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SENATE

Senate Bill No. 893

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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### EXPLANATORY NOTE

The care and guidance of the parents are essential elements of a virtuous upbringing of a child. The parents serve as the role model for their children especially during their formative years. This certain bond between them make up the relationship we call "family".

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."*

The parents are principally responsible in making this goal a reality. On the other hand, the increasing number of neglected and abused children is very evident nowadays. They can be seen in the streets, begging for alms, barely existing with the sustenance they get as they come day by day, enduring physical and moral indifference, and are often subjected to abuse by the very symbols of protection and security such as the authorities and the elders.

With due respect to the rights of the children, this bill seeks to strengthen the penal provisions with the cases of neglected and abused children.

For these reasons, the passage of this bill is earnestly recommended.

  
JINGGOY EJERCITO ESTRADA  
Senator

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

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

"Article 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] AN UNEMANCIPATED MINOR, the custody of which is incumbent upon him.

"THE PENALTY OF PRISON CORRECTIONAL IN ITS MINIMUM PERIOD AND A FINE OF ATLEAST FIFTEEN THOUSAND PESOS (P15,000.00) BUT NOT MORE THAN TWENTY THOUSAND PESOS (20,000.00) SHALL BE IMPOSED ON THE CULPRIT IF HE IS THE PARENT OF THE UNEMANCIPATED MINOR.

"When the death of the UNEMANCIPATED minor shall result from the abandonment, the culprit shall be punished by *prison correctional* in its medium and maximum periods [:] IF THE CULPRIT BE THE PARENT OF THE DECEASED, HE SHALL BE PUNISHED BY *PRISON CORRECTIONAL* IN ITS MEDIUM PERIOD TO *PRISON MAYOR* IN ITS MINIMUM PERIOD [:] [but] BUT if the life of the UNEMANCIPATED minor shall have been in danger only, the penalty shall be *prison correctional* in its minimum and medium periods. IN THE LATTER CASE, IF THE CULPRIT BE THE PARENT OF THE UNEMANCIPATED MINOR, HE SHALL BE PUNISHED BY *PRISON CORRECTIONAL* IN ITS MINIMUM AND MEDIUM PERIODS.

"IN ADDITION, THE PARENTS OF THE UNEMANCIPATED MINOR SHALL BE DEPRIVED OF THEIR PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE UNEMANCIPATED CHILD.

"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."

**SEC. 2.** Article 227 of the Revised Penal Code, as amended is hereby further amended to read as follows:

*"Art 227. Abandonment of minor by person entrusted with his custody; indifference of parents. - The penalty of arresto mayor and a fine of atleast ten thousand pesos (P10,000.00) but not more than fifteen thousand pesos (P15,000) shall be imposed upon anyone who, having charge of the rearing education of [a] AN UNEMANTICIPATED minor, shall delivered 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 later, without the consent of the proper authorities.*

"The same penalty 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 CONSTITUTION requires [and financing condition permits]."

**SEC. 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 UNEMANTICIPATED CHILD CORRUPTING ORDERS, COUNSELS OR EXAMPLE SHALL BE PUNISHED BY ARRESTO MAYOR IN ITS MAXIMUM PERIOD AND A FINE OF ATLEAST TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN FIFTEEN THOUSAND PESOS (15,000.00) THIS SHALL INCLUDE CASESS 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 IMPOSED UPON HIM, LOSE PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE CHILD."

**SEC. 4.** This Act shall take effect fifteen days(15) days after its publication in at least two (2) newspaper of general circulation.

*Approved,*