

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 3915



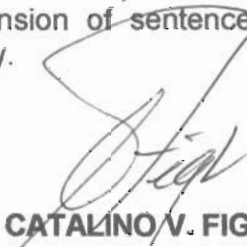
Introduced by Honorable Catalino V. Figueroa

EXPLANATORY NOTE

This bill seeks to amend the provisions of Article 192 of P.D. No. 603, as amended by P.D. No. 1210, otherwise known as the Child and Youth Welfare Code.

The youth of society has often been referred to as the hope our nation. In them lies the future. It is from this viewpoint that society places upon its shoulders, the responsibility of taking care of their welfare. This responsibility includes the passage of laws that are "children-friendly". One such law is the Child and Youth Welfare Code. The said Code was enacted based on the belief that, **FIRSTLY**, youth offenders are not inherently evil, rather, are themselves victims of a harsh society and **SECONDLY**, that being victims, youth offenders are better off in the hands of the Department of Social Work and Development, instead of being incarcerated with common criminals in our penitentiaries. If society is still to derive any benefit from these youth offenders, rehabilitation is the solution, not incarceration. However, it seems that the opposite is occurring.

In a joint study by the Bureau of Child and Youth Welfare and the National Police Commission, 64.72% of the youthful offenders confined in the national penitentiary, failed to apply for suspension of their sentence. The main reason for such a figure is due to the status of the law today, particularly the Child and Youth Welfare Code. As the law presently stands, suspension of sentence of youthful offenders is not automatic. One has to go through a very rigorous application process to avail of said suspension. If we are to serve the youth of society properly, suspension of sentence should be automatic. This is what the bill seeks to remedy.


CATALINO V. FIGUEROA

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AN ACT
AMENDING THE PROVISIONS OF ARTICLE 192, TITLE EIGHT, CHAPTER
THREE, OF PRESIDENTIAL DECREE NO. 603, AS AMENDED,
OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE

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

SECTION 1. The provisions of Article 192, Title Eight, Chapter Three, of the Child and Youth Welfare Code, is hereby amended to read as follows:

"Article 192. Suspension of Sentence and Commitment of Youthful Offender – If after hearing, the evidence in the proper proceedings, the court should find that the youthful offender has committed the acts charged against him, the court shall determine the impossible penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction **AND WITHOUT THE YOUTHFUL OFFENDER FILING AN APPLICATION THEREFOR**, the court shall suspend all further proceedings and shall commit such minor to the custody or care of the Department of Social Welfare and Development or any training institution operated by the government, or person, until he shall have reached twenty-one years of age,

for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the agency responsible under whose care the individual has been committed.

The youthful offender shall be subject to visitation and supervision by a representative of the Department of Social Welfare and Development or any duly licensed agency or such other officer as the court may designate subject to such conditions as it may prescribe."

SECTION 2. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,