

HOUSE BILL No. 5322



Introduced by Hon. Carol Jayne B. Lopez

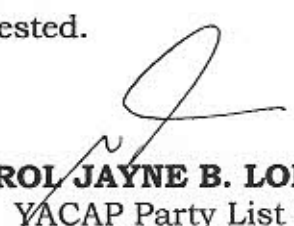
EXPLANATORY NOTE

It is easy to become a parent but it is very difficult to *act* as a parent. Hence, this bill intends to penalize those who fail to act as parents are supposed to act. In other words, those who are irresponsible in the performance of their duties as parents will be prosecuted and penalized to the full extent of the law.

Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 sought to address some of the issues subject matter hereof, but it is submitted that a focus on the role of parents, with particular regard to availment of programs for juvenile intervention and delinquency prevention for children-at-risk and children exempt from criminal responsibility, as well as compliance with diversion programs in cases of children-in-conflict-with-the-law, is necessitated by present circumstances. Likewise, several incidents showing how parents act irresponsibly are identified.

This bill therefore provides stiffer penalties for irresponsible parents by imposing long years of imprisonment and stricter amount of fines.

The passage of this bill is thus earnestly requested.


CAROL JAYNE B. LOPEZ
YACAP Party List

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

FIFTEENTH CONGRESS
2nd Regular Session

HOUSE BILL No. 5322

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**AN ACT PROVIDING PENALTIES TO
PARENTS ACTING IRRESPONSIBLY,
AND FOR OTHER PURPOSES**

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

Section 1. **Short Title** – This Act shall be known as the “Irresponsible Parenting Act of 2011”.

Section 2. **Declaration of Policy** – It is hereby declared the policy of the State to promote the welfare of children by necessarily preventing their exposure to conditions which are unwarranted, oppressive and perilous whether physically, emotionally or psychologically, and for this purpose, ensure that their parents or those exercising parental authority over them shall refrain from neglecting their responsibility over their children to the end that the latter's utmost welfare is protected.

Section 3. **Irresponsible Acts** – Parents and guardians or those exercising parental authority over their children/ward shall be liable for the following acts:

1. failing or neglecting to provide proper education to their unemancipated minor children/wards when their financial position permits them;
2. allowing their unemancipated minor, 17 years old and below, to loiter and/or play/wander unsupervised by an adult in public, in motor-vehicle/traffic/accident prone areas like streets, roads, highways and thoroughfares thereby exposing said minors to road and/or vehicular accidents;
3. knowingly allowing their unemancipated minor children/ward, 15 years and below and 16-17 years old but acting without discernment and therefore exempt from criminal liability to engage or participate in any criminal activity;
4. failing to secure their firearms thereby becoming accessible to minors who make use of them for whatever purpose;
5. failing to seek assistance or intervention to “children at risk” as defined under Section 4(d) of Republic Act No. 9344 with the community based programs under the Juvenile Justice and Welfare system or any juvenile intervention program of the local government unit concerned;
6. failing to comply with the appropriate diversion programs and conditions established by the local social worker concerned in cases of “children in conflict with the law” as defined under Section 4(e) of RA No. 9344; or
7. allowing or failing to prevent the minor from being a member of a street gang.

Section 4. Liabilities and penalties. - The following shall be the penalties for the acts enumerated in Section 3 hereof:

1. for acts covered by subsections 1 and 2 - for first violation, the penalty of imprisonment from six months to one year and/or fine in the amount ranging from ten to twenty thousand pesos, at the discretion of the court; for the second violation, imprisonment of one year to 2 years and/or fine in the amount ranging from twenty to forty thousand pesos, at the discretion of the court etc; for third violation, imprisonment of 2 years to 4 years and/or fine in the amount ranging from forty to sixty thousand pesos, at the discretion of the court;
2. for violation of subsections 3 and 4 - the penalty corresponding to the felony or crime committed by the unemancipated minor, had he/she been convicted but always in the maximum period, shall be imposed upon the parents/guardians;
3. for violation of subsections 5,6 and 7 - for first violation, the penalty of imprisonment from 10 to 12 years and/or fine in the amount ranging from fifty thousand to sixty thousand pesos, at the discretion of the court; for the second violation, imprisonment of 12 years to 14 years and/or fine in the amount ranging from sixty to seventy thousand pesos, at the discretion of the court etc; for third violation, imprisonment of 14 years to 16 years and/or fine in the amount ranging from seventy to eighty thousand pesos, at the discretion of the court, and so on.

Further, in addition to the penalties imposed, the parent/guardian found liable shall be required to undergo counseling by the Department of Social Welfare and Development.

For this purpose, should there be more than one minor involved, one minor is considered one violation. And, in case of conviction, the judgment of the court shall always indicate who shall exercise parental authority and supervision over the minor involved, taking into consideration pertinent laws and rules and with particular regard to the best interest of the child.

Section 5. Implementing Rules and Regulations - The Department of Social Welfare and Development and the Department of Justice shall jointly issue the rules and regulations necessary to implement this Act.

Section 6. Repealing Clause - All acts or parts of acts, executive orders and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 7. Separability Clause - If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and in effect.

Section 8. Effectivity Clause - This Act shall take effect after 15 days from its publication in at least two newspapers of general circulation.