuous or repeated neglect and/or parental incompetence to discharge parental responsibilities, and in the manner, form and procedure hereinafter prescribed.

b) **Voluntary commitment**, through the relinquishment of parental or guardianship rights in the manner and form hereinafter prescribed.

**Art. 142. Petition for Involuntary Commitment of a Child: Venue.** - The Department of Social Welfare Secretary or his authorized representative or any duly licensed child placement agency having knowledge of a child who appears to be dependent, abandoned or neglected, may file a verified petition for involuntary commitment of said child to the care of any duly licensed child placement agency or individual.

The petition shall be filed with the Juvenile and Domestic Relations Court, if any, or with the Court of First Instance of the province or City Court in which the parents or guardian resides or the child is found.

**Art. 143. Contents of Petition: Verification.** - The petition for commitment must state so far as known to the petitioner:

(1) The facts showing that the child is dependent, abandoned, or neglected;

(2) The names of the parent or parents, if known, and their residence. If the child has no parent or parents living, then the name and residence of the guardian, if any; and

(3) The name of the duly licensed child placement agency or individual to whose care the commitment of the child is sought.

The petition shall be verified and shall be sufficient if based upon the information and belief of the petitioner.

**Art. 144. Court to Set Time for Hearing: Summons.** - When a petition or commitment is filed, the court shall fix a date for the hearing thereof. If it appears from the petition that one or both parents of the child, or the guardian, resides in province or city, the clerk of court shall immediately issue summons, together with a copy of the petition, which shall be served on such parent or guardian not less than two days before the time fixed for the hearing. Such summons shall require them to appear before the court on the date mentioned.

**Art. 145. When Summons shall Not be Issued.** - The summons provided for in the next preceding article shall not be issued and the court shall thereupon proceed with the hearing of the case if it appears from the petition that both parents of the child are dead or that neither parent can be found in the province or city and that the child has no guardian residing therein.

**Art. 146. Representation of Child.** - If it appears that neither of the parents nor the guardian of the child can be found in the province or city, it shall be the duty of the court to appoint some suitable person to represent him.

**Art. 147. Duty of Fiscal.** - The provincial or city fiscal shall appear for the State, seeing to it that there has been due notice to all parties concerned and that there is justification for the declaration of dependency, abandonment or neglect.

The legal services section of the Department of Social Welfare, any recognized legal association, or any appointed de officio counsel shall prepare the petition for the Secretary of the Department of Social Welfare, his representative or the head of the duly licensed child placement agency, or the duly licensed individual and represent him in court in all proceedings arising under the provisions of this Chapter.

**Art. 148. Hearing.** - During the hearing of the petition, the child shall be brought before the court, which shall investigate the facts and ascertain whether he is dependent, abandoned, or neglected, and, if so, the cause and circumstances of such condition. In such hearing, the court shall not be bound by the technical rules of evidence.

Failure to provide for the child's support for a period of six months shall be presumptive evidence of the intent to abandon.

**Art. 149. Commitment of Child.** - If, after the hearing, the child is found to be dependent, abandoned, or neglected, an order shall be entered committing him to the care and custody of the Department of Social Welfare or any duly licensed child placement agency or individual.

**Art. 150. When Child May Stay In His Own Home.** - If in the court's opinion the cases of the abandonment or neglect of any child may be remedied, it may permit the child to stay in his own home and under the care and control of his own parents or guardian, subject to the supervision and direction of the Department of Social Welfare.

When it appears to the court that it is no longer for the best interests of such child to remain with his parents or guardian, it may commit the child in accordance with the next preceding article.

**Art. 151. Termination of Rights of Parents.** - When a child shall have been committed to the Department of Social Welfare or any duly licensed child placement agency or individual pursuant to an order of the court, his parents or guardian shall thereafter exercise no authority over him except upon such conditions as the court may impose.

**Art. 152. Authority of Person, Agency or Institution.** - The Department of Social Welfare or any duly licensed child placement agency or individual receiving a child pursuant to an order of the court shall be the legal guardian and entitled to his legal custody and control, be responsible for his support as defined by law, and when proper, shall have authority to give consent to his placement, guardianship and/or adoption.

**Art. 153. Change of Custody.** - The Department of Social Welfare shall have the authority to change the custody of a child committed to and duly licensed child placement agency or individual if it appears that such change is for the best interests of the child. However, when conflicting interests arise among child placement agencies the court shall order the change of commitment of the child.

**Art. 154. Voluntary Commitment of a Child to an Institution.** - The parent or guardian of a dependent, abandoned or neglected child may voluntarily commit him to the Department of Social Welfare or any duly licensed child placement agency or individual subject to the provisions of the next succeeding articles.

**Art. 155. Commitment Must Be in Writing.** - No child shall be committed pursuant to the preceding article unless he is surrendered in writing by his parents or guardian to the care and custody of the Department of Social Welfare or duly licensed child placement agency. In case of the death or legal incapacity of either parent or abandonment of the child for a period of at least one year, the other parent alone shall have the authority to make the commitment. The Department of Social Welfare, or any proper and duly licensed child placement agency or individual shall have the authority to receive, train, educate, care for or arrange appropriate placement of such child.

**Art. 156. Legal Custody.** - When any child shall have been committed in accordance with the preceding article and such child shall have been accepted by the Department of Social Welfare or any duly licensed child placement agency or individual, the rights of his natural parents, guardian, or other custodian to exercise parental authority over him shall cease.

Such agency or individual shall be entitled to the custody and control of such child during his minority, and shall have authority to care for, educate, train and place him out temporarily or for custody and care in a duly licensed child placement agency. Such agency

or individual may intervene in adoption proceedings in such manner as shall best inure to the child's welfare.

**Art. 157. Visitation or Inspection.** - Any duly licensed child placement agency or individual receiving a judicial order or by voluntary commitment by his parents or guardian shall be subject to visitation or inspection by a representative of the court or of the Department of Social Welfare or both, as the case may be.

**Art. 158. Report of Person or Institution.** - Any duly licensed child placement agency or individual receiving a child for commitment may at any time be required by the Department of Social Welfare to submit a report, copy furnished the court, containing all necessary information for determining whether the welfare of the child is being served.

**Art. 159. Temporary Custody of Child.** - Subject to regulation by the Department of Social Welfare and with the permission of the court in case of judicial commitment, the competent authorities of any duly licensed child placement agency or individual to which a child has been committed may place him in the care of any suitable person, at the latter's request, for a period not exceeding one month at a time.

The temporary custody of the child shall be discontinued if it appears that he is not being given proper care, or at his own request, or at the instance of the agency or person receiving him.

**Art. 160. Prohibited Acts.** - It shall be unlawful for any child to leave the person or institution to which he has been judicially or voluntarily committed or the person under whose custody he has been placed in accordance with the next preceding article, or for any person to induce him to leave such person or institution, except in case of grave physical or moral danger, actual or imminent, to the child.

Any violation of this article shall be punishable by an imprisonment of not more than one year or by a fine of not more than two thousand pesos, or both such fine and imprisonment at the discretion of the court: Provided, That if the violation is committed by a foreigner, he shall also be subject to deportation.

If the violation is committed by a parent or legal guardian of the child, such fact shall aggravate or mitigate the offense as circumstances shall warrant.

**Art. 161. Duty to Report Abandonment.** - When the parents or persons entitled to act as guardian of a child are dead or, if living, have abandoned him, for no valid reason, for at least six months in a duly licensed child placement agency or hospital, or left him with any other person for the same period without providing for his care and support, such fact shall be reported immediately to the Department of Social Welfare. In case of a child left in a hospital immediate transfer of the child to the Department of Social Welfare or any duly licensed child placement agency must be arranged. The Department of Social Welfare shall make provisions for the adequate care and support of the child and shall take such action as it may deem proper for his best interests.

**Art. 162. Adoption of Dependent or Abandoned or Neglected Child.** - Upon the filing of an application by any person to adopt a dependent, abandoned or neglected child in the custody of any institution or individual mentioned in Article 156, it shall be the duty of the provincial or city fiscal, any recognized legal association, or any appointed de officio counsel upon being informed of such fact, to represent the Department of Social Welfare in the proceedings. The costs of such proceedings shall be de officio.

**Art. 163. Restoration of Child After Involuntary Commitment.** - The parents or guardian of a child committed to the care of a person, agency or institution by judicial order may petition the proper court for the restoration of his rights over the child: Provided, That the child in the meantime, has not been priorly given away in adoption nor has left the country with the adopting parents or the guardian. The petition shall be verified and shall state that the petitioner is now able to take proper care and custody of said child.

Upon receiving the petition, the court shall fix the time for hearing the questions raised thereby and cause reasonable notice thereof to be sent to the petitioner and to the person, agency or institution to which the child has been committed. At the trial, any person may be allowed, at the discretion of the court, to contest the right to the relief demanded, and witnesses may be called and examined by the parties or by the court motu proprio. If it is found that the cause for the commitment of the child no longer exists and that the petitioner is already able to take proper care and custody of the child, the court, after taking into consideration the best interests and the welfare of the child, shall render judgment restoring parental authority to the petitioner.

**Art. 164. Restoration After Voluntary Commitment.** Upon petition filed with the Department of Social Welfare the parent or parents or guardian who voluntarily committed a child may recover legal custody and parental authority over him from the agency, individual or institution to which such child was voluntarily committed when it is shown to the satisfaction of the Department of Social Welfare that the parent, parents or guardian is in a position to adequately provide for the needs of the child: Provided, That, the petition for restoration is filed within six months after the surrender.

In all cases, the person, agency or institution having legal custody of the child shall be furnished with a copy of the petition and shall be given the opportunity to be heard.

**Art. 165. Removal of Custody.** - A petition to transfer custody of a child may be filed against a person or child welfare agency to whose custody a child has been committed by the court based on neglect of such child as defined in Article 141(3). If the court, after notice and hearing, is satisfied that the allegations of the petition are true and that it is for the best interest and welfare of the child the court shall issue an order taking him from the custody of the person or agency, as the case may be, and committing him to the custody of another duly licensed child placement agency or individual.

The license of the agency or individual found guilty of such neglect may be suspended or revoked, as the court may deem proper, in the same proceeding.

**Art. 166. Report of Maltreated or Abused Child.** - All hospitals, clinics and other institutions as well as private physicians providing treatment shall, within forty-eight hours from knowledge of the case, report in writing to the city or provincial fiscal or to the Local



Council for the Protection of Children or to the nearest unit of the Department of Social Welfare, any case of a maltreated or abused child, or exploitation of an employed child contrary to the provisions of labor laws. It shall be the duty of the Council for the Protection of Children or the unit of the Department of Social Welfare to whom such a report is made to forward the same to the provincial or city fiscal.

Violation of this provision shall subject the hospital, clinic, institution, or physician who fails to make such report to a fine of not more than two thousand pesos.

In cases of sexual abuse, the records pertaining to the case shall be kept strictly confidential and no information relating thereto shall be disclosed except in connection with any court or official proceeding based on such report. Any person disclosing confidential information in violation of this provision shall be punished by a fine of not less than one hundred pesos nor more than five thousand pesos, or by imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment, at the discretion of the court.

**Art. 167. Freedom from Liability of Reporting Person or Institution.** - Persons, organizations, physicians, nurses, hospitals, clinics and other entities which shall in good faith report cases of child abuse, neglect, maltreatment or abandonment or exposure to moral danger be free from any civil or criminal liability arising therefrom.

## **Chapter 2**

### **MENTALLY RETARDED, PHYSICALLY HANDICAPPED, EMOTIONALLY DISTURBED AND MENTALLY ILL CHILDREN**

**Art. 168. Mentally Retarded Children.** - Mentally retarded children are (1) socially incompetent, that is, socially inadequate and occupationally incompetent and unable to manage their own affairs; (2) mentally subnormal; (3) retarded intellectually from birth or early age; (4) retarded at maturity; (5) mentally deficient as a result of constitutional origin, through hereditary or disease, and (6) essentially incurable.

**Art. 169. Classification of Mental Retardation.** - Mental Retardation is divided into four classifications:

(1) **Custodial Group.** The members of this classification are severely or profoundly retarded, hence, the least capable group. This includes those with I.Q.s to 25.

(2) **Trainable Group.** The members of this group consist of those with I.Q.s from about 25 to about 50; one who belongs to this group shows a mental level and rate of development which is 1/4 to 1/2 that of the average child, is unable to acquire higher academic skills, but can usually acquire the basic skills for living to a reasonable degree. He can likewise attain a primary grade level of education if he receives effective instruction.

(3) **Educable Group.** This group's I.Q. ranges from about 50 to about 75, and the intellectual development is approximately 1/2 to 3/4 of that expected of a normal child of the same chronological age. The degree of success or accomplishment that they will reach in life depends very much on the quality and type of education they receive, as well as on the treatment at home and in the community. Many of the educable retardates may reach

5th or 6th grade educational level and can develop occupational skills which may result in partial or complete economic independence in adulthood.

(4) **Borderline or Low Normal Group.** This is the highest group of mentally retarded, with I.Q.s from about 75 to about 89. The members of this classification are only slightly retarded and they can usually get by in regular classes if they receive some extra help, guidance and consideration. They have to spend much more time with their studies than do most children in order to pass. Those who cannot make it are usually handicapped by one or more other conditions aside from that of intelligence.

**Art. 170. Physically Handicapped Children.** - Physically handicapped children are those who are crippled, deaf-mute, blind, or otherwise defective which restricts their means of action on communication with others.

**Art. 171. Emotionally Disturbed Children.** - Emotionally disturbed children are those who, although not afflicted with insanity or mental defect, are unable to maintain normal social relations with others and the community in general due to emotional problems or complexes.

**Art. 172. Mentally Ill Children.** - Mentally ill children are those with any behavioral disorder, whether functional or organic, which is of such a degree of severity as to require professional help or hospitalization.

**Art. 173. Admission of Disabled Children.** - The Department of Social Welfare, upon the application of the parents or guardians and the recommendation of any reputable diagnostic center or clinic, shall refer and/or admit disabled children to any public or private institution providing the proper care, training and rehabilitation.

"**Disabled children**" as used in this Chapter shall include mentally retarded, physically handicapped, emotionally disturbed, and severe mentally ill children.

**Art. 174. Training and Opportunities for Disabled Children.** - Specialized educational services shall be expanded and improved to provide appropriate opportunities for disabled children. Vocational rehabilitation and manpower conservation agencies shall train disabled children for specialized types of jobs, services and business which could be learned only by them and shall help provide opportunities for their future occupational placement: That the agencies and organizations engaged in programs and services for the disabled need not be limited to minors. Persons of legal age may be admitted whenever facilities are available for them.

**Art. 175. Planning of Programs and Services.** - Selected pilot demonstration projects needed by the disabled children shall be developed and shall be the basis for planning expanded programs and services throughout the nation. There shall be established area centers designed to bring together an aggregate of services to serve all ages of the disabled within a specified geographical area.

**Art. 176. Donations.** - Donations to agencies and organizations engaged in programs and services for disabled children shall be deductible in accordance with the provision of Presidential Decree No. 507.

**Art. 177. Petition for Commitment.** - Where a child appears to be mentally retarded, physically handicapped, emotionally disturbed, or mentally ill, and needs institutional care but his parents or guardians are opposed thereto, the Department of Social Welfare, or any duly licensed child placement agency or individual shall have the authority to file a petition for commitment of the said child to any reputable institution providing care, training and rehabilitation for disabled children.

The parents or guardian of the child may file a similar petition in case no immediate placement can be arranged for the disabled child when the welfare and interest of the child is at stake.

**Art. 178. Venue.** - The petition for commitment of a disabled child shall be filed with the Juvenile and Domestic Relations Court, if any, or with the Court of First Instance of the province or City Court where the parent or guardian resides or where the child is found.

**Art. 179. Contents of Petition.** - The petition for commitment must state so far as known to the petitioner:

(1) The facts showing that the child appears to be mentally retarded, physically handicapped, emotionally disturbed or mentally ill and needs institutional care;

(2) The Fact that the parents or guardians or any duly licensed disabled child placement agency, as the case may be, has opposed the commitment of such child;

(3) The name of the parents and their residence, if known or if the child has no parents or parent living, the names and residence of the guardian, if any; and

(4) The name of the institution where the child is to be committed.

The petition shall be verified and shall be sufficient if based upon the information and belief of the petitioner.

**Art. 180. Order of Hearing.** - If the petition filed is sufficient in form and substance, the court, by an order reciting the purpose of the petition, shall fix the date for the hearing thereof, and a copy of such order shall be served on the child alleged to be mentally retarded, or physically handicapped, or emotionally disturbed, or mentally ill, and on the person having charge of him or any of his relatives residing in the province or city as the judge may deem proper. The court shall furthermore order the sheriff to produce, if possible, the alleged disabled child on the date of the hearing.

**Art. 181. Hearing and Judgment.** - Upon satisfactory proof that the institutional care of the child is for him or the public welfare and that his parents, or guardian or relatives are unable for any reason to take proper care of him, the Court shall order his commitment to the proper institution for disabled children.

**Art. 182. Disposition of Property or Money.** - The Court, in its order of commitment, shall make proper provisions for the custody of property or money belonging to the committed child.

**Art. 183. Findings and Other Data.** - The Court shall furnish the institution to which the child has been committed with a copy of its judgment, together with all the social and other data pertinent to the case.

**Art. 184. Expenses.** - The expense of maintaining a disabled child in the institution to which he has been committed shall be borne primarily by the parents or guardian and secondarily, by such disabled child, if he has property of his own.

In all cases where the expenses for the maintenance of the disabled child cannot be paid in accordance with the next preceding paragraph, the same, or such part thereof as may remain unpaid, shall be borne by the Department of Social Welfare.

**Art. 185. Children With Cerebral Palsy.** - Children afflicted with cerebral palsy shall be committed to the institution which under the circumstances of the particular child concerned is best equipped to treat and care for him.

**Art. 186. Discharge of Child Judicially Committed.** - The Court shall order the discharge of any child judicially committed to an institution for disabled children if it is certified by the Department of Social Welfare that:

(1) He has been certified by the duly licensed disabled child placement agency to be no longer a hazard to himself or to the community;

(2) He has been sufficiently rehabilitated from his physical handicap or, if of work age, is already fit to engage in a gainful occupation; or

(3) He has been relieved of his emotional problems and complexes and is ready to assume normal social relations.

**Art. 187. Discharge of Child Voluntarily Committed.** - Any child voluntarily committed to an institution for disabled children may be discharged by the Department of Social Welfare *motu proprio* or upon the request of his parents or guardian on any of the grounds specified in the preceding article. In the latter case, the Department of Social Welfare may refuse to discharge the child if, in its opinion, his release would be prejudicial to him or to the community.

**Art. 188. Assistance of Fiscal.** - The provincial or city fiscal shall represent the Department of Social Welfare or any recognized legal association in all judicial matters arising under the provisions of this Chapter.

### **Chapter 3 YOUTHFUL OFFENDERS**

**Art. 189. Youthful Offender Defined.** - A youthful offender is one who is over nine years but under twenty-one years of age at the time of the commission of the offense.

A child nine years of age or under at the time of the offense shall be exempt from criminal liability and shall be committed to the care of his or her father or mother, or nearest relative or family friend in the discretion of the court and subject to its supervision. The same shall be done for a child over nine years and under fifteen years of age at the time of the commission of the offense, unless he acted with discernment, in which case he shall be proceeded against in accordance with Article 192.

The provisions of **Article 80 of the Revised Penal Code** shall be deemed modified by the provisions of this Chapter.

**Art. 190. Physical and Mental Examination.** - It shall be the duty of the law-enforcement agency concerned to take the youthful offender, immediately after his apprehension, to the proper medical or health officer for a thorough physical and mental examination. Whenever treatment for any physical or mental defect is indicated, steps shall be immediately undertaken to provide the same.

The examination and treatment papers shall form part of the record of the case of the youthful offender.

**Art. 191. Care of Youthful Offender Held for Examination or Trial.** - A youthful offender held for physical and mental examination or trial or pending appeal, if unable to furnish bail, shall from the time of his arrest be committed to the care of the Department of Social Welfare or the local rehabilitation center or a detention home in the province or city which shall be responsible for his appearance in court whenever required: Provided, That in the absence of any such center or agency within a reasonable distance from the venue of the trial, the provincial, city and municipal jail shall provide quarters for youthful offenders separate from other detainees. The court may, in its discretion, upon recommendation of the Department of Social Welfare or other agency or agencies authorized by the Court, release a youthful offender on recognizance, to the custody of his parents or other suitable person who shall be responsible for his appearance whenever required.

**Art. 192. Suspension of Sentence and Commitment of Youthful Offender.** - If after hearing the evidence in the proper proceedings, the court should find that the youthful offender has committed the acts charged against him the court shall determine the impossible penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such minor to the custody or care of the Department of Social Welfare, or to any training institution operated by the government, or duly licensed agencies or any other responsible person, until he shall have reached twenty-one years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare or the agency or responsible individual under whose care he has been committed.

The youthful offender shall be subject to visitation and supervision by a representative of the Department of Social Welfare or any duly licensed agency or such other officer as the Court may designate subject to such conditions as it may prescribe.

**Art. 193. Appeal.** - The youthful offender whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases.

**Art. 194. Care and Maintenance of Youthful Offender.** - The expenses for the care and maintenance of the youthful offender whose sentence has been suspended shall be borne by his parents or those persons liable to support him: Provided, That in case his parents or those persons liable to support him can not pay all or part of said expenses, the municipality in which the offense was committed shall pay one-third of said expenses or part thereof; the province to which the municipality belongs shall pay one-third; and the remaining one-third shall be borne by the National Government. Chartered cities shall pay two-thirds of said expenses; and in case a chartered city cannot pay said expenses, part of the internal revenue allotments applicable to the unpaid portion shall be withheld and applied to the settlement of said indebtedness.

All city and provincial governments must exert efforts for the immediate establishment of local detention homes for youthful offenders.

**Art. 195. Report on Conduct of Child.** - The Department of Social Welfare or its representative or duly licensed agency or individual under whose care the youthful offender has been committed shall submit to the court every four months or oftener as may be required in special cases, a written report on the conduct of said youthful offender as well as the intellectual, physical, moral, social and emotional progress made by him.

**Art. 196. Dismissal of the Case.** - If it is shown to the satisfaction of the court that the youthful offender whose sentence has been suspended, has behaved properly and has shown his capability to be a useful member of the community, even before reaching the age of majority, upon recommendation of the Department of Social Welfare, it shall dismiss the case and order his final discharge.

**Art. 197. Return of the Youth Offender to Court.** - Whenever the youthful offender has been found incorrigible or has willfully failed to comply with the conditions of his rehabilitation programs, or should his continued stay in the training institution be inadvisable, he shall be returned to the committing court for the pronouncement of judgment.

When the youthful offender has reached the age of twenty-one while in commitment, the court shall determine whether to dismiss the case in accordance with the next preceding article or to pronounce the judgment of conviction.

In any case covered by this article, the youthful offender shall be credited in the service of his sentence with the full time spent in actual commitment and detention effected under the provisions of this Chapter.

**Art. 198. Effect of Release of Child Based on Good Conduct.** - The final release of a child pursuant to the provisions of this Chapter shall not obliterate his civil liability for damages. Such release shall be without prejudice to the right for a writ of execution for the recovery of civil damages.

**Art. 199. Living Quarters for Youthful Offenders Sentence.** - When a judgment of conviction is pronounced in accordance with the provisions of Article 197, and at the time of said pronouncement the youthful offender is still under twenty-one, he shall be committed to the proper penal institution to serve the remaining period of his sentence: Provided, That penal institutions shall provide youthful offenders with separate quarters and, as far as practicable, group them according to appropriate age levels or other criteria as will insure their speedy rehabilitation: Provided, further, That the Bureau of Prisons shall maintain agricultural and forestry camps where youthful offenders may serve their sentence in lieu of confinement in regular penitentiaries.

**Art. 200. Records of Proceedings.** - Where a youthful offender has been charged before any city or provincial fiscal or before any municipal judge and the charges have been ordered dropped, all the records of the case shall be destroyed immediately thereafter.

Where a youthful offender has been charged and the court acquits him, or dismisses the case or commits him to an institution and subsequently releases him pursuant to this Chapter, all the records of his case shall be destroyed immediately after such acquittal, dismissal or release, unless civil liability has also been imposed in the criminal action, in which case such records shall be destroyed after satisfaction of such civil liability. The youthful offender concerned shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him for any purpose.

"**Records**" within the meaning of this article shall include those which may be in the files of the **National Bureau of Investigation** and with any police department, or any other government agency which may have been involved in the case.

**Art. 201. Civil Liability of Youthful Offenders.** - The civil liability for acts committed by a youthful offender shall devolve upon the offender's father and, in case of his death or incapacity, upon the mother, or in case of her death or incapacity, upon the guardian. Civil liability may also be voluntarily assumed by a relative or family friend of the youthful offender.

**Art. 202. Rehabilitation Centers.** - The **Department of Social Welfare** shall establish regional rehabilitation centers for youthful offenders. The local government and other non-governmental entities shall collaborate and contribute their support for the establishment and maintenance of these facilities.

**Art. 203. Detention Homes.** - The **Department of Local Government and Community Development** shall establish detention homes in cities and provinces distinct and separate from jails pending the disposition of cases of juvenile offenders.

**Art. 204. Liability of Parents or Guardian or Any Person in the Commission of Delinquent Acts by Their Children or Wards.** - A person whether the parent or guardian of the child or not, who knowingly or willfully,

(1) Aids, causes, abets or connives with the commission by a child of a delinquency, or

(2) Does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent, shall be punished by a fine not exceeding five hundred pesos or to imprisonment for a period not exceeding two years, or both such fine and imprisonment, at the discretion of the court.

## **TITLE IX COUNCIL FOR THE WELFARE OF CHILDREN AND YOUTH**

### **Chapter 1 CREATION AND COMPOSITION**

**Art. 205. Creation of the Council for the Welfare of Children.** - A Council for the Welfare of Children is hereby established under the Office of President. The Council shall be composed of the Secretary of Social Welfare as Chairman, and seven members, namely: The Secretary of Justice, the Secretary of Labor, the Secretary of Education and Culture, the Secretary of Health, the Presiding Judge of the Juvenile and Domestic Relations Court, City of Manila, and two representatives of voluntary welfare associations to be appointed by the President of the Philippines, each of whom shall hold office for a term two years.

There shall be a permanent Secretariat for the Council headed by an Executive Director, to be appointed by the Chairman and approved by a majority of the members of the Council.

For actual attendance at regular meetings, the Chairman and each member of the Council shall receive a per diem of one hundred pesos for every meeting actually attended, but the total amount of per diem that the Chairman and a member may receive in a month shall in no case exceed five hundred pesos.

**Art. 206. Appropriation.** - The sum of five million pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, for the operation and maintenance of the Council for the Welfare of Children and Youth during the fiscal year. Thereafter, such sums as may be necessary for its operation and maintenance shall be included in the General Appropriations Decree.

### **Chapter 2 POWERS AND RESPONSIBILITIES**



**Art. 207. Powers and Functions.** - The Council for the Welfare of Children and Youth shall have the following powers and functions:

- (1) To coordinate the implementation and enforcement of all laws relative to the promotion of child and youth welfare;
- (2) To prepare, submit to the President and circulate copies of long-range programs and goals for the physical, intellectual, emotional, moral, spiritual, and social development of children and youth, and to submit to him an annual report of the progress thereof;
- (3) To formulate policies and devise, introduce, develop and evaluate programs and services for the general welfare of children and youth;
- (4) To call upon and utilize any department, bureau, office, agency, or instrumentality, public, private or voluntary, for such assistance as it may require in the performance of its functions;
- (5) Perform such other functions as provided by law.

**Art. 208. Offices to Coordinate with the Council for Welfare of Children.** - The following offices and agencies shall coordinate with the Council for the Welfare of Children and Youth in the implementation of laws and programs on child and youth welfare:

- (1) **Department of Justice**
- (2) **Department of Social Welfare**
- (3) **Department of Education and Culture**
- (4) **Department of Labor**
- (5) **Department of Health**
- (6) **Department of Agriculture**
- (7) **Department of Local Government and Community Development;**
- (8) **Local Councils for the Protection of Children;** and such other government and private agencies which have programs on child and youth welfare.

**Existing as well as proposed programs of the above-named agencies as well as other government and private child and youth welfare agencies as may be hereafter created shall be implemented by such agencies: Provided, That, with the exception of those proposed by the Local Councils for the Protection of Children, all long-range child and youth welfare programs shall, before implementation, be indorsed by the agencies concerned to their**

respective departments, which shall in turn indorse the same to the Council for the Welfare on Children and Youth, for evaluation, cooperation and coordination.

### **Chapter 3**

#### **IMPLEMENTATION OF CODE AND RULE-MAKING AUTHORITY**

**Art. 209. Implementation of this Code and Rule-Making Authority.** - The enforcement and implementation of this Code shall be the primary responsibility of the Council for the Welfare of Children. Said Council shall have authority to promulgate the necessary rules and regulations for the purpose of carrying into effect the provisions of this Code.

#### **FINAL PROVISIONS**

**Art. 210. General Penalty.** - Violations of any provisions of this Code for which no penalty is specifically provided shall be punished by imprisonment not exceeding one month or a fine not exceeding two hundred pesos, or both such fine and imprisonment at the discretion of the court, unless a higher penalty is provided for in the Revised Penal Code or special laws.

**Art. 211. Repealing Clause.** - All laws or parts of any laws inconsistent with the provisions of this Code are hereby repealed or modified accordingly: Provided, That the provisions of the Dangerous Drugs Act of 1972 and amendments thereto shall continue to be in force and shall not be deemed modified or repealed by any provision of this Code.

**Art. 212. Separability Clause.** - If any provision of this Code is held invalid, the other provisions not affected thereby shall continue in operation.

**Art. 213. Effectivity Clause.** - This Code shall take effect six months after its approval.