


FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

7 NOV -5 P5:30

SENATE
S.B. **1812**

RECEIVED BY: 

Introduced by Senator Villar

Explanatory Note

The Republic of the Philippines, being a party to the Convention on the Rights of the Child (CRC), has expressly bound itself to take all appropriate legislative 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 (Article 19, CRC). In particular, the country has committed, on account of its accession thereto and in conformity therewith, to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity (Article 28 [2], CRC) and that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37, CRC)

It is hereby stressed that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Rights of the Child adopted by the United Nations General Assembly in 1959 and recognized in the Universal Declaration of Human Rights. In fact, the Declaration on the Rights of the Child explicitly provides that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".

The in-depth study conducted by an independent expert commissioned by the United Nations on violence against children reports a wide range of impacts on children subjected to such violence which include short and long-term repercussions that are often grave and damaging. It concluded that "violence may result in greater susceptibility to lifelong social, emotional, and cognitive impairments and to health-risk behaviour. Related mental health and social problems include anxiety and depressive disorders, hallucinations, impaired work performance, memory disturbances, as well as aggressive behaviour. Early exposure to violence is associated with lung, heart and liver disease, sexually transmitted diseases and fetal death during pregnancy, as well as relationship violence and suicidal attempts.

The author believes that the child, for the full and harmonious development of his or her personality, should grow up in a peaceful environment. The child must be nurtured in an atmosphere of happiness, love and understanding in order to ensure that they will grow up as productive and morally upright citizens.

All stated, there is an urgent need to prohibit all forms of corporal punishment in the home, in schools, in private and public institutions, in the juvenile justice system and in all other alternative care system. And this legislation which enshrined that great idea should be enacted soonest.


MANNY VILLAR

FOURTEENTH CONGRESS OF THE REPUBLIC
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7 NOV -5 P5:23

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**AN ACT
PROHIBITING THE ACT OF IMPOSING CORPORAL PUNISHMENT ON
CHILDREN, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS
AMENDED , OTHERWISE KNOWN AS SPECIAL PROTECTION OF CHILDREN
AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT,
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title* – This Act shall be known as “*The Anti-Corporal Punishment Law of 2007.*”.

Sec. 2. There shall be incorporated under Sec. 3 of Republic act 7610 under “Definition of Terms” an additional section (e) to read as follows:

“(e) “ Corporal Punishment” refers o the infliction of physical or mental violence or blows upon a child as a form of punishment or chastisement including public humiliation, verbal abuse, and other forms of punishment that is considered abusive, degrading and not consistent with the child’s human dignity considering his/her physical and mental immaturity.”

Sec. 3 Prohibition on Corporal Punishment – There shall be incorporated under Section 10, Article VI on Other Acts or Abuse an additional sub-section (f) to read as follows:

“(f) Any parent or ascendant, teacher, or guardian who shall inflict corporal punishment upon his/her child or a descendant under his/her care, student or ward, respectively, shall suffer:

(1) The penalty of *prision mayor* in the maximum to *reclusion temporal* in the minimum if in consequence of such corporal punishment, the victim shall become insane, imbecile or blind.

(2) The penalty of *prision mayor* in the medium to *prision mayor* in the maximum if in consequence of such corporal punishment, the victim have lost an eye, a hand a foot,

- an arm, or a leg or shall have lost the use of any such member, or shall have become incapacitated to engage in the usual physical activities of a child;
- (3) The penalty of *prision correccional* in the *prision mayor* in the minimum if in consequence of such corporal punishment, the victim injured shall have become deformed, or shall have lost any part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated to engage in the usual physical activities of a child for a period of more than ninety days;
 - (4) The penalty of *prision correccional* in the *prision mayor* in the maximum if in consequence of such corporal punishment, the victim injured shall have been ill or incapacitated to engage in the usual physical activities of a child for a period of more than thirty days;
 - (5) The penalty of *prision correccional* in the minimum to *prision correccional* in the medium if in consequence of such corporal punishment, the victim shall have become ill or incapacitated to engage in the usual physical activities of a child from ten to thirty days;
 - (6) The penalty to *arresto mayor* in the maximum to *prision correccional* in the minimum if in the consequence of such corporal punishment, the victim shall have become ill or incapacitated to engage in the usual physical activities of a child for a period of one to nine days;
 - (7) The penalty to *arresto mayor* in the medium to maximum period when the offender has caused physical injuries not requiring medical attendance.
 - (8) The penalty of *arresto mayor* in the minimum to medium period if such corporal punishment does not cause any physical or mental injury.

The teacher who inflicts any corporal punishment as defined in Section 3 shall be liable provided he/she is a teacher in the same school where the child victim is enrolled and regardless of the place and time in the corporal punishment was inflicted by the offender upon the child victim. The foregoing provisions shall also apply to other school employees and officials whether occupying a teaching position or not.

The penalties prescribed above shall be imposed on the maximum if the victim is below twelve years old, and one degree higher if the victim is below seven years old.

The foregoing provisions shall also apply to the custodians of children in the juvenile justice or correction institutions.

Sec. 4 Separability Clause. – If any part or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

Sec. 5. *Repealing Clause.* – Sections 3 and 10 of Republic Act 7610, and all other laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.