

Office of the Secretary

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SENATE  
S. No. 399

By: *ju*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 11, Section 13 provides:

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.

Parents in the Philippines discipline and punish their children through the use of corporal or physical punishment in the following forms: spanking with the hand; pinching; hitting with an object; twisting the child's ear; pulling the hair; slapping the face or head; confinement in a sack; or shaking. Filipino children also experience threats of physical punishment and humiliating treatment such as being shouted at in front of others, labeling, and denigration.

According to the World Report on Violence and Health by the World Health Organization, in the short term, corporal punishment "kills thousands of children each year and injures and handicaps many more. In the longer term, a large body of research has shown it to be a significant factor in the development of violent behavior, and it is associated with other problems in childhood and later life." A study conducted in 2005 found that children who are disciplined with spanking or other physical punishments are more likely to be anxious and aggressive than children disciplined through other methods.

Research shows that corporal punishment is ineffective in disciplining children of all ages and most often, it produces anger, resentment, and low self-esteem in children. It also teaches the child that violence is an acceptable behavior and is a solution to problems. Corporal punishment perpetuates itself as children imitate the actions of adults.

The Committee on the Rights of the Child has emphasized several times that corporal punishment is not compatible with the provisions of the Convention on the Rights of the Child (CRC) and is inconsistent with the requirement of respect for the child's dignity. Article 37 of the CRC requires States Parties to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading punishment." As a State Party to the CRC and the International Covenant on Civil and Political Rights, the Philippines has the obligation to prohibit all forms of physical and mental violence, including corporal punishment and deliberate humiliation within the family. In accordance with Article 19 of the CRC, States Parties are required to "take all appropriate legislative, administrative, social and educational 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."<sup>1</sup>

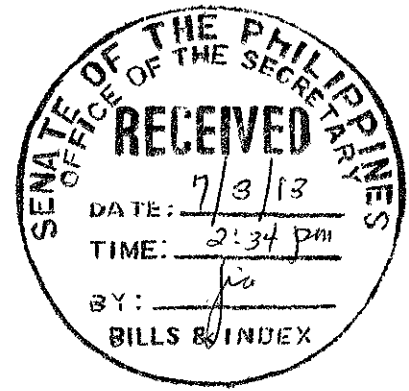
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed during the Fourteenth Congress, First Regular Session.

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

SENATE  
S. No. 399



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Introduced by Senator Miriam Defensor Santiago

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1 AN ACT  
2 AMENDING ARTICLE 218, ARTICLE 220, AND ARTICLE 223 OF  
3 THE FAMILY CODE TO PROHIBIT ALL FORMS OF CORPORAL PUNISHMENT

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

4 SECTION 1. Article 218 of Executive Order No. 209, as amended, otherwise known  
5 as the Family Code, is hereby amended to read as follows:

6 "Article 218. The school, its administrators and teachers, or the  
7 individual, entity or institution engaged in child care, INCLUDING  
8 EMPLOYERS, SUPERVISORS AND MANAGERS OF WORKING  
9 CHILDREN shall have special parental authority and responsibility over the  
10 CHILDREN [minor child] while under their supervision, instruction,  
11 custody, OR EMPLOYMENT.

12 Authority and responsibility shall apply to all authorized activities  
13 whether inside or outside the premises of the school, entity, institution, OR  
14 WORKPLACE."

15 SECTION 2. Article 220 is hereby amended to read as follows:

16 "Article 220. The parents and those exercising parental authority  
17 shall have with respect to their [unemancipated] children, wards, OR  
18 EMPLOYEES the following rights and duties:

19 ...

20 (7) To impose discipline on CHILDREN [them as may be required  
21 under the circumstances]. HOWEVER, IN NO CASE SHALL CORPORAL

1 PUNISHMENT OR HUMILIATING TREATMENT BE INFLICTED  
2 UPON CHILDREN.

3 CORPORAL PUNISHMENT REFERS TO ANY PUNISHMENT  
4 IN WHICH PHYSICAL FORCE IS USED AND INTENDED TO  
5 CAUSE SOME DEGREE OF PAIN OR DISCOMFORT, HOWEVER  
6 LIGHT. HUMILIATING TREATMENT REFERS TO ANY ACT BY  
7 WORD OR DEED WHICH BELITTLES, HUMILIATES,  
8 SCAPEGOATS, THREATENS, SCARES, RIDICULES, IGNORES, OR  
9 ISOLATES THE CHILD, AMONG OTHERS.

10 IN CASES INVOLVING HIS DISCIPLINE, THE CHILD  
11 SHALL BE GIVEN A CHANCE TO PRESENT HIS SIDE.”

12 SECTION 3. Article 233 is hereby amended to read as follows:

13 “Article 233. The person exercising substitute parental authority  
14 shall have the same authority over the person of the child as the parents. In  
15 no case shall the school administrator, teacher, or individual engaged in  
16 child care exercising special parental authority inflict corporal punishment  
17 OR HUMILIATING TREATMENT upon the child.”

18 SECTION 4. *Separability Clause*: – If any provision of this Act is held invalid or  
19 unconstitutional, the remainder of the Act or the provision not otherwise affected shall  
20 remain valid and subsisting.

21 SECTION 5. *Repealing Clause*. – Articles 45 and 47 of Presidential Decree No. 603,  
22 otherwise known as the Child and Youth Welfare Code, as amended; Article 74 of  
23 Presidential Decree No. 1083, otherwise known as the Code of Muslim Personal Laws; and  
24 all laws, acts, presidential decrees, executive orders, administrative orders, rules, and  
25 regulations inconsistent with or contrary to the provisions of this Act are deemed amended,  
26 modified, or repealed accordingly.

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

Approved,