

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 74

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Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

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EXPLANATORY NOTE

The International Declaration of the Rights of the Child, RA 7610, and Article 332 of the Civil Code, provide for the deterrence and special protection against child abuse, exploitation and discrimination; thus highlighting the State function to protect the children.

The biggest stumbling block, however, are the parents who renege on their legal and moral obligation to the child who is allowed to beg and roam the streets presumably to meet the necessity of family support or augment the family sustenance; thereby creating a permanent damage to the development of the child.

While Executive Order 209 or the Family Code of the Philippines defines support as "everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family", the state of poverty shall not be countenanced as an excuse to exploit the child. The social malady should be everybody's concern, but foremost, the family of the child should bear the primary responsibility to raise him not as a beggar or child prostitute but as a respectable and productive citizen of the country. The parent who defaults on his or her responsibility to the child by allowing the child to beg or engage in the sex trade or other illegal undertaking should not be condoned by society.

Hence, this measure seeks to elevate the dignity of the child as well as the parents who nurture the upbringing of the child, measured in terms of the capacity to give love and care without exploitation. To reiterate, we are not outlawing the poor, we are simply making exploitation illegal for the parents who allowed them to happen to their own children.

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**AN ACT PENALIZING PARENTS, ADOPTERS, GUARDIANS OR PERSONS EXERCISING SPECIAL OR SUBSTITUTE PARENTAL AUTHORITY OVER CHILDREN UNDER PARENTAL AUTHORITY FOUND TO BE ENGAGED IN BEGGING AND/OR PROSTITUTION AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** This Act shall be known as the "Parental Sanction Law for Child Begging and Prostitution".

**SEC. 2. Declaration of Principles.** It shall be the policy of the State to ensure that children are protected from abuse, exploitation and discrimination.

The parental excuse of giving support in keeping with the financial capacity of the family has been pushed to the extreme by allowing the children to beg and engage in prostitution as a means to earn a living. This is prejudicial to the development of the child. As a legal responsibility, there should be no compromise to the child's entitlement to support from the parents.

The prevalence of child beggars and child prostitutes shall not be countenanced even upon direction or prodding by parents.

**SEC. 3. Definition.** "Children" refers to persons below eighteen (18) years of age including those in this age category who are unable to fully take care of themselves because of physical or mental disability or condition.

**SEC. 4.** In addition to the measure of prevention provided under Article 332 of the Civil Code providing for the deprivation of parental authority or suspension of the exercise of the same if they should treat their children with excessive harshness or should give them corrupting orders, counsels or example, or should make them beg or abandon them, the penalty of arresto mayor shall be imposed upon the parents, adopters, guardians or persons exercising special or substitute parental authority over children under parental custody found to be begging or engaging in prostitution, whether the intent is to give pecuniary benefit to the child, harness him or her for family sustenance, or simply to let the child fend for him or herself.

**SEC. 5.** Parents, adopters, guardians or persons exercising special or substitute parental authority over the child who shall use, coerce, intimidate, or force their children to beg or engage in prostitution shall suffer the penalty of prison correctional.

**SEC. 6.** The victims of the acts committed under the two proceeding sections shall be entrusted to the care of the Department of Social Welfare and Development (DSWD) with due regard to the eventual turnover to substitute parental authority enumerated under Article 216 of Executive Order 209 or the Family Code of the Philippines; Provided; That they are not to be found to be abetting the parent's neglect.

**SEC. 7.** The penalties shall be one (1) degree higher than the imposed herein when the victim is under twelve (12) years of age.

**SEC. 8. Rules and Regulations.** The Secretary of DSWD shall promulgate the necessary rules and regulations for the effective implementation of this Act.

**SEC. 9. Repealing Clause.** All other laws, order, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

**SEC. 10. Effectivity.** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulations, whichever comes earlier.

*Approved.*