



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

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5423



Introduced by Representative Tobias "Toby" Tiangco

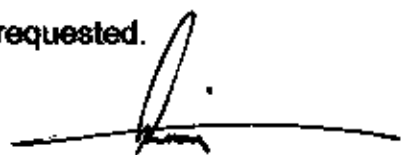
EXPLANATORY NOTE

This bill seeks to restore the age of exemption from criminal liability provided in the Article 12 of the Revised Penal Code which was expressly repealed by Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006 and to provide the specific rules in the prosecution of the minor.

R.A. No. 9344 provides that the minimum age of criminal responsibility shall be fifteen (15) years of age and below at the time of the commission of offense. However, this statute had caused the more exploitation of the youth than their protection. Reports revealed that many crimes were committed through children below 15 years of age. Some of these are from less serious to serious crimes which were turned unprosecuted because the accused involved is free from criminal liabilities.

Moreover, with the advent of the advanced information technology that improved communication and education among the youth, the determination of what is right and wrong is not that difficult anymore. Hence, discernment is just and equitable gauge in ascertaining the criminal liability of persons with an age of nine (9) years old and above.

Therefore, approval of this bill is earnestly requested.


Tobias "Toby" Tiangco



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Introduced by Representative Tobias "Toby" Tlengco

AN ACT
AMENDING CERTAIN PROVISIONS OF THE REPUBLIC ACT NO. 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:

SECTION 1. Section 6 of the Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006 is hereby amended to read as follows:

"SEC. 6. Minimum Age of Criminal Responsibility. - A child NINE (9) 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) years but below FIFTEEN (15) 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, such child shall be subjected to the appropriate proceedings in accordance with this Act.

A child above fifteen (15) years but below eighteen (18) years of age is presumed to have acted with discernment in which case he/she cannot avail of the diversion program under this Act and he/she will be tried as an adult in accordance with the provision of the Rules of Court.

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

SECTION 2. Section 38, of the Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006, is hereby amended to read as follows:

SEC. 38. Automatic Suspension of Sentence. - Once the child who is under 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.

Upon suspension of sentence and after considering the various circumstances of the child, the court shall impose the appropriate disposition measures as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

SECTION 3. Section 58, of the Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006, is hereby amended to read as follows:

SEC. 58. Offenses Not Applicable to Children. - Persons below eighteen (18) years of age shall be exempt from prosecution for the crime of vagrancy and mendicancy as defined under the Revised Penal Code and Presidential Decree No. 1619, respectively.

x x x

Sec. 4. Repealing Clause. - All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with any provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 5. Separability Clause. - If any provision of this Act is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

Sec. 6. Effectivity. - This Act shall take effect immediately after its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,