

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2894

Introduced by **Rep. Pablo P. Garcia**

EXPLANATORY NOTE

All laws in a democratic society are supposed to be made with good intentions such as the promotion of justice, order, freedom and the common good. But not all good intentions make good laws. And, as often pointed out as a caveat, the road to hell is paved with good intentions. A law that looks good during its passage may turn out to be prejudicial or detrimental, in its application or implementation, to its own good intentions.

One such law is Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act. Nobody can argue against the laudable or even noble objectives of the law. But it turned out that its application or implementation has resulted in more harm than good to the good order and safety of society.

Almost everywhere, law enforcers have complained about their inability or helplessness in coping with the rising, if not alarming, incidence of serious crimes committed by teen-aged offenders who, under RA 9344, are immune from arrest and detention. The worst part is that criminal syndicates and other criminal elements are taking advantage of the law and are now using these juvenile offenders in actually carrying out their nefarious criminal activities such as murder, robbery, drug trafficking and other serious crimes.

On their own, teen-aged offenders are committing serious crimes like rape, murder or robbery, with full knowledge that what they are doing are criminal and reprehensible acts. They are abetted or even encouraged to do so because of the impunity and protection that the law – RA 9344 – so generously yet so undeservedly and unjustly grants to them. In Cebu, some of these teen-aged offenders - ranging from age 15 to 17 years old – are bringing with them their birth certificates which they readily show to the police every time they are caught and in order to avoid arrest and detention.

Local government units (LGUs) all over the country, through their Governors, Mayors or Sanggunians, have complained about the bad effects of the law – RA 9344 – on the peace and order situation in their respective constituencies and have been calling for the repeal or amendment of said law. *Sobra na, tama na, palitan na.*

This bill is in response to the calls of our law enforcement agencies, our LGUs and the general public. It seeks to rationalize our juvenile justice and welfare system by fixing the minimum age of criminal responsibility (MACR) in this country and to align and harmonize it with existing laws and keep it attuned to present societal values and realities. However, its laudable infrastructures and programs in the administration of juvenile justice and welfare such as diversion, rehabilitation and reintegration are retained. The beneficent provisions of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, on youthful offenders are also incorporated in the bill.

In view of the foregoing, immediate approval of this bill is earnestly recommended.

A handwritten signature in black ink, appearing to read 'Pablo P. Garcia', is written over a large, stylized 'V' shape.

PABLO P. GARCIA

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2894

Introduced by **Rep. Pablo P. Garcia**

AN ACT
AMENDING REPUBLIC ACT NUMBERED NINE THOUSAND THREE HUNDRED
FORTY-FOUR, OTHERWISE KNOWN AS THE COMPREHENSIVE JUVENILE
JUSTICE AND WELFARE ACT OF 2006, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1, Chapter 1, Title I of Republic Act Numbered (RA) 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, is hereby amended to read as follows:

"Section 1. *Short Title and Scope.* - This Act shall be known as the "Juvenile Justice and Welfare Act of 2006." It shall cover the different stages involving children at risk, [and] children in conflict with the law AND YOUTHFUL OFFENDERS from prevention to rehabilitation and reintegration."

SEC. 2. Paragraphs (d), (e), (k), and (m) of Sec. 4, Chap 1, Title I of RA 9344 are hereby amended to read as follows:

"SEC. 4. *Definition of Terms.* - The following terms as used in this Act shall be defined as follows:

"(a) x x x x x

"(b) x x x x x

"(c) x x x x x

"(d) x x x x x

"(e) "Child in Conflict with the Law" refers to a child, FIFTEEN (15) YEARS OR BELOW BUT ABOVE NINE (9) YEARS OF AGE, who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

"(f) x x x x x

"(g) x x x x x

"(h) x x x x x

"(i) x x x x x

"(j) x x x x x

"(k) "Initial Contact With-the Child" refers to the apprehension or taking into custody of a child in conflict with the law OR YOUTHFUL OFFENDER by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law OR THE ALLEGED YOUTHFUL OFFENDER receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law OR THE ALLEGED YOUTHFUL OFFENDER under immediate custody.

"(l) x x x x x

"(m) "Juvenile Justice and Welfare System" refers to a system dealing with children at risk, [and] children in conflict with the law AND YOUTHFUL OFFENDERS, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development.

"x x x x x"

SEC. 3. A new paragraph (v) is hereby inserted in Sec. 4, Chap 1, Title I of RA 9344 to read as follows:

"(V) "YOUTHFUL OFFENDER" REFERS TO A CHILD ABOVE FIFTEEN (15) BUT BELOW EIGHTEEN (18) YEARS OF AGE AT THE TIME OF THE ALLEGED COMMISSION OF A CRIMINAL OFFENSE. HE MAY BE ARRESTED OR TAKEN INTO CUSTODY AND DEALT WITH ACCORDINGLY.

SEC. 4. Section 5, Chap. 2, Title I of RA 9344, is hereby amended to read as follows:

"SEC. 5. *Rights of the Child in Conflict with the Law AND YOUTHFUL OFFENDER.* - Every child in conflict with the law AND YOUTHFUL OFFENDER shall have the following rights, including but not limited to:

"(d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law/YOUTHFUL OFFENDER shall have the right to maintain contact with

his/her family through correspondence and visits, save in exceptional circumstances;"

"X X X X X

"(k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment[, the imposition of fine being preferred as the more appropriate penalty];"

"X X X X X"

SEC. 5. Section 6, Chap. 2, Title I of RA 9344, is hereby amended to read as follows:

"SEC. 6. *Minimum Age of Criminal Responsibility.* - A child NINE (9) [fifteen (15)] years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

"A child above NINE (9) [fifteen (15)] years AND UP TO FIFTEEN (15) [but below eighteen (18)] years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, HE/SHE SHALL BE CONSIDERED AS A YOUTHFUL OFFENDER WHO [such child] shall be DEALT WITH UNDER THE PROVISIONS OF PRESIDENTIAL DECREE NO. 603: [subjected to the appropriate proceedings in accordance with this Act.] *PROVIDED, HOWEVER,* THAT WHERE THE OFFENSE CHARGED IS MURDER, PARRICIDE, HOMICIDE, KIDNAPPING, RAPE, ROBBERY, DRUG TRAFFICKING OR OTHER OFFENSES PUNISHABLE BY MORE THAN TWELVE (12) YEARS, SUCH CHILD IS PRESUMED TO HAVE ACTED WITH DISCERNMENT AND SHALL BE CONSIDERED AS A YOUTHFUL OFFENDER AND DEALT WITH IN ACCORDANCE WITH THE PROVISIONS OF PRESIDENTIAL DECREE NO. 603.

"The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws."

SEC. 6. Section 7, Chap. 2, Title I of RA 9344, is hereby amended to read as follows:

"SEC. 7. *Determination of Age.* - The child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in conflict with the law until he/she is proven to be ABOVE FIFTEEN (15) BUT BELOW eighteen (18) years old [or older]. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

Any person contesting the age of the child in conflict with the law OR YOUTHFUL OFFENDER prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

"If a case has been filed against the child in conflict with the law OR YOUTHFUL OFFENDER and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

"In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts at determining the age of the child in conflict with the law OR YOUTHFUL OFFENDER."

SEC. 7. Paragraphs (f) and (g) of Sec. 9, Title II of RA 9344 are hereby amended to read as follows:

"SEC. 9. *Duties and Functions of the JJWC.* - The JJWC shall have the following duties and functions:

"(a) x x x x x

"(b) x x x x x

"(c) x x x x x

"(d) x x x x x

"(e) x x x x x

"(f) To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law/YOUTHFUL OFFENDERS;

"(g) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as but not limited to:

"(1) x x x x x

"(2) the periodic trends, problems and causes of juvenile delinquency and crimes; and the particular needs of children in conflict with the law/YOUTHFUL OFFENDERS in custody.

"x x x x x"

SEC. 8. Section 13, Chap. 1, Title III of RA 9344, is hereby amended to read as follows:

"SEC. 13. *The Educational System.* - Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of a child in conflict with the law/YOUTHFUL OFFENDER. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law/YOUTHFUL OFFENDERS. In cases where children in conflict with the law/YOUTHFUL OFFENDERS are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non- formal education accreditation equivalency system."

SEC. 9. Section 20, Title IV of RA 9344 is hereby amended to read as follows:

"SEC. 20. *Children WITHIN [Below] the Age of Criminal Responsibility.* - If it has been determined that the child taken into custody is ABOVE NINE (9) YEARS AND UP TO fifteen (15) years old OF AGE [or below], the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative EXCEPT WHEN THE OFFENSE CHARGED IS MURDER, PARRICIDE, HOMICIDE, KIDNAPPING, RAPE, ROBBERY, DRUG TRAFFICKING OR OTHER OFFENSES PUNISHABLE BY MORE THAN TWELVE (12) YEARS, IT IS PRESUMED THAT THE CHILD HAS ACTED WITH DISCERNMENT. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child and to the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC); a local social welfare and development officer; or when and where appropriate, the DSWD. If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code."

SEC. 10. Section 21, Chapter 1, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 21. *Procedure for Taking the Child into Custody.* - From the moment a child is taken into custody, the law enforcement officer shall:

"(a) x x x x x

"(b) x x x x x

"(c) x x x x x

"(d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law/YOUTHFUL OFFENDER;

"(e) x x x x x

"(f) Refrain from subjecting the child in conflict with the law/YOUTHFUL OFFENDER to greater restraint than is necessary for his/her apprehension;

"(g) x x x x x

"(i) x x x x x

"(i) x x x x x

(j) x x x x x

"(k) Ensure that should detention of the child in conflict with the law/OR YOUTHFUL OFFENDER be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;

"(l) x x x x x

"(m) x x x x x

"A child in conflict with the law/YOUTHFUL OFFENDER shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell."

SEC. 11. Section 22, Chap. 1, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 22. *Duties During Initial Investigation.* - The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law/YOUTHFUL OFFENDER should be referred.

"x x x x x

"After the initial investigation, the local social worker conducting the same may do either of the following:

"(a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below AND ABOVE NINE (9) YEARS OF AGE WHO ACTED WITH DISCERNMENT [or above fifteen (15) but below eighteen (18) years old, who acted without discernment]; and

"(b) If the child is above fifteen (15) years [old] but below eighteen (18) YEARS OF AGE [and who acted with discernment], proceed IN ACCORDANCE WITH CHAPTER III (YOUTHFUL OFFENDERS) OF PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE [to diversion under the following chapter]."

SEC. 12. Section 23, Chap. 2, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 23. *System of Diversion.* - Children in conflict with the law AND WHO ACTED WITH THE DISCERNMENT shall undergo diversion programs [without undergoing court proceedings] subject to the conditions herein provided:

"x x x x x"

SEC. 13. Subparagraph (6), par. (a) of Sec. 31, Chap. 2, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 31. *Kinds of Diversion Programs.* - The diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

"(A) At the level of the Punong Barangay:

"(1) x x x x x

"(2) x x x x x

"(3) x x x x x

"(4) x x x x x

"(5) x x x x x

"(6) Counseling for the child in conflict with the law/YOUTHFUL OFFENDER and the child's/YOUTH'S family;

"x x x x x"

SEC. 14. Section 32, Chap. 3, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 32. *Duty of the Prosecutor's Office.* - There shall be a specially trained prosecutor to conduct inquest, preliminary investigation and prosecution of cases involving a child in conflict with the law OR A YOUTHFUL OFFENDER. If there is an allegation of torture or ill-treatment of a child in conflict with the law OR A YOUTHFUL OFFENDER during arrest or detention, it shall be the duty of the prosecutor to investigate the same."

SEC. 15. Section 33, Chap. 3, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 33. *Preliminary Investigation and Filing of Information.* - The prosecutor shall conduct a preliminary investigation in the following instances: (a) when the child in conflict with the law OR YOUTHFUL OFFENDER does not qualify for

diversion: (b) when the child, his/her parents or guardian does not agree to diversion as specified in Sections 27 and 28; and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the child in conflict with the law OR YOUTHFUL OFFENDER.

"x x x x x"

SEC. 16. Paragraph (b) of Sec. 35, Chap. 4, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 35. *Release on Recognizance.* - Where a child is detained, the court shall order:

"(a) x x x x x

"(b) the release of the child in conflict with the law/YOUTHFUL OFFENDER on bail; or

"x x x x x"

SEC. 17. Section 36, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 36. *Detention of the Child Pending Trial.* - Children detained pending trial may be released on bail or recognizance as provided for under Sections 34 and 35 under this Act. In all other cases and whenever possible, detention pending trial may, IN THE DISCRETION OF THE COURT TAKING INTO CONSIDERATION PUBLIC SECURITY AND SAFETY, be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Institutionalization or detention of the child pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

"Whenever detention is necessary, a child will always be detained in youth detention homes established by local governments, pursuant to Section 8 of the Family Courts Act, in the city or municipality where the child resides OR, WHERE SUCH YOUTH DETENTION CENTER IS NOT AVAILABLE, IN A SEPARATE SECTION OF THE PROVINCIAL, CITY OR MUNICIPAL JAIL EXCLUSIVELY DESIGNED FOR YOUTH OFFENDERS.

"x x x x x."

SEC. 18. Section 37, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 37. *Diversion Measures.* - Where the maximum penalty imposed by law for the offense with which the child in conflict with the law is charged is imprisonment of not more than twelve (12) years, regardless of the fine or fine alone regardless of the amount, and before arraignment of the child in conflict with the law OR AS

A YOUTHFUL OFFENDER, the court shall determine whether or not diversion is appropriate.”

SEC. 19. Section 38, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

“SEC. 38. *Automatic Suspension of Sentence.* - Once the child who is under FIFTEEN (15) [eighteen (18)] years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application[; *Provided, however,* That suspension of sentence shall still be applied even if the juvenile is already FIFTEEN (15) [eighteen (18)] years of age or more at the time of the pronouncement of his/her guilt].

“x x x x x.”

SEC. 20. Section 39, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

“SEC. 39. *Discharge of the Child in Conflict with the Law OR YOUTHFUL OFFENDER.* - Upon the recommendation of the social worker who has custody of the child, the court shall dismiss the case against the child whose sentence has been suspended and against whom disposition measures have been issued, and shall order the final discharge of the child if it finds that the objective of the disposition measures have been fulfilled.

“The discharge of the child in conflict with the law OR YOUTHFUL OFFENDER shall not affect the civil liability resulting from the commission of the offense, which shall be enforced in accordance with law.”

SEC. 21. Section 40, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

“SEC. 40. *Return of the Child in Conflict with the Law OR YOUTHFUL OFFENDER to Court.* - If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law OR YOUTHFUL OFFENDER have not been fulfilled, or if the child in conflict with the law OR YOUTHFUL OFFENDER has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law OR YOUTHFUL OFFENDER shall be brought before the court for execution of judgment.

“If said child in conflict with the law OR YOUTHFUL OFFENDER has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.”

SEC. 22. Section 41, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 41. Credit in Service of Sentence. - The child in conflict with the law OR A YOUTHFUL OFFENDER shall be credited in the services of his/her sentence with the full time spent in actual commitment and detention under this Act."

SEC. 23. Section 42, Chapter 4, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 42. Probation as an Alternative to Imprisonment. - The court may, after it shall have convicted and sentenced a child in conflict with the law OR A YOUTHFUL OFFENDER, and upon application at any time, place the child on probation in lieu of service of his/her sentence taking into account the best interest of the child. For this purpose, Section 4 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976", is hereby amended accordingly."

SEC. 24. Section 43, Chapter 5, Title V of RA 9344 is hereby amended to read as follows:

"SEC. 43. Confidentiality of Records and Proceedings. - All records and proceedings involving children in conflict with the law OR YOUTHFUL OFFENDERS from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law OR YOUTHFUL OFFENDER may have his/her sentence suspended or if he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action."

"The component authorities shall undertake all measures to protect this confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children in conflict with the law and adopting a system of coding to conceal material information which will lead to the child's identity. Records of a child in conflict with the law OR YOUTHFUL OFFENDER shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent."

"A person who has been in conflict with the law as a child OR HAS BEEN A YOUTHFUL OFFENDER shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose."

SEC. 25. Section 44, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 44. Objective of Rehabilitation and Reintegration. - The objective of rehabilitation and reintegration of children in conflict with the law OR YOUTHFUL

OFFENDERS is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive members of their communities."

SEC. 26. Section 46, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 46. *Separate Facilities from Adults.* - In all rehabilitation or training facilities, it shall be mandatory that children shall be separated from adults unless they are members of the same family. Under no other circumstance shall a child in conflict with the law be placed in the same confinement as adults.

"The rehabilitation, training or confinement area of children in conflict with the law OR YOUTHFUL OFFENDERS shall provide a home environment where children in conflict with the law OR YOUTHFUL OFFENDERS can be provided with quality counseling and treatment."

SEC. 27. Section 47, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 47. *Female Children.* - Female children in conflict with the law OR FEMALE YOUTHFUL OFFENDERS placed in an institution shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law OR YOUTHFUL OFFENDERS."

SEC. 28. Section 50, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 50. *Care and Maintenance of the Child in Conflict with the Law OR YOUTHFUL OFFENDER.* - The expenses for the care and maintenance of a child in conflict with the law OR A YOUTHFUL OFFENDER under institutional care shall be borne by his/her parents or those persons liable to support him/her: *Provided*, That in case his/her parents or those persons liable to support him/her cannot pay all or part of said expenses, the municipality where the offense was committed shall pay one-third (1/3) of said expenses or part thereof; the province to which the municipality belongs shall pay one-third (1/3) and the remaining one-third (1/3) shall be borne by the national government. Chartered cities shall pay two-thirds (2/3) of said expenses; and in case a chartered city cannot pay said expenses, part of the internal revenue allotments applicable to the unpaid portion shall be withheld and applied to the settlement of said obligations: *Provided, further*, That in the event that the child in conflict with the law OR YOUTHFUL OFFENDER is not a resident of the municipality/city where the offense was committed, the court, upon its determination, may require the city/municipality where the child in conflict with the law OR YOUTHFUL OFFENDER resides to shoulder the cost.

"All city and provincial governments must exert effort for the immediate establishment of local detention homes for children in conflict with the law."

SEC. 29. Section 51, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 51. *Confinement of Convicted Children in Agricultural Camps and other Training Facilities.* - A child in conflict with the law OR A YOUTHFUL OFFENDER may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD."

SEC. 30. Section 52, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 52. *Rehabilitation of Children in Conflict with the Law OR YOUTHFUL OFFENDERS.* - Children in conflict with the law OR YOUTHFUL OFFENDERS, whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

"If the community-based rehabilitation is availed of by a child in conflict with the law OR A YOUTHFUL OFFENDER, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her parents/guardian, the child in conflict with the law OR YOUTHFUL OFFENDER shall participate in community-based programs, which shall include, but not limited to:

"x x x x x."

SEC. 31. Section 56, Title VI of RA 9344 is hereby amended to read as follows:

"SEC. 56. *After-Care Support Services for Children in Conflict with the Law OR YOUTHFUL OFFENDERS.* - Children in conflict with the law OR YOUTHFUL OFFENDERS whose cases have been dismissed by the proper court because of good behavior as per recommendation of the DSWD social worker and/or any accredited NGO youth rehabilitation center shall be provided after-care services by the local social welfare and development officer for a period of at least six (6) months. The service includes counseling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community."

SEC. 32. Any act or provision of law inconsistent with this Act is hereby repealed.

SEC. 33. This Act shall take effect upon its approval.

Approved,