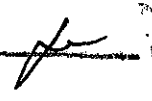


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P3:52

RECEIVED BY: 

SENATE

S. No. 2340

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Article XV, Section 3(2) of the Constitution provides that:

"The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development."

Articles 276, 277 and 278 of the Revised Penal Code penalize the acts of abandoning a child under seven (7) years of age by a person who has the custody of such child; indifference of parents; and exploitation of minors. These provisions of the Revised Penal Code aim to enforce Article XV, Section 3 (2) of the Constitution. However, the dramatic increase in the number of abandoned children as well as the increasing rate of juvenile delinquency committed by abandoned children necessitate the amendment of the penalties prescribed by the Revised Penal Code. The amendment aims to prescribe stiffer penalties when the offenses are committed by the parents of the child.

In view of the urgent need to rectify the laws against delinquent parents and to better instill consciousness of their parental duties, the passage of this bill is earnestly sought.


MANNY VILLAR

THIRTEENTH CONGRESS OF THE
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SENATE

FILED BY: 

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**AN ACT
STRENGTHENING 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 House of Representatives of the
Philippines in congress assembled:*

SECTION 1. Article 276 of the Revised Penal Code is hereby amended to
read as follows:

*“Art. 276. **Abandoning a minor.**— The penalty of *arresto
mayor* and a fine not exceeding five hundred pesos (Php 500.00)
shall be imposed upon anyone who shall abandon [a child under
seven years of age] A MINOR, the custody of which is incumbent
upon him.*

**“THE PENALTY OF PRISON CORRECCIONAL IN ITS
MINIMUM PERIOD AND A FINE [OF AT LEAST 15,000.00 BUT
NOT MORE THAN 20,000.00] SHALL BE IMPOSED ON THE
CULPRIT IF HE IS THE PARENT OF THE MINOR.**

*“When the death of the minor shall result from such
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 SHALL BE PUNISHED BY*

in life require] THE CONSTITUTION GUARANTEES. [and financial conditions permit.]”

SECTION 3. There shall be incorporated after Article 278 (5) of the same Code a new paragraph (6), to read as follows:

“6. ANY PARENT WHO SHALL GIVE HIS MINOR CHILD CORRUPTING ORDERS, COUNSEL, OR EXAMPLE SHALL BE PUNISHED BY *ARRESTO MAYOR* IN ITS MAXIMUM PERIOD AND A FINE __. THIS SHALL INCLUDE CASES WHICH HAVE RESULTED FROM CULPABLE NEGLIGENCE OF THE PARENT.

“IN THE CASE OF THE PARAGRAPH IMMEDIATELY PRECEDING, THE DELINQUENT PARENT SHALL, IN ADDITION TO THE PENALTY THAT WILL BE IMPOSED UPON HIM, LOSE PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE CHILD.”

SECTION 4. This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved.