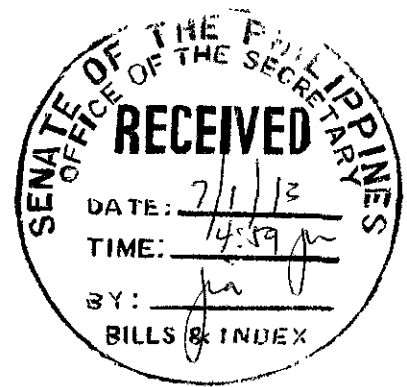


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. B. No. 207



Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Every child has the right to special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. To this end, the State shall undertake all appropriate measures to protect the child from all forms of physical or mental violence, injury, abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the custody of parents, guardians or any other person who has the care of the child.

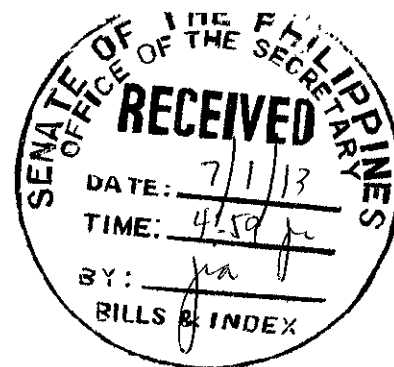
The proposed bill seeks to prohibit all forms of corporal or physical punishment to discipline and punish children as the same leads to negative effects such as low self-worth, depression, displaced anger, resentment and aggression in them. For this reason, the passage of this bill is earnestly recommended.

In view of the foregoing, the timely passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator

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

SENATE
S.B. No. 227



Introduced by Senator Maria Lourdes Nancy S. Binay

1 AN ACT PROHIBITING ALL FORMS OF CORPORAL PUNISHMENT AND ALL
2 OTHER FORMS OF HUMILIATING OR DEGRADING PUNISHMENT OF CHILDREN
3 AND PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE OF CHILDREN,
4 APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES
5
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
8 *assembled:*
9

10 **SECTION 1.** *Short Title.* This Act shall be known as the "*Anti-Corporal Punishment Act of*
11 *2013.*"
12

13 **SECTION 2.** *Declaration of Policy.* The State recognizes the vital role of children and youth
14 in nation building and shall promote and protect their physical, moral, spiritual, intellectual
15 and social well-being. The State shall defend the right of children to assistance, and special
16 protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions
17 prejudicial to their development. The State shall protect the best interests of the child through
18 measures that will ensure the observance of international standards of child protection,
19 especially those to which the Philippines is a party.
20

21 No child shall be subjected to torture or other cruel, inhuman or degrading treatment or
22 punishment. Such treatment or punishment, including corporal punishment and all other
23 forms of humiliating or degrading treatment or punishment, violates the child's right to be
24 respected for his/her human dignity and physical integrity and to equal protection under the
25 law.
26

27 The State respects the responsibilities, rights and duties of parents, guardians, or other
28 persons legally responsible for the child, including those exercising special or substitute
29 parental authority, to provide, in a manner consistent with the evolving capacities of the
30 child, appropriate direction and guidance in the exercise by the child of his/her rights.
31

32 The State shall take all appropriate measures to ensure that school discipline is administered
33 in a manner consistent with the child's human dignity.
34

35 In this regards, the State shall promote the positive and non-violent discipline of children at
36 home, at school, in institutions, at alternative care systems, in employment and at all other
37 settings. It shall establish the necessary structures and mechanisms and mobilize resources to
38 make this possible.
39

1 The State shall take all appropriate measures to protect the child from all forms of physical or
2 mental violence, injury, abuse, neglect or negligent treatment, maltreatment or exploitation,
3 including sexual abuse, while in the custody of parents, guardians or any other person who
4 has the care of the child. Such protective measures shall include effective procedures for the
5 establishment of social programs to provide necessary support for the child and for those who
6 care for the child, as well as for other forms of prevention and for identification, reporting,
7 referral, investigation, treatment and follow-up of instances of child maltreatment, and, as
8 appropriate, for legal or judicial action.

9
10 **SECTION 3. *Definition of Terms.*** – The following terms as used in this Act shall be defined
11 as follows:

- 12
13 (a) “Child” refers to a person who is below eighteen (18) years of age, or those over but are
14 unable to fully take care of themselves or protect themselves from abuse, neglect,
15 cruelty, exploitation or discrimination because of a physical or mental disability or
16 condition;
17
- 18 (b) “Corporal punishment” refers to punishment or penalty for an offense, real or imagined,
19 and/or acts carried out for the purpose of discipline, training or control, inflicted by an
20 adult, who has been given or has assumed authority or responsibility for punishment or
21 discipline. It includes physical and humiliating or degrading punishment, such as but
22 not limited to:
23
- 24 1. Blows to any part of a child’s body, such as beating; kicking; hitting; slapping;
25 lashing; with or without the use of an instrument such as a cane, shoes, broom,
26 stick, whip or belt;
27
 - 28 2. Pinching; pulling ears or hair; shaking; twisting joints; cutting and shaving hair;
29 cutting or piercing skin; carrying, dragging or throwing a child;
30
 - 31 3. Forcing a child, through the use of power, authority or threats, to perform
32 physically painful or damaging acts, such as holding a weight or weights for an
33 extended period; kneeling on stones, salt or pebbles; squatting; standing or sitting
34 in a contorted position;
35
 - 36 4. Deliberately neglecting a child’s physical needs, where this is intended as
37 punishment;
38
 - 39 5. Using external substances, such as burning or freezing materials, water, smoke,
40 pepper, alcohol, excrement or urine;
41
 - 42 6. Forcing a child to perform hazardous tasks as punishment or for the purpose of
43 discipline, including those that are beyond a child’s strength or bringing him or
44 her into contact with dangerous or unhygienic substances; such tasks include
45 sweeping or digging in the hot sun or rain; using bleach or insecticides;
46 unprotected cleaning of toilets;
47
 - 48 7. Confining a child in a contained or enclosed space, confinement, including being
49 shut in a confined space or material, tied up, or forced to remain in one place for
50 an extended period of time;

- 1
- 2 8. Any threat of physical punishment;
- 3
- 4 9. Any other physical act perpetrated on a child's body, for the purpose of
- 5 punishment or discipline, intended to cause some degree of pain or discomfort,
- 6 however light;
- 7
- 8 10. Verbally assaulting, threatening or intimidating a child;
- 9
- 10 11. Verbally abusing, scolding, yelling, swearing, ridiculing or denigrating;
- 11
- 12 12. Making a child look or feel foolish in front of one's peers or the public; and
- 13
- 14 13. Other acts or words belittling, humiliating, blaming, ignoring or isolating the
- 15 child.
- 16
- 17 (c) "Foster parents" refers to persons duly licensed by the Department of Social Welfare
- 18 and Development to provide temporary or substitute parental care to children;
- 19
- 20 (d) "Guardians" refers to legal guardians and other persons, including relatives, with
- 21 physical custody of the child;
- 22
- 23 (e) "Parents" refers to biological parents, step parents, adoptive parents and the common-
- 24 law spouse or partner of the parent;
- 25
- 26 (f) "Persons legally responsible for the child, including those exercising special or
- 27 substitute parental authority" refers to those provided under Presidential Decree No.
- 28 603, as amended (the Child and Youth Welfare Code), Executive Order No. 209, as
- 29 amended (the Family Code), and Republic Act No. 7610, as amended (the Special
- 30 Protection of Children against Abuse, Exploitation and Discrimination Act);
- 31
- 32 (g) "Positive discipline" refers to an approach to parenting that teaches children and guides
- 33 their behavior, while respecting their rights to healthy development, protection from
- 34 violence and participation in their learning;
- 35
- 36 (h) "Service provider" refers to any person who, in a residential or non-residential setting,
- 37 provides services to children. It includes social workers, center administrators and
- 38 personnel, house parents, health service providers, day care workers, volunteers,
- 39 security guards in schools and centers, guards in a youth detention home, law
- 40 enforcement officers, barangay officials and tanods, and jail officers;
- 41
- 42 (i) "Teachers and school officials and administrators" refers to persons exercising
- 43 authority over students, including guidance counselors, perfect of discipline, physical
- 44 education instructors, school personnel, scout masters and CAT and CMT or ROTC
- 45 commandants, tactical officers and student officers;
- 46
- 47 (j) "Yayas, housemaids and caregivers" refers to domestic workers with direct contact to
- 48 the child; and
- 49
- 50 (k) "Institutions" refers to residential and non-residential child-caring agencies, including
- 51 youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and

1 orphanages; and churches or religious centers, including places of worship and parish
2 centers.
3

4 **SECTION 4. Prohibition.** – All corporal punishment and all other forms of humiliating or
5 degrading punishment of children is hereby prohibited at home, at school, in institutions, at
6 alternative care systems, in employment and at all other settings. Parents, *yayas*, housemaids
7 and caregivers, foster parents, guardians, relatives who have custody of the child, or other
8 persons legally responsible for the child, including those exercising special or substitute
9 parental authority, teachers, instructors and school officials and administrators of both public
10 and private academic and vocational institutions, employers and supervisors, service
11 providers, priests, nuns, pastors and other members of religious congregations or churches, or
12 any other person who has the care of the child who inflicts corporal punishment or
13 humiliating or degrading punishment on the child shall be liable in accordance with existing
14 penal laws, provided that the penalty shall be imposed in the maximum period, except where
15 a higher penalty is provided under Act No. 3815, as amended, otherwise known as the
16 “Revised Penal Code” Republic Act No. 7610, otherwise known as the “Special Protection of
17 Children Against Child Abuse, Exploitation and Discrimination Act,” or Republic Act No.
18 9262, otherwise known as the “Anti-Violence Against Women and their Children Act”;
19 provided, that if the act is not penalized under the above-mentioned laws, the penalty shall be
20 *arresto mayor* in its maximum period.
21

22 If the penalty imposable for the act is only *arresto menor* or *arresto mayor* the prosecutor
23 may, instead of filing the case, refer the accused to the local social welfare and development
24 office for assessment and intervention; provided, that the offender has not been previously
25 charged under this Act. The interventions shall include seminars on children’s rights and
26 positive and non-violent discipline of children, counseling, anger management and referrals
27 to other rehabilitative services.
28

29 If the offender is the parent or a person exercising parental authority, the court may suspend
30 parental authority in accordance with Executive Order No. 209, as amended, otherwise
31 known as the “Family Code of the Philippines.”
32

33 If any of the acts prohibited under this Act is committed by a student in an educational
34 institution, the school official and administrators shall be held responsible as if it were
35 themselves who committed the act.
36

37 **SECTION 5. Other Remedies.** – The remedies available to the victim under Republic No.
38 7610 and Republic Act No. 9262 shall be available to the child where applicable.
39

40 **SECTION 6. Who May File a Complaint.** – Complaints on cases of corporal punishment or
41 humiliating or degrading treatment of children may be filed by the following:
42

- 43 (a) Offended party;
- 44
- 45 (b) Parents or guardians;
- 46
- 47 (c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- 48
- 49
- 50 (d) Officer, social worker or representative of a licensed child-caring institution;

- 1
2 (e) Officer or social worker of the Department of Social Welfare and Development or the
3 local social welfare and development office;
4
5 (f) Police officers, preferably those in charge of the Women and Children's Desk;
6
7 (g) Barangay chairman or kagawad;
8
9 (h) Teacher, NGO worker, health provider, day care worker; or
10
11 (i) At least two (2) concerned persons from the place where the act occurred who have
12 personal knowledge of the act.
13

14 **SECTION 7. *Persons Intervening Exempt from Liability.*** – In every case of corporal
15 punishment or humiliating or degrading punishment, any person who, acting in good faith,
16 responds or intervenes without using violence or restraint greater than necessary to ensure the
17 safety of the victim, shall not be criminally, civilly or administratively liable.
18

19 **SECTION 8. *Venue.*** – The Regional Trial Court designated as a Family Court shall have
20 original and exclusive jurisdiction over cases of corporal punishment or humiliating or
21 degrading treatment of children. In the absence of such court in the place where the offense
22 was committed, the case shall be filed in the Regional Trial Court in the place where the
23 crime or any of its elements were committed, at the option of the complainant.
24

25 **SECTION 9. *Reporting.*** – All cases of corporal punishment or humiliating or degrading
26 punishment of children brought to the barangay or the police, or a healthcare provider, shall
27 be reported to the local social welfare and development office within twenty-four (24) hours
28 from the time of the complaint, without prejudice to the continuation of the investigation or
29 the filing of the appropriate criminal case. Failure to report within the prescribed period shall
30 be a ground for administrative action against the barangay official or police officer, or
31 healthcare provider.
32

33 **SECTION 10. *Confidentiality.*** – All records pertaining to cases of corporal punishment and
34 other humiliating or degrading punishment of children, including those in the barangay, the
35 police or public or private healthcare facility, shall be confidential and the right to privacy of
36 the victim shall be respected.
37

38 Whoever publishes or causes to be published, in any format, the name, address, telephone
39 number, school, or any identifying information of a victim or immediate family member of
40 the victim, without their consent, shall be penalized with a fine of not more than Two
41 Hundred Thousand Pesos (₱200,000.00).
42

43 **SECTION 11. *Assessment and Intervention.*** – The local social welfare and development
44 office, through its social workers, shall conduct an assessment in all cases of corporal
45 punishment and other humiliating or degrading forms of punishment of children to determine
46 the appropriate interventions, considering the best interest of the child at all times. The
47 assessment shall be completed within three (3) calendar days, without prejudice to the
48 conduct of a more comprehensive case study report. The interventions may include
49 psychosocial interventions for the child and the family, protective custody by the social
50 worker, temporary placement for the child, medical and legal services; seminar on children's
51 rights and positive and non-violent discipline of children, counseling, anger, management and
52 referrals to other rehabilitative services for the perpetrator.

1
2 The assessment shall be conducted and interventions shall be provided by the local social
3 welfare and development office whether or not a criminal case is filed.
4

5 **SECTION 12. Roles and Responsibilities**
6

7 (a) The Department of Social Welfare and Development (DSWD) shall formulate a
8 comprehensive program to promote the positive and non-violent discipline of children
9 and the prevention of the use of corporal punishment and humiliating or degrading
10 forms of punishment of children. The program shall be developed in coordination with
11 other government agencies and the private sector, including academic institutions, non-
12 governmental organizations and parent-teachers-community associations. The program
13 shall include capacity building of service providers, parenting education and positive
14 and non-violent discipline of children, child-friendly reporting mechanisms, child
15 protection services and support, and documentation, data management and monitoring
16 systems.
17

18 The Department Social Welfare and Development shall integrate positive and non-
19 violent discipline of children in the training of officials and staff of child-caring
20 institutions. It shall ensure that officials and staff of institutions do not use corporal
21 punishment and humiliating or degrading punishment on any child under their custody.
22 It shall also ensure that appropriate action is taken against erring official and staff of
23 institutions.
24

25 (b) The Department of Education (DepEd) and the Commission on Higher Education
26 (CHED) shall integrate positive and non-violent discipline of children in the training of
27 school officials, teachers and personnel. The two agencies shall ensure that school
28 officials, teachers and personnel do not use corporal punishment and humiliating or
29 degrading punishment on any pupil or student. They shall also ensure that appropriate
30 criminal and administrative actions are taken against erring school officials, teachers
31 and personnel.
32

33 The CHED shall integrate positive and non-violent discipline of children in the
34 Education, Psychology and Social Work curricula, and in the curriculum of other
35 disciplines related to child work.
36

37 (c) All local social welfare and development offices (SWDOs) shall adopt and implement
38 programs and services to promote the positive discipline of children and the prevention
39 of the use of corporal punishment and humiliating or degrading forms of punishment of
40 children. They shall also provide assistance to victims, and families of victims, of
41 corporal punishment and humiliating or degrading punishment.
42

43 (d) Local Councils for the Protection of Children (LCPCs) shall support programs that
44 promote the positive and non-violent discipline of children, prevent the use of corporal
45 punishment and humiliating or degrading forms of punishment of children, and respond
46 to such cases.
47

48 (e) The Council for the Welfare of Children (CWC) under the DSWD shall disseminate all
49 relevant information on this Act among relevant government agencies and entities. It
50 shall monitor the enforcement of this Act and the implementation of all programs and
51 services provided for under this Act. It shall also mobilize the different inter-agency

1 mechanisms within its national and local structures to support the implementation of
2 programs and services.

3
4 (f) Local government units shall mobilize, strengthen and support local structures, such as
5 the local councils for the protection of children, local special bodies, lupong
6 tagapamayapa and children's associations in facilitating the reporting of, prevention of
7 and response to cases of corporal punishment, and promotion of positive discipline in
8 their respective localities.

9
10 (g) The Sangguniang Kabataan (SK) shall include the prevention of corporal punishment
11 and humiliating or degrading punishment of children in its programs.

12
13 **SECTION 13. *Implementing Rules and Regulations.*** – The Department of Social Welfare
14 and Development, in consultation with the Department of Education, the Commission on
15 Higher Education, the Department of Interior and Local Government, the Department of
16 Health and other relevant government agencies, leagues of local government officials, non-
17 governmental organizations, and children's organizations, shall promulgate the Implementing
18 Rules and Regulations of this Act within three (3) months from its approval.

19
20 **SECTION 14. *Suppletory Application.*** – For purposes of this Act, the Revised Penal Code,
21 as amended, Child and Youth Welfare Code, as amended, and other applicable laws shall
22 have suppletory application.

23
24 **SECTION 15. *Appropriation.*** – The amount of One Hundred Fifty Million Pesos
25 (₱150,000,000.00) is hereby appropriated for the initial implementation of this Act.
26 Thereafter, the Department of Social Welfare and Development shall include the amounts
27 necessary for the implementation of this Act in its annual budgets.

28
29 **SECTION 16. *Separability Clause.*** – If any section or provision of this Act is held
30 unconstitutional or invalid, the other sections or provisions shall not be affected.

31
32 **SECTION 17. *Repealing Clause.*** – All laws, presidential decrees, executive orders and rules
33 and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
34 repealed or modified accordingly.

35
36 **SECTION 18. *Effectivity.*** – This Act shall take effect fifteen (15) days from the date of its
37 complete publication in at least two (2) newspapers of general circulation.

Approved,