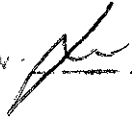


10 JUL 13 P4:18

SENATE
S.B. No. 1433

RECEIVED BY 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to impose stiffer penalties against delinquent parents to minimize, if not eliminate, the cases of neglected and abused children in this country.

Parents have the natural right and duty over the upbringing of their children. Under the Family Code, parental authority and responsibility includes the caring for and rearing of their children for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being. Parental authority and responsibility cannot be renounced or transferred, except in cases authorized by law. Parents and those exercising parental authority shall have the following rights and duties:


- a. To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
- b. To give them love and affection, advice and counsel, companionship and understanding;
- c. To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- d. To enhance, protect, preserve and maintain their physical and mental health at all times;
- e. To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and preserve them from acquiring habits detrimental to their health, studies and morals;
- f. To represent them in all matters affecting their interests;
- g. To impose discipline on them as may be required under the circumstances; and
- h. To perform such other duties as are imposed by law upon parents and guardians.

Given the crucial role that parents have in the upbringing of a child, it is considered a criminal act for a person entrusted with the custody of a minor to abandon him or her and for parents to neglect their children by not giving them the education which their station in life require. However, the law has not been effective in ensuring that parents are not remiss with their responsibilities. Reflective of this

are the high number of children abandoned in the streets or are left to tend for themselves.

This bill provides stiffer penalties for the delinquent parents by imposing longer years of imprisonment and higher amount of fines than what is presently provided under the Revised Penal Code.

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



LOREN LEGARDA
Senator

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SECRET
OFFICE OF THE SENATE CLERK

10 JUL 13 P4:18

SENATE
S.B. No. 1433

RECEIVED BY: 

Introduced by Senator Loren Legarda

**AN ACT
TO STRENGTHEN THE PENAL PROVISIONS WITH RESPECT TO
DELINQUENT PARENTS, AMENDING FOR THE PURPOSE ARTICLES 276,
277, AND 278 OF THE REVISED PENAL CODE, AS AMENDED**

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

1 **SECTION 1.** Article 276 of Act No. 3815, as amended, is hereby amended as
2 follows:

3 "ART. 276. *Abandoning a minor.* - The penalty of *arresto mayor* and a fine
4 of at least ten thousand pesos (P10,000.00) but not more than fifteen
5 thousand pesos (P15,000.00) shall be imposed to anyone who shall
6 abandon a [child under seven years of age] **MINOR**, the custody of
7 which is incumbent upon him.

8

9 **THE PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM**
10 **PERIOD AND A FINE OF AT LEAST FIFTY THOUSAND PESOS**
11 **(P50,000.00) BUT NOT MORE THAN ONE HUNDRED**
12 **THOUSAND PESOS (P100,000.00) SHALL BE IMPOSED IF THE**
13 **PERSON CONVICTED OF THE PENALTY UNDER THIS ACT IS**
14 **THE PARENT OF THE MINOR.**

15

16 When the death of the minor shall result from the abandonment, the
17 culprit shall be punished by prision correccional in its medium and
18 maximum periods[.]. **IF THE CULPRIT BE THE PARENT OF THE**
19 **DECEASED, HE OR SHE SHALL BE PUNISHED BY PRISION**
20 **CORRECCIONAL IN ITS MEDIUM PERIOD TO PRISION**
21 **MAYOR IN ITS MINIMUM PERIOD [.]**. [b]But if the life of the
22 minor shall have been in danger only, the penalty shall be prision

1 correccional in its minimum and medium periods. **IN THE LATTER**
2 **CASE, IF THE CULPRIT BE THE PARENT OF THE MINOR, HE OR**
3 **SHE SHALL BE PUNISHED BY PRISION CORRECCIONAL IN ITS**
4 **MEDIUM AND MAXIMUM PERIODS.**

5
6 **IN ADDITION, THE PARENT OF THE MINOR SHALL BE**
7 **DEPRIVED OF THEIR PARENTAL AUTHORITY, HEREDITARY**
8 **RIGHTS AND CUSTODY OVER THE MINOR.**

9
10 The provisions contained in [the two preceding paragraphs] **THIS**
11 **ARTICLE** shall not prevent the imposition of the penalty provided for
12 the act committed, when' the same shall constitute a more serious
13 offense."

14
15 **SECTION 2.** Article 277 of Act No. 3815, as amended, is hereby amended as
16 follows:

17 "*ART. 277. Abandonment of minor by person entrusted with his custody;*
18 *indifference of parents.* - The penalty of *arresto mayor* and a fine of at least
19 **FIFTY [ten] thousand pesos [(P10,000.00) (P50,000.00)** but not more
20 than **ONE HUNDRED [fifteen] thousand pesos (P100,000.00)** shall be
21 imposed upon anyone who, having charge of the rearing or education
22 of a minor shall deliver said minor to a public institution or other
23 persons, without the consent of the one who entrusted such child to his
24 care or, in the absence of the latter, without the consent of the proper
25 authorities.

26
27 The same shall be imposed upon the parents who shall neglect their
28 children **OF SCHOOL AGE** by not giving them the **COMPULSORY**
29 **ELEMENTARY** education which [their station in life] **THE**
30 **PHILIPPINE CONSTITUTION** requires [and financial condition
31 permits]."

32
33 **SECTION 3.** Article 278 of the same Code is hereby amended to read as
34 follows:

35 "*ART. 278. Exploitation of minors.* - The penalty of prision correccional
36 in its minimum and medium periods and a fine not exceeding [500]

1 ONE HUNDRED THOUSAND pesos shall be imposed upon:

2
3 xxx

4
5 **6. ANY PARENT WHO SHALL GIVE HIS UNEMANCIPATED**
6 **CHILD CORRUPTING ORDERS, COUNSELS OR EXAMPLE,**
7 **SHALL BE PUNISHED BY ARRESTO MAYOR IN ITS MAXIMUM**
8 **PERIOD AND A FINE OF AT LEAST FIFTY THOUSAND PESOS**
9 **(P50,000.00) BUT NOT MORE THAN ONE HUNDRED**
10 **THOUSAND PESOS (P100,000.00). THIS SHALL INCLUDE CASES**
11 **WHICH HAVE RESULTED FROM CULPABLE NEGLIGENCE OF**
12 **THE PARENT."**

13
14 **SEC. 4. *Separability Clause.*** - If any provision of this Act is declared invalid,
15 the remainder of this Act or any provision not affected thereby shall remain in force
16 and effect.

17
18 **SEC. 5. *Repealing Clause.*** - All laws, presidential decrees, executive orders
19 and their implementing rules, inconsistent with the provisions of this act are hereby
20 repealed, amended or modified accordingly.

21
22 **SEC. 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
23 publication in at least two (2) newspapers of general circulation.

24
25 Approved,