

AN ACT TO CONFER CERTAIN POWERS UPON INSTITUTIONS FOR THE CARE OF ORPHAN, HOMELESS, NEGLECTED, OR ABUSED CHILDREN

Act No. 3094, March 16, 1923

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Any public institution or any benevolent or charitable society incorporated under the laws of the Philippine Islands and duly authorized therefor by the Secretary of the Interior, through the Public Welfare Commissioner, having for its object the receiving, aiding, caring for, placing out for adoption and consenting to adoption or improving the condition of orphan, homeless, neglected, or abused children, whose teachings are not contrary to the Christian principles of morality, shall have authority to receive, control, train, educate, aid, care for, dispose of, place out for adoption and consent to the adoption of any child under eighteen years of age. when the father and mother or person or persons legally entitled to act as guardian of such child shall, in writing, surrender it to the charge and custody of such institution or society, and the person of the child shall thereafter be in the legal custody of said institution or society for the purposes herein stated: Provided, That in case of the death or legal incapacity of the father, or his abandonment of the child for the period of two years or more, the mother alone shall have the authority to make such surrender, and in the case of the death or legal incapacity of the mother, or her abandonment of the child for said period, the father alone shall have authority to make such surrender of such a child.

SEC. 2. When any child shall have been surrendered in accordance with the preceding section and such child shall have been accepted by such institution or society, the rights of its natural parents, guardian of its person, if any, or other custodian shall cease, and such institution or society, while authorized as provided for in section one of this Act, shall be entitled to the custody and control of such child during its minority, and shall have authority to care for, educate, train, and place it out temporarily or for adoption in a suitable home and to consent to its adoption under the laws of the Philippine Islands in such manner as shall best secure its welfare.

SEC. 3. It shall be unlawful for any child so surrendered or committed without reasonable cause therefor to leave the person, institution, or society, or for any person to induce or attempt to induce a child to leave such person, institution, or society who has the care, custody, and control of such child as provided herein. Any violation of this section shall be punished by imprisonment for not more than one year, or by a fine not exceeding two thousand pesos, or both such fine and imprisonment, in the discretion of the court: Provided, however, That any foreigner violating this section may also, upon recommendation, be subject to deportation: Provided, further, That in the interpretation of this section, the provisions of section two of this Act shall be considered.

SEC. 4. When the parents of any minor are dead, or by reason of long absence or legal or physical disability have abandoned it, or cannot support it through vagrancy, negligence, or misconduct, or neglect, or refuse to support it, or unlawfully beat or otherwise habitually maltreat it, or cause or allow it to engage in common begging, or to commit offenses against the law, the Court of First Instance of the province in which the parents reside or the

child is found, upon petition filed by some reputable resident of the province, or by any benevolent or charitable association of any of said provinces, may issue an order requiring such parents to show cause, or, if the parents are dead or not found in the province, requiring the fiscal of the province to show cause, at a time and place fixed in the order, why the child should not be taken from its parents, if living; and if upon the hearing it appears that the allegations of the petition are true, and that it is for the best interest of the child, the court may make an order taking it from its parents, if living, and committing it to any suitable orphan asylum, children's home, benevolent or charitable association, or benevolent society or person, to be ultimately placed, by adoption or otherwise, in a home found for it by such asylum, children's home, benevolent or charitable association, society or person, subject to the general supervision of the Public Welfare Commissioner and the rules and regulations prescribed by said officer, with the approval of the Secretary of the Interior. No bond shall be required in such cases: Provided, That the Secretary of the Interior shall from time to time require a report on the conditions of children in the care of such institution, whether living within or outside the same.

SEC. 5. This Act shall take effect on its approval.

Approved, March 16, 1923.

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