

[PRESIDENTIAL DECREE NO. 603, December 10, 1974]

THE CHILD AND YOUTH WELFARE CODE

I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following:

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 starts 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 and 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 training 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 followings:

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 incharge 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 case, 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 postnatal 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. *Hearing 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.