



## HOUSE OF REPRESENTATIVES

H. No. 4455

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BY REPRESENTATIVES YAP (S.), HERRERA-DY, GUNIGUNDO, PADILLA, LIMKAICHONG, GOLEZ (R.), LACSON-NOEL, CASTRO, ROMAN, OCAMPO, SARMIENTO (C.), CERILLES, VELARDE, CRUZ-GONZALES, CLIMACO, ABAYON, AMANTE-MATBA, ARENAS, BAG-AO, COJUANGCO (K.), DE JESUS, DEL MAR, GARIN (J.), MACAPAGAL-ARROYO (G.), MAGSAYSAY (M.), PRIMICIAS-AGABAS, SAHIDULLA, SEMA, DE VENECIA, JOSON, OBILLO AND CAJAYON, PER COMMITTEE REPORT NO. 829

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### 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 and  
2 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  
7 treatment or punishment. Such treatment or punishment violates the child’s  
8 rights, human dignity and physical integrity.

1 As such, the State shall:

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

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

9 (c) Protect the best interests of the child through measures that will  
10 ensure the observance of international standards of child protection, especially  
11 those to which the Philippines is a party;

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

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

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

20 (g) Protect the child from all forms of physical or mental violence,  
21 injury from abuse, neglect or negligent treatment, maltreatment or exploitation,  
22 including sexual abuse, while in the custody of parents, guardians or any other  
23 person under whose care the child is entrusted. Such protective measures shall  
24 include effective procedures for the establishment of social programs to  
25 provide necessary support for the child and for those who care for the child, as  
26 well as for other forms of prevention and for identification, reporting, referral,  
27 investigation, treatment and follow-up of instances of child maltreatment, and,  
28 as appropriate, for legal or judicial action.

1           SEC. 3. *Definition of Terms.* – The following terms as used in this Act  
2 shall be defined as follows:

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

7           (b) *Corporal punishment* refers to cruel and unusual punishment or act  
8 that subjects the child to indignities and other excessive chastisement that  
9 embarrasses or humiliates the child carried out to discipline, train or control,  
10 inflicted by an adult or by another child, who has been given or has assumed  
11 authority or responsibility for punishment or discipline. It includes physical  
12 and humiliating or degrading punishment such as, but not limited to:

13           (1) Blows such as, but not limited to, beating, kicking, hitting, slapping,  
14 lashing to any part of a child's body, with or without the use of an instrument  
15 such as, but not limited to, a cane, broom, stick, whip or belt;

16           (2) Striking of the child's face or head such being designated as the "no  
17 contact zone";

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

20           (4) Forcing a child to perform physically painful or damaging acts such  
21 as, but not limited to, holding a weight or weights for an extended period and  
22 kneeling on stones, salt or pebbles;

23           (5) Deliberate neglect of a child's physical needs;

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

27           (7) Tying up a child;

28           (8) Imprisoning a child;

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

3 (10) Making a child look or feel foolish which tends to belittle or  
4 humiliate the child in front of others.

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

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

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

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

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

22 (h) *Positive and nonviolent discipline* refers to an approach seeking to  
23 immediately correct the behavior of a child, to teach a lesson, to give tools that  
24 build self-discipline and emotional control, and to build a good relationship  
25 with the child by understanding the child's needs and capabilities at various  
26 ages and the behavior that is usual for a child at each stage of development.

27 (i) *Service providers* refer to persons who, in a residential or  
28 nonresidential setting, provide services to children. These include social

1 workers, center administrators and personnel, house parents, health service  
2 providers, day care workers, volunteers, security guards in schools and centers,  
3 guards in a youth detention home, law enforcement officers, barangay officials  
4 and tanods, and jail officers.

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

11 (k) *Yayas, househelpers and caregivers* refer to domestic workers with  
12 direct contact to the child.

13 SEC. 4. *Promotion of Techniques on Positive and Nonviolent*  
14 *Discipline.* – A comprehensive program shall be formulated and implemented  
15 to promote positive and nonviolent discipline in lieu of corporal punishment of  
16 children. A continuing information dissemination campaign shall be conducted  
17 nationwide regarding its benefits and techniques.

18 Among the positive and nonviolent techniques for disciplining a child  
19 which can be promoted include:

20 (a) *Beat-the-Clock* – a motivational technique that uses the child's  
21 competitive nature to encourage completion of tasks on parent's timetable;

22 (b) *Grandma's Rule* – a contractual agreement that allows a child to do  
23 what the child pleases as soon as what the parent wants has been accomplished;

24 (c) *Neutral time* – taking advantage of time that is free from conflict,  
25 such as the time after a tantrum has passed and the child is calm and receptive,  
26 to teach new behavior to the child;

27 (d) *Praise* – a verbal recognition of a behavior that a parent wants to  
28 reinforce;

1 (e) Reprimand – a statement that includes a command to stop the  
2 behavior, a reason why the behavior should stop, and an alternative to the  
3 behavior;

4 (f) Rule – a predetermined behavioral expectation that includes a  
5 stated outcome and consequence;

6 (g) Time out – to take the child out of a situation because of  
7 inappropriate behavior, making the child face a blank wall for several minutes  
8 or until the child calms down; and

9 (h) Responsibility Building – making a child perform age-appropriate,  
10 simple household chores.

11 *SEC. 5. Prohibition of Corporal Punishment.* – Corporal punishment  
12 of children as defined in Section 3(b) are hereby prohibited.

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

22 *SEC. 6. Penalties.* – The penalties under existing penal laws shall be  
23 imposed in the maximum period, except where a higher penalty is provided for  
24 under Act No. 3815, as amended, otherwise known as the “Revised Penal  
25 Code”; under Republic Act No. 7610, otherwise known as the “Special  
26 Protection of Children Against Child Abuse, Exploitation and Discrimination  
27 Act”; or under Republic Act No. 9262, otherwise known as the “Anti-Violence  
28 Against Women and Their Children Act”. If the act is not penalized under the

1 abovementioned laws, the penalty shall be *arresto mayor* in its maximum  
2 period.

3         SEC. 7. *Option for Interventions.* – If the penalty imposable for the  
4 act is only *arresto menor* or *arresto mayor*, the prosecutor may, instead of  
5 filing the case, refer the accused to the local Social Welfare and Development  
6 Office (SWDO) for assessment and intervention such as seminars and/or  
7 counseling on children’s rights and positive and nonviolent discipline of  
8 children, anger management, and referrals to other rehabilitative services:  
9 *Provided*, That the offender has not been previously charged under this Act.

10         SEC. 8. *Suspension of Parental Authority.* – If the offender is a person  
11 exercising parental authority but is not a parent, and has been previously  
12 charged under this Act, the court may suspend parental authority in accordance  
13 with Executive Order No. 209, as amended, otherwise known as the “Family  
14 Code of the Philippines”.

15         SEC. 9. *Interventions for a Parent Who is an Offender.* – If the  
16 offender is a parent of the child, in addition to the penalty imposed under  
17 Section 6, the prosecutor shall refer the parent to the local SWDO for  
18 assessment and intervention such as seminars and/or counseling on children’s  
19 rights and positive and nonviolent discipline of children, anger management,  
20 and referrals to other rehabilitative services.

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

24         SEC. 11. *Reporting.* – All instances of corporal punishment of children  
25 brought to the barangay or the police, or a healthcare provider, shall be  
26 reported to the local SWDO within eight (8) hours from the time of the  
27 complaint, without prejudice to the continuation of the investigation or the  
28 filing of the appropriate criminal case. Failure to report within the prescribed

1 period shall be a ground for administrative action against the barangay official  
2 or the police officer, or healthcare provider.

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

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

- 10 (a) Offended party assisted by an adult;
- 11 (b) Parents or guardians;
- 12 (c) Ascendant or collateral relative within the third degree of  
13 consanguinity or affinity;
- 14 (d) Officer, social worker or representative of a licensed child-caring  
15 institution;
- 16 (e) Officer or social worker of the DSWD or the local SWDO;
- 17 (f) Police officers, preferably those in charge of the Women and  
18 Children's Desk;
- 19 (g) Barangay official;
- 20 (h) Teacher, nongovernmental organization (NGO) worker, health  
21 provider, day care worker; or
- 22 (i) At least two (2) concerned persons from the place where the act  
23 occurred who have personal knowledge of the act.

24 SEC. 14. *Venue.* – The Regional Trial Court (RTC) designated as a  
25 family court shall have original and exclusive jurisdiction over cases of  
26 corporal punishment of children. In the absence of such court in the place  
27 where the offense was committed, the case shall be filed in the RTC in the



1 place where the crime or any of its elements were committed at the option of  
2 the complainant.

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

7 Whoever publishes or causes to be published, in any format, the name,  
8 address, telephone number, school or any identifying information of a victim or  
9 immediate family member of the victim, without consent, shall be penalized  
10 with a fine of not more than Two hundred thousand pesos (P200,000.00).

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

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

26 (c) The DSWD shall institutionalize an intervention program which  
27 will ensure that only trained and competent professionals and staff of the local

1 SWDO will provide counseling and seminars for both offended child and  
2 offender.

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

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

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

27 (g) The Department of Education (DepED), the Commission on Higher  
28 Education (CHED) and the Technical Education and Skills Development

1 Authority (TESDA) shall integrate positive and nonviolent discipline of  
2 children in the training of school officials, teachers and personnel. The three  
3 (3) agencies shall ensure that school officials, teachers and personnel do not  
4 use corporal punishment on any pupil or student. They shall also ensure that  
5 appropriate administrative action is taken against erring school officials,  
6 teachers and personnel.

7 (h) The CHED shall integrate positive and nonviolent discipline of  
8 children in the curricula of education, psychology, social work and other  
9 disciplines related to child work.

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

17 (j) The Local Councils for the Protection of Children (LCPC) shall  
18 support programs that promote the positive and nonviolent discipline of  
19 children, prevent the use of corporal punishment on children, and coordinate  
20 with the local SWDO in responding to such cases.

21 (k) The Sangguniang Kabataan (SK) shall include in its programs the  
22 prevention of corporal punishment on children.

23 SEC. 17. *Implementing Rules and Regulations.* – The DSWD, in  
24 consultation with the CWC, the DepED, the CHED, the TESDA, the  
25 Department of the Interior and Local Government (DILG), the Department of  
26 Health (DOH) and other relevant government agencies, LGUs, NGOs and  
27 children's organizations, shall promulgate the implementing rules and  
28 regulations of this Act within six (6) months from its approval.

1           SEC. 18. *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. 19. *Appropriations.* – The amount necessary for the initial  
5 implementation of this Act shall be charged against the current appropriations  
6 of the DSWD, the DepED, the TESDA and the CHED, and thereafter in the  
7 annual General Appropriations Act. For LGUs, the implementation of the  
8 programs shall be charged against the internal revenue allotment and other  
9 internally generated funds of the LGU concerned. The Priority Development  
10 Assistance Fund can be utilized to fund the implementation of this Act.

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

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

17           SEC. 22. *Effectivity Clause.* – This Act shall take effect fifteen  
18 (15) days after its publication in any newspaper of general circulation.

Approved,

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