

[DOJ, January 24, 1994]

RULES AND REGULATIONS ON THE TRAFFICKING OF CHILDREN

Pursuant to Section 32 of Republic Act No. 7610 entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES", the following rules and regulations are hereby issued to implement Article IV of said Act concerning "Child trafficking":

SECTION 1. Definition of Terms. — As used in these Rules, unless the context otherwise requires —

- a. **Child** shall refer to a Filipino citizen who is below eighteen (18) years of age;
- b. **Trafficking** shall refer to the act of trading or dealing with children, including but not limited to, the buying and selling children for money, or for any other consideration, or barter;
- c. **Parent** shall refer to the natural parents, legal guardian of a child or one exercising parental authority over the child;
- d. **Department** shall refer to the Department of Social Welfare and Development; and
- e. **Code** shall refer to Presidential Decree No. 603, "The Child and Youth Welfare Code".

SECTION 2. Child Abandoned in an Institution. — A hospital, clinic or duly licensed child-caring or placement agency shall report to the Department any child in its care whenever the parent has left the child in the said hospital clinic or child-caring or placement agency for seven (7) days without any valid reason and without providing for his care and support.

SECTION 3. Child Left with a Private Individual. — If a child is left by the parent with a private individual for the same period mentioned in Section 2 above without providing for the care and support of the child, the private individual who has custody over the child shall report such fact to the Department.

SECTION 4. Presumption of Abandonment of Child. — The following shall be presumed as an intent on the part of a parent to abandon a child:

- a. failure to provide for the care and support of a child for at least six (6) continuous months for no valid reason shall be presumed as an intent to abandon the child unless said failure is due to reasons beyond the control of the parent or is

due to financial reasons; or

b. failure to report to a law enforcement agency or to the Department that the child is missing within seventy-two (72) hours after his disappearance is discovered.

SECTION 5. Action of Department. — Upon receipt of the report of the presence of an abandoned child in a hospital, clinic or private individual, the Department shall, if found true, immediately take custody of said child or arrange for the immediate transfer of the child to a duly accredited child-caring or placement agency. Thereafter, the Department shall file a petition for the involuntary commitment of the abandoned child in favor of a duly accredited child placement agency or private individual in accordance with the provisions of the Code. The Department shall also file the appropriate criminal complaint against the parent who abandoned the child.

SECTION 6. Prohibited Act. — It shall be unlawful for a hospital, clinic, duly accredited child placement agency or person to deliver an abandoned child under its custody to a public institution or private individual without the written consent of the parent or person who entrusted such child to its or his care, or in the absence of the latter, of the Department.

Violation of this provision will subject the guilty party to the penalty of *arresto mayor* and payment of a fine not exceeding five hundred pesos (P500.00). This is without prejudice to the filing of a separate complaint against the guilty party under Article 210 of the Code.

SECTION 7. Criminal Liability for Abandonment of Child. — A parent who abandons a child who is under seven (7) years of age for six (6) continuous months shall, if found guilty, be punished with *arresto mayor* and payment of a fine not exceeding five hundred pesos (P500.00).

If the child dies as a result of the abandonment, the culprit shall be punished by *prison correccional* in its medium and maximum periods.

If the child is merely exposed to danger by reason of the abandonment, the culprit shall be punished by *prison correccional* in its minimum and medium periods.

SECTION 8. Unaccompanied Foreign Travel of a Child. — A child shall not be allowed to travel alone to a foreign country without a travel clearance therefor issued by the Department or a written permit issued under oath by both natural or adoptive parents, or the legal guardian or other person having legal custody of the child.

SECTION 9. Department Travel Clearance. — An application for travel clearance authorizing the unaccompanied foreign travel of a child shall be filed with the Department. The application shall be in the form prescribed by the Department and shall be signed under oath by both natural or adoptive parents of the child, or the guardian or legal custodian of the child.

SECTION 10. Parental Travel Permit. — The written permission given by the natural or adoptive parents, guardian or legal custodian for the unaccompanied foreign travel of their child shall be in the form prescribed by the Department. It