



Republic of the Philippines
Department of Social Welfare and Development

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02 November 2016

SENATOR RISA HONTIVEROS

Chairperson

Committee on Women, Children

Family Relations and Gender Equality

Senate of the Philippines

Roxas Blvd., Pasay City

Dear **Senator Hontiveros**:

The Department of Social Welfare and Development supports Senate Bill Nos. 1136 and 1189 entitled: "Positive Discipline Act of 2016", introduced by Senator Grace Poe and the Chairperson, respectively and Senate Bill No. 1170 entitled: "Anti-Corporal Punishment Act of 2016", introduced by Senator Ma. Lourdes "Nancy" Binay, which seek to protect the best interest of the child by promoting positive and non-violent discipline in all settings and penalizing those who commit acts which would constitute corporal and humiliating punishment.

To contribute to the bills' enhancement, we are recommending the following:

1. To consolidate the bills into one.
2. **Sec. 3 – Definition of Terms, letter (c) "Corporal Punishment"**, use of the term "however light" under SBN 1136

The definition is the gauge or measure to determine what constitutes corporal punishment. We also understand that this bill seeks to balance the interest of the child with the freedom of parents to raise their children, including the matter of discipline.

However, we recommend for the Committee to revisit and reconsider the use of the term "however light" because this may curtail parental freedom in ways and in degrees different and much greater that the bill may have intended.

3. **Sec. 5 – Prohibition of Corporal Punishment under SBN 1136**
 - a. On the third paragraph, change SWDO to Local Social Welfare and Development Office (LSWDO) to cover Provincial/City/Municipal Social Welfare and Development Offices. Also to add, "Provided, that the offender has not been previously charged under this Act or under Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"."
 - b. Use a "generic term" in addressing offenders/perpetrators as there are possibilities that the offender/perpetrator may not be a parent but only a guardian/close relative or even people in the neighborhood whom the child is entrusted to.

c. Sec. 13 – Who May File a Complaint under SBN 1189

- a. On letter (a), to change “Offended party assisted by an adult” to “Offended party”. The assistance of an adult should not be required to file a complaint especially when the physical punishment is severe and needs urgent intervention. Also there are instances when a child does not have other company except for the offender. Offenders, especially in the case of parents, may have the tendency to talk to the child to withdraw the complaint.

Presence and assistance of an adult may be requested once the child is safe and has already been briefed by a service provider.

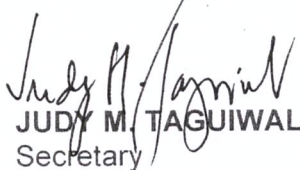
- b. Include investigation officers in the list of persons who may file a complaint.

d. Sec. 16 – Duties and Responsibilities of Government Agencies

- a. To adapt Section 16 of Senate Bill No. 1189 in the consolidated version of the bill as it provides the specific duties and responsibilities of the concerned government agencies.
- b. To enhance item (a) which will read as “The DSWD in coordination with other government agencies such as: CWC, DepEd, TESDA, CHED, DILG, DOLE, PNP, and CHR shall formulate a comprehensive program to promote the positive and nonviolent discipline of children xxx.”
- c. To include, “The DSWD shall integrate positive discipline in the capacity building activities for the local SWDO to enable them to provide counseling and appropriate intervention program for both offended child and offender.”

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary