



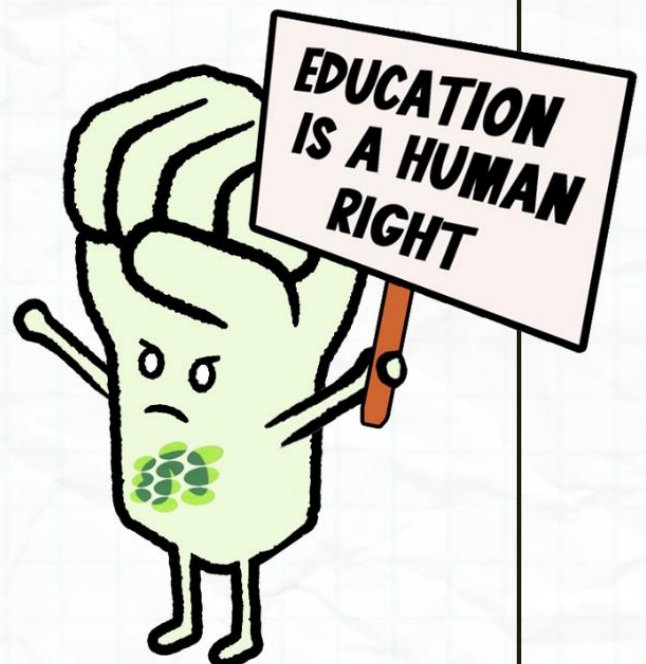
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E-Net Philippines

LEARNING SESSION

Positive Parenting Bill

NOVEMBER 25, 2023

Hive Hotel, Quezon City



HIGHLIGHTS

Ms. Charito Pinalas serves as the moderator in this learning session.

A. OPENING MESSAGE



Ms. Harriet Escarcha, the Office Manager of KPACIO, acknowledged all the participants from different organizations NCR, Visayas and Mindanao and other E-Net members. She recounts that the fight in passing these bills on Positive Discipline has been going on for as long as she remembers. There were numerous efforts to spread awareness in Positive Discipline in schools before, and was eventually launched in the community as well. Positive Discipline is supposed to be practiced anywhere where there are activities for children and therefore should not be confined solely at home. She mentions two important bills, authored by Senator Rissa Honteveros and Congresswoman Angelica Natasha Co, which similarly pushes on the protection of childrens' rights in all settings. She relates that the traditional way of disciplining children was long engraved in parents custom as a result of Spanish and Japanese colonization and invasion, that is why

a purposive advocacy is deemed necessary to educate parents. Ms. Escarcha strongly encouraged everyone to actively share their inputs that can be considered in drafting the IRR of the said bills.

B. INTRODUCTION OF LEARNING SESSION CONTEXT AND RESOURCE PERSON

The E-Net National Coordinator, Ms. Alve Berdan, welcomed the participants and expressed her joy in seeing new faces from different organizations. This learning session according to her is part of E-Net Philippines capacity building and awareness raising activities. E-Net endeavors in pushing the passage of ordinances and laws both in local and national levels. Specifically E-Net is advocating the needs of education in all levels, age groups and sectors anchored on upholding human rights. The organization also believed that when children are protected their personal development is also nurtured, and access to education are likewise enjoyed. She shared the theme for this year's celebration of children's month which is; Healthy, Nurtured, Sheltered: Ensuring the Right to Life", and reiterated the organizations unwavering support in raising Positive Parenting awareness within the organizations and in the communities.



She then presented the learning session objectives; which is for the group to, 1.) Learn what is Positive Parenting Bill, 2.) Share experiences about Positive Parenting and how it affects them, and 3.) Identify what support one can do to advocate for the passage of the PP bill.

Ms. Berdan, gladly introduced the speaker in the person of Atty. Emma Salmani, who is a child's right advocate for many years, the Advocacy Manager of Save the Children Philippines for six years, and one of the advocates in the recently passed law on Inclusive Education for Learners with Disability.

C. PRESENTATION: POSITIVE PARENTING BILL



Atty. Emma Salmani, the Advocacy Manager of Save the Children Philippines, presented the policy framework stemmed from the UNCRC to protect children from all forms of physical and mental violence, injury, abuse, and maltreatment, CRC General Comment # 8, to protect children from corporal punishment and other cruel and degrading forms of punishment, and General Comment # 13 which pushes the right of the children to freedom from all forms of violence. Additionally, the country's compliance to SDG targets 5 and 16, which pertains to gender equality, and peace, justice and strong institutions was also discussed. In the national setting we have the 1987 Philippine Constitution as basis articulated in the PD 603 or the Child and Youth Welfare Code, EO 209, or the Family Code of the Philippines and RA 7610 also known as Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

The speaker subsequently discussed the State Obligation to Protect Children and some of its failings;

- In reality there were so many laws protecting children- but there were no explicit prohibition of corporal punishment especially in the home and there are provisions in Philippine laws that justify the use of corporal punishment.
- CRC Concluding Observations, Universal Periodic Review- CRC and UPR reiterated their concern that the country has not legally prohibited corporal punishment, and recommended the enactment of this law promoting positive parenting.
- Philippine Plan of Action to End Violence Against Children- In response to the results of the National Baseline study on VAC, the Philippine Plan of Action to End Violence Against Children (PPAEVaC) includes the legal prohibition of corporal punishment as a priority.
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Just like other legal reforms, the Positive Discipline Bill has its own journey to tell;

- 2003-2004 -Save the Children spearheaded initial review of the policy environment and consultations.
- 2005-2006 -Save the Children have done research, engaged in CSOs partnership and awareness raising campaigns.
- 2007-2009- Legal ban on corporal punishment placed on government agenda, and CRN agenda. Bill filed in 14th Congress (2008). Bill approved in HOR, 14th Congress (2009)
- 2010-2012-Bill filed in the 15th Congress (2010), Bill approved in HOR, 15th Congress (2011). First Senate Public hearing, 15th Congress (2012).
- 2013-2016-Bill re-filed in the 16th Congress (2013). Bill approved in HOR , 16th Congress. Bill re-filed in the 17th Congress (2016)
- 2017-2019- Bill approved on 3rd reading in both houses of Congress (2018). Bill was vetoed by Pres. Duterte (2019)
- 2022-Bill re-filed in the 19th Congress

SAVE THE CHILDREN POST-VETO ACTIVITIES (REMAINING YEARS OF THE 18TH CONGRESS)

- Intensified awareness and education campaign.
- Digital campaign # Pwedeng PD is popularizing the concept of Positive Discipline by harnessing a community of PD practitioners supportive of the cause via the Pwedeng PD Facebook Page.
- The Positive Parenting Campaign is complemented by “The Pinoy Parent”, a publication sites that intends to help young Filipino parents become more knowledgeable and supportive by providing practical ideas on positive parenting.
- Conduct of online training in partnership with the Department of Education on Positive Discipline for Parents and Caregivers and Positive Discipline in Everyday Parenting.
- Development of online courses on PDEP and PDET. (2021-2022)
- Increase constituency- Roll-out of Positive Parenting training, and Facilitators Training on Positive Parenting with partners.
- Advocating for the Positive Parenting Bill in the 19th Congress- PP consultations and policy writeshop, the PD/ PP became the CRN priority for the 19th Congress, webinar on PD with stakeholders and policymakers, children’s dialogue with legislators.
- Bills filed in the 19th Congress- SB 2036, or the Positive Parenting of Children Act, HB 1269 or the Positive and Non-Violent Discipline of Children Act and HB 8306 or the Positive Parenting of Children Act.

KEY HIGHLIGHTS OF THE POSITIVE PARENTING BILL

Section 2 -Declaration of Policy

- Family-foundation of the nation , basic autonomous social institution
- Parents -primarily responsible in the rearing and nurturing of their children keeping in mind the best interest of the child natural, primary, right and duty.
- Child-embodiment of his/ her personhood rights, human dignity and physical integrity, right to be protected from all forms of physical and mental violence.

Section 3- Definition of Terms

- Child- 18 years old, or 18 years old but unable to fully take care of one’s self or protect oneself from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- Child Minding Institutions- registered, licensed and /or accredited residential and non residential child-caring agencies. Youth homes/ rehabilitation centers, Bahay Pag-asa, agricultural camps, drop- in centers, temporary shelters and orphanages, churches or religious centers, places of worship and parish centers.
- Parents- Biological parents, stepparents, adoptive parents, common -law spouse or partner of the parent. Foster parents refer to a person duly licensed by DSWD to provide planned , temporary, or substitute parental care to a child.
- Person legally responsible for the child;
 - Death, absence, unsuitability: (1) surviving grandparent; (2) the oldest brother or sister, over 21 years of age; (3) the child’s actual custodian, over 21 years old.
 - Foundlings-entrusted to heads of children home, orphanages and similar institutions

- School administrators, teachers, individuals, entities or institutions engaged in child care.
- Physical, humiliating and degrading acts as a form of violent punishment or discipline.
 - physical force is used and intended to cause pain or discomfort
 - non-physical forms of punishment that are cruel, degrading and that cause a child to feel belittled, humiliated, denigrated, scapegoated, threatened, scared or ridiculed.
- Positive Parenting
 - Based on principles of child's right and development and effective teaching and parenting.
 - Non-violent, achieved by providing a warm and caring environment, building the child's competence and confidence, assisting the child understanding and abiding by rules, fostering healthy relationships, and teaching the child lifelong skills and respect for human rights.
- Restorative Justice
 - principle which requires a process of resolving conflicts with the involvement of the victim, the offender and the community.
 - focuses on the harm that is done to people and relationships which create obligations and liabilities.
 - seek to build and strengthen the relationships between the parent and the child through mediation and agreement in the aftermath of traumatic or violent experience in the family.

Section 4- Comprehensive Program to promote Positive Parenting

- Formulate a comprehensive program that shall be implemented to promote positive parenting to include prevention and response.
- Continuing information dissemination shall be conducted nationwide.
- Management of cases in the community

Section 5- Protection of the Child from Physical, Emotional and Humiliating Act as a Form of Punishment

- NO CHILD shall be subjected to any form of physical, humiliating or degrading acts as a form of punishment as defined in Section 3 (g) in homes, schools, institutions, alternative care systems, the juvenile welfare system, places of worship, workplace, and in all other settings where there is direct or indirect contact with a child.

Section 6- Reporting Physical , Humiliating or Degrading Acts as a Form of Punishment to a Child.

- Any individual who has personal knowledge
- Barangay , Police or Both
- Police to notify Barangay, Social Worker and Health Worker if necessary.

Section 7-Interventions

- Inform the offender commission of act
- Ensure understanding of Positive Parenting
- Conciliation and mediation of offender and aggrieved party
- Repeat offenders?
 - seminar on positive parenting, anger management, and child's rights
 - counseling or therapy; and or
 - avail of other rehabilitative services as may be applicable
 - child shall also be provided counseling and, if necessary, accorded other proper interventions.
- For grave offense?
 - recommend barangay protection orders, taking into consideration the best interest of the child
 - inform local LSWDO

-LSWDO shall conduct an assessment pursuant to section 10 (d) of this Act.

Section 8-Immunity for Intervening Persons

- Any person who, acting in good faith, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be criminally , civilly, or administratively liable.
- Persons causing a child to lie or fabricate about incidents of physical, humiliating and degrading acts shall be liable under existing civil and criminal laws.

Section 9- Confidentiality

- The right to privacy of the victim shall be respected upon, except upon order of the court for the benefit of the child or to prosecute the offender.
- Whoever published identifying information of the victim without consent shall be penalized under existing law.

Section 10- Duties and Responsibilities of Government Agencies

Section 11- Suppletory Application

- Act 3185-revised penal code
- PD 603-Child and Youth Welfare Code
- RA 7610-Special Protection of Children Against Abuse, Exploitation and Discrimination Act
- Other applicable laws

STATUS OF THE POSITIVE PARENTING BILL

In the Senate of the Philippines

- Committee Hearing on 15 May 2023
- All Agencies are supportive of the Bill
- Substitute Bill / Committee Report for approval

In the House of Representative

- Committee Hearing on 31 July 2023
- All agencies are supportive
- For consolidation
- Definition of Terms to be expanded , clarified
- RA 7610 penalties to be made explicit
- Inclusion of digital spaces
- Substitute Bill/ Committee Report for approval

D. QUESTION/ ANSWER

Question- The intervention for parents is already well stated in the bill, but what about in the school setting?
How is the balancing/ linking to existing laws/ policies in the Department of Education?

Answer- Any offense committed to children will fall under the existing laws, such as, RA 3185-revised penal code, PD 603-Child and Youth Welfare Code , RA 7610-Special Protection of Children Against Abuse Exploitation and Discrimination Act, among others. The Positive Parenting bill does not propose a penalty or imprisonment.

Question- Who do we call barangay services providers?

Answer- The barangay officials and local CSWDO.

Question- I have realized that children misbehave nowadays precisely because they didn't experience corporal punishment.

Answer- Violence begets violence, that's why it is crucial for us to really advocate that all those actions that harm children are wrong.

Question- What are the contentious issues why the bill was vetoed by president Duterte?

Answer- Media mileage is somewhat contributory to it for labeling it as “ anti-palo bill”. One of the lessons learned was that we are still lacking in advocacy efforts, no parents were advocating it.

Answer-According to President Duterte,in his press releases, the family particularly the parents holds the ultimate authority in disciplining their children, thus any concerns from outsiders about how parents choose to discipline their child should be regarded as a private family matter.

Question-What do we do if one parent is already getting too far on positive discipline by totally ignoring her child's misbehavior to the extent that it is already affecting the class? How about the welfare of adults/ teachers?

Answer- This is why it is important to practice positive discipline early at home as this is not a thing that can be learned in an instant, it is a process. What the teachers can do is to make the parents understand positive discipline as part of parenting.

Question- I am a parent, can I be sued for spanking my child after I already exhausted all my efforts and patience and given him numerous chances?

Answer- Again the PP bill doesn't include punishment or imprisonment in its provisions, however one can always seek the protection of other existing laws applicable. Parenting like driving is a skill that parents should master to avoid the need to punish and hurt a child.

Question- Why do we still need this law aside from those in existence?

Answer- It's because existing laws don't explicitly articulate the protection of children against physical and mental humiliating forms of punishment, like making children face the wall, standing in the corner ,etc. This is necessary to complete the legal protection of children. There are also some provisions in the existing laws that tolerate corporal punishment.

OTHER SHARING:

- We have the structure but some people in the institutions lack the competency to implement it. They lack sound judgment , their only goal is to pacify both parties and not really to solve issues. (suggestions to provide trainings were raised)

- E-Net has on-going dialogue with DepEd re;, PDET training, assistance to children's organization and materials development.
- In Positive Discipline we want to teach parents the process of disciplining as part of rearing and not just when the child already committed a mistake.
- Any complaints should be evidence-based.
- Support and monitor any changes from the intervention.
- Regarding advocacy planning, BARRM is interested in strengthening the positive parenting constituency by; 1.) supporting the PP bill, 2.) engage the passage of the Bangsamoro Children's Code.
- Consider in the E-Net planning to provide a PP toolkit to all members.
- All discussion and inputs shall be considered in drafting the IRR.
- Push for a functional structure like the School Governing Board, and other local and national stakeholders.
- As an observation there is now way for us to see or monitor if there are any changes in parents behavior after the PD training. It is perhaps necessary to have a formal monitoring mechanism on parents behavior and its effect to children. (Ms. Alve agreed to have a learning development and evaluation not just monitoring)
- Awareness raising not just on the PP Bill but same with other laws like the VAWC. If the parents are aware and understand our advocacy by heart they themselves would most likely practice and advocate for it too in the community.

E. AGREEMENTS/ ACTION POINTS

Ms. Charito Pinalas, elicit some ideas from the participants on how they can help each other. What areas can be explored after this? Below are the immediate action points that the group have agreed;

1. Sign the petition
2. Information sharing
3. Develop trainers or facilitators among E-Net members on Positive Parenting
4. Submit Position Statements to E-Net or CRN
5. Strengthen the Positive Parenting in BARRM
6. Engage in the passage of Bangsamoro Children's Code
7. Facilitate a dialogue with the learners Child protection Group/ Youth Formation Division of DepEd to be part of Positive Parenting Bill.

F. SYNTHESIS/ CLOSING



Ms. Prudencia Sanoy, one of the Board Members of E-Net Philippines (Food for the Hungry), did a rundown of the half day learning session starting from the Opening Message of Ms. Harriet Escarcha. The presentation of Atty. Emma Salmani which covered the discussion of the Policy Framework, Positive Discipline Bill journey, Save the Children Post-Veto activities and the key relevant provisions of the re-filed Positive Parenting Bill in the 9th Congress and its current status. After the presentation, a question and answer and identification of action points and photo opportunity concludes the activity. She thanked everyone and bid goodbye.

Participating E-Net Member-Organizations

Food for the Hungry Philippines, Inc. Branch Office • Konkokyo Peace Activity Center Information Office, Inc. (KPACIO) • MINCILL • NORFIL Foundation • Philippine Rural Reconstruction Movement (PRRM) • PINASAMA • Public Services Labor Independent Confederation (PS LINK) • Save the Children Philippines • Teachers and Employees Association for Association for Change Education Reforms and Solidarity (TEACHERS INC) • Vedruna Foundation.###