

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City
First Regular Session

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Name: BREYLA RANAHANAS Signature: [Signature]
Date: JAN 17 2023 Time: 1:08 pm

BTA Parliament

BTA BILL No. 143

Introduced by:

MP DR. SUSANA SALVADOR – ANAYATIN

Co-Authors:

MP Aida M. Silongan, MP Abdullah B. Hashim, MP Ust. Abdullah E. Gayak, MP Bai Maleiha B. Candao, MP Diamila D. Ramos, MP Prof. Eddie M. Alih, MP Haron M. Abas, MP Hussein P. Muñoz, MP Ibrahim D. Ali, MP Nabila Margarita P. Pangandaman, MP Dr. Marjanie S. Macasalong, MP Mohammad S. Yacob, MP Mudjib C. Abu, MP Atty. Nabil A. Tan, MP Atty. Rasol Y. Mitmug, Jr., MP Jaafar Apollo Mikhail L. Matalam, MP Abdulaziz M. Amenoden, MP Benjamin T. Loong, MP Ali B. Solaiman, MP Nurredha I. Misuari, MP Abdulkarim T. Misuari.

AN ACT INSTITUTIONALIZING SUPPORT TO THE WELFARE AND CARE FOR ORPHANS BY ESTABLISHING BANGSAMORO ORPHANAGES IN THE REGION, AND PROVIDING FUNDS THEREOF

EXPLANATORY NOTE

Historically, it is argued that in African Traditional Communities, there were “no orphans” since every child belonged to the whole community. The whole community ensured that each orphan got proper support and care, thereby confirming Mbiti’s (1969) proverbial saying; “I am because we are”. In the African community, a man had the obligation to cater for the widow and orphans of his deceased relative. Failure to do so earned him strong public rebuke and as a result, it was

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Bangsamoro Transition Authority
OFFICE OF MP DR. SUSANA SALVADOR ANAYATIN
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DATE: JAN 17 2023 TIME: 11:50 AM

35 difficult to find someone in the community without help (Kanu, 2010).¹
36 This arrangement guaranteed social security for the poor, old, widowed,
37 and orphaned children which is one of the most admired values in the
38 traditional African socio-economic arrangement.

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40 This communitarian culture does not exist in the Western
41 perspective which is characterized by individualism and the nuclear
42 family structure is pretty much practice and exercise in Philippine set-
43 up.

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45 Hence, government intervention is accordingly expected to
46 address the growing numbers of orphans to prevent early demise of the
47 vulnerable. Their chances of survival are slim if not earlier address as
48 some of them are unable to get crucial aspect of their lives such as
49 nutrition, healthcare, water, shelter, quality education or home
50 training.

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52 This bill is motivated by the desire and compassion to the welfare
53 of the orphans. Countless children are growing up in poverty and some
54 are in dire need of support of the basic needs yet vital to their physical
55 and mental development such as shelter or orphanage, which this bill
56 advocates. This is more than support, for this will give them safe and
57 happy life.

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59 We in the BTA Parliament have a huge opportunity to change the
60 lives of the orphans, we want to support efforts to end child poverty, to
61 plant seeds of hope in the lives of these children, to give them chance
62 to rise above circumstances and become useful members of the society.

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64 Hence, it is earnestly sought for the early approval of this bill.

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DR. SUSANA S. ANAYATIN
Member - BTA Parliament

¹ [Child Resilience, Survival, and Development: Voices of Orphans in Zimbabwe: Social Sciences & Humanities](https://www.igi-global.com/book/child-resilience-survival-and-development-voices-of-orphans-in-zimbabwe-social-sciences-humanities)
Book Chapter | IGI Global ([igi-global.com](https://www.igi-global.com))

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Name: BAZAR RAHMAN HAS Signature: [Signature]
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BE IT ENACTED by the Bangsamoro Transition Authority in Parliament assembled as follows:

SECTION 1. Short Title. – This Act shall be referred to as the “Bangsamoro Orphanage Act of 2023”.

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the Bangsamoro Government to respect, protect and promote the rights of children, especially orphans of tender age. They shall be protected from exploitation, abuse or discrimination. Their education and development, both physical and mental, shall be protected from exploitation, abuse or discrimination. Their education and development, both physical and mental shall be fully addressed under Section 14, Article IX of Republic Act 11054.

133 Bangsamoro policies and programs shall take into utmost consideration the
134 best interest of children, and promote and protect the rights of children,
135 youth, and adolescents, including their survival and development.
136

137 The Bangsamoro Government and its constituent local government units shall
138 provide for adequate funding and effective mechanisms for the
139 implementation of this policy.
140

141 **SECTION 3. Definition of Terms.** – For purposes of this Act, the following
142 terms shall be defined as stated below:
143

144 A. *“Institution”* refers to a child-caring and/or child-placing institution,
145 specifically an orphanage under this Act, licensed and accredited by
146 the Ministry of Social Welfare and Development;
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148 B. *“Orphaned Minor”* refers to a child, below 18 years old, who is left
149 without any care or guardian by the death of his father, or who is
150 without proper parental care due to the death or disappearance of,
151 or abandonment by, both parents for at least six continuous months;
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153 C. *“Orphanage”* refers to any MSSD-licensed orphanage that seeks to
154 enrich the lives and enhance the physical, emotional, and social
155 well-being of orphaned children.
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157 **SECTION 4. Coverage.** – This Act shall cover all orphaned minors in the
158 region who shall be monitored and evaluated by the monitoring and
159 evaluating system for orphaned minors in accordance with the implementing
160 rules and regulations of this Act.
161

162 **SECTION 5. Monitoring and Evaluating System for Orphaned Minors.** –
163 There is hereby created a system which shall lead the creation of a credible
164 mechanism to determine the eligible beneficiaries and shall create the
165 appropriate model for the orphanages in the respective community, which
166 shall be composed of, but not limited to the following:
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- 168 1. Ministry of Social Services and Development;
 - 169 2. Provincial Social Welfare Development Office;
 - 170 3. Municipal Social Welfare Development Office;
 - 171 4. City Social Welfare Development Office;
 - 172 5. Ministry of Interior and Local Government Unit;
 - 173 6. Provincial Local Government Units;
 - 174 7. Local Government Units;
 - 175 8. Barangay Local Government Units
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9. Traditional Leaders and Religious sector such as Ulama or Imam of each provinces consisting the Bangsamoro Autonomous Region in Muslim Mindanao.

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The system shall use an appropriate, effective, transparent and cost-efficient method to identify and select qualified beneficiaries and shall coordinate with different ministries and agencies, including organizations from the private sector to ensure the full implementation of statutory commitments herein.

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It is also its mandate to come up with a comprehensive monitoring system to address the needs of orphaned minors in the respective community. It shall include, but not be limited to, coming up with updated data on the number, location and personal profile of orphaned minors in their respective communities, developing the appropriate models of orphanages in the respective community, and monitoring the orphaned minors in the orphanages.

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SECTION 6. Implementing Ministry. – The Bangsamoro Government shall establish orphanages in every province in the Bangsamoro Region through its implementing ministries, primarily through the Ministry of Social Services and Development (MSSD). The Ministry of Social Services and Development (MSSD), in coordination with the Ministry of Interior and Local Government (MILG), shall lead the central planning, coordinating, implementing and monitoring body of the comprehensive program, shall lead in the formulation of the implementing rules and guidelines for its enforcement, and shall perform such other functions as may be necessary or incidental to the proper implementation of the provisions of this Act.

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SECTION 7. Comprehensive Support Program. – The Comprehensive Support Program is hereby institutionalized as a mechanism to provide social welfare and care for orphans in the orphanages by the Bangsamoro Government through its implementing agencies. The programs shall include, but is not limited to: (i) Basic needs; (ii) Physical safety and security; (iii) Socio-economic needs; (iv) Educational needs; (v) Emotional and spiritual needs, and (vi) Access to justice.

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SECTION 8. Managing Committee. – There shall be a Managing Committee in charge of the management of the established Bangsamoro orphanages in their respective area and training of personnel to provide appropriate care. They shall have the duty to comply with all the requirements of this Act and to enforce the rules, regulations, directions, and orders thereunder with respect to every orphan child admitted into the orphanage until the child completes the age of eighteen years.

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222 **SECTION 9. Role of Local Government Units.** – The constituent LGUs in
223 the Bangsamoro Region are mandated to develop a monitoring and evaluating
224 system over the orphanages found within their jurisdiction, and to assist them
225 with accreditation. The funding for which shall be sourced from the individual
226 appropriation of each LGU as part of their mandate of providing social services
227 to their constituents.

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229 **SECTION 10. Accreditation.** – The MSSD is directed to immediately begin
230 the process of accreditation of all orphanages in the Bangsamoro Region, with
231 the end goal of having at least two accredited orphanages in each province of
232 the Bangsamoro by the end of the transition period and to have an accredited
233 orphanage per LGU by 2025, with the overall goal of establishing a systematic
234 and accessible process of accreditation for institutions.

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236 **SECTION 11. Implementing Rules and Regulations.** – The MSSD, as lead
237 ministry and the MILG, in consultation with other relevant and concerned
238 government ministries, agencies, and offices are hereby mandated to prepare
239 and draft the IRR to operationalize the provisions of this Act within three (3)
240 months from its effectivity. The MSSD may operationalize the standards set
241 by the DSWD for accreditation and licensing of institutions or come up with
242 entirely new standards and guidelines as may be left to their expertise and
243 discretion. *Provided*, the standards or guidelines do not go against previously
244 established laws.

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246 **SECTION 12. Limitations.** – Upon reaching the age of eighteen years and/or
247 having been adopted, the same shall render the former orphaned child no
248 longer eligible for the program.

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250 **SECTION 13. Program Requirements and Transparency.** – The
251 implementing agencies to be led by the Ministry of Social Services and
252 Development shall submit annual implementation reports of this Act detailing
253 the budget utilization through financial reports, and regularly provide
254 information on the status of the program to the Ministry of Finance, Budget
255 and Management and the Bangsamoro Parliament, with a copy to be
256 furnished to the Office of the Chief Minister.

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258 **SECTION 14. Appropriations.** – Th financial requirements to implement this
259 Act shall be covered by an annual appropriation taken from the Annual Block
260 Grant passed by the Bangsamoro Parliament.

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263 **SECTION 15. Repealing Clause.** – All provisions of existing regional laws,
264 Executive Orders, other decrees, and rules and regulations contrary to or
265 inconsistent with the provisions of this Act are hereby repealed, amended, or
266 modified accordingly.

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270 **SECTION 16. Separability Clause.** – If any provision of this Act be found
271 unconstitutional by a court of law, such provision shall be severed from the
272 remainder of this Act, and such action shall not affect the enforceability of the
273 remaining provisions of this Act.

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275 **SECTION 17. Effectivity.** – This Act shall take effect fifteen (15) days after
276 its publication in the Official Gazette or in two (2) newspapers of general
277 circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

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279 ***Approved;***

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