

SIXTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

House Bill No. 155

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.

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.

Corporal punishment instills in our children domestic violence. This makes them confused because the persons they rely on the most for love and affection are allowed to physically hurt and abuse them in the guise of discipline. Children who are afflicted with corporal punishment eventually become a part of our social ills in the future.

This bill, when enacted into law, will first and foremost promote a positive and non-violent approach to child discipline among parents, teachers, and other persons entrusted with the guardianship of children. This bill advocates positive and non-violent means to discipline children, instead of physical punishment.

Under this bill, the proposed prohibited acts are: forcing the minor to kneel on stones, salt or pebbles; squatting; public humiliation; deliberate neglect of child's physical needs; exposure to substances that can cause discomfort; and imposing tasks that the minor is incapable of doing such as forcing to skip sleep and verbal assaults.

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

Susan A. Yap

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**AN ACT PROMOTING POSITIVE AND NONVIOLENT DISCIPLINE OF
CHILDREN AND APPROPRIATING FUNDS THEREFOR**

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

1 SEC. 1. *Short Title.* – This Act shall be known as the “Positive and Nonviolent Discipline
2 of Children Act”.

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

8 As such, the State shall:

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

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

15 (c) Protect the best interests of the child through measures that will ensure the observance of
16 international standards of child protection, especially those to which the Philippines is a party;

17 (d) Respect the responsibilities, rights and duties of parents, guardians or other persons legally
18 responsible for the child, including those exercising special or substitute parental authority, to
19 provide, in a manner consistent with the evolving capacities of the child, appropriate direction and
20 guidance in the exercise of the child’s rights;

21 (e) Assist parents in the fulfillment of their parental obligations;

22 (f) Ensure that school discipline is administered in a manner consistent with the child’s
23 human dignity; and

24 (g) Protect the child from all forms of physical or mental violence, injury from abuse, neglect
25 or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the custody of

1 parents, guardians or any other person under whose care the child is entrusted. Such protective
2 measures shall include effective procedures for the establishment of social programs to provide
3 necessary support for the child and for those who care for the child, as well as for other forms of
4 prevention and for identification, reporting, referral, investigation, treatment and follow-up of
5 instances of child maltreatment, and, as appropriate, for legal or judicial action.

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

8 (a) *Child* refers to a person who is below eighteen (18) years of age, or one over but is unable
9 to fully take care of one's self or protect one's self from abuse, neglect, cruelty, exploitation or
10 discrimination because of a physical or mental disability or condition.

11 (b) *Corporal punishment* refers to cruel and unusual punishment or act that subjects the child to
12 indignities and other excessive chastisement that embarrasses or humiliates the child carried out to
13 discipline, train or control, inflicted by an adult or by another child, who has been given or has
14 assumed authority or responsibility for punishment or discipline. It includes physical and humiliating
15 or degrading punishment such as, but not limited to:

16 (1) Blows such as, but not limited to, beating, kicking, hitting, slapping, lashing to any part of a
17 child's body, with or without the use of an instrument such as, but not limited to, a cane, broom,
18 stick, whip or belt;

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

20 (3) Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging or throwing a child;

21 (4) Forcing a child to perform physically painful or damaging acts such as, but not limited to,
22 holding a weight or weights for an extended period and kneeling on stones, salt or pebbles;

23 (5) Deliberate neglect of a child's physical needs;

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

27 (7) Tying up a child;

28 (8) Imprisoning a child;

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

31 (10) Making a child look or feel foolish which tends to belittle or humiliate the child in front
32 of others.

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

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

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

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

(g) *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 (Child and Youth Welfare Code); Executive Order No. 209, as amended (Family Code); and Republic Act No. 7610, as amended (Special Protection of Children Against Abuse, Exploitation and Discrimination Act).

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

(i) *Service providers* refer to persons who, in a residential or nonresidential setting, provide 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) *School teacher, personnel and officers* refer to persons exercising authority over students, including administrators, student teachers, guidance counselors, prefects of discipline, instructors, school personnel, scout masters and Citizen's Advancement Training (CAT) and Citizen's Military Training (CMT) or Reserved Officers Training Corps (ROTC) commandants, tactical officers and student officers.

(k) *Yayas, househelpers and caregivers* refer to domestic workers with direct contact to the child.

SEC. 4. *Promotion of Techniques on Positive and Nonviolent Discipline.* – A comprehensive program shall be formulated and implemented to promote positive and nonviolent discipline in lieu of corporal punishment of children. A continuing information dissemination campaign shall be conducted nationwide regarding its benefits and techniques.

Among the positive and nonviolent techniques for disciplining a child which can be promoted include:

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

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

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

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

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

(f) *Rule* – a predetermined behavioral expectation that includes a stated outcome and consequence;

1 (g) Time out – to take the child out of a situation because of inappropriate behavior, making
2 the child face a blank wall for several minutes or until the child calms down; and

3 (h) Responsibility Building – making a child perform age-appropriate, simple household
4 chores.

5 SEC. 5. *Prohibition of Corporal Punishment.* – Corporal punishment of children as defined in
6 Section 3(b) are hereby prohibited.

7 Parents, yayas, househelpers and caregivers, foster parents, guardians, relatives who have
8 custody of the child, or other persons legally responsible for the child, including those exercising
9 special or substitute parental authority, school teachers, personnel, and officers of both public and
10 private academic and vocational institutions, employers and supervisors, service providers, priests,
11 nuns, pastors and other members of religious congregations or churches, or any other person under
12 whose care the child has been entrusted to and who inflicts corporal punishment on the child shall
13 be liable in accordance with existing penal laws.

14 SEC. 6. *Penalties.* – The penalties under existing penal laws shall be imposed in the maximum
15 period, except where a higher penalty is provided for under Act No. 3815, as amended, otherwise
16 known as the “Revised Penal Code”; under Republic Act No. 7610, otherwise known as the “Special
17 Protection of Children Against Child Abuse, Exploitation and Discrimination Act”; or under
18 Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children
19 Act”. If the act is not penalized under the abovementioned laws, the penalty shall be *arresto mayor* in
20 its maximum period.

21 SEC. 7. *Option for Interventions.* – If the penalty imposable for the act is only *arresto menor* or
22 *arresto mayor*, the prosecutor may, instead of filing the case, refer the accused to the local Social
23 Welfare and Development Office (SWDO) for assessment and intervention such as seminars and/or
24 counseling on children’s rights and positive and nonviolent discipline of children, anger
25 management, and referrals to other rehabilitative services: *Provided*, That the offender has not been
26 previously charged under this Act.

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

31 SEC. 9. *Interventions for a Parent Who is an Offender.* – If the offender is a parent of the child, in
32 addition to the penalty imposed under Section 6, the prosecutor shall refer the parent to the local
33 SWDO for assessment and intervention such as seminars and/or counseling on children’s rights and
34 positive and nonviolent discipline of children, anger management, and referrals to other
35 rehabilitative services.

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

38 SEC. 11. *Reporting.* – All instances of corporal punishment of children brought to the barangay
39 or the police, or a healthcare provider, shall be reported to the local SWDO within eight (8) hours

1 from the time of the complaint, without prejudice to the continuation of the investigation or the
2 filing of the appropriate criminal case. Failure to report within the prescribed period shall be a
3 ground for administrative action against the barangay official or the police officer, or healthcare
4 provider.

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

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

- 11 (a) Offended party assisted by an adult;
- 12 (b) Parents or guardians;
- 13 (c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- 14 (d) Officer, social worker or representative of a licensed child-caring institution;
- 15 (e) Officer or social worker of the DSWD or the local SWDO;
- 16 (f) Police officers, preferably those in charge of the Women and Children's Desk;
- 17 (g) Barangay official;
- 18 (h) Teacher, nongovernmental organization (NGO) worker, health provider, day care worker;

19 or

20 (i) At least two (2) concerned persons from the place where the act occurred who have
21 personal knowledge of the act.

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

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

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

33 SEC. 16. *Duties and Responsibilities of Government Agencies.* – (a) The DSWD shall formulate a
34 comprehensive program to promote the positive and nonviolent discipline of children and the
35 prevention of the use of corporal punishment on children. The program shall be developed in
36 coordination with other government agencies and the private sector, including academic institutions,
37 NGOs and parents-teachers-community associations. The program shall include capacity building of
38 service providers, parenting education on positive and nonviolent discipline of children, child-

1 friendly reporting mechanisms, child protection services and support, and documentation, data
2 management and monitoring systems.

3 (b) The DSWD shall integrate positive and nonviolent discipline of children in the training of
4 officials and staff of child-caring institutions. It shall ensure that officials and staff of institutions do
5 not use corporal punishment on any child under their custody. It shall also ensure that appropriate
6 action is taken against erring officials and staff of the institutions.

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

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

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

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

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

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

37 (i) The LGUs shall mobilize, strengthen and support local structures, such as the local
38 councils for the protection of children, local special bodies, Lupong Tagapamayapa and children's
39 welfare and protection organizations in facilitating the reporting of, prevention of and response to

1 instances of corporal punishment, and promotion of positive discipline in their respective localities.
2 It shall, together with the DSWD and the local SWDO, ensure the delivery of intervention programs
3 such as seminars and counseling for offending parents.

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

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

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

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

17 SEC. 19. *Appropriations.* – The amount necessary for the initial implementation of this Act shall
18 be charged against the current appropriations of the DSWD, the DepED, the TESDA and the
19 CHED, and thereafter in the annual General Appropriations Act. For LGUs, the implementation of
20 the programs shall be charged against the internal revenue allotment and other internally generated
21 funds of the LGU concerned. The Priority Development Assistance Fund can be utilized to fund
22 the implementation of this Act.

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

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

28 SEC. 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in
29 any newspaper of general circulation.

Approved,