



SENATE
S.B. No. 2182

Introduced by SENATOR CYNTHIA A. VILLAR

**AN ACT
PROHIBITING THE IMPOSITION OF CORPORAL PUNISHMENT ON CHILDREN,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE
KNOWN AS SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT, PROVIDING PENALTIES THEREFOR AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

Section 13, Article II of the 1987 Philippine Constitution states that:

“The State recognizes the vital role of the 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.”

Being a party to the Convention on the Rights of the Child (CRC), the Philippines committed itself to take all appropriate legislative 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 (Article 19, CRC). Further, we are committed to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity (Article 28 [2], CRC) and that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37, CRC [a]).

It is hereby stressed that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Rights of the Child adopted by the United Nations General Assembly in 1959 and recognized in the Universal Declaration of Human Rights. In fact, the Declaration on the Rights of the Child explicitly provides that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

Further, the devastating impact of violence against children may result in “greater susceptibility to lifelong social, emotional, and cognitive impairments and to health-risk behavior. Related mental health and social problems include anxiety and depressive disorders, hallucinations, impaired work performance, memory disturbances, as well as aggressive behavior. Early exposure to violence is associated with lung, heart and liver disease, sexually transmitted diseases and fetal death during pregnancy, as well as relationship violence and suicidal attempts.”¹

For the full and harmonious development of his or her personality, children should grow up in a peaceful environment. Children must be nurtured in an atmosphere of happiness, love, and understanding in order to ensure that they will grow up as productive and morally upright citizens. There is therefore an urgent need to prohibit all forms of corporal punishment in the home, in schools, in private and public institutions, in the juvenile justice system and in all other alternative care system. Passage of this bill is thus recommended.


CYNTHIA A. VILLAR

¹ “World Report on Violence Against Children”, Paulo Sérgio Pinheiro, pages 13-14.

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AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED,
OTHERWISE KNOWN AS SPECIAL PROTECTION OF CHILDREN AGAINST CHILD
ABUSE, EXPLOITATION AND DISCRIMINATION ACT, PROVIDING PENALTIES
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 Law."

SECTION 2. There shall be incorporated under SECTION 3 of Republic act 7610 under "Definition of Terms" an additional section (e) to read as follows:

"(e) "Corporal Punishment" refers o the infliction of physical or mental violence or blows upon a child as a form of punishment or chastisement including public humiliation, verbal abuse, and other forms of punishment that is considered abusive, degrading and not consistent with the child's human dignity considering his/her physical and mental immaturity."

SECTION 3. *Prohibition on Corporal Punishment.* - There shall be incorporated under Section 10, Article CI on Other Acts or Abuse an additional sub-section (f) to read as follows:

"(f) Any parent or ascendant, teacher, or guardian who shall inflict corporal punishment upon his/her child or a descendant under his/her care, student or ward, respectively, shall suffer:

1) The penalty of prision mayor in the maximum to reclusion temporal in the minimum if in consequence of such corporal punishment, the victim shall become insane, imbecile or blind.

2) The penalty of prision mayor in the medium to prision mayor in the maximum if in consequence of such corporal punishment, the victim have lost an eye, a hand a foot, an arm, or a leg or shall have lost the use of any such member or shall become incapacitated to engage in the usual physical activities of a child;

3) The Penalty of prision correccional in the prision mayor in the minimum if in consequence of such Corporal Punishment, the victim injured shall have become deformed, or shall have lost any part of his body, or shall have lost the use thereof, or shall have

been ill or incapacitated to engage in the usual physical activities of a child for a period of more than ninety days;

4) The penalty of prision correccional in the prision mayor in the maximum if in consequence of such corporal punishment, the victim injured shall have been ill or incapacitated to engage in the usual physical activities of a child for a period of more than thirty days;

5) The penalty of prision correccional in the minimum to prision correccional in the medium if in consequence of such corporal punishment, the victim shall have become ill or incapacitated to engage in the usual physical activities of a child from ten to thirty days;

6) The penalty to arresto mayor in the maximum to prision correccional in the minimum if in the consequence of such corporal punishment, the victim shall have become ill or incapacitated to engage in the usual physical activities of a child for a period of one to nine days;

7) The penalty to arresto mayor in the medium to maximum period when the offender has caused physical injuries not requiring medical attendance.

8) The penalty of arresto mayor in the minimum to medium period if such corporal punishment does not cause any physical or mental injury.

The teacher who inflicts any corporal punishment as defined in Section 3 shall be liable provided he/she is a teacher in the same school where the child victim is enrolled and regardless of the place and time in the corporal punishment was inflicted by the offender upon the child victim. The foregoing provisions shall also apply to other school employees and officials whether occupying a teaching position or not.

The penalties prescribed above shall be imposed on the maximum if the victim is below twelve years old, and one degree higher if the victim is below seven years old. The foregoing provisions shall also apply to the custodians of children in the juvenile justice or correction institutions."

SECTION 4. *Separability Clause.* - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. *Repealing Clause.* - All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 6. *Effectivity.* -This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,