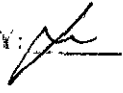


'12 JAN 19 P2:41

SENATE  
S. No. 3102

RECEIVED BY: 

---

Introduced by Senator Miriam Defensor Santiago

---

EXPLANATORY NOTE

The Constitution, Article 2, Section 12 provides:

Section 12. x x x The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

Because they have the primary right to rear their children in the manner they see fit, parents should also be held responsible for malicious acts committed by their children.

This bill seeks to penalize the parents or guardians for the tortuous or criminal acts committed by their minor children or wards who are exempt from criminal liability, under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006."

"Parental liability" is the term used to refer to a parent's obligation to pay for damage done by negligent, intentional, or criminal acts of that parent's child. In the United States, there is a movement for greater parental accountability following of a number of highly publicized violent crimes committed by children. Parental liability laws have been enacted in Canada and the United States to hold parents civilly and criminally responsible for their children's actions.

For example, Idaho, Maryland, Missouri, and Oklahoma require parents to undertake restitution payments. In Arizona, parents are liable for intentional acts of their children that injure others or damage their property. Parents can be held automatically liable for up to \$10,000 in damage. In California, parents are responsible if the parent has knowledge of the child's potential for misconduct and fails to take reasonable steps to prevent such misconduct; if the parent has signed the child's driver's license application or the child drives the parent's car with the parent's knowledge and permission; if the child is guilty of willful misconduct; or if the child is given ready access to a firearm.

A number of states have enacted or proposed laws that will:

- Automatically hold parents financially responsible for all expenses associated with a second false bomb threat or 911 call made by a child;
- Impose a prison term of up to 18 months and order payment of restitution to any victims if the child commits a serious crime;
- Imposes a fine and/or a prison term if a child uses a gun owned by the parent to commit a crime;
- Fine and/or imprison parents whose children fail to attend school or skip school more than 10 times in a year.

In our jurisdiction, under Section 6 of R.A. No. 9344, minor offenders aged 15 years old and below have no criminal liability. Offenders aged 16 to 17 years old, acting without discernment are also exempt from criminal liability. Consequently, the offenders are not placed in detention cells but instead referred to rehabilitation centers. The younger ones are returned to their parents or guardians, or in their absence, to the nearest relative. Thus, since the offenders are not arrested nor charged in courts, it is believed that the element of accountability is sorely lacking to the detriment of victims of such crimes.

Parental liability laws generally aim to involve parents in their children's lives, encourage improved parental control over children and decrease youth crime; this is based on studies that have established a relationship between poor parenting skills and youthful offending.

Parents will spend more time and effort in monitoring the activities of their children when they are fully aware that they will be held personally accountable for their children's actions, through the payment for damages caused by any minor child.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO

---

<sup>1</sup> This bill was originally filed in the House of Representatives as HBN 2271, by Rep. Rufus Rodriguez and Rep. Maximo Rodriguez.

12 JAN 19 12:44

SENATE  
S. No. 3102

RECEIVED

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PENALIZING THE PARENTS OR GUARDIANS FOR TORTS OR CRIMES  
3 COMMITTED BY THEIR MINOR CHILDREN OR WARDS

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Parental Liability Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
6 provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and  
7 discrimination, and other conditions prejudicial to their development. Towards this end, it shall  
8 be the policy of the State to ensure that parents be held accountable for their children’s actions  
9 when they have not exercised reasonable care, supervision, protection, and control over them.

10 SECTION 3. *Liability of Parents.* – Notwithstanding the exemption from criminal  
11 liability of any minor child as provided for under Republic Act No. 9344, otherwise known as  
12 the “Juvenile Justice and Welfare Act of 2006,” the parents or guardians shall be personally  
13 liable in an amount of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than One  
14 Hundred Thousand Pesos (Php 100,000.00), for the damages which are the proximate result of  
15 any one or a combination of the following acts of the minor child or ward:

- 16 A) The malicious and wilful injury to the person of another;
- 17 B) The malicious and wilful injury or damage to the property of another, whether the  
18 property be real, personal, or mixed;
- 19 C) The wilful taking, stealing, and carrying away of the property of another, with the  
20 intent to permanently deprive the owner of possession;

1 D) The exploitation of another minor child by using him, directly or indirectly, such  
2 as for purposes of begging and other acts which are inimical to his interest and  
3 welfare; and

4 E) The possession, handling, or carrying of a deadly weapon, regardless of its  
5 ownership.

6 For purposes of this section, the term "parent" or "guardian" shall refer to the person with  
7 whom the minor child or ward is living with and who is exercising supervisory control over the  
8 minor child or ward at the time of the commission of any wrongful acts mentioned in this  
9 section.

10 SECTION 4. *Recovery of Damages.* – The recovery of damages shall be limited to the  
11 actual damages, judicial costs, and payment of interests from date of judgment.

12 The right of action and remedy granted herein shall be in addition to and not exclusive of,  
13 any rights of action and remedies against a parent or guardian for the tortuous acts of any minor  
14 child or ward existing under the provisions of any other law.

15 SECTION 5. *Implementing Rules and Regulations.* – Within 60 days from the effectivity  
16 of this Act, the Secretary of Justice shall issue and promulgate the rules and regulations  
17 necessary for the effective implementation of this Act.

18 SECTION 6. *Separability Clause.* – If any provision, or part hereof, is held invalid or  
19 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
20 valid and subsisting.

21 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
22 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
23 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

24 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
25 publication in at least two (2) newspapers of general circulation.

Approved,

/acs