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SENATE
Senate Bill No. 1264

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EXPLANATORY NOTE

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."

Articles 276, 277 and 278 of the Revised Penal Code penalize the acts of abandoning a child under seven (7) years of age by a person who has the custody of such child; indifference of parents; and exploitation of minors. These provisions of the Revised Penal Code aim to enforce Article 15, section 3 (2) of the Constitution. However, the dramatic increase in the number of abandoned children as well as the increasing rate of juvenile delinquency committed by abandoned children necessitate the amendment of the penalties prescribed by the Revised Penal Code. The amendment aims to prescribe stiffer penalties when the offenses are committed by the parents of the child.

In view of the urgent need to rectify the laws against delinquent parents and to better instill consciousness of their parental duties, the passage of this bill is earnestly sought.




MANNY VILLAR

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

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**AN ACT
STRENGTHENING THE PENAL PROVISIONS WITH RESPECT TO
DELIQUENT PARENTS, AMENDING FOR THE PURPOSE ARTICLES 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 is hereby amended to
read as follows:

"Art. 276. *Abandoning a minor.*— The penalty of *arresto mayor* and a fine not exceeding five hundred pesos (Php 500.00) shall be imposed upon anyone who shall abandon [a child under seven years of age] A MINOR, the custody of which is incumbent upon him.

"THE PENALTY OF PRISON CORRECCIONAL IN ITS MINIMUM PERIOD AND A FINE [OF AT LEAST 15,000.00 BUT NOT MORE THAN 20,000.00] SHALL BE IMPOSED ON THE CULPRIT IF HE IS THE PARENT OF THE MINOR.

"When the death of the minor shall result from such abandonment, the culprit shall be punished by *prision correccional*

in its medium and maximum periods[;]. IF THE CULPRIT BE THE PARENT OF THE DECEASED, HE SHALL BE PUNISHED BY *PRISION CORRECCIONAL* IN ITS MEDIUM PERIOD TO *PRISION MAYOR* IN ITS MINIMUM PERIOD. [but] BUT if the life of the minor shall have been in danger only, the penalty shall be *prision correccional* in its minimum and medium periods. IN THE LATTER CASE, IF THE CULPRIT BE THE PARENT OF THE MINOR, HE SHALL BE PUNISHED BY *PRISION CORRECCIONAL* IN ITS MINIMUM AND MEDIUM PERIODS.

“IN ADDITION, THE PARENTS OF THE MINOR SHALL BE DEPRIVED OF THEIR PARNTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE 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.”

SECTION 2. Article 277 of the Revised Penal Code is hereby amended to read as follows:

“Art. 277. ***Abandonment of minor by person entrusted with his custody; indifference of parents.***— The penalty of *arresto mayor* and a fine not exceeding five hundred pesos (Php 500.00) shall be imposed upon anyone who, having charge of the rearing or education of a minor, shall deliver 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 latter, 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 require] THE CONSTITUTION GUARANTEES. [and financial
conditions permit.]”

SECTION 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 MINOR CHILD
CORRUPTING ORDERS, COUNSEL, OR EXAMPLE SHALL BE
PUNISHED BY *ARRESTO MAYOR* IN ITS MAXIMUM PERIOD
AND A FINE __. THIS SHALL INCLUDE CASES 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 BE IMPOSED UPON HIM, LOSE
PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY
OF THE CHILD.”

SECTION 4. This Act shall take effect fifteen (15) days following its
publication in at least two (2) newspapers of general circulation.

Approved.