

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 166

Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

EXPLANATORY NOTE

This re-filed bill is originally HB 6436 that we filed in the 14th Congress which penalizes any person for preventing a child to learn and use the language of his family, thereby amending the pertinent provisions of the Child Abuse Law (RA 7160).

This has been previously referred to the Committee on Justice but was not taken up for deliberations.

This measure is consistent with the principle of First Call for Children as enunciated in Article 28 of the United Nations Convention on the Rights of a Child that "the States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity". Anent thereto, Article 30 emphasizes that "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language".

The 1987 Constitution, Section 5 of Article III (*Bill of Rights*) states that "no law shall be passed abridging the freedom of speech". Corollary to this, Section 1 of Article XIV provides that "the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all".

Section 2 of Republic Act 7610 (*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*) declares that it is "the policy of the State to provide special protection to children from all forms of abuse, neglect cruelty, exploitation and discrimination, and other conditions prejudicial to their development".

Children, no matter how young, have rights to use the language of their family anywhere, anytime. Their right to speak cannot be abridged by "English only" zones that penalizes them for speaking in their own language.

Immediate approval of this bill is earnestly sought.


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AN ACT
AMENDING REPUBLIC ACT 7610, OTHERWISE KNOWN AS THE
“SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT”
BY PENALIZING ANY ACT THAT PREVENTS THE CHILD TO LEARN
AND USE THE LANGUAGE OF HIS FAMILY IN HIS BASIC
EDUCATION, AND FOR OTHER PURPOSES

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

Section 1. ***Declaration of Policy.*** – It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, including the prevention to use the language of their family in their learning process in their formative years, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. It shall provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse.

It is the declared policy of the State to provide quality education for all its citizens.

Pursuant to Sections 6 and 7, Article XIV, the national language of the Philippines is Filipino. As it evolves, it shall further be developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

Section 2, paragraphs 1 and 4 of Article XIV likewise provide that “the State shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people and society” and “encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs.”

Article II, sections 17 and 22 of the 1987 Constitution also provide that “the State shall give priority to education ~~xxx~~ to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development” and “the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.”

Consistent with the principle of First Call for Children as enunciated in Article 28 of the United Nations Convention on the Rights of a Child that “the States Parties recognize the right of the child to

education and with a view to achieving this right progressively and on the basis of equal opportunity". Anent thereto, Article 30 emphasizes that "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language".

Language plays a strategic role in shaping the formative years of learners who participate in social and public life and to engage in dialogue, to a great extent of skills. To be effective and adapted to the culture and need of learners, education and literacy programs must be delivered in languages understood by those learners.

It has been proven conclusively that mother tongue instructional method is the most effective tool for learning as it affirms the value of the child and his cultural heritage enabling the child to develop critical thinking skills and cognitive development necessary to excel in all academic subjects including the acquisition of Filipino and English as second languages.

Section 3. Par. (b), Section 3 of Republic Act 7610, as amended, is hereby further amended by adding additional sub-paragraph (5) thereto, to read as follows:

"Sec. 3. Definition of Terms: -

(b)Child Abuse- refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

xxx

(5). Discriminating, devaluing, disciplining, fining or imposing other sanctions against the child's right to learn and use the language of his/her family in school."

Section 4. Section 31 (*Common Penal Provisions*) of Republic Act 7610, is hereby further amended by adding additional sub-paragraph (g) thereto, to read as follows:

"Sec. 31. Common Penal Provisions: -

xxx

(g) Penalties for Prevention to Use the Native Tongue. - Any person who shall violate any provision of this Act shall suffer the penalty of fine of not less than Php50,000 but not more than Php100,000 or imprisonment of not less than six (6) months but not more than two (2) years or both at the discretion of the court. Private school owner, director, principal, supervisor and teacher shall be jointly liable, to pay fine and shall serve imprisonment individually. The teacher, professor, or supervisor of the child in any government or public institution, shall also be administratively suspended for three (3) months without pay."

Section 5. *Separability Clause.* - The provisions of this Act are hereby deemed separable. If any provision thereof is declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in effect.

Section 6. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

Section 7. *Effectivity.* - This Act shall take effect thirty (30) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved,