

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 829
23 MAR 2011

Submitted by the Committee on the Welfare of Children on _____

Re: House Bill No. **4455**

Recommending its approval in substitution of House Bill Nos. 914 and 1082

Sponsors: Representatives Aurora Enerio-Cerilles, Susan A. Yap and Bernadette Herrera-Dy

Mr. Speaker:

The Committee on the Welfare of Children to which were referred **House Bill No. 914** introduced by Rep. Susan A. Yap, entitled:

**"AN ACT
PROHIBITING ALL CORPORAL PUNISHMENT AND ALL OTHER
FORMS OF HUMILIATING OR DEGRADING PUNISHMENT OF
CHILDREN AND PROMOTING POSITIVE AND NON-VIOLENT
DISCIPLINE OF CHILDREN, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES"**

and **House Bill No. 1082** introduced by Rep. Bernadette R. Herrera-Dy, entitled:

**"AN ACT
PROHIBITING ALL CORPORAL PUNISHMENT AND ALL OTHER
FORMS OF HUMILIATING OR DEGRADING PUNISHMENT OF
CHILDREN AND PROMOTING POSITIVE AND NON-VIOLENT
DISCIPLINE OF CHILDREN, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES"**

4455

has considered the same and recommends that the attached House Bill No. _____,
entitled :

**"AN ACT
PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE IN LIEU
OF CORPORAL PUNISHMENT OF CHILDREN AND
APPROPRIATING FUNDS THEREFOR"**

be approved in substitution of **House Bill Nos. 914 and 1082** with Reps. Yap (S),
Herrera-Dy, Padilla, Limkaichong, Golez (R), Lacson-Noel, Castro, Roman, Ocampo,
Sarmiento (C), Enerio-Cerilles, Velarde, Cruz-Gonzales, Climaco, Abayon, Amante-Matba,

Arenas, Bag-ao, Cojuangco (K), De Jesus, Del Mar, Garin (J), Macapagal-Arroyo (G),
Magsaysay (M), Primicias-Agabas, Sahidulla, Sema, De Venecia, Joson, and Obillo, as
authors thereof.

Respectfully submitted,


AURORA ENERIO-CERILLES
Chairperson
Committee on the Welfare of Children

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4455**

Introduced by Representatives Susan A. Yap, Bernadette R. Herrera-Dy, Carlos M. Padilla, Jocelyn S. Limkaichong, Roilo Golez, Josephine Veronique R. Lacson-Noel, Jane T. Castro, Herminia B. Roman, Rosenda Ann Ocampo, Cesar V. Sarmiento, Aurora Enerio-Cerilles, Mariano Michael M. Velarde, Jr., Cinchona Cruz-Gonzales, Maria Isabelle "Beng" G. Climaco, Daryl Grace J. Abayon, Ma. Angelica M. Amante-Matba, Ma. Rachel J. Arenas, Kaka J. Bag-ao, Kimi S. Cojuangco, Emerenciana "Emmi" A. De Jesus, Rachel Marguerite B. Del Mar, Janette L. Garin, Gloria A. Macapagal-Arroyo, Maria Milagros E. Magsaysay, Marilyn L. Primicias-Agabas, Nur-Ana I. Sahidulla, Bai Sandra A. Sema, Ma. Georgina P. De Venecia, Josefina M. Joson and Recna Concepcion G. Obillo

AN ACT

PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE IN LIEU OF CORPORAL PUNISHMENT OF CHILDREN AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the *Positive Discipline in Lieu*
2 *of Corporal Punishment of Children Act of 2011.*

3 **SEC. 2.** *Declaration of Policy.* – The State recognizes the vital role of children and
4 youth in nation building and shall promote and protect their physical, moral, spiritual,
5 intellectual and social well-being. Pursuant thereto, no child shall be subjected to torture or
6 other cruel, inhuman or degrading treatment or punishment. Such treatment or punishment
7 violates the child's rights, human dignity and physical integrity.

8 As such, the State shall:

9 (a) Promote positive and non-violent discipline of children at home, in school, in
10 institutions, in alternative care systems, in workplaces and in all other settings and
11 establish the necessary structures and mechanisms and mobilize resources to make
12 this possible;

13 (b) Defend the right of children to assistance, including proper care and nutrition, and
14 special protection from all forms of neglect, abuse, cruelty, exploitation and other
15 conditions prejudicial to their development;

- 1 (c) Protect the best interests of the child through measures that will ensure the
2 observance of international standards of child protection, especially those to
3 which the Philippines is a party;
- 4 (d) Respect the responsibilities, rights and duties of parents, guardians or other
5 persons legally responsible for the child, including those exercising special or
6 substitute parental authority, to provide, in a manner consistent with the evolving
7 capacities of the child, appropriate direction and guidance in the exercise of the
8 children's rights;
- 9 (e) Assist parents in the fulfillment of their parental obligations;
- 10 (f) Ensure that school discipline is administered in a manner consistent with the
11 child's human dignity; and
- 12 (g) Protect the child from all forms of physical or mental violence, injury from abuse,
13 neglect or negligent treatment, maltreatment or exploitation, including sexual
14 abuse, while in the custody of parents, guardians or any other person under whose
15 care the child is entrusted. Such protective measures shall include effective
16 procedures for the establishment of social programs to provide necessary support
17 for the child and for those who care for the child, as well as for other forms of
18 prevention and for identification, reporting, referral, investigation, treatment and
19 follow-up of instances of child maltreatment, and, as appropriate, for legal or
20 judicial action.

21 **SEC. 3. Definition of Terms.** – The following terms as used in this Act shall be
22 defined as follows:

- 23 (a) *Child* refers to a person who is below eighteen (18) years of age, or one over but is
24 unable to fully take care of one's self or protect one's self from abuse, neglect,
25 cruelty, exploitation or discrimination because of a physical or mental disability or
26 condition.
- 27 (b) *Corporal punishment* refers to punishment or acts carried out to discipline, train or
28 control, inflicted by an adult or by another child, who has been given or has assumed
29 authority or responsibility for punishment or discipline. It includes physical and
30 humiliating or degrading punishment such as, but not limited to:
- 31 (1) Blows such as but not limited to beating, kicking, hitting, slapping, lashing to
32 any part of a child's body, with or without the use of an instrument such as
33 but not limited to a cane, broom, stick, whip or belt;

(2) Striking of the child's face or head such being designated as the "no contact zone";

(3) Pinching, pulling ears or hair, shaking, twisting joints, cutting or piercing skin, dragging or throwing a child;

(4) Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as but not limited to holding a weight or weights for an extended period; kneeling on stones, salt or pebbles; squatting; standing or sitting in a contorted position;

(5) Deliberate neglect of a child's physical needs, where this is intended as punishment;

(6) Use of or exposure to substances that can cause discomfort or threaten the child's health such as fire, ice, water, smoke, pepper, alcohol, dangerous chemicals such as bleach or insecticides, excrement or urine;

(7) Imposition of a chore or task that is beyond a child's physical strength or is considered a health hazard such as making a child skip sleep to iron clothes or clean toilets unprotected;

(8) Shutting or tying up a child in a confined space or material;

(9) Verbal assaults, threats or intimidation;

(10) Verbal abuse, or assaults including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child;

(11) Making a child look or feel foolish in front of one's peers or the public such as shaving hair; and

(12) Other acts or words which tend to belittle, humiliate, blame, ignore, or isolate the child.

(c) *Foster parents* refer to persons duly licensed by the Department of Social Welfare and Development (DSWD) to provide planned, temporary, substitute parental care to children.

(d) *Guardians* refer to legal guardians and other persons, including relatives, with physical custody of the child.

(e) *Institutions* refer to residential and nonresidential child-caring agencies, including youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages; and churches or religious centers, including places of worship and parish centers.

1 (f) *Parents* refer to biological parents, step parents, adoptive parents and the common-
2 law spouse or partner of the parent.

3 (g) *Persons legally responsible for the child, including those exercising special or*
4 *substitute parental authority* refer to those provided for under Presidential Decree No.
5 603, as amended (*Child and Youth Welfare Code*), Executive Order No. 209, as
6 amended (*Family Code*), and Republic Act No. 7610, as amended (*Special Protection*
7 *of Children Against Abuse, Exploitation and Discrimination Act*).

8 (h) *Positive and non violent discipline* refer to an approach seeking to immediately
9 correct the behavior of a child, to teach a lesson, to give tools that build self discipline
10 and emotional control, and to build a good relationship with the child by
11 understanding the child's needs and capabilities at various ages and the behavior that
12 is usual for a child at each stage of development.

13 (i) *Service providers* refer to persons who, in a residential or nonresidential setting,
14 provide services to children. These include social workers, center administrators and
15 personnel, house parents, health service providers, day care workers, volunteers,
16 security guards in schools and centers, guards in a youth detention home, law
17 enforcement officers, *barangay* officials and *tanods*, and jail officers.

18 (j) *School teacher, personnel, and officers* refer to persons exercising authority over
19 students, including administrators, student teachers, guidance counselors, prefects of
20 discipline, instructors, school personnel, scout masters and Citizen's Advancement
21 Training (CAT) and Citizen's Military Training (CMT) or Reserved Officers Training
22 Corps (ROTC) commandants, tactical officers and student officers.

23 (k) *Yayas, house helpers and caregivers* refer to domestic workers with direct contact to
24 the child.

25 **SEC. 4. *Promotion of Techniques on Positive and Non-Violent Discipline*** –A
26 comprehensive program shall be formulated and implemented to promote positive and non-
27 violent discipline in lieu of corporal punishment of children. A continuing information
28 dissemination campaign shall be conducted nationwide regarding its benefits and techniques.

29 Among the positive and non-violent techniques for disciplining a child which can be
30 promoted include:

31 (a) *Beat-the Clock* – a motivational technique that uses the child's competitive nature to
32 encourage completion of tasks on parent's timetable.

33 (b) *Grandma's Rule* – a contractual agreement that allows a child to do what the child
34 pleases as soon as what the parent wants has been accomplished.

1 (c) Neutral time – taking advantage of time that is free from conflict, such as the time
2 after a tantrum has passed and the child is calm and receptive, to teach new behavior
3 to the child.

4 (d) Praise – a verbal recognition of a behavior that a parent wants to reinforce

5 (e) Reprimand - a statement that includes a command to stop the behavior, a reason
6 why the behavior should stop, and an alternative to the behavior;

7 (f) Rule - a pre determined behavioral expectation that includes a stated outcome and
8 consequence; or

9 (g) Time out – to take the child out of a situation because of inappropriate behavior,
10 making the child face a blank wall for several minutes or until the child calms
11 down.

12 **SEC. 5. Prohibition of Corporal Punishment.** – Corporal punishment of children as
13 defined in Sec. 3 (b) are hereby prohibited in the home, in school, in institutions, in
14 alternative care systems, in the workplace and in any other settings.

15 Parents, *yayas*, house helpers and caregivers, foster parents, guardians, relatives who
16 have custody of the child, or other persons legally responsible for the child, including those
17 exercising special or substitute parental authority, school teachers, personnel, and officers
18 of both public and private academic and vocational institutions, employers and supervisors,
19 service providers, priests, nuns, pastors and other members of religious congregations or
20 churches, or any other person under whose care the child has been entrusted to and who
21 inflicts corporal punishment on the child shall be liable in accordance with existing penal
22 laws.

23 **SEC. 6. Penalties.** If the offender is not a parent, the penalties under existing penal
24 laws shall be imposed in the maximum period, except where a higher penalty is provided for
25 under Act No. 3815, as amended, otherwise known as the *Revised Penal Code*, under
26 Republic Act No. 7610, otherwise known as the *Special Protection of Children Against Child*
27 *Abuse, Exploitation and Discrimination Act*, or under Republic Act No. 9262, otherwise
28 known as the *Anti-Violence Against Women and their Children Act*. If the act is not
29 penalized under the abovementioned laws, the penalty shall be *arresto mayor* in its maximum
30 period.

31 Severe and habitual offense committed by parents shall be penalized under existing
32 penalties of the provisions of Republic Act No. 7610, as amended, and other existing penal
33 laws.

1 **SEC. 7. Option for Interventions.** If the penalty imposable for the act is only *arresto*
2 ~~*menor* or *arresto mayor*~~, the prosecutor may, instead of filing the case, refer the accused to
3 the local social welfare and development office (SWDO) for assessment and intervention
4 such as seminars and/or counseling on children's rights and positive and non-violent
5 discipline of children, anger management, and referrals to other rehabilitative services:
6 *Provided, That* the offender has not been previously charged under this Act.

7 **SEC. 8. Suspension of Parental Authority.** If the offender is a person exercising
8 parental authority but is not a parent, and has been previously charged under this Act, the
9 court may suspend parental authority in accordance with Executive Order No. 209, as
10 amended, otherwise known as the *Family Code of the Philippines*.

11 **SEC. 9. Interventions for a Parent who is an Offender.** If the offender is a parent of
12 the child, the prosecutor shall refer the parent to the local social welfare and development
13 office (SWDO) for assessment and intervention such as seminars and/or counseling on
14 children's rights and positive and non-violent discipline of children, anger management, and
15 referrals to other rehabilitative services.

16 **SEC. 10. Other Remedies.** – The remedies available to the victim under Republic Act
17 No. 7610 and Republic Act No. 9262 shall be available to the child where applicable.

18 **SEC. 11. Reporting.** – All instances of corporal punishment of children brought to
19 the *barangay* or the police, or a healthcare provider, shall be reported to the local SWDO
20 within eight (8) hours from the time of the complaint, without prejudice to the continuation of
21 the investigation or the filing of the appropriate criminal case. Failure to report within the
22 prescribed period shall be a ground for administrative action against the *barangay* official or
23 police officer, or healthcare provider.

24 **SEC. 12. Persons Intervening Exempt from Liability.** – In every case of corporal
25 punishment, any person who, acting in good faith, responds or intervenes without using
26 violence or restraint greater than necessary to ensure the safety of the victim, shall not be
27 criminally, civilly or administratively liable.

28 **SEC. 13. Who May File a Complaint.** – Complaints on acts of corporal punishment
29 against a child may be filed by the following:

- 30 (a) Offended party assisted by an adult;
31 (b) Parents or guardians;
32 (c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
33 (d) Officer, social worker or representative of a licensed child-caring institution;
34 (e) Officer or social worker of the DSWD or the local SWDO;

- 1 (f) Police officers, preferably those in charge of the Women and Children's Desk;
2 (g) *Barangay* official;
3 (h) Teacher, non-governmental organization (NGO) worker, health provider, day care
4 worker; or
5 (i) At least two (2) concerned persons from the place where the act occurred who have
6 personal knowledge of the act.

7 **SEC. 14. Venue.** – The Regional Trial Court (RTC) designated as a Family Court
8 shall have original and exclusive jurisdiction over cases of corporal punishment of children.
9 In the absence of such court in the place where the offense was committed, the case shall be
10 filed in the RTC in the place where the crime or any of its elements were committed at the
11 option of the complainant.

12 **SEC. 15. Confidentiality.** – All records pertaining to cases of corporal punishment of
13 children, including those in the *barangay*, the police or public or private healthcare facility
14 shall be confidential and the right to privacy of the victim shall be respected.

15 Whoever publishes or causes to be published, in any format, the name, address,
16 telephone number, school or any identifying information of a victim or immediate family
17 member of the victim, without consent, shall be penalized with a fine of not more than Two
18 Hundred Thousand Pesos (P200,000.00).

19 **SEC. 16. Duties and Responsibilities of Government Agencies.**

- 20 (a) The DSWD shall formulate a comprehensive program to promote the positive and
21 non-violent discipline of children and the prevention of the use of corporal
22 punishment on children. The program shall be developed in coordination with other
23 government agencies and the private sector, including academic institutions, NGOs
24 and parents-teachers-community associations. The program shall include capacity
25 building of service providers, parenting education on positive and non-violent
26 discipline of children, child-friendly reporting mechanisms, child protection services
27 and support, and documentation, data management and monitoring systems.
28 (b) The DSWD shall integrate positive and non-violent discipline of children in the
29 training of officials and staff of child-caring institutions. It shall ensure that officials
30 and staff of institutions do not use corporal punishment on any child under their
31 custody. It shall also ensure that appropriate action is taken against erring officials and
32 staff of the institutions.

1 (c) The DSWD shall institutionalize an intervention program which will ensure that only
2 ~~trained and competent professionals and staff of the local SWDO will provide~~
3 counseling and seminars for both offended child and offender.

4 (d) All local SWDOs shall adopt and implement programs and services to promote the
5 positive discipline of children and the prevention of the use of corporal punishment on
6 children. They shall also provide assistance to victims of corporal punishment and
7 their families. It shall, together with the DSWD and the LGUs, ensure the delivery of
8 intervention programs such as seminars and counseling for offending parents.

9 (e) The local SWDO shall immediately conduct an assessment of every reported instance
10 of corporal punishment on a child, and determine the appropriate interventions,
11 considering the best interest of the child at all times. The assessment shall be
12 completed within three (3) calendar days, without prejudice to the conduct of a more
13 comprehensive case study report. The interventions may include psychosocial
14 interventions for the child and the family; protective custody by the social worker;
15 temporary placement for the child; medical and legal services; counseling and
16 seminars on children's rights, positive and non-violent discipline of children and
17 anger management; and referrals to other rehabilitative services for the perpetrator.
18 The assessment shall be conducted and interventions shall be provided by the local
19 SWDO whether or not a criminal case is filed.

20 (f) The Council for the Welfare of Children (CWC) shall disseminate all relevant
21 information on this Act among concerned government agencies and entities. It shall
22 monitor the enforcement of this Act and the implementation of all programs and
23 services provided for under this Act. It shall also mobilize the different inter-agency
24 mechanisms within its national and local structures to support the implementation of
25 programs and services.

26 (g) The Department of Education (DepED), the Commission on Higher Education
27 (CHED) and the Technical Education and Skills Development Authority (TESDA)
28 shall integrate positive and non-violent discipline of children in the training of school
29 officials, teachers and personnel. The three (3) agencies shall ensure that school
30 officials, teachers and personnel do not use corporal punishment on any pupil or
31 student. They shall also ensure that appropriate administrative action is taken against
32 erring school officials, teachers and personnel.

(h) The CHED shall integrate positive and non-violent discipline of children in the curricula of education, psychology, social work and other disciplines related to child work.

(i) Local Government Units (LGUs) shall mobilize, strengthen and support local structures, such as the local councils for the protection of children, local special bodies, *Lupong Tagapamayapa* and children's welfare and protection organizations in facilitating the reporting of, prevention of and response to instances of corporal punishment, and promotion of positive discipline in their respective localities. It shall, together with the DSWD and the local SWDO, ensure the delivery of intervention programs such as seminars and counseling for offending parents.

(j) Local Councils for the Protection of Children (LCPC) shall support programs that promote the positive and non-violent discipline of children, prevent the use of corporal punishment on children, and coordinate with the local SWDO in responding to such cases.

(k) The *Sangguniang Kabataan* (SK) shall include in its programs the prevention of corporal punishment on children.

SEC. 17. *Implementing Rules and Regulations.* – The DSWD, in consultation with the CWC, DepED, the CHED, the TESDA, the Department of the Interior and Local Government (DILG), the Department of Health (DOH) and other relevant government agencies, LGUs, NGOs and children's organizations, shall promulgate the implementing rules and regulations of this Act within six (6) months from its approval.

SEC. 18. *Suppletory Application.* – For purposes of this Act, the *Revised Penal Code*, as amended, the *Child and Youth Welfare Code*, as amended, and other applicable laws shall have suppletory application.

SEC. 19. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DSWD, the DepED, the TESDA and the CHED, and thereafter in the annual *General Appropriations Act*. For LGUs, the implementation of the programs shall be charged against the internal revenue allotment and other internally generated funds of the LGU concerned.

SEC. 20. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SEC. 21. *Repealing Clause.* – All laws, presidential decrees, executive orders and rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

1 **SEC. 22. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its

2 publication in any newspaper of general circulation.

3 Approved,



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*

March 22, 2011

HON. AURORA ENERIO-CERILLES

*Chairperson
Committee on the Welfare of Children*

Dear Chairperson Enerio-Cerilles:

Please be informed that the Committee on Appropriations in its meeting held today at Conference Rooms 9 and 10, R. V. Mitra Building, approved to report out the following substitute bills with amendments:

A. Substitute Bill to House Bill Nos. 322, 489, 1793, 2278, 3012 and 3274, titled "AN ACT TO STRENGTHEN AND PROPAGATE FOSTER CARE FOR ABANDONED AND NEGLECTED CHILDREN AND OTHER CHILDREN WITH SPECIAL NEEDS, PROVIDING APPROPRIATIONS THEREFOR AND FOR OTHER PURPOSES" with the following amendments:

1. On Section 18, page 9, line 14, between the words "against" and "current" change the word "it's" to THE and between the word "appropriations" and the period (.) insert the phrase OF THE DSWD.
2. On the same section and page, line 15 after the word "Act" and the period (.), delete the last sentence which reads: "Such amount may also be augmented with a portion of the income generated by the Philippine Charity Sweepstakes Office (PCSO), including its unclaimed and forfeited sweepstakes and lotto prizes".

Likewise, the following additional amendments were approved upon the motion of Rep. Carlos Padilla, duly seconded:

1. On Section 13, page 7, line 3 before the phrase "A foster child" insert the phrase SUBJECT TO THE AVAILABILITY OF FUNDS, and between the words "child" and "be" change the word "shall" to MAY

2. On Section 14, same page, line 6, between the words "agency" and "provide" delete the word "shall" and in lieu thereof, insert the word MAY

The following members were included as co-authors of the measure namely, Reps. Limkaichong, Almario, Ilagan and Padilla.

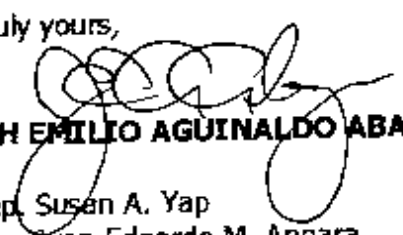
- B. Substitute Bill to House Bill Nos. 1198 and 1712, titled "AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" with following amendment:

1. On Section 34, page 22, delete the entire provision and in lieu thereof substitute the following:

SECTION 34. APPROPRIATIONS. THE AMOUNT NECESSARY TO COVER THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT YEAR'S APPROPRIATIONS OF THE CONCERNED IMPLEMENTING DEPARTMENT/AGENCIES. THEREAFTER, THE AMOUNT NECESSARY FOR ITS CONTINUED IMPLEMENTATION SHALL BE INCLUDED IN THE BUDGETS OF THE CONCERNED DEPARTMENTS/AGENCIES IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

With respect to the Substitute Bill to House Bill Nos. 914 and 1082, titled "AN ACT PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE IN LIEU OF CORPORAL PUNISHMENT OF CHILDREN AND APPROPRIATING FUNDS THEREFOR", the same is approved without amendment.

Very truly yours,



JOSEPH EMILIO AGUINALDO ABAYA

cc : Rep. Susan A. Yap
Rep. Juan Edgardo M. Angara
Rep. Bernadette Herrera-Dy
Rep. Rufus B. Rodriguez

Rep. Maximo B. Rodriguez, Jr.
Rep. Salvador H. Escudero III
Rep. Joseph Victor G. Ejercito
Rep. Marcelino R. Teodoro
Rep. Ma. Isabelle G. Climaco
Rep. Josephine Veronique R. Lacson-Noel
Rep. Lani Mercado-Revilla
Rep. Cinchona Cruz-Gonzales

HOUSE OF REPRESENTATIVES

House Bill No. 914

Introduced by Representative Susan A. Yap

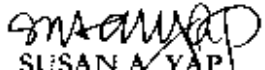
EXPLANATORY NOTE

In response to the commitment of the Philippines to various international agreements such as the Universal Declaration of Human Rights, Geneva Declaration of the Rights of the Child, and Convention on the Rights of the Child, it is imperative to enact legislation that shall protect the young generation of Filipinos. One such danger to their well being and safety comes in the form of corporal punishment as a means to supposedly instill discipline. This manner of maltreatment violates the right of the child to human dignity. Physical and psychological abuse can greatly alter children's behavior, which eventually poses grave results during their adulthood. Such unfortunate circumstances do not only happen in homes, but also in institutions of learning.

This bill seeks to address the plight of children against corporal punishment. Archaic forms of teaching discipline to the young have no place in modern society, especially if these involve violence in different forms. Children, as future productive citizens of the country, need to be cared for in an environment that fosters positive reinforcement of behavior rather than making use of punishment to supposedly facilitate learning. Regardless of age, this kind of treatment should not be afforded to anyone. And with this, it is the responsibility of the State to mitigate violence towards children by enacting concrete measures to secure their safety. Moreover, the State must be able to create tangible mechanisms to promote the positive and non-violent discipline of children at home, in school, in institutions, in alternative care systems, in employment, and in all other settings.

Repercussions suffered by the child through corporal punishment are consequences that society must face as well. It is necessary to provide preventive and legal protection in response to violations against children's rights and welfare.

In view of the foregoing, the immediate passage of the bill is earnestly sought.


SUSAN A. YAP
Representative, 2nd District Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 914

Introduced by Representative Susan A. Yap

AN ACT

PROHIBITING ALL CORPORAL PUNISHMENT AND ALL OTHER FORMS OF HUMILIATING OR DEGRADING PUNISHMENT OF CHILDREN AND PROMOTING POSITIVE AND NON VIOLENT DISCIPLINE OF CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Enacted by the Senate and House of Representatives of the Congress of the Philippines

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Corporal Punishment Act of 2014".

SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, mental, emotional, intellectual and social well-being. It shall intervene in the youth, particularly in child labor and encourage their involvement in national and civic affairs. The State shall defend and protect children in assistance, including proper nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party.

Thus and therefore, no child shall be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Such treatment or punishment, including corporal punishment and all other forms of humiliating or degrading treatment or punishment, violates the child's rights and is resorted to for his/her human dignity and physical integrity and to equal protection under the law.

The State shall respect the responsibilities, rights and duties of parents, guardians, or other individuals legally responsible for the child, including those concerning special or substitute parental authority, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his/her rights.

The State shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human rights.

In this regard, the State shall promote the positive and non-violent discipline of children within the family and institutions, in alternative care systems, in employment and in all other settings. It shall establish the necessary structures and mechanisms and mobilize resources to make this possible.

The State shall take all appropriate measures to protect the child from all forms of physical and mental violence, injury from abuse, neglect or exploitation, including maltreatment or abandonment, sexual abuse, while in the custody of any person, or in any other person's care, in which violence is committed. Such protection measures shall include effective procedures for the establishment of social programs to provide necessary support for the child and for those who care for the child, as well as for other forms of prevention and for identification, reporting, referral,

investigation, treatment and follow-up of instances of child maltreatment, and, as appropriate, for legal or judicial action.

SEC. 3. *Definition of Terms.* – The following terms as used in this Act shall be defined as follows:

- a. *Child* refers to a person who is below eighteen (18) years of age, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- b. *Corporal punishment* refers to punishment or penalty for an offense or imagined offense, and/or acts carried out to discipline, train or control, inflicted by an adult or by another child, who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical and humiliating or degrading punishment such as, but not limited to:
 - (1) Blows to any part of a child's body, such as beating; kicking; hurting; slapping; lashing; with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt;
 - (2) Pinching; pulling ears or hair; shaking; twisting joints; cutting and shaving hair; cutting or piercing skin; carving; dragging or throwing a child;
 - (3) Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as holding a weight or weights for an extended period; kneeling on stones, salt or pebbles; squatting; standing or sitting in a contorted position;
 - (4) Deliberate neglect of a child's physical needs, where this is intended as punishment;
 - (5) Use of external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement or urine;
 - (6) Use of hazardous tasks as punishment or for the purpose of discipline, including those that are beyond a child's strength or bring him/her into contact with dangerous or unhygienic substances; such tasks include sweeping or digging in the hot sun or rain; using bleach or insecticides; or unprotected cleaning of toilets;
 - (7) Confinement, including being shut in a confined space or material, tied up or forced to remain in one place for an extended period of time;
 - (8) Any threat of physical punishment;
 - (9) Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light;
 - (10) Verbal assaults, threats or intimidation;
 - (11) Verbal abuse, scolding, yelling, swearing, ridiculing or denigrating;
 - (12) Making a child look or feel foolish in front of one's peers or the public; and
 - (13) Other acts or words which berate, humiliate, blame, ignore, isolate the child or make the child a scapegoat.
- c. *Foster parents* refer to persons duly licensed by the Department of Social Welfare and Development (DSWD) to provide planned, temporary, substitute parental care to children.
- d. *Guardians* refer to legal guardians and other persons, including relatives, with physical custody of the child.
- e. *Parents* refer to biological parents, step parents, adoptive parents and the common-law spouse or partner of the parent.
- f. *Persons legally responsible for the child, including those exercising special or substitute parental authority* refer to those provided for under Presidential Decree No. 603, as amended (the Child and Youth Welfare Code), Executive Order No. 219, as amended (the Family Code), and Republic Act No. 7610, as amended (the Special Protection of Children Against Abuse, Exploitation and Discrimination Act).
- g. *Positive discipline* refers to an approach to parenting that teaches children and guides their behavior, while respecting their rights to healthy development, protection from violence and participation in their learning.
- h. *Service providers* refer to any person who, in a residential or nonresidential setting, provides services to children. These include social workers, center administrators and personnel, house parents, health service providers, day care workers, volunteers, security guards in schools and centers, guards in a youth detention home, law enforcement officers, barangay officials and tanods, and jail officers.

- j) *Teachers and school officials and administrators* refer to persons exercising authority over students, including guidance counselors, prefects of discipline, physical education instructors, school personnel, scout masters and Citizen's Advancement Training (CAT) and Citizen's Military Training (CMT) or Reserved Officer's Training Corps (ROTC) commandants, tactical officers and student officers.
- k) *Legal housemaids and caregivers* refer to domestic workers with direct contact to the child.
- l) *Institutions* refer to residential and non-residential child caring agencies, including orphan homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages; and churches or religious centers, including places of worship and parish centers.

SEC. 4. Prohibition. – All corporal punishment and all other forms of humiliating or degrading punishment of children are hereby prohibited in the home, in school, in institutions, in alternative care settings, in employment and in all other settings. Parents, legal housemaids and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child, including those exercising special or substitute parental authority, teachers, instructors and school officials and administrators of both public and private academic and vocational institutions, employers and supervisors, service providers, priests, nuns, pastors and other members of religious congregations or churches, or such other persons under whose care the children have been entrusted and who inflicts corporal punishment or humiliating or degrading punishment on the children shall be liable in accordance with existing penal laws: *Provided*, That the penalty shall be imposed in the maximum period, except where a higher penalty is provided for under Act No. 3815, as amended, otherwise known as the "Revised Penal Code", under Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", or under Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act". *Penalty further*, That if the act is not penalized under the abovementioned laws, the penalty shall be *arresto mayor* in its maximum period.

If the penalty impossible for the act is only *arresto menor* or *arresto mayor*, the prosecutor may, instead of filing the case, refer the accused to the local social welfare and development office (LSWDO) for assessment and intervention: *Provided*, That the offender has not been previously charged under this Act. The interventions shall include seminars on children's rights and positive and non-violent discipline of children, counseling, anger management and referrals to other rehabilitative services.

If the offender is the parent or a person exercising parental authority, the court may suspend parental authority in accordance with Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines".

SEC. 5. Other Remedies. – The remedies available to the victim under Republic Act No. 7610 and Republic Act No. 9262 shall be available to the child where applicable.

SEC. 6. Who May File a Complaint. – Complaints on acts of corporal punishment or humiliating or degrading treatment against children may be filed by the following:

- a) Offended party;
- b) Parents or guardians;
- c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- d) Officer, social worker or representative of a licensed child caring institution;
- e) Officer or social worker of the DSWD or the Local SWDO;
- f) Police officers, preferably those in charge of the Women and Children's Desk;
- g) Barangay chairman or kagawad;
- h) Teacher, nongovernmental organization (NGO) worker, health provider, day care worker, or
- i) At least two (2) concerned persons from the place where the act occurred who have personal knowledge of the act.

SEC. 7. Person Intervening Exempt from Liability. – In every case of corporal punishment or humiliating or degrading punishment, any person who, acting in good faith, responds or intervenes without

using violence or restraint greater than necessary to ensure the safety of the victim, shall not be criminally, civilly or administratively liable.

SEC. 8. Venue. – The Regional Trial Court (RTC) designated as a Family Court shall have original and exclusive jurisdiction over cases of corporal punishment or humiliating or degrading treatment of children. In the absence of such court in the place where the offense was committed, the case shall be filed in the RTC in the place where the crime or any of its elements were committed at the option of the complainant.

SEC. 9. Reporting. – All cases of corporal punishment or humiliating or degrading punishment of children brought to the barangay or the police, or a healthcare provider, shall be reported to the local SWDO within eight (8) hours from the time of the complaint, without prejudice to the continuation of the investigation or the filing of the appropriate criminal case. Failure to report within the prescribed period shall be a ground for administrative action against the barangay official or police officer, or healthcare provider.

SEC. 10. Confidentiality. – All records pertaining to cases of corporal punishment and other humiliating or degrading punishment of children, including those in the barangay, the police or public or private healthcare facility shall be confidential and the right to privacy of the victim shall be respected.

Whoever publishes or causes to be published, in any format, the name, address, telephone number, school or any identifying information of a victim or immediate family member of the victim, without his/her consent, shall be penalized with a fine of not more than Two hundred thousand pesos (P200,000.00).

SEC. 11. Assessment and Intervention. – The local SWDO, through its social workers, shall conduct an assessment in all cases of corporal punishment and other humiliating or degrading forms of punishment of children to determine the appropriate interventions, considering the best interest of the child at all times. The assessment shall be completed within three (3) calendar days, without prejudice to the conduct of a more comprehensive case study report. The interventions may include psychosocial interventions for the child and the family, protective custody by the social worker, temporary placement for the child, medical and legal services, and seminars on children's rights and positive and non-violent discipline of children, counseling, anger management and referrals to other rehabilitative services for the perpetrator.

The assessment shall be conducted and interventions shall be provided by the local SWDO whether or not a criminal case is filed.

SEC. 12. Role and Responsibilities.

- a) The DSWD shall formulate a comprehensive program to promote the positive and non-violent discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children. The program shall be developed in coordination with other government agencies and the private sector, including academic institutions, NGOs and parents teachers-community associations. The program shall include capacity building of service providers, parenting education and positive and non-violent discipline of children, child friendly reporting mechanisms, child protection services and support, and documentation, data management and monitoring systems.

The DSWD shall integrate positive and non-violent discipline of children in the training of officials and staff of child caring institutions. It shall ensure that officials and staff of institutions do not use corporal punishment and humiliating or degrading punishment on any child under their custody. It shall also ensure that appropriate action is taken against erring officials and staff of the institutions.

- b) The Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) shall integrate positive and non-violent discipline of children in the training of school officials, teachers and

personnel. The three (3) agencies shall ensure that school officials, teachers and personnel do not use corporal punishment and humiliating or degrading punishment on any pupil or student. They shall also ensure that appropriate administrative action is taken against erring school officials, teachers and personnel.

The CHED shall integrate positive and non-violent discipline of children in the education, psychology, and social work curricula, and in the curriculum of other disciplines related to child work.

- (c) All local SWDOs shall adopt and implement programs and services to promote the positive discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children. They shall also provide assistance to victims of corporal punishment and humiliating or degrading punishment and their families.
- (d) Local Councils for the Protection of Children (LCPC) shall support programs that promote the positive and non-violent discipline of children, prevent the use of corporal punishment and humiliating or degrading forms of punishment of children, and respond to such cases.
- (e) The Council for the Welfare of Children (CWOC) shall disseminate all relevant information on this Act among concerned government agencies and entities. It shall monitor the enforcement of this Act and the implementation of all programs and services provided for under this Act. It shall also mobilize the different inter-agency mechanisms within its national and local structures to support the implementation of programs and services.
- (f) Local government units (LGUs) shall mobilize, strengthen and support local structures, such as the local councils for the protection of children, local special bodies, Lipung Tagapamayapa and children's welfare and protection organizations in facilitating the reporting of, prevention of and response to cases of corporal punishment, and promotion of positive discipline in their respective localities.
- (g) The Sangguniang Kabataan (SK) shall include in its programs the prevention of corporal punishment and humiliating or degrading punishment of children.

SEC. 13. *Implementing Rules and Regulations.* – The DSWD, in consultation with the DepED, the CHED, the TESDA, the Department of the Interior and Local Government (DILG), the Department of Health (DOH) and other relevant government agencies, leagues of local government officials, NGOs and children's organizations, shall promulgate the implementing rules and regulations of this Act within six (6) months from its approval.

SEC. 14. *Supplementary Application.* – For purposes of this Act, the Revised Penal Code, as amended, the Child and Youth Welfare Code, as amended, and other applicable laws shall have supplementary application.

SEC. 15. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DSWD, the DepED, the TESDA and the CHED, and thereafter in the annual General Appropriations Act. For LGUs, the implementation of the programs shall be charged against the Internal Revenue Allotment and other internally generated funds of the LGU concerned.

SEC. 16. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SEC. 17. *Repealing Clause.* – All laws, presidential decrees, executive orders and rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 1082

INTRODUCED BY REP. BERNADETTE HERRERA-DY

EXPLANATORY NOTE

It is an established fact that parents in the Philippines discipline and punish their children through the use of corporal or physical punishment in the following forms: spanking with hand; pinching; hitting with an object; twisting the child's ear; pulling the hair; slapping the face or head; confinement in a sack; or shaking. Filipino children also experience threats of physical punishment and humiliating treatments such as being shouted at in front of others, labeling and denigration. In a survey conducted by Save the Children in the Philippines, 85% of children surveyed said that they were punished in the home, and 82% said that they were hit in different parts of the body. In the areas covered by the UNICEF country programme, 60 percent of women (3.6 million) report that they use at least one form of psychological or physical punishment to punish or discipline their children. In particular, 13 percent reported that they used some severe physical punishment on their children. A survey conducted among Filipino students generated evidence that Filipino children, especially adolescents, also experience verbal abuse, degradation and other forms of psychological punishment, and that even these non-physical forms of punishment have negative effects on children, such as low self-worth, depression, displaced anger and aggression.

According to the World Health Organization (WHO), in its 2002 Report on Violence and Health, corporal punishment "...kills thousands of children each year and injures and handicaps many more. In the longer term, a large body of research has shown it to be a significant factor in the development of violent behavior, and it is associated with other problems in childhood and later life." Children who are disciplined with spanking or other physical punishments are more likely to be anxious and aggressive than children disciplined through other methods.

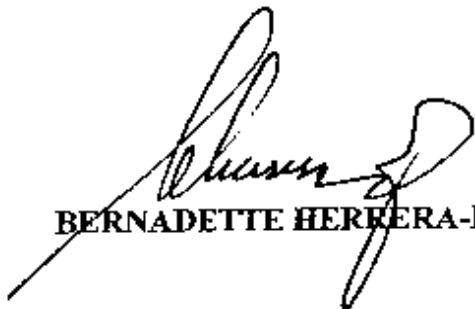
Various researches show that corporal punishment is ineffective in disciplining children of all ages and most often, it produces anger, resentment, and low-self-esteem on children. It

also teaches the child that violence is an acceptable behavior and is a solution to problems; thus, corporal punishment perpetuates itself as children imitate the actions of adults.

In the Philippines, researches and interviews with children show that children believe that discipline is important and that they need guidance from adults. However, children have expressed that they do not want to be hurt by their parents and teachers, and preferred that non-violent methods be used to discipline them. They say that learning will be better if they are talked to and treated in a calm and understanding way, explained to them what wrong they may have done, or the right way to do things, and make them feel that they are still loved and accepted despite having committed a wrongdoing. Parents admit that they are not aware of any other way of disciplining their children even if they feel guilty and sorry about hurting them physically and psychologically. The corporal method, they say is a system they have learned from their own parents and grandparents. Parents have expressed the need for alternative positive and non-violent methods for disciplining children.

As a signatory to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the Philippines has the obligation to prohibit all forms of physical and mental violence which includes corporal punishment and deliberate humiliation in the family. Being a State Party to said international instruments, we are required by Article 19 of the CRC to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." It has been made it clear that this requires the prohibition of all forms of corporal punishment, including punishment inflicted by parents in the home.

In light of the foregoing reasons and consistent with the country's international commitments, the need to prohibit corporal punishment and all other forms of humiliating or degrading punishment of children in the home, in schools, in institutions, in alternative care systems and in all other settings is immediate and compelling. For this reason, immediate passage of this bill is earnestly requested.



BERNADETTE HERRERA-DY

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1082

INTRODUCED BY: BERNADETTE HERRERA-DY

**AN ACT PROHIBITING ALL CORPORAL PUNISHMENT AND ALL OTHER FORMS
OF HUMILIATING OR DEGRADING PUNISHMENT OF CHILDREN AND
PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE OF CHILDREN,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Corporal Punishment Act of 2010.”

SECTION 2. *Declaration of Policy.* – The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs. The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party.

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Such treatment or punishment, including corporal punishment and all other forms of humiliating or degrading treatment or punishment, violates the child’s right to be respected for his/her human dignity and physical integrity and to equal protection under the law.

The State respects the responsibilities, rights and duties of parents, guardians, or other persons legally responsible for the child, including those exercising special or substitute parental authority, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his/her rights.

The State shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.

In this regard, the State shall promote the positive and non-violent discipline of children in the home, in the school, in institutions, in alternative care systems, in employment and in all other settings. It shall establish the necessary structures and mechanisms and mobilize resources to make this possible.

The State shall take all appropriate measures to protect the child from all forms of physical or mental violence, injury of abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the custody of parents, guardians or any other person who has the care of the child. Such protective measures shall include effective procedures for the establishment of social programs to provide necessary support for the child and for those who care for the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment, and, as appropriate, for legal or judicial action.

SECTION 3. *Definition of Terms.* – The following terms as used in this Act shall be defined as follows:

- (a) "Child" refers to a person who is below eighteen (18) years of age, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (b) "Corporal punishment" refers to punishment or penalty for an offense or imagined offense, and/or acts carried out for the purpose of discipline, training or control, inflicted by an adult or by another child, who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical and humiliating or degrading punishment, such as but not limited to:
 - 1. Blows to any part of a child's body, such as beating; kicking; hitting; slapping; lashing; with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt;
 - 2. Pinching; pulling ears or hair; shaking; twisting joints; cutting and shaving hair; cutting or piercing skin; carrying, dragging or throwing a child;
 - 3. Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as holding a weight or weights for an extended period; kneeling on stones, salt or pebbles; squatting; standing or sitting in a contorted position;
 - 4. Deliberate neglect of a child's physical needs, where this is intended as punishment;
 - 5. Use of external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement or urine;
 - 6. Use of hazardous tasks as punishment or for the purpose of discipline, including those that are beyond a child's strength or bring him or her into contact with dangerous or unhygienic substances; such tasks include sweeping or digging in the hot sun or rain; using bleach or insecticides; unprotected cleaning of toilets;

7. Confinement, including being shut in a confined space or material, tied up, or forced to remain in one place for an extended period of time;
 8. Any threat of physical punishment;
 9. Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light;
 10. Verbal assaults, threats, or intimidation;
 11. Verbal abuse, scolding, yelling, swearing, ridiculing or denigrating;
 12. Child made to look or feel foolish in front of one's peers or the public; and
 13. Other acts or words which belittle, humiliate, scapegoat, blame, ignore, or isolate the child.
- (c) "Foster parents" refers to persons duly licensed by the Department of Social Welfare and Development to provide planned, temporary, substitute parental care to children.
- (d) "Guardians" refers to legal guardians and other persons, including relatives, with physical custody of the child.
- (e) "Parents" refers to biological parents, step parents, adoptive parents and the common-law spouse or partner of the parent.
- (f) "Persons legally responsible for the child, including those exercising special or substitute parental authority" refers to those provided for under Presidential Decree No 603, as amended (the Child and Youth Welfare Code), Executive Order No. 209, as amended (the Family Code), and Republic Act No. 7610, as amended (the Special Protection of Children against Abuse, Exploitation and Discrimination Act).
- (g) "Positive discipline" refers to an approach to parenting that teaches children and guides their behaviour, while respecting their rights to healthy development, protection from violence and participation in their learning;
- (h) "Service provider" refers to any person who, in a residential or non-residential setting, provides services to children. It includes social workers, center administrators and personnel, house parents, health service providers, day care workers, volunteers, security guards in schools and centers, guards in a youth detention home, law enforcement officers, barangay officials and tanods, and jail officers.
- (i) "Teachers and school officials and administrators" refers to persons exercising authority over students, including guidance counselors, prefects of discipline, physical education instructors, school personnel, scout masters and CAT and CMT or ROTC commandants, tactical officers and student officers.
- (j) "Yayas, housemaids and caregivers" refers to domestic workers with direct contact to the child.

- (k) "Institutions" refers to residential and non-residential child-caring agencies, including youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages; and churches or religious centers, including places of worship and parish centers.

SECTION 4. *Prohibition.* - All corporal punishment and all other forms of humiliating or degrading punishment of children is hereby prohibited in the home, in the school, in institutions, in alternative care systems, in employment and in all other settings. Parents, *yayas*, housemaids and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child, including those exercising special or substitute parental authority, teachers, instructors and school officials and administrators of both public and private academic and vocational institutions, employers and supervisors, service providers, priests, nuns, pastors and other members of religious congregations or churches, or any other person who has the care of the child who inflicts corporal punishment or humiliating or degrading punishment on the child shall be liable in accordance with existing penal laws, provided that the penalty shall be imposed in the maximum period, except where a higher penalty is provided under Act No. 3815, as amended, otherwise known as the "Revised Penal Code," Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," or Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act"; provided, that if the act is not penalized under the above-mentioned laws, the penalty shall be *arresto mayor* in its maximum period.

If the penalty imposable for the act is only *arresto menor* or *arresto mayor* the prosecutor may instead of filing the case refer the accused to the local social welfare and development office for assessment and intervention; provided, that the offender has not been previously charged under this Act. The interventions shall include seminars on children's rights and positive and non-violent discipline of children, counseling, anger management and referrals to other rehabilitative services.

If the offender is the parent or a person exercising parental authority, the court may suspend parental authority in accordance with Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines".

SECTION 5. *Other Remedies.* - The remedies available to the victim under Republic No. 7610 and Republic Act No. 9262 shall be available to the child where applicable.

SECTION 6. *Who May File a Complaint.* - Complaints on cases of corporal punishment or humiliating or degrading treatment of children may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the Department of Social Welfare and Development or the local social welfare and development office;
- (f) Police officers, preferably those in charge of the Women and Children's Desk
- (g) Barangay chairman or kagawad;

- (h) Teacher, NGO worker, health provider, day care worker; or
- (i) At least two (2) concerned persons from the place where the act occurred who have personal knowledge of the act.

SECTION 7. *Persons Intervening Exempt from Liability.* – In every case of corporal punishment or humiliating or degrading punishment, any person who, acting in good faith, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be criminally, civilly or administratively liable.

SECTION 8. *Venue.* – The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of corporal punishment or humiliating or degrading treatment of children. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court in the place where the crime or any of its elements were committed at the option of the complainant.

SECTION 9. *Reporting.* – All cases of corporal punishment or humiliating or degrading punishment of children brought to the barangay or the police, or a healthcare provider, shall be reported to the local social welfare and development office within eight (8) hours from the time of the complaint, without prejudice to the continuation of the investigation or the filing of the appropriate criminal case. Failure to report within the prescribed period shall be a ground for administrative action against the barangay official or police officer, or healthcare provider.

SECTION 10. *Confidentiality.* – All records pertaining to cases of corporal punishment and other humiliating or degrading punishment of children, including those in the barangay, the police or public or private healthcare facility, shall be confidential and the right to privacy of the victim shall be respected.

Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, or any identifying information of a victim or immediate family member of the victim, without their consent, shall be penalized with a fine of not more than Two Hundred Thousand Pesos (P200,000.00).

SECTION 11. *Assessment and Intervention.* – The local social welfare and development office, through its social workers, shall conduct an assessment in all cases of corporal punishment and other humiliating or degrading forms of punishment of children to determine the appropriate interventions, considering the best interest of the child at all times. The assessment shall be completed within three (3) calendar days, without prejudice to the conduct of a more comprehensive case study report. The interventions may include psychosocial interventions for the child and the family, protective custody by the social worker, temporary placement for the child, medical and legal services, and seminars on children's rights and positive and non-violent discipline of children, counseling, anger management and referrals to other rehabilitative services for the perpetrator.

The assessment shall be conducted and interventions shall be provided by the local social welfare and development office whether or not a criminal case is filed.

SECTION 12. *Roles and Responsibilities.* -

- a. The Department of Social Welfare and Development (DSWD) shall formulate a comprehensive program to promote the positive and non-violent discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children. The program shall be developed in coordination with other government agencies and the private sector, including academic institutions, non-governmental organizations and parent-teachers-community associations. The program shall include capacity building of service providers, parenting education and positive and non-violent discipline of children, child-friendly reporting mechanisms, child protection services and support, and documentation, data management and monitoring systems.

The Department Social Welfare and Development shall integrate positive and non-violent discipline of children in the training of officials and staff of child-caring institutions. It shall ensure that officials and staff of institutions do not use corporal punishment and humiliating or degrading punishment on any child under their custody. It shall also ensure that appropriate action is taken against erring officials and staff of institutions.

- b. The Department of Education (DepEd) and the Commission on Higher Education (CHED) shall integrate positive and non-violent discipline of children in the training of school officials, teachers and personnel. The two agencies shall ensure that school officials, teachers and personnel do not use corporal punishment and humiliating or degrading punishment on any pupil or student. They shall also ensure that appropriate criminal and administrative action is taken against erring school officials, teachers and personnel.

The CHED shall integrate positive and non-violent discipline of children in the Education, Psychology and Social Work curricula, and in the curriculum of other disciplines related to child work.

- c. All local social welfare and development offices (SWDOs) shall adopt and implement programs and services to promote the positive discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children. They shall also provide assistance to victims, and families of victims, of corporal punishment and humiliating or degrading punishment.
- d. Local Councils for the Protection of Children (LCPCs) shall support programs that promote the positive and non-violent discipline of children, prevent the use of corporal punishment and humiliating or degrading forms of punishment of children, and respond to such cases.
- e. The Council for the Welfare of Children (CWC) under the DSWD shall disseminate all relevant information on this Act among relevant government agencies and entities. It shall monitor the enforcement of this Act and the implementation of all programs and services provided for under this Act. It shall also mobilize the different inter-agency

mechanisms within its national and local structures to support the implementation of programs and services.

- f. Local government units shall mobilize, strengthen and support local structures, such as the local councils for the protection of children, local special bodies, lupon tagapamayapa and children's associations in facilitating the reporting of, prevention of and response to cases of corporal punishment, and promotion of positive discipline in their respective localities.
- g. The Sangguniang Kabataan (SK) shall include the prevention of corporal punishment and humiliating or degrading punishment of children in its programs.

SECTION 13. *Implementing Rules and Regulations.* - The Department of Social Welfare and Development, in consultation with the Department of Education, the Commission on Higher Education, the Department of Interior and Local Government, the Department of Health and other relevant government agencies, leagues of local government officials, non-governmental organizations, and children's organizations, shall promulgate the Implementing Rules and Regulations of this Act within six (6) months from its approval.

SECTION 14. *Suppletory Application.* - For purposes of this Act, the Revised Penal Code, as amended, Child and Youth Welfare Code, as amended, and other applicable laws shall have suppletory application.

SECTION 15. *Appropriation.* - The amount of One Hundred Fifty Million Pesos (P150,000,000.00) is hereby appropriated for the initial implementation of this Act. Thereafter, the Department of Social Welfare and Development, the Department of Education and the Commission on Higher Education shall include the amounts necessary for the implementation of this Act in their annual budgets.

SECTION 16. *Separability Clause.* - If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 17. *Repealing Clause.* - All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 18. *Effectivity.* - This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

APPROVED

HOUSE OF REPRESENTATIVES
Quezon City

**MINUTES OF THE MEETING OF THE COMMITTEE ON THE WELFARE OF
CHILDREN HELD ON 01 MARCH 2011, AT CONFERENCE ROOMS 3 & 4,
RAMON V. MITRA BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY**

I. CALL TO ORDER

The meeting was called to order at 10:15 a.m. with Rep. Josephine Veronique Lacson-Noel, presiding.

II. OPENING PRAYER

Rep. Cinchona Cruz-Gonzales of CIBAC Partylist led the opening prayer.

III. ROLL CALL/APPROVAL OF MINUTES OF THE FEBRUARY 15, 2011 MEETING

Upon the motion of Rep. Susan Yap, duly seconded, calling of the roll and the reading of the minutes of the February 15, 2011 meeting was dispensed with and the latter was approved.

IV. ACKNOWLEDGMENT OF MEMBERS AND OPENING REMARKS

Rep. Lacson-Noel acknowledged the presence of Rep. Susan Yap, one of the authors of the Anti Corporal Punishment bill. She also recognized the members of the Committee on the Welfare of Children who were present in the meeting namely Rep. Cinchona Cruz-Gonzales, and Rep. Mariano Michael Velarde, Jr., Principal authors of the Children in Situations of Armed Conflict bill, Rep. Marcelino Teodoro and Deputy Speaker Maria Isabelle Climaco, were also present.

Rep. Lacson-Noel remarked that she was authorized by Chairperson Aurora Enerio-Cerilles to preside over the meeting. She explained that it was an Executive meeting in a sense that there were no invited guests. However she noted that the meeting was not confidential in nature so the secretariat was present to take note of the proceedings.

Rep. Lacson-Noel also stated that the views of the stakeholders had been heard in the previous committee meetings and technical working group meetings. The stakeholders did not raise any objections on the passage of any of the bills being considered in the meeting. She informed the body that there were two matters on the agenda.

She mentioned that first in the agenda was the anti corporal punishment bill principally authored by Rep. Susan Yap and Vice Chairperson Bernadette Herrera Dy. The version was revised by the secretariat based on the discussions during the February 15, 2011 meeting as suggested by the authors, the members, particularly Deputy Majority Leader Gunigundo, Emmi De Jesus, Catalina Bagasina and the suggested amendments forwarded by the stakeholders.

Afterwards, she said that the deliberation of Children in Situations of Armed Conflict draft substitute bill, principally authored by Rep. Marcelino Teodoro and Deputy Speaker Maria Isabelle Climaco was also part of the agenda. The unnumbered

Children in Situation of Armed Conflict substitute bill was a product of the Technical Working Group composed of different stakeholders including the Department of Social Welfare and Development, Commission on Human Rights, Council for the Welfare of Children, Armed Forces of the Philippines, Philippine National Police, Office of the Presidential Adviser on Peace Process, non-governmental organizations and the principal authors of the bills. Three exhaustive Technical Working Group meetings were conducted and the present version was their output up for the approval of the Committee.

V. DELIBERATION AND APPROVAL OF ANTI CORPORAL PUNISHMENT DRAFT SUBSTITUTE BILL

The amendment proposed by Rep. Susan Yap to delete “any threat of physical punishment” and “sweeping or digging in the hot sun or rain” in the list of degrading punishment was adopted.

Moreover, Rep. Cruz-Gonzales recommended that Sec. 3 (b) (9) “any other physical act perpetrated on a child’s body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light”, be deleted. She also moved that the Section on *Reporting* be placed ahead of the Section on *Who May File a Complaint*. She also clarified if *barangay* officials should be held liable if they failed to report any instances of corporal punishment. Rep. Yap answered that *barangay* officials will only be held liable if they have a personal knowledge or have received complaint of the incident and they failed to report that.

Vice Chairperson Velarde likewise proposed for the deletion of “scolding” and “forced to remain in one place for an extended period of time” on the list of acts considered as corporal punishment. He also proposed that when the offended party will file the complaint, the child should be assisted by an adult. There being no objection, the motions were approved.

Although he was not present, Deputy Majority Leader Magtanggol Gunigundo I also introduced some amendments to the bill. His amendments were read by the Committee Secretary. He proposed to change the title of the bill to “AN ACT PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE OF CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.” He also proposed to change the short title to *The Positive Discipline of Children Act of 2011*.

A definition of positive discipline was also amended by Deputy Majority Leader Gunigundo. Positive discipline “refers to an approach to parenting with goals to correct immediate behavior of the child, to teach a lesson, to give tools that build self-discipline and emotional control and to build parent-child relationship by understanding the child’s needs and capabilities at various ages and what behavior is usual for a child at each stage of development”. He likewise suggested different positive and non-violent techniques for disciplining a child such as *Beat the Clock*, *Grandma’s Rule*, *Neutral Time*, *Praise Reprimand*, *Rule* and *Time Out*.

On Definition of Terms under Section 3 (b) (1) the addition of the phrase “or any striking of the child’s face or head, such being designated as the ‘no contact zone’” was also suggested by Deputy Majority Leader Gunigundo. The body adopted the amendments of Deputy Majority Leader Gunigundo.

Upon the motion of Rep. Cruz-Gonzales, the draft unnumbered House bill in substitution of House Bill Nos. 914 and 1082 entitled “An Act Promoting Positive and Non-Violent Discipline, and Appropriating Funds Therefor” was approved subject to

style and amendments agreed upon during the meeting. Rep. Cruz-Gonzales also moved that all members present be made co-authors of the bill.

The Committee was directed to seek the comments of the Committee on Appropriations regarding provisions that fall within its jurisdiction.

VI. APPROVAL OF CHILDREN IN SITUATIONS OF ARMED CONFLICT DRAFT SUBSTITUTE BILL

Deputy Speaker Climaco informed the body that three Technical Working Groups (TWG) were conducted to refine the provisions of the bill. The TWG was composed of different government and non-government organizations, particularly those who work with indigenous people. Rep. Marcelino Teodoro and Deputy Speaker Climaco both appealed to the Committee to consider the approval of the Children in Situations of Armed Conflict bill.

Upon the motion of Rep. Cruz-Gonzales, the draft unnumbered House bill in substitution of House Bill Nos. 1198 and 1712 entitled "An Act Providing for the Special Protection of Children in Situations of Armed Conflict, Providing Penalties for Violations Thereof" was approved subject to style. The motion of Rep. Cruz-Gonzales that she be made co-author of the bill was also approved.

Rep. Lacson-Noel congratulated the authors for a very laudable bill and she emphasized that it was the first time that a bill of this nature was filed in Congress.

The Committee was directed to seek the comments of the Committee on Appropriations regarding provisions that fall within its jurisdiction.

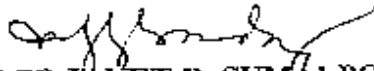
VII. ADJOURNMENT

There being no other matters to discuss, the meeting adjourned at 10:55.

Prepared by:


FRANCOISE MARIE B. ALONZO-CALALAY
SLSO I

Certified True & Correct:


MARI FE JANET D. SUMALPONG
Acting Committee Secretary

Noted by:

HON. JOSEPHINE VERONIQUE LACSON-NOEL
Presiding Officer

HOUSE OF REPRESENTATIVES COMMITTEE AFFAIRS DEPARTMENT

FACT SHEET

HOUSE BILL NO. **4455**
(As Reported Out)

AN ACT

PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE IN LIEU OF CORPORAL PUNISHMENT OF CHILDREN AND APPROPRIATING FUNDS THEREFOR

Introduced by: REPS. SUSAN A. YAP, BERNADETTE R. HERRERA-DY, CARLOS M. PADILLA, JOCELYN S. LIMKAICHONG, ROILO GOLEZ, JOSEPHINE VERONIQUE R. LACSON-NOEL, JANE T. CASTRO, HERMINIA B. ROMAN, ROSENDA ANN OCAMPO, CESAR V. SARMIENTO, AURORA ENERIO-CERILLES, MARIANO MICHAEL M. VELARDE, JR., CINCHONA CRUZ-GONZALES, MARIA ISABELLE "BENG" G. CLIMACO, DARYL GRACE J. ABAYON, MA. ANGELICA M. AMANTE-MATBA, MA. RACHEL J. ARENAS, KAKA J. BAG-AO, KIMI S. COJUANGCO, EMERENCIANA "EMMI" A. DE JESUS, RACHEL MARGUERITE B. DEL MAR, JANETTE L. GARIN, GLORIA A. MACAPAGAL-ARROYO, MARIA MILAGROS E. MAGSAYSAY, MARLYN L. PRIMICIAS-AGABAS, NUR-ANA I. SAHIDULLA, BAI SANDRA A. SEMA, MA. GEORGINA P. DE VENECIA, JOSEFINA M. JOSON and REENA CONCEPCION G. OBILLO

*Committee Referral : COMMITTEE ON THE WELFARE OF CHILDREN
Committee Chairperson: HON. AURORA ENERIO-CERILLES*

OBJECTIVES:

- To establish a legal framework to the country's commitment to various international agreements such as the Universal Declaration of Human Rights, Geneva Declaration of the Rights of the Child, and Convention on the Rights of the Child on protecting the young generation of Filipinos
- To secure the well-being and safety of children by promoting positive and non-violent methods of disciplining them and assisting parents in the fulfilment of their parental obligations
- To protect children, as future adults, from the grave consequences of corporal punishment by prohibiting the infliction of all forms of corporal, humiliating or degrading punishment on them in all settings

- To provide legal remedies for victims and intervention measures for perpetrators of corporal punishment

KEY PROVISIONS:

- Mandates the formulation and implementation of a comprehensive program to promote positive and non-violent discipline in lieu of corporal punishment of children
- Provides for a continuing information dissemination campaign on the benefits and techniques of positive and non-violent discipline
- Identifies acts that constitute corporal punishment
- Prevents anyone who is entrusted with or who has custody of a child, including parents, *yayas*, relatives, teachers, guardians, and employers from resorting to corporal punishment
- Prohibits corporal punishment of children in all settings including in the home, in schools, in institutions, in alternative care systems, and in the workplace
- Compels erring parents to undergo counselling, seminars, or rehabilitative services
- Imposes upon other persons entrusted with the child the maximum penalties provided for under existing laws
- Exempts from liability any person who peacefully intervenes to ensure the safety of the victim
- Identifies persons who may file complaints on acts of corporal punishment against a child

RELATED LAWS

- Act No. 3815 – *Revised Penal Code*
- Presidential Decree No. 603 – *Child and Youth Welfare Code*
- Executive Order No. 209 – *Family Code of the Philippines*
- R.A. No. 7610 – *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*
- R.A. No. 9262 – *Anti-Violence Against Women and their Children Act*