

[REPUBLIC ACT NO. 4834, June 18, 1966]

AN ACT CREATING A JUVENILE AND DOMESTIC RELATIONS COURT IN THE PROVINCE OF ILOILO.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *The Juvenile and Domestic Relations Court.*—There shall be a Juvenile and Domestic Relations Court in the Province of Iloilo, for which a judge who shall possess the same qualification, enjoy the same privileges and receive the same salary as judges of courts of first instance, shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments.

Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases after the effectivity of this Act:

- a. Criminal cases cognizable by the courts of first instance, municipal courts and city courts of Iloilo wherein the accused is under sixteen years or age at the time of the trial;
- b. Case involving custody, guardianship, adoption, paternity and acknowledgment;
- c. Annulment of marriages legal separation of spouses and action for support;
- d. Proceeding brought under the provisions of Articles One hundred sixteen, Two hundred twenty-five, Two hundred fifty-one and Three hundred thirty-two of the Civil Code;
- e. Petitions for the declaration of absence and for the change of name;
- f. Actions for the separation of property of spouses;
- g. Proceedings affecting a dependent or neglected child, as hereinafter defined.

The court shall likewise have such incidental powers as are generally possessed by courts of first instance.

If any question involving any of the above matters should arise as an incident in any case pending in the ordinary courts, said incident shall be determined in the main case.

SEC. 2. *"Dependent" or "neglected" child defined.*—The term "dependent child" or "neglected child" shall mean any child under sixteen years of age who is dependent upon the public for support or who is destitute, homeless or abandoned; or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child.

SEC. 3. *Proceedings concerning a "dependent" or "neglected" child.*—The Social Welfare Administrator or his representative who is a resident of the province, having knowledge of a child in the province who appears to be a "dependent" or "neglected" child may file with the clerk of court a written petition stating forth the facts constituting the child "dependent" or "neglected", which petition shall be verified by the affidavit of the petitioner. It shall be sufficient if the affidavit shall be upon information and belief. Such petition shall set forth the name of the parent or parents of such child, if known, and their residence; and if such child has no parent living, then the name and residence of the guardian of such child, if it has one.

Upon the filing of such petition, the judge of said court shall fix the day and time for the hearing of such petition. If it appears that one or both of such parents, or guardian, if there be no parents, reside in the province, the clerk of court of said court shall immediately issue summons, which shall include a copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found in the province, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour to show cause, if any, why such child should not be declared by said court to be a "dependent" or "neglected" child. If it appears from the petition that neither of said parents is living, or do not reside in the province and that said child has no guardian residing in said province, or in case one or both of said parents, or the guardian in case there are no parents, shall indorse on said petition a request that the child be declared a "dependent child," then the summons herein provided for shall not be issued; and the court may thereupon proceed to a hearing of the case. In case neither of the parents nor guardian is found, then the court shall appoint some suitable person to represent said child in said case.

Upon the hearing of such case the child shall be brought before said court; whereupon, the court shall investigate the facts, and ascertain whether the child is a "dependent, child", its residence, and, as far as possible, the whereabouts of its parents or near adult relatives, when and how long the child has been maintained, in whole or in part, by private or public charity, the occupation of the parents, if living, whether they are supported by the public or have abandoned the child, and to ascertain, as far as possible, if the child is found dependent, the cause therefor. The court may compel the attendance of witnesses on such examination. The provincial fiscal, when requested by the court, shall appear in any such examination in behalf of the petitioner. It shall be the duty of the provincial fiscal, upon the request of the court or any petitioner, to file a petition and to conduct any necessary proceedings in any case within the provisions of this Act.

In the hearing of such case, the court shall not be bound to follow the technical rules of evidence. If the said child shall be found after such hearing to be a "dependent" or "neglected child, as defined herein, it shall be adjudged a dependent child", and an order may be entered making such disposition of the care and custody of said child as the court deems best for its moral and physical welfare. It may be turned over to the care and custody of any suitable Person or any suitable institution in the province organized for the purpose of caring for "dependent children", and which is able and willing to care for the same. If there be no such person or suitable institution, the child shall be referred to the Social Welfare Administration. And when the child is so turned over to the custody of such person or institution, such person or institution shall have the right to the custody of said child, and shall be at all times responsible for its education and maintenance subject