



HOUSE OF REPRESENTATIVES

H. No. 4907

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PAQUIZ, RAMOS, ROMULO, SUANSING, TING, UY (J.), YU, CO,
BATOCABE, LACSON-NOEL AND PRIMICIAS-AGABAS, PER COMMITTEE
REPORT NO. 399

**AN ACT PROMOTING POSITIVE AND NONVIOLENT DISCIPLINE OF
CHILDREN AND APPROPRIATING FUNDS THEREFOR**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Positive
2 and Nonviolent Discipline of Children Act”.

3 SEC. 2. *Declaration of Policy.* – The State recognizes the vital role of
4 children and youth in nation building, and shall promote and protect their
5 physical, moral, spiritual, intellectual, and social well-being. Pursuant thereto,
6 no child shall be subjected to torture or other cruel, inhuman or degrading

1 treatment or punishment. Such treatment or punishment violates the child's
2 rights, human dignity and physical integrity.

3 As such, the State shall:

4 (a) Promote positive and nonviolent discipline of children at home, in
5 school, in institutions, in alternative care systems, in workplaces and in all
6 other settings; and establish the necessary structures and mechanisms and
7 mobilize resources to make this possible;

8 (b) Defend the right of children to assistance, including proper care
9 and nutrition, and special protection from all forms of neglect, abuse, cruelty,
10 exploitation and other conditions prejudicial to their development;

11 (c) Protect the best interests of the child through measures that will
12 ensure the observance of international standards of child protection, especially
13 those expressed in international conventions and treaties to which the
14 Philippines is a party;

15 (d) Respect the responsibilities, rights and duties of parents, guardians
16 or other persons legally responsible for the child, including those exercising
17 special or substitute parental authority, to provide, in a manner consistent with
18 the evolving capacities of the child, appropriate direction and guidance in the
19 exercise of the children's rights;

20 (e) Assist parents in the fulfillment of their parental obligations;

21 (f) Ensure that school discipline is administered in a manner consistent
22 with the child's human dignity; and

23 (g) Protect the child from all forms of physical or mental violence,
24 injury from abuse, neglect or negligent treatment, maltreatment or exploitation,
25 including sexual abuse, while in the custody of parents, guardians or any other
26 person under whose care the child is entrusted. Such protective measures shall
27 include effective procedures for the establishment of social programs to
28 provide necessary support for the child and for those who care for the child, as

1 well as for other forms of prevention and for identification, reporting, referral,
2 investigation, treatment and follow-up of instances of child maltreatment and,
3 as appropriate, for legal or judicial action.

4 SEC. 3. *Definition of Terms.* – As used in this Act:

5 (a) *Child* refers to a person who is below eighteen (18) years of age, or
6 one over but is unable to fully take care of one's self or protect one's self from
7 abuse, neglect, cruelty, exploitation or discrimination because of a physical or
8 mental disability or condition;

9 (b) *Corporal punishment* refers to an act or acts which involve physical
10 force and humiliating or degrading acts imposed upon a child as punishment
11 for an alleged or actual offense inflicted by an adult or by another child, who
12 has been given or has assumed authority or responsibility for punishment or
13 discipline. It includes physical, humiliating or degrading forms of punishment,
14 such as:

15 (1) Blows including beating, kicking, slapping, lashing on any part of a
16 child's body, with or without the use of an instrument such as cane, broom,
17 stick, whip or belt;

18 (2) Pulling hair, shaking, twisting joints, cutting or piercing skin,
19 dragging or throwing a child;

20 (3) Forcing a child, through the use of power, authority or threats, to
21 perform physically painful or damaging acts, such as holding a weight or
22 weights for an extended period or kneeling on stones, salt or pebbles;

23 (4) Refusal to provide the child's physical needs;

24 (5) Use of or exposure to substances that can cause discomfort or
25 threaten the child's health, including fire, ice, water, smoke, pepper, alcohol,
26 or dangerous chemicals such as bleach or insecticides, excrement, or urine;

27 (6) Tying up a child;

28 (7) Imprisoning a child;

1 (8) Verbal abuse, or assaults including intimidation or threat of bodily
2 harm, swearing or cursing, ridiculing or denigrating the child;

3 (9) Making a child look or feel foolish in front of one's peers or the
4 public such as shaving hair; and

5 (10) Other analogous acts;

6 (c) *Foster parents* refer to persons duly licensed by the Department of
7 Social Welfare and Development (DSWD) to provide planned, temporary, or
8 substitute parental care to children;

9 (d) *Guardians* refer to legal guardians and other persons, including
10 relatives, with physical custody of the child;

11 (e) *Institutions* refer to residential and nonresidential child-caring
12 agencies, including youth homes, youth rehabilitation centers, drop-in centers,
13 temporary shelters and orphanages; and churches or religious centers,
14 including places of worship and parish centers;

15 (f) *Parents* refer to biological parents, stepparents, adoptive parents,
16 and the common-law spouse or partner of the parent;

17 (g) *Persons legally responsible for the child, including those*
18 *exercising special or substitute parental authority* refer to those provided for
19 under Presidential Decree No. 603, otherwise known as "The Child and Youth
20 Welfare Code", as amended; Executive Order No. 209, otherwise known as
21 "The Family Code of the Philippines", as amended; and Republic Act No.
22 7610, otherwise known as the "Special Protection of Children Against Child
23 Abuse, Exploitation and Discrimination Act", as amended;

24 (h) *Positive and nonviolent discipline* refers to a holistic, constructive
25 and proactive approach to parenting or teaching that helps children develop
26 appropriate thinking and behavior in the short and long terms. It is based on
27 the principles of children's rights, child development and effective teaching;

1 (i) *Service providers* refer to persons who, whether in public or private
2 settings, provide services to children. These include social workers, center
3 administrators and personnel, interns, parent-teacher association officers,
4 house parents, healthcare providers, day care workers, volunteers, security
5 guards in schools and centers, guards in a youth detention home, law
6 enforcement officers, barangay officials and tanods, and jail officers;

7 (j) *School teacher, personnel and officers* refer to persons exercising
8 authority over students, including administrators, student teachers, guidance
9 counselors, prefects of discipline, instructors, school personnel, scout masters,
10 and Citizen's Army Training (CAT) and Citizen's Military Training (CMT) or
11 Reserve Officers' Training Corps (ROTC) commandants, tactical officers and
12 student officers; and

13 (k) *Yayas, househelpers and caregivers* refer to domestic workers who
14 have direct contact with the child.

15 SEC. 4. *Promotion of Techniques on Positive and Nonviolent*
16 *Discipline.* – A comprehensive program shall be formulated and implemented
17 to promote positive and nonviolent discipline instead of corporal punishment
18 of children. A continuing information dissemination campaign shall be
19 conducted nationwide on how to practice positive discipline.

20 The positive and nonviolent ways of disciplining children shall include:

21 (a) Acting as a positive role model to children and assuming the role of
22 a mentor or guide rather than someone who owns and controls children;

23 (b) Using difficult or challenging situations with children as an
24 opportunity to teach values and skills, including how to manage stress,
25 communicate respectfully, handle conflict without hitting, consider other
26 people's feelings, and achieve goals without physically or emotionally harming
27 others;

1 (c) Providing warmth to children such as showing that they are still
2 loved even when they make a mistake, spending time with them, comforting
3 them when they are hurt or afraid, listening to them, looking at the situation
4 from their point of view, encouraging and motivating them when they are
5 facing difficult or challenging situations, and recognizing their efforts and
6 successes;

7 (d) Providing structure such as setting and explaining rules and hearing
8 their point of view, setting clear guidelines for behavior, preparing children for
9 difficult situations by telling them what to expect and how they can cope,
10 helping them find ways to fix their mistakes, teaching them about the effects of
11 their actions on other people, and giving them the information they need to
12 make good decisions;

13 (e) Controlling anger and avoiding threats of hitting, taking away love,
14 scaring them with monsters or other things that children are fearful of, as a
15 way to control or correct children's behavior;

16 (f) Considering the children's capacity, interests and need for support
17 according to their stages of development;

18 (g) Taking a problem-solving approach by ensuring that these
19 processes are observed:

20 (1) It leads to achievement of long-term goals for the child;

21 (2) The child is assured of the adult's love, respect and support;

22 (3) Both child and adult reflect on the causes and consequences of the
23 *problem, and discuss and agree on possible solutions; and*

24 (4) The solutions identified address the root cause of the problems and
25 are appropriate to the child's level of understanding and development; and

26 (h) Other similar ways of promoting positive and nonviolent discipline
27 approach.

1 SEC. 5. *Prohibition of Corporal Punishment.* – Corporal punishment
2 of children, as defined in Section 3(b), is hereby prohibited in homes, schools,
3 institutions, alternative care systems, workplaces, the juvenile welfare system,
4 places of religious worship, and in all other settings.

5 Parents, yayas, househelpers and caregivers, foster parents, guardians,
6 relatives who have custody of the child, or other persons legally responsible
7 for the child, including those exercising special or substitute parental authority,
8 school teachers, personnel, and officers of both public and private academic
9 and vocational institutions, employers and supervisors, service providers,
10 priests, nuns, pastors and other members of religious congregations or
11 churches, or any other person under whose care the child has been entrusted to
12 and who inflicts corporal punishment on the child shall be liable in accordance
13 with existing penal laws.

14 SEC. 6. *Penalties.* – The penalties under existing penal laws shall be
15 imposed in the maximum period, except where a higher penalty is provided for
16 under Act No. 3815, as amended, otherwise known as “The Revised Penal
17 Code”; under Republic Act No. 7610; or under Republic Act No. 9262,
18 otherwise known as the “Anti-Violence Against Women and Their Children
19 Act of 2004”.

20 If the act is not penalized under the abovementioned laws, the penalty
21 shall be *arresto mayor* in its maximum period.

22 SEC. 7. *Interventions.* – If the penalty imposed is higher than *arresto*
23 *mayor*, the offender/violator shall also: (a) undergo seminars on positive
24 discipline, anger management and children’s rights; (b) undergo counseling or
25 therapy; and (c) be directed to avail of other rehabilitative services if
26 necessary.

27 If the penalty imposable for the act is only *arresto menor* or *arresto*
28 *mayor*, the prosecutor may, instead of filing the case, refer the accused to the

1 local Social Welfare and Development Office (SWDO) for assessment and
2 intervention such as seminars and counseling on children’s rights and positive
3 and nonviolent discipline of children, anger management, and referral to other
4 providers of rehabilitative services: *Provided*, That the offender has not been
5 previously charged under this Act.

6 SEC. 8. *Suspension of Parental Authority.* – If the offender is a person
7 exercising parental authority but is not a parent, and has been previously
8 charged under this Act, the court may suspend parental authority in accordance
9 with “The Family Code of the Philippines”, as amended.

10 SEC. 9. *Interventions for a Parent who is an Offender.* – If the
11 offender is a parent of the child, the prosecutor shall refer the parent to the
12 local SWDO for assessment and intervention such as seminars and counseling
13 on children’s rights and positive and nonviolent discipline of children, anger
14 management, and referral to other providers of rehabilitative services.

15 SEC. 10. *Other Remedies.* – The remedies available to the victim
16 under Republic Act No. 7610 and Republic Act No. 9262 shall be available to
17 the child where applicable.

18 SEC. 11. *Reporting.* – All instances of corporal punishment of
19 children brought to the attention of the barangay or the police, or a healthcare
20 provider, shall be reported to the local SWDO within eight (8) hours from the
21 time of the complaint, without prejudice to the continuation of the
22 investigation or the filing of the appropriate criminal case. Failure to report
23 within the prescribed period shall be a ground for administrative action against
24 the barangay official or police officer, or healthcare provider: *Provided*, That
25 any person who is found to have reported a case of corporal punishment that is
26 proven baseless or malicious shall be criminally, civilly, or administratively
27 liable.

1 SEC. 12. *Persons Intervening Exempt from Liability.* – In every case
2 of corporal punishment, any person who, acting in good faith, responds or
3 intervenes without using violence or restraint greater than necessary to ensure
4 the safety of the victim shall not be criminally, civilly, or administratively
5 liable.

6 SEC. 13. *Who May File a Complaint.* – Complaints on acts of
7 corporal punishment against a child may be filed by the following:

- 8 (a) Offended party assisted by an adult;
- 9 (b) Parent or guardian;
- 10 (c) Ascendant or collateral relative within the third (3rd) degree of
11 consanguinity or affinity;
- 12 (d) Officer, social worker or representative of a licensed child-caring
13 institution;
- 14 (e) Officer or social worker of the DSWD or the local SWDO;
- 15 (f) Police officer;
- 16 (g) The National Bureau of Investigation;
- 17 (h) Barangay official;
- 18 (i) Teacher, nongovernmental organization (NGO) worker, health
19 provider, day care worker; or
- 20 (j) At least two (2) concerned persons from the place where the act
21 occurred who have personal knowledge of the act.

22 SEC. 14. *Jurisdiction.* – The Regional Trial Court (RTC) designated
23 as a Family Court shall have original and exclusive jurisdiction over cases of
24 corporal punishment of children. In the absence of such court in the place
25 where the offense was committed, the case shall be filed with the RTC in the
26 place where the crime or any of its elements was committed at the option of
27 the complainant.

1 **SEC. 15. Confidentiality.** – All records pertaining to cases of corporal
2 punishment of children, including those in the barangay, the police, school, or
3 public or private healthcare facility shall be kept confidential, and the right to
4 privacy of the victim shall be respected.

5 Whoever publishes or causes to be published, in any format, the name,
6 address, telephone number, school or any identifying information of a victim
7 or an immediate family member of the victim, without consent, shall be
8 penalized with a fine of not more than two hundred thousand pesos
9 (₱200,000.00).

10 **SEC. 16. Duties and Responsibilities of Government Agencies.** –

11 (a) The DSWD, in coordination with the Department of Education
12 (DepED), other relevant government agencies, the private sector, including
13 academic institutions, NGOs, and parents-teachers-community associations
14 shall formulate a comprehensive program to promote the positive and
15 nonviolent discipline of children and the prevention of the use of corporal
16 punishment on children. The program shall include capacity building of
17 service providers, parenting education on positive and nonviolent discipline of
18 children, child-friendly reporting mechanisms, child protection services and
19 support, and documentation, data management and monitoring systems.

20 (b) The DSWD shall integrate positive and nonviolent discipline of
21 children in the training of officials and staff of child-caring institutions. It
22 shall ensure that officials and staff of institutions do not use corporal
23 punishment on any child under their custody. It shall also ensure that
24 appropriate action is taken against erring officials and staff of the institutions.

25 (c) The DSWD shall integrate positive discipline in the capacity
26 building activities for the local SWDO to enable them to provide counseling
27 and appropriate intervention program for both offended child and offender.

1 (d) All local SWDOs shall adopt and implement programs and services
2 to promote the positive discipline of children and the prevention of the use of
3 corporal punishment on children. They shall also provide assistance to victims
4 of corporal punishment and their families. It shall, together with the DSWD
5 and the local government units (LGUs), ensure the delivery of intervention
6 programs such as seminars and counseling for offenders.

7 (e) The local SWDO shall immediately conduct an assessment of every
8 reported instance of corporal punishment on a child, and determine the
9 appropriate interventions, considering the best interest of the child at all times.
10 The assessment shall be completed within three (3) calendar days, without
11 prejudice to the conduct of a more comprehensive case study report. The
12 interventions may include psychosocial interventions for the child and the
13 family; protective custody by the social worker; temporary placement for the
14 child; medical and legal services; counseling and seminars on children's
15 rights, positive and nonviolent discipline of children and anger management;
16 and referral to other providers of rehabilitative services for the perpetrator. The
17 assessment shall be conducted and interventions shall be provided by the local
18 SWDO whether or not a criminal case is filed.

19 (f) The Council for the Welfare of Children (CWC) shall disseminate
20 all relevant information on this Act among concerned government agencies
21 and entities. It shall monitor the enforcement of this Act and the
22 implementation of all programs and services provided for under this Act. It
23 shall also mobilize the different interagency mechanisms within its national
24 and local structures to support the implementation of programs and services.

25 (g) The DepED shall integrate positive and nonviolent discipline of
26 children in the training of school officials, teachers and personnel. It shall
27 ensure that school officials, teachers and personnel do not use corporal
28 punishment on any pupil or student. It shall also ensure that appropriate

1 administrative action is taken against erring school officials, teachers and
2 personnel.

3 The DepED shall also integrate discussions on corporal punishment and
4 positive discipline in the curriculum of students to make children aware of
5 their rights.

6 (h) The Commission on Higher Education (CHED) and the Technical
7 Education and Skills Development Authority (TESDA) shall integrate positive
8 and nonviolent discipline of children in the curricula of education, psychology,
9 social work, and other disciplines related to child work. They shall also ensure
10 that appropriate administrative action is taken against erring school officials,
11 teachers and personnel.

12 (i) The LGUs shall mobilize, strengthen and support local structures
13 such as the Local Councils for the Protection of Children (LCPC), local
14 special bodies, Lupong Tagapamayapa, and children's welfare and protection
15 organizations in facilitating the reporting of, prevention of, and response to
16 instances of corporal punishment, and promotion of positive discipline in their
17 respective localities. It shall, together with the DSWD and the local SWDO,
18 ensure the delivery of intervention programs such as seminars and counseling
19 for offenders.

20 (j) The LCPC shall support programs that promote the positive and
21 nonviolent discipline of children, prevent the use of corporal punishment on
22 children, and coordinate with the local SWDO in responding to such cases.

23 (k) The Department of Labor and Employment (DOLE) shall make the
24 attendance of employers to positive discipline trainings as a prerequisite for
25 the issuance of employment permits for children.

26 (l) The Philippine National Police (PNP) shall promote positive
27 discipline and nonviolent ways of treating and handling children during arrest
28 and while in detention. It shall ensure that officials and staff do not use

1 corporal punishment and humiliating and degrading punishment on any child
2 under their custody. It shall integrate into their training curriculum the training
3 of all police officers on child-friendly and child-sensitive procedures in
4 handling children, and coordinate closely with government and private
5 organizations for effective investigation of cases.

6 (m) The Sangguniang Kabataan (SK) shall include in its programs the
7 prevention of corporal punishment on children.

8 (n) The DSWD shall seek assistance from other relevant government
9 agencies such as the Department of Justice (DOJ), the Commission on Human
10 Rights (CHR), the Philippine Information Agency (PIA), and the National
11 Commission on Indigenous Peoples (NCIP) to perform specific duties for the
12 implementation of this Act.

13 SEC. 17. *Appropriations.* – The amount necessary for the initial
14 implementation of this Act shall be charged against the current appropriations
15 of the DSWD, the DepED, the TESDA and the CHED. Thereafter, the
16 amount needed for the continued implementation of this Act shall be included
17 in the annual General Appropriations Act. For LGUs, the implementation of
18 the programs may be charged against the internal revenue allotment and other
19 internally generated funds of the LGU concerned.

20 SEC. 18. *Implementing Rules and Regulations.* – The DSWD, in
21 consultation with the CWC, the DepED, the CHED, the TESDA, the
22 Department of the Interior and Local Government (DILG), the Department of
23 Health (DOH), other relevant government agencies, LGUs, NGOs, and at least
24 two (2) child-focused organizations, shall promulgate the implementing rules
25 and regulations (IRR) of this Act within six (6) months from its approval. It
26 shall likewise ensure that techniques in, and examples of practicing positive
27 discipline shall be extensively enumerated, described, and explained in the
28 IRR.

1 SEC. 19. *Suppletory Application.* – For purposes of this Act, The
2 Revised Penal Code, as amended; The Child and Youth Welfare Code, as
3 amended; and other applicable laws shall have suppletory application.

4 SEC. 20. *Separability Clause.* – If any section or provision of this Act
5 is held unconstitutional or invalid, the other sections or provisions shall not be
6 affected.

7 SEC. 21. *Repealing Clause.* – All laws, presidential decrees,
8 executive orders and rules and regulations or parts thereof inconsistent with
9 the provisions of this Act are hereby repealed or modified accordingly.

10 SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after
11 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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