

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1495

Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

The passage of the Juvenile Justice and Welfare Act 2006 is a testament to the Filipino people and the international community that the Philippine Government is committed to upholding the rights and welfare of children even if they may have come in conflict with the law.

To fully implement the Act, LGUs are mandated to build youth detention homes which is also in accordance with the Family Courts Act. However, not all LGUs can afford to build and maintain such institutions considering that they also have to spend on basic services devolved to them by the national government. Thus, there is the possibility that in certain LGUs, no youth detention homes with the proper facilities exist to house children in conflict with the law while waiting for court disposition of their cases.

In this light, this proposed bill specifies the province to be the LGU unit responsible for building and maintaining youth detention homes. It also identifies the city/municipality of the child in conflict with the law to bear the care and maintenance expenses imposed by the youth detention homes in the event that the parents of such child have no capacity to pay.

The approval of this bill is earnestly requested for the further improvement of the implementation of the Juvenile Justice and Welfare Act of 2006.


MEL SENEN S. SARMIENTO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1495

Introduced by: REP. MEL SENEN S. SARMIENTO

AN ACT
AMENDING SECTIONS 49 AND 50 OF REPUBLIC ACT 9344, OTHERWISE
KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT OF 2006

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

1 **SECTION 1.** Section 49 of RA 9344 is hereby amended and shall read as follows:

2
3 SEC. 49. *Establishment of Youth Detention Homes.* – **EACH PROVINCE AND**
4 **HIGHLY URBANIZED CITY** (The LGUs) shall **BE RESPONSIBLE FOR**
5 **BUILDING YOUTH DETENTION HOMES AS MANDATED BY THE**
6 **FAMILY COURTS ACT. MOREOVER, THEY** shall set aside an amount **EACH**
7 **YEAR TO PROVIDE FOR THE UPKEEP OF THE DETENTION HOMES'**
8 **FACILITIES** (as mandated by the Family Courts Act). Youth detention homes may
9 also be established by private and NGOs licensed and accredited by the DSWD, in
10 consultation with the JJWC.

1 **SECTION 2.** Section 50 of RA 9344 is hereby amended and shall read as follows:

2
3 SEC. 50. *Care and Maintenance of the Child in Conflict with the Law.* - The expenses
4 for the care and maintenance of a child in conflict with the law under institutional care
5 shall be borne by his/her parents or those persons liable to support him/her: *Provided,*
6 That in case his/her parents or those persons liable to support him/her cannot pay all
7 or part of said expenses, the **CITY/municipality where the CHILD RESIDES WILL**
8 **PAY FOR THE COST OR THE BALANCE OF THE CARE AND**
9 **MAINTENANCE OF SAID CHILD** (offense was committed shall pay one-third
10 (1/3) of said expenses or part thereof; the province to which the municipality belongs
11 shall pay one-third (1/3) and the remaining one-third (1/3) shall be borne by the
12 national government. Chartered cities shall pay two-thirds (2/3) of said expenses),
13 **PROVIDED, FURTHER, THAT** (and) in case **SAID CITY/MUNICIPALITY** (a
14 chartered city) cannot pay said expenses, **THE PROVINCE CAN INVOKE THE**
15 **RESPONSIBILITY OF THE CITY/MUNICIPALITY TO THE WELFARE OF**
16 **ITS RESIDENTS.** (part of the internal revenue allotments applicable to the unpaid
17 portion shall be withheld and applied to the settlement of said obligations. (*Provided,*
18 *further,* That in the event that the child in conflict with the law is not a resident of the
19 municipality/city where the offense was committed, the court, upon its determination,
20 may require the city/municipality where the child in conflict with the law resides to
21 shoulder the cost).

22
23 **SECTION 3. Repealing Clause.** – All laws, decrees, executive orders, proclamations, rules
24 and regulations, or parts thereof inconsistent herewith are hereby repealed or modified
25 accordingly.

1 **SECTION 4. Separability Clause.** – If any provision of this Act is held invalid or
2 unconstitutional, the other provisions not affected hereby shall remain valid and subsisting.

3

4 **SECTION 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) national newspapers of general circulation.

6

7 Approved,