

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 13 provides:

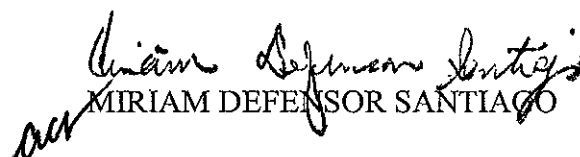
The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

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 treatments 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.

Various researches show that corporal punishment is ineffective in disciplining children of all ages and most often, it produces anger, resentment, and low self-esteem on 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 and is inconsistent with the requirements of respect for the child's dignity. Article 37 of the Convention on the Rights of the Child 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 Convention on the Rights of the Child (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."


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
4 CORPORAL PUNISHMENT

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

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

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

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

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

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

20 ...

21 (7) To impose discipline on CHILDREN [them as may be required under the
22 circumstances]. HOWEVER, IN NO CASE SHALL CORPORAL PUNISHMENT OR
23 HUMILIATING TREATMENT BE INFLICTED UPON CHILDREN.

1 CORPORAL PUNISHMENT REFERS TO ANY PUNISHMENT IN WHICH
2 PHYSICAL FORCE IS USED AND INTENDED TO CAUSE SOME DEGREE OF
3 PAIN OR DISCOMFORT, HOWEVER LIGHT. HUMILIATING TREATMENT
4 REFERS TO ANY ACT BY WORD OR DEED WHICH BELITTLES, HUMILIATES,
5 SCAPEGOATS, THREATENS, SCARES, RIDICULES, IGNORES, OR ISOLATES
6 THE CHILD, AMONG OTHERS.
7 IN CASES INVOLVING HIS DISCIPLINE, THE CHILD SHALL BE GIVEN A
8 CHANCE TO PRESENT HIS SIDE.”

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

10 “Article 233. The person exercising substitute parental authority shall have the same
11 authority over the person of the child as the parents.

12 In no case shall the school administrator, teacher, or individual engaged in child care
13 exercising special parental authority inflict corporal punishment OR HUMILIATING
14 TREATMENT upon the child.”

15 SECTION 4. *Repealing Clause.* – Articles 45 and 47 of Presidential Decree No.
16 603, otherwise known as the Child and Youth Welfare Code, as amended, Article 74 of
17 Presidential Decree No. 1083, otherwise known as the Code of Muslim Personal Laws,
18 and all laws, acts, presidential decrees, executive orders, administrative orders, rules and
19 regulations inconsistent with or contrary to the provisions of this Act are deemed
20 amended, modified or repealed accordingly.

21 SECTION 5. *Separability Clause.* – If any provision of this Act is held invalid or
22 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
23 remain valid and subsisting.

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

26 Approved,