

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

7 JUL -4 1926

SENATE
S.B. No. 924

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to impose stiffer penalties against delinquent parents to minimize if not totally 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 such children for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being. Parental authority and responsibility, under our laws, cannot be renounced or transferred, except in cases authorized by law. Under the same 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

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

7 JUL -4 AB:36

SENATE
S.B. No. 924

RECEIVED BY: 

Introduced by Senator Loren Legarda

**AN ACT
TO STRENGTHEN THE PENAL PROVISIONS WITH RESPECT TO DELINQUENT
PARENTS, AMENDING FOR THE PURPOSE ARTICLE 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:*

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

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

THE PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM PERIOD AND A FINE OF AT LEAST FIFTY THOUSAND PESOS (50,000 Php) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (100,000 Php) SHALL BE IMPOSED IF THE PERSON CONVICTED OF THE PENALTY UNDER THIS ACT IS THE PARENT OF THE MINOR.

When the death of the minor shall result from the abandonment, the culprit shall be punished by prision correccional in its medium and maximum periods[;]. **IF THE CULPRIT BE THE PARENT OF THE DECEASED, HE OR SHE SHALL BE PUNISHED BY PRISION CORRECCIONAL IN ITS MEDIUM PERIOD TO PRISION MAYOR IN ITS MINIMUM PERIOD [;].**[b]But if the life of the minor shall have been in danger only, the penalty shall be prision correccional in its minimum and medium periods. **IN THE LATTER CASE, IF THE CULPRIT BE THE PARENT OF THE MINOR, HE OR SHE SHALL BE PUNISHED BY PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS.**

IN ADDITION, THE PARENT OF THE MINOR SHALL BE DEPRIVED OF THEIR PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OVER THE MINOR.

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

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

“ART. 277. Abandonment of minor by person entrusted with his custody; indifference of parents. - The penalty of *arresto mayor* and a fine of at least **FIFTY [ten] thousand pesos [(P10,000.00)] (50,000 Php)** but not more than **ONE HUNDRED [fifteen] thousand pesos (100,000 Php)** shall be imposed upon anyone who, having charge of the rearing or education of a minor shall deliver said minor to a public institution or other persons, without the consent of the one who entrusted such child to his care or, in the absence of the latter, without the consent of the proper authorities.

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

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

“ART. 278. Exploitation of minors. - The penalty of prison correccional in its minimum and medium periods and a fine not exceeding [500] **ONE HUNDRED THOUSAND** pesos shall be imposed upon:

xxx

6. ANY PARENT WHO SHALL GIVE HIS UNEMANCIPATED CHILD CORRUPTING ORDERS, COUNSELS OR EXAMPLE SHALL BE PUNISHED BY ARRESTO MAYOR IN ITS MAXIMUM PERIOD AND A FINE OF AT LEAST FIFTY THOUSAND PESOS (50,000 Php) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (100,000 Php). THIS SHALL INCLUDE CASES WHICH HAVE RESULTED FROM CULPABLE NEGLIGENCE OF THE PARENT.”

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

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

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

Approved,