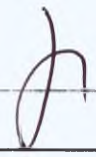


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

Office of the Secretary  
23 MAY 29 P4 :14

SENATE  
P.S. Res. No. 645

RECEIVED BY 

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Introduced by Senator Aquilino "Koko" Pimentel III

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**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CIRCUMSTANCES WHICH PROMPTED THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) TO ISSUE A CEASE AND DESIST ORDER AGAINST GENTLE HANDS INC. WITH THE END IN VIEW OF AMENDING OR PASSING LAWS WHICH WILL STRENGTHEN THE SPECIAL PROTECTION GRANTED TO CHILDREN BY THE 1987 CONSTITUTION AND OTHER VARIOUS LAWS**

1           **WHEREAS**, Section 3 (2), Article XV of our 1987 Constitution states  
2 that *"The State shall defend the right of children to assistance, including proper*  
3 *care and nutrition, and special protection from all forms of neglect, abuse,*  
4 *cruelty, exploitation and other conditions prejudicial to their development"*;  
5

6           **WHEREAS**, Consistent with our Constitution, Article 1, Section 2 of the  
7 Republic Act No. 7610 or the Special Protection of Children Against Abuse,  
8 Exploitation and Discrimination Act provides that it is the policy of the State to  
9 provide special protection to children from all forms of abuse, neglect, cruelty  
10 exploitation and discrimination and other conditions, prejudicial to their  
11 development; provide sanctions for their commission and carry out a program for  
12 prevention and deterrence of and crisis intervention in situations of child abuse,  
13 exploitation and discrimination;  
14

15           **WHEREAS**, the Department of Social Welfare and Development  
16 (DSWD) is the primary government agency mandated to develop, implement,  
17 and coordinate social protection and poverty-reduction solutions for and with the  
18 poor, vulnerable, and disadvantaged;  
19

1           **WHEREAS**, it is reported that on May 20, 2023, DSWD Secretary Rex  
2 Gatchalian conducted a surprise visit to the Gentle Hands Inc., a private  
3 orphanage in Quezon City, following an alleged complaint that said orphanage  
4 had violated Republic Act No. 7610 or the Special Protection of Children Against  
5 Child Abuse, Exploitation and Discrimination;  
6

7           **WHEREAS**, during said surprise visit, the DSWD Secretary allegedly  
8 determined that the children are in “imminent danger” and decided that it is in the  
9 best interest of the children to be immediately transferred to a safer shelter;  
10

11           **WHEREAS**, in the evening of May 22, 2023, the DSWD issued a cease  
12 and desist order against Gentle Hands Inc., and the following day, the Gentle  
13 Hands children were reportedly gathered and transferred without notice to Elsie  
14 Gaches Village in Alabang, Nayong Kabataan in Mandaluyong, and the  
15 Reception and Study Center For Children in Quezon City;<sup>1</sup>  
16

17           **WHEREAS**, the Commission on Human Rights expressed concern that  
18 the children involved may have been traumatized and that it is crucial that the risk  
19 of further trauma, hurt, or harm to children when conducting investigative and  
20 intervention processes be minimized;  
21

22           **WHEREAS**, reports indicate that the already distressing situation was  
23 exacerbated by the fact that some officials and police officers present when the  
24 children were gathered were armed, causing additional distress among the  
25 children;<sup>2</sup>  
26

27           **WHEREAS**, Gentle Hands Inc. Executive Director Charity Heppner Graff  
28 expressed that the alleged violations are not enough reason to forcibly move the  
29 children out of the facility;<sup>3</sup>  
30

31           **WHEREAS**, it is reported that no prior notice was given when the DSWD  
32 served the cease and desist order and that Gentle Hands Inc. is now considering  
33 to secure a Temporary Restraining Order (TRO) against the DSWD’s action  
34 which resulted in the displacement of the children;  
35

36           **WHEREAS**, this incident involving Gentle Hands Inc. orphanage presents  
37 Congress with compelling legislative policy issues in protecting the rights and  
38 welfare of children;

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<sup>1</sup> As reported in <https://news.abs-cbn.com/spotlight/05/24/23/abrupt-transfer-of-orphans-traumatizing-gentle-hands-head>, accessed on May 25, 2023.

<sup>2</sup> As reported in <https://newsinfo.inquirer.net/1773664/fwd-chr-urges-minimize-trauma-for-gentle-hands-kids> accessed on May 25, 2023.

<sup>3</sup> As reported in <https://newsinfo.inquirer.net/1774263/orphanage-questions-dswd-closure-order-eyes-tro>, accessed on May 25, 2023.

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**NOW THEREFORE, BE IT RESOLVED**, as it is hereby **RESOLVED** by the Senate of the Philippines, to direct the appropriate Senate committee to conduct an investigation, in aid of legislation, on the incident regarding Gentle Hands Inc. which prompted the Department of Social Welfare and Development (DSWD) to issue a cease and desist order, with the end view of amending and passing laws which will strengthen the special protection granted to children by the 1987 Constitution and other various laws.

*Adopted,*

  
**AQUILINO "KOKO" PIMENTEL III**