

## [PRESIDENTIAL DECREE 603]

### THE CHILD AND YOUTH WELFARE CODE

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 health and vigorous life.
- (5) Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and 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 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 this 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.

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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.

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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.

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## 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.<sup>1</sup>

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.<sup>2</sup>

ART. 20. *Guardian.* – The court may, upon the death of the parents 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 creditable 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.

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.

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<sup>1</sup> ARTICLE 17 – Amended by Articles 211, 212, 213 of the Family Code of the Philippines.

<sup>2</sup> ARTICLE 19 – Amended by Article 214 of the Family Code of the Philippines.

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.<sup>3</sup>

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 the 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.<sup>4</sup>

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.<sup>5</sup>

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;

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<sup>3</sup> ARTICLE 27 – Amended by Article 183 of the Family Code of the Philippines.

<sup>4</sup> ARTICLE 28 – Amended by Article 184 of the Family Code of the Philippines.

<sup>5</sup> ARTICLE 29 – Amended by Article 185-186 of the Family Code of the Philippines.

- (3) A person who has already adopted unless the adoption has been previously revoked or rescinded in accordance with this Chapter.<sup>6</sup>

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 or 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.<sup>7</sup>

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 Counseling 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.<sup>8</sup>

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.<sup>9</sup>

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<sup>6</sup> ARTICLE 30 – Amended by Article 187 of the Family Code of the Philippines.

<sup>7</sup> ARTICLE 31 – Amended by Article 188 of the Family Code of the Philippines.

<sup>8</sup> ARTICLE 33 – Amended by Executive Order 91.

<sup>9</sup> ARTICLE 35 – Amended by Executive Order 91.

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 educate 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 interest 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 <sup>10</sup>
- (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 pre-decease 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

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<sup>10</sup> ARTICLE 39 – Numbers 1, 2 and 3 – Amended by Article 189 of the Family Code of the Philippines.

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 intestate.

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.<sup>11</sup>

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.<sup>12</sup>

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 over his person or

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<sup>11</sup> ARTICLE 40 – Amended by Article 191 of the Family Code of the Philippines.

<sup>12</sup> ARTICLE 41 -- Amended by Article 192 of the Family Code of the Philippines.

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 Registrar in accordance with its decision.

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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. 66. *Assistance to Unmarried Mothers and their Children.* – Any unmarried mother nay, before and after the birth of her 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.

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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 responsibility of local governments. Aid from local 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, fire fighting equipment, and the like. All children shall have free access to adequate and medical services.

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## 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.

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ART. 117. *Classification 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:

(6) A maternity 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.

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.

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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 insure to the child's welfare.

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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.

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## 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 heredity 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 25 to about 50; one who belongs to this group shows a mental level and rate of development which is  $\frac{1}{4}$  to  $\frac{1}{2}$  that 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  $\frac{1}{2}$  to  $\frac{3}{4}$  of that expected of 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 5<sup>th</sup> or 6<sup>th</sup> 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 and handicapped children are those who are crippled, deaf, mute, blind, or otherwise defective which restricts their means of action or 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. *Admission of Disabled Children.* – Mentally ill children are those with any behavioral disorders, 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 and 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” are 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: *Provided:* That agencies and organizations engaged in programs and services for the disabled need not be limited to minors. Persons of legal age maybe 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 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 guardian 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 the 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 be 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 for the disabled 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 the 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.

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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.

Done in the City of Manila, this 10<sup>th</sup> day of December, in the year of Our Lord, nineteen hundred and seventy-four.