

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 2064

Submitted by the Committee on Revision of Laws and the Committee on Appropriations on 21 MAR 2012

Re : House Bill No. 6052

Recommending its approval in substitution of House Bill Nos. 467, 1495, 2611, 2894, 3077 and 3423

Sponsors : Representatives Marlyn L. Primicias-Agabas, Joseph Emilio A. Abaya, Salvador H. Escudero III, Mel Senen S. Sarmiento, Mary Mitzi L. Cajayon, Pablo P. Garcia, Karlo Alexei Nogralas and Anthony Rolando T. Golez, Jr.

Mr. Speaker:

The Committee on Revision of Laws and the Committee on Appropriations to which were referred House Bill No. 467, introduced by Reps. Salvador H. Escudero III, Cinchona Cruz-Gonzales, Pedro P. Romualdo and Rene L. Relampagos, entitled:

"AN ACT RESTORING THE CRIMINAL LIABILITY OF A PERSON UNDER EIGHTEEN YEARS OF AGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE JUVENILE JUSTICE WELFARE ACT OF 2006",

House Bill No. 1495, introduced by Reps. Mel Senen S. Sarmiento, Jerry P. Treñas, Rufus B. Rodriguez, Cesar V. Sarmiento and Maria Zenaida B. Angping, entitled:

"AN ACT AMENDING SECTIONS 49 AND 50 OF REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT OF 2006",

House Bill No. 2611, introduced by Mary Mitzi L. Cajayon, Roberto V. Puno, Jeci A. Lapus, Carlo V. Lopez, Susan A. Yap and Arnel M. Cerafica, entitled:

"AN ACT RESTORING THE CRIMINAL RESPONSIBILITY OF CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE, AMENDING REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006" AND FOR OTHER PURPOSES",

House Bill No. 2894, introduced by Reps. Pablo P. Garcia and Rex Gatchalian, entitled:

"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",

House Bill No. 3077, introduced by Reps. Karlo Alexei B. Nograles and Erico B. Aumentado, entitled:

"AN ACT AMENDING THE REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006",

and House Bill No. 3423, introduced by Reps. Anthony Rolando T. Golez, Romeo M. Acop and Mercedes K. Alvarez, entitled:

"AN ACT REINSTATING THE CRIMINAL LIABILITY OF A PERSON UNDER EIGHTEEN YEARS OF AGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT OF 2006 AND FOR OTHER PURPOSES",

There

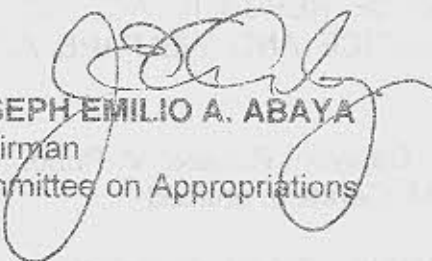
has considered the same and recommends that the attached House Bill No.

6052

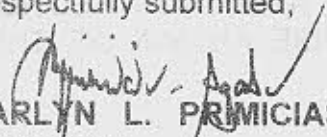
entitled:

"AN ACT STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006"

be approved in substitution of House Bill Nos. 467, 1495, 2611, 2894, 3077 and 3423 with Reps. Salvador H. Escudero, Cinchona Cruz-Gonzales, Mel Senen S. Sarmiento, Jerry P. Trenas, Mary Mitzi L. Cajayon, Roberto V. Puno, Pablo P. Garcia, Rex Gatchalian, Karlo Alexei B. Nograles, Erico B. Aumentado, Anthony Rolando T. Golez, Jr., Romeo M. Acop, Pedro P. Romualdo, Rene L. Relampagos, Rufus B. Rodriguez, Cesar V. Sarmiento, Jeci A. Lapus, Carlo V. Lopez, Mercedes K. Alvarez, Maria Zenaida B. Angping, Susan A. Yap, Arnel M. Cerafica and Marlyn L. Primicias-Agabas as authors thereof.


JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

6052

HOUSE BILL No. _____

(In substitution of House Bills No. 467, 1495, 2611, 2894, 3077 and 3423)

Introduced by Representatives Salvador H. Escudero III, Cinchona Cruz-Gonzales, Mel Senen S. Sarmiento, Jerry P. Treñas, Mary Mitzi L. Cajayon, Roberto V. Puno, Pablo P. Garcia, Rex Gatchalian, Karlo Alexei B. Nogralles, Erico B. Aumentado, Anthony Rolando T. Golez, Jr. Romeo M. Acop, Pedro P. Romualdo, Rene L. Relampagos, Rufus B. Rodriguez, Cesar V. Sarmiento, Jeci A. Lapus, Carlo V. Lopez, Mercedes K. Alvarez, Maria Zenaida B. Angping, Susan A. Yap, Arnel M. Cerafica and Marlyn L. Primicias-Agabas

AN ACT

STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006."

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

1 SECTION 1. Section 1 of Republic Act No. 9344 is hereby amended to
2 read as follows:

3 "SECTION 1. *Short Title and Scope.* – This Act shall be known as
4 The ["Juvenile Justice and Welfare Act of 2006"] "STRENGTHENING THE
5 JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES ACT." It shall cover
6 the different stages involving children at risk, [and] children in conflict with
7 the law AND YOUTHFUL OFFENDERS from prevention to rehabilitation
8 and reintegration."

9 SEC. 2. Sections 4, 5, 6, 7, 8 and 9 of Republic Act No. 9344 are hereby
10 amended to read as follows:

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

13 (a) x x x

14 (b) x x x

- 1 (c) "Child" refers to a person under the age of eighteen (18)
2 years. A CHILD CAN BE CLASSIFIED AS FOLLOWS:
3 (A) CHILD AT RISK, (B) CHILD IN CONFLICT WITH
4 THE LAW, AND (C) YOUTHFUL OFFENDER.
- 5 (d) x x x
- 6 (e) "Child in Conflict with the Law" refers to a child, ABOVE
7 TWELVE (12) YEARS OLD BUT AT LEAST FIFTEEN
8 (15) YEARS OF AGE, who is alleged as, accused of, or
9 adjudged as, having committed an offense under
10 Philippine laws.
- 11 (f) x x x
- 12 (g) x x x
- 13 (h) x x x
- 14 (i) x x x
- 15 (j) x x x
- 16 (k) "Initial Contact With the Child" refers to the apprehension
17 or taking into custody of a child in conflict with the law OR
18 A YOUTHFUL OFFENDER by law enforcement officers
19 or private citizens. It includes the time when the child
20 alleged to be in conflict with the law OR THE ALLEGED
21 YOUTHFUL OFFENDER receives a subpoena under
22 Section 3(b) of Rule 112 of the Revised Rules of Criminal
23 Procedure or summons under Section 6 (a) or Section 9
24 (b) of the same Rule in cases that do not require
25 preliminary investigation or where there is no necessity to
26 place the child alleged to be in conflict with the law OR
27 THE ALLEGED YOUTHFUL OFFENDER under
28 immediate custody.
- 29 (l) x x x
- 30 (m) "Juvenile Justice and Welfare System" refers to a
31 system dealing with children at risk, [and] children in
32 conflict with the law, AND YOUTHFUL OFFENDERS,
33 which provides child appropriate proceedings including
34 programs and services for prevention, diversion,

- 1 rehabilitation, re-integration and aftercare to ensure their
2 normal growth and development.
- 3 (n) x x x
4 (o) x x x
5 (p) x x x
6 (q) x x x
7 (r) x x x
8 (s) ["Youth Detention Home"] "BAHAY PAG-ASA" -- refers
9 to a 24-hour child caring institution managed by
10 accredited local government units (LGUs) and licensed
11 and/or accredited non-government organizations (NGOs)
12 providing short term residential care for children in
13 conflict with the law who are awaiting court disposition of
14 their cases or transfer to other agencies or jurisdiction.
- 15 (t) x x x
16 (u) "Victimless Crimes" refers to offenses where there is no
17 private offended party.
- 18 (v) "YOUTHFUL OFFENDER" REFERS TO A CHILD
19 ABOVE TWELVE (12) YEARS OLD BUT AT LEAST
20 FIFTEEN (15) YEARS OF AGE WHO ACTED WITH
21 DISCERNMENT OR A CHILD ABOVE FIFTEEN (15)
22 YEARS OLD BUT UNDER THE AGE OF EIGHTEEN (18)
23 YEARS AT THE TIME OF THE ALLEGED COMMISSION
24 OF A CRIMINAL OFFENSE. HE MAY BE ARRESTED OR
25 TAKEN INTO CUSTODY AND BE DEALT WITH IN
26 ACCORDANCE WITH THE PROVISIONS OF
27 PRESIDENTIAL DECREE NO. 603, AS AMENDED,
28 OTHERWISE KNOWN AS "THE CHILD AND YOUTH
29 WELFARE CODE."

30 SEC. 5. *Rights of the Child in Conflict with the Law AND*
31 *YOUTHFUL OFFENDER* – Every child in conflict with the law and
32 *YOUTHFUL OFFENDER* shall have the following rights including
33 but not limited to:

1 (a) x x x

2 xxx xxx xxx

3 (d) the right to be treated with humanity and respect for the
4 inherent dignity of the person, and in a manner which takes into
5 account the needs of a person of [his/her] THE CHILD'S age. In
6 particular, a child deprived of liberty shall be separated from adult
7 offenders at all times. No child shall be detained together with adult
8 offenders. [He/she] THE CHILD shall be conveyed separately to or
9 from court. [He/she] AND shall await hearing [of his/her own] THE
10 case in a separate holding area. A child in conflict with the law AND
11 A YOUTHFUL OFFENDER shall have the right to maintain contact
12 with [his/her] THEIR family through correspondence and visits,
13 save in exceptional circumstances.

14 x x x x x x x x x x

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

20 X X X

21 X X X x x x x x x.

22 SEC. 6. *Minimum Age of Criminal Responsibility.* – A child
23 [fifteen (15)] TWELVE (12) years of age or under at the time of the
24 commission of the offense shall be exempt from criminal liability.
25 However, the child shall be subjected to an intervention program
26 pursuant to Section 20 of this Act.

27 A child above [fifteen (15)] TWELVE (12) years OLD but
28 [below eighteen (18)] AT LEAST FIFTEEN (15) years of age shall
29 likewise be exempt from criminal liability and be subjected to an
30 intervention program, unless [he/she] THE CHILD has acted with
31 discernment, in which case, such child shall be subjected to the
32 appropriate proceedings in accordance with this Act.

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

4 WHEN A CHILD WHO IS ABOVE TWELVE (12) YEARS
5 OLD BUT AT LEAST FIFTEEN (15) YEARS OF AGE HAS BEEN
6 DECLARED BY THE COURT TO HAVE ACTED WITH
7 DISCERNMENT AT THE TIME OF THE COMMISSION OF THE
8 OFFENSE AND IS FOUND GUILTY OF THE OFFENSE
9 CHARGED, THE CHILD'S SENTENCE SHALL BE SUSPENDED
10 PURSUANT TO SEC. 3 THEREOF AND THE CHILD SHALL
11 EITHER BE COMMITTED TO A REFORMATORY INSTITUTION
12 OR TO THE CUSTODY OF THE DSWD OR ANY DULY
13 LICENSED AGENCY: *PROVIDED*, THAT IF THE CHILD
14 BECOMES INCORRIGIBLE OR WILLFULLY FAILS TO COMPLY
15 WITH THE CONDITIONS OF COMMITMENT IN THE TRAINING
16 OR REFORMATORY INSTITUTION, THE CHILD SHALL BE
17 RETURNED TO THE COMMITTING COURT FOR THE
18 PRONOUNCEMENT OF JUDGMENT IMPOSING THE PROPER
19 PENALTY UPON REACHING EIGHTEEN (18) YEARS OLD.

20 IF THE OFFENSE CHARGED IS MURDER, PARRICIDE,
21 HOMICIDE, KIDNAPPING, RAPE, ROBBERY, DRUG
22 TRAFFICKING OR OTHER OFFENSES PUNISHABLE BY MORE
23 THAN TWELVE (12) YEARS, SUCH CHILD IS PRESUMED TO
24 HAVE ACTED WITH DISCERNMENT AND SHALL BE
25 CONSIDERED AS A YOUTHFUL OFFENDER AND SHALL BE
26 DEALT WITH IN ACCORDANCE WITH THE PROVISIONS OF
27 PRESIDENTIAL DECREE NO. 603, AS AMENDED, OTHERWISE
28 KNOWN AS "*THE CHILD AND YOUTH WELFARE CODE*."

29 A CHILD ABOVE FIFTEEN (15) YEARS OLD BUT UNDER
30 EIGHTEEN (18) YEARS OF AGE SHALL BE CONSIDERED AS A
31 YOUTHFUL OFFENDER WHO SHALL BE DEALT WITH THE
32 PROVISIONS OF PRESIDENTIAL DECREE NO. 603.

1 SEC. 7. *Determination of Age.* – [The] A child in conflict with
2 the law OR A YOUTHFUL OFFENDER shall enjoy the presumption
3 of minority [, He/She] AND shall enjoy all [the] THEIR LEGAL rights
4 [of a child in conflict with the law] until [he/she] THE CHILD is
5 proven to be [eighteen (18)] ABOVE FIFTEEN (15) years old [or
6 older]. The age of a child may be determined from the child's birth
7 certificate, baptismal certificate or any other pertinent documents.
8 In the absence of these documents, age may be based on
9 information [from] GIVEN BY the child [himself/herself,] testimonies
10 of other persons, the physical appearance of the child and other
11 relevant evidence. In case of doubt as to the age of the child, it
12 shall be resolved in [his/her] favor OF THE CHILD.

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

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

25 In all proceedings, law enforcement officers, prosecutors,
26 judges and other government officials concerned shall exert all
27 efforts at determining the age of [the] A child in conflict with the law
28 OR A YOUTHFUL OFFENDER.

29 A CHILD IS DEEMED TO BE TWELVE (12) AND FIFTEEN
30 (15) YEARS OLD ON THE DAY OF THE TWELFTH AND
31 FIFTEENTH BIRTHDAY, RESPECTIVELY. A PERSON IS
32 DEEMED TO BE EIGHTEEN (18) YEARS OLD ON THE DAY OF
33 THE EIGHTEENTH BIRTHDAY.

1 SEC. 8. *Juvenile Justice and Welfare Council (JJWC)*. – A
2 Juvenile Justice and Welfare Council (JJWC) is hereby created and
3 attached to the Department of [Justice] SOCIAL WELFARE AND
4 DEVELOPMENT and placed under its administrative supervision.
5 The JJWC shall be chaired by an undersecretary of the Department
6 of Social Welfare and Development. It shall ensure the effective
7 implementation of this Act and coordination among the following
8 agencies:

9 (A) DEPARTMENT OF JUSTICE (DOJ)

10 [(a)] (B) 11 Council for the Welfare of Children (CWC)

12 [(b)] (C) 13 Department of Education (DepEd)

14 [(c)] (D) 15 Department of Interior and Local Government (DILG)

16 [(d)] (E) 17 Public Attorney's Office (PAO)

18 [(e)] (F) 19 Bureau of Correction (BUCOR)

20 [(f)] (G) 21 Parole and Probation Administration (PPA)

22 [(g)] (H) 23 National Bureau of Investigation (NBI)

24 [(h)] (I) 27 Philippine National Police (PNP)

25
26 [(i)] (J) 28 Bureau of Jail Management and Penology
29 (BJMP)

30 [(j)] (K) 31 Commission on Human Rights (CHR)

32 [(k)] (L) 33 Technical Education and Skills Development
34 Authority (TESDA)

35 [(l)] (M) 37 National Youth Commission (NYC); and

36 [(m)] (N) 38 Other institutions focused on juvenile justice and
39 intervention programs.

40 The JJWC shall be composed of representatives whose
41 ranks shall not be lower than [d] Director, to be designated by the
42 concerned heads of the following departments or agencies:

43 x x x

1 (h) Two (2) representatives from NGOs, one to be
2 designated by the Secretary of [Justice and the other to be
3 designated by the Secretary of] Social Welfare and Development.

4 The JJWC shall convene within fifteen (15) days from the
5 effectivity of this Act. The Secretary of [Justice and the Secretary
6 of] Social Welfare and Development shall determine the
7 organizational structure and staffing pattern of the JJWC.

8 x x x.

9 SEC. 9. *Duties and Functions of the*

10 *JJWC.* – The JJWC shall have the following duties and functions:

11 [(a)] (A) x x x

12 [(b)] (B) x x x

13 [(c)] (C) x x x

14 [(d)] (D) x x x

15 [(e)] (E) x x x

16 (F) TO CONSULT WITH THE VARIOUS LEAGUES OF
17 LOCAL GOVERNMENT OFFICIALS IN THE
18 FORMULATION AND RECOMMENDATION OF
19 POLICIES AND STRATEGIES FOR THE PREVENTION
20 OF JUVENILE DELINQUENCY AND THE PROMOTION
21 OF JUVENILE JUSTICE AND WELFARE.

22 [(f)] (G) To formulate and recommend strategies in
23 consultation with children for the prevention of juvenile delinquency
24 and the administration of justice, as well as for the treatment and
25 rehabilitation of [the] children in conflict with the law OR
26 YOUTHFUL OFFENDERS.

27 [(g)] (H) To collect relevant information and conduct
28 continuing research and support evaluations and studies on all
29 matters relating to juvenile justice and welfare, such as but not
30 limited to:

- 31 1. the performance and results achieved by juvenile
32 intervention programs and by activities of the local
33 government units and other government agencies;

- 1 2. the periodic trends, problems and causes of juvenile
2 delinquency and crimes; and
3 3. the particular needs of children in conflict with the law OR
4 YOUTHFUL OFFENDERS in custody.

5 The data gathered shall be used by the JJWC in the
6 improvement of the administration of THE juvenile justice and
7 welfare system.

8 The JJWC shall set up a mechanism to ensure that children
9 are involved in research and policy development.

10 THE JJWC SHALL CONDUCT, EVERY THREE (3) YEARS,
11 A STUDY ON THE AGE OF DISCERNMENT OF FILIPINO
12 CHILDREN WHICH SHALL BE THE BASIS FOR LEGISLATIVE
13 REVIEW OF THE MINIMUM AGE OF CRIMINAL
14 RESPONSIBILITY.

15 [(h)] (I) x x x

16 [(i)] (J) x x x

17 [(j)] (K) To submit an annual report to the President on the
18 implementation of this Act; and

19 [(k)] (L) To perform such other functions as may be
20 necessary to implement the provisions of this Act."

21 SEC. 3. Section 13 of RA 9344 is hereby amended to read as follows:

22 "SEC. 13. *The Educational System.* – Educational
23 institutions shall work together with families, community
24 organizations and agencies in the prevention of juvenile
25 delinquency and in the rehabilitation and reintegration of [a child]
26 CHILDREN in conflict with the law AND YOUTHFUL OFFENDERS.
27 Schools shall provide adequate, necessary and individualized
28 educational schemes for children manifesting difficult behavior,
29 [and] children in conflict with the law AND YOUTHFUL
30 OFFENDERS. In cases where children in conflict with the law
31 AND YOUTHFUL OFFENDERS are taken into custody or detained
32 in rehabilitation centers, they should be provided the opportunity to

1 continue learning under an alternative learning system with basic
2 literacy program or non-formal education accreditation equivalency
3 system."

4 SEC. 4. Section 20 of Republic Act No. 9344 is hereby amended to read
5as follows:

6 "SEC. 20. *Children Below the Age of Criminal*
7 *Responsibility.* – If it has been determined that the child taken into
8 custody is ~~[fifteen (15)]~~ TWELVE (12) years old or below, OR
9 ABOVE TWELVE (12) YEARS OLD BUT AT LEAST FIFTEEN (15)
10 YEARS OF AGE, AND HAD ACTED WITHOUT DISCERNMENT,
11 the authority which will have an initial contact with the child, IN
12 CONSULTATION WITH THE LOCAL SOCIAL WELFARE AND
13 DEVELOPMENT OFFICER, ~~[has]~~ SHALL HAVE the duty to
14 immediately release the child to the custody of ~~[his/her]~~ THE
15 CHILD'S parents or guardian, or in the absence thereof, the child's
16 nearest relative EXCEPT WHEN THE OFFENSE CHARGED IS
17 MURDER, PARRICIDE, INFANTICIDE, HOMICIDE, KIDNAPPING
18 AND SERIOUS ILLEGAL DETENTION, RAPE, ROBBERY,
19 DESTRUCTIVE ARSON, CARNAPPING, DRUG TRAFFICKING
20 OR OTHER OFFENSES PUNISHABLE BY MORE THAN TWELVE
21 (12) YEARS. IN WHICH CASES, IT IS PRESUMED THAT THE
22 CHILD ACTED WITH DISCERNMENT.

23 THE CHILD WHO ACTED WITH DISCERNMENT SHALL
24 BE SUBJECTED TO A COMMUNITY-BASED INTERVENTION
25 PROGRAM SUPERVISED BY THE LOCAL SOCIAL WELFARE
26 AND DEVELOPMENT OFFICER. ~~[Said authority shall give notice~~
27 ~~to the]~~ THE local social welfare and development officer ~~[who will]~~
28 SHALL determine the appropriate programs, in consultation with
29 the child and ~~[to]~~ the person ~~[having]~~ WHO HAS custody over the
30 child. If the parents, guardians or nearest relatives cannot be
31 located, or if they refuse to take custody, the child may be released

1 to any of the following: a duly registered nongovernmental or
2 religious organization; a barangay official or a member of the
3 Barangay Council for the Protection of Children (BCPC); a local
4 social welfare and development officer; or when and where
5 appropriate, the DSWD. If the child [referred to herein] has been
6 found by the Local Social Welfare and Development Office
7 (LSWDO) to be DEPENDENT, abandoned[,] OR neglected [or
8 abused by his parents, or in the event that the parents will not
9 comply with the prevention program,] AND THE BEST INTEREST
10 OF THE CHILD REQUIRES THAT THE CHILD BE PLACED IN A
11 YOUTH CARE FACILITY, THE CHILD'S PARENTS OR
12 GUARDIAN SHALL EXECUTE A WRITTEN AUTHORIZATION
13 FOR THE VOLUNTARY COMMITMENT OF THE CHILD:
14 PROVIDED, THAT IF THE CHILD HAS NO PARENTS OR
15 GUARDIAN OR IF THEY REFUSE OR FAIL TO EXECUTE THE
16 WRITTEN AUTHORIZATION FOR VOLUNTARY COMMITMENT,
17 the proper petition for involuntary commitment shall be
18 IMMEDIATELY filed by the DSWD or the Local Social Welfare and
19 Development Office pursuant to Presidential Decree No. 603, As
20 Amended, otherwise known as "*The Child and Youth Welfare*
21 *Code*" AND SUPREME COURT ADMINISTRATIVE MATTER NO.
22 02-1-19-SC WHICH TOOK EFFECT ON APRIL 15, 2002
23 EMBODYING THE RULE ON COMMITMENT OF CHILDREN:
24 PROVIDED, FURTHER, THAT THE MINIMUM AGE FOR
25 CHILDREN COMMITTED TO A YOUTH CARE FACILITY SHALL
26 BE TWELVE (12) YEARS OLD."

27 SEC. 5. Republic Act No. 9344 is further amended by inserting new
28 sections to be designated as Section 20-A to Section 20-D to read as follows:

29 "SEC. 20-A. REPETITION OF OFFENSES. – A CHILD
30 WHO IS ABOVE (12) YEARS OLD OR AT LEAST FIFTEEN (15)
31 YEARS OF AGE, AND WHO COMMITS AN OFFENSE MORE

1 THAN TWO TIMES SHALL BE DEEMED A NEGLECTED CHILD
2 UNDER PRESIDENTIAL DECREE NO. 603, AS
3 AMENDED, AND SHALL UNDERGO AN INTENSIVE
4 INTERVENTION PROGRAM SUPERVISED BY THE LOCAL
5 SOCIAL WELFARE AND DEVELOPMENT OFFICER:
6 *PROVIDED*, THAT, IF THE BEST INTEREST OF THE CHILD
7 REQUIRES THAT THE CHILD IS PLACED IN A YOUTH CARE
8 FACILITY, THE CHILD'S PARENTS OR GUARDIAN SHALL
9 EXECUTE A WRITTEN AUTHORIZATION FOR THE
10 VOLUNTARY COMMITMENT OF THE CHILD: *PROVIDED*,
11 *FURTHER*, THAT, IF THE CHILD HAS NO PARENTS OR
12 GUARDIAN OR IF THEY REFUSE OR FAIL TO EXECUTE THE
13 WRITTEN AUTHORIZATION FOR VOLUNTARY COMMITMENT,
14 THE PROPER PETITION FOR INVOLUNTARY COMMITMENT
15 SHALL BE IMMEDIATELY FILED BY THE DSWD OR THE LOCAL
16 SOCIAL WELFARE AND DEVELOPMENT OFFICE PURSUANT
17 TO PRESIDENTIAL DECREE NO. 603, AS AMENDED, AND THE
18 SUPREME COURT RULE ON COMMITMENT OF CHILDREN:
19 *PROVIDED, FURTHER*, THAT THE MINIMUM AGE FOR
20 CHILDREN COMMITTED TO A YOUTH CARE FACILITY SHALL
21 BE ABOVE TWELVE (12) YEARS OLD.

22 SEC. 20-B. *EXPLOITATION OF CHILDREN FOR*
23 *COMMISSION OF CRIMES*. – ANY PERSON WHO, IN THE
24 COMMISSION OF A CRIME, MAKES USE, TAKES ADVANTAGE
25 OF, OR PROFITS FROM THE USE OF CHILDREN, SHALL BE
26 IMPOSED THE PENALTY PRESCRIBED BY LAW FOR THE
27 CRIME COMMITTED, IN ITS MAXIMUM PERIOD.

28 SEC. 20-C. *ASSISTANCE TO VICTIMS OF OFFENSES*
29 *COMMITTED BY CHILDREN*. – THE VICTIM OF THE OFFENSE
30 COMMITTED BY A CHILD AND THE VICTIM'S FAMILY SHALL
31 BE PROVIDED THE APPROPRIATE ASSISTANCE AND
32 PSYCHOLOGICAL INTERVENTION BY THE LOCAL SOCIAL

1 WELFARE AND DEVELOPMENT OFFICER AND THE
2 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.

3 SEC. 20-D. *JOINT PARENTAL RESPONSIBILITY.* – THE
4 COURT MAY REQUIRE THE PARENTS OF A CHILD IN
5 CONFLICT WITH THE LAW OR A YOUTHFUL OFFENDER TO
6 UNDERGO COUNSELING OR ANY OTHER ACTIVITY THAT, IN
7 THE OPINION OF THE COURT, WOULD ADVANCE THE
8 WELFARE AND BEST INTEREST OF THE CHILD.

9 AS USED IN THIS ACT, "PARENTS" SHALL MEAN ANY
10 OF THE FOLLOWING:

- 11 (A) BIOLOGICAL PARENTS OF THE CHILD; OR
- 12 (B) ADOPTIVE PARENTS OF THE CHILD; OR
- 13 (C) INDIVIDUALS WHO HAVE CUSTODY OF THE CHILD.

14 A COURT EXERCISING JURISDICTION OVER A CHILD IN
15 CONFLICT WITH THE LAW OR A YOUTHFUL OFFENDER MAY
16 REQUIRE THE ATTENDANCE OF ONE OR BOTH PARENTS OF
17 THE CHILD AT THE PLACE WHERE THE PROCEEDINGS ARE
18 TO BE CONDUCTED.

19 THE PARENTS SHALL BE LIABLE FOR DAMAGES
20 UNLESS THEY PROVE, TO THE SATISFACTION OF THE
21 COURT THAT THEY WERE EXERCISING REASONABLE
22 SUPERVISION OVER THE CHILD AT THE TIME THE CHILD
23 COMMITTED THE OFFENSE AND EXERTED REASONABLE
24 EFFORT AND UTMOST DILIGENCE TO PREVENT OR
25 DISCOURAGE THE CHILD FROM COMMITTING ANOTHER
26 OFFENSE."

27 SEC. 6. Sections 21, 22 and 23 of Republic Act No. 9344 are hereby
28 amended to read follows:

1 "SEC. 21. *Procedure in taking the Child into Custody.* –
2 From the moment a child is taken into custody, the law enforcement
3 officer shall:

4 (a) x x x

5 (b) x x x

6 (c) x x x

7 (d) Refrain from using vulgar or profane words and from
8 sexually harassing or abusing or making sexual advances on the
9 child in conflict with the law OR YOUTHFUL OFFENDER.

10 (e) x x x

11 (f) Refrain from subjecting the child in conflict with the law
12 OR YOUTHFUL OFFENDER to greater restraint than is necessary
13 for [his/her] THE apprehension;

14 (g) x x x

15 (h) x x x

16 (i) x x x

17 (j) x x x

18 (k) Ensure that should detention of the child in conflict with
19 the law OR YOUTHFUL OFFENDER be necessary, the child shall
20 be secured in quarters separate from that of the opposite sex and
21 adult offenders.

22 (l) x x x

23 (m) x x x

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

27 SEC. 22. *Duties During Initial Investigation.* – The law
28 enforcement officer shall, in [his/her] THE CONDUCT OF THE
29 investigation, determine where the case involving the child in
30 conflict with the law OR YOUTHFUL OFFENDER should be
31 referred.

32 x x x

1 THE LOCAL SOCIAL WELFARE AND DEVELOPMENT
2 OFFICER SHALL CONDUCT AN INITIAL ASSESSMENT TO
3 DETERMINE WHETHER OR NOT THE CHILD ACTED WITH
4 DISCERNMENT, USING THE ASSESSMENT TOOLS
5 DEVELOPED BY THE DEPARTMENT OF SOCIAL WELFARE
6 AND DEVELOPMENT, AND TO FORMULATE THE
7 APPROPRIATE INTERVENTIONS FOR THE REHABILITATION
8 OF THE CHILD. THE INITIAL ASSESSMENT SHALL BE
9 WITHOUT PREJUDICE TO THE PREPARATION OF A MORE
10 COMPREHENSIVE CASE STUDY REPORT.

11 [After the initial investigation, t] The local social worker
12 [conducting the same may] SHALL do either of the following:

- 13 a) Proceed in accordance with Section 20 if the child is [
- 14 fifteen (15)] TWELVE (12) years or below or above [
- 15 fifteen (15)] TWELVE but below [eighteen (18)]
- 16 FIFTEEN (15) years old, who acted without discernment;
- 17 and
- 18 b) PROCEED TO DIVERSION UNDER THE FOLLOWING
- 19 CHAPTER, If the child is above [fifteen (15)] TWELVE
- 20 (12) years old but below [eighteen (18)] FIFTEEN (15)
- 21 and who acted with discernment OR ABOVE FIFTEEN
- 22 (15) YEARS OLD BUT BELOW EIGHTEEN (18)[,
- 23 proceed to diversion under the following chapter].

24 SEC. 23. *System of Diversion.* – Children in conflict with
25 the law AND WHO ACTED WITH DISCERNMENT shall undergo
26 diversion programs [without undergoing court proceedings] subject
27 to the conditions herein provided;

28 x x x."

29 SEC. 7. Subparagraph (6), paragraph (a) of Section 31 of Republic Act
30 No. 9344 is hereby amended to read as follows:

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

6 (a) At the level of the Punong Barangay

7 (1) Restitution of property;

8 (2) Reparation of the damage caused;

9 (3) Indemnification for consequential damages;

10 (4) Written or oral apology;

11 (5) Care, guidance and supervision orders;

12 (6) Counseling for the child in conflict with the law OR

13 YOUTHFUL OFFENDER and the [child's] family;

14 (7) x x x;

15 (8) x x x;

16 (9) x x x.

17 x x x

18 SEC. 8. Sections 32 and 33 of Republic Act No. 9344 are hereby
19 amended to read as follows:

20 "SEC. 32. *Duty of the Prosecutor's Office.* – There shall be
21 a specially trained prosecutor to conduct inquest, preliminary
22 investigation and prosecution of cases involving a child in conflict of
23 the law OR A YOUTHFUL OFFENDER. [If there is an] IT SHALL
24 BE THE DUTY OF THE PROSECUTOR TO INVESTIGATE ANY
25 allegation of torture or ill-treatment of a child in conflict with the law
26 OR A YOUTHFUL OFFENDER during arrest or detention[, it shall
27 be the duty of the prosecutor to investigate the same].

28 SEC. 33. *Preliminary Investigation and Filing of Information.*

29 – The prosecutor shall conduct a preliminary investigation in the
30 following instances:(a) when the child in conflict of the law OR
31 YOUTHFUL OFFENDER does not qualify for diversion; (b) when

1 the child, [his/her] THE CHILD'S parents or guardian [does] DO not
2 agree to diversion as specified in Sections 27 and 28; and (c) when
3 considering the assessment and recommendation of the social
4 worker, the prosecutor determines that diversion is not appropriate
5 for the child in conflict with the law or YOUTHFUL OFFENDER.

6 x x x

7 Upon determination of probable cause by the prosecutor, the
8 information against the child shall be filed before the Family Court
9 OR THE REGIONAL TRIAL COURT WHEN THERE IS NO
10 DESIGNATED FAMILY COURT within forty-five (45) days from the
11 start of the preliminary investigation. THE INFORMATION MUST
12 ALLEGE THAT THE CHILD ACTED WITH DISCERNMENT."

13 SEC. 9. Sections 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 of RA 9344 are
14 hereby amended to read as follows:

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

17 (a) the release of the minor on recognizance to [his/her]
18 parents and other suitable persons;

19 (b) the release of the child in conflict with the law OR
20 YOUTHFUL OFFENDER on bail; or

21 (c) the transfer of the minor to a youth detention home/youth
22 rehabilitation center.

23 x x x

24 SEC. 36. *Detention of the Child Pending Trial.* – [Children]
25 A CHILD detained pending trial may be released on bail or
26 recognizance as provided for under Sections 34 and 35 under this
27 Act. In all other cases and whenever possible, detention pending
28 trial may, IN THE DISCRETION OF THE COURT, TAKING INTO
29 CONSIDERATION PUBLIC SECURITY AND SAFETY, be replaced
30 by alternative measures, such as close supervision, intensive care
31 or placement with a family or in an educational setting or home.

1 Institutionalization or detention of the child pending trial shall be
2 used only as a measure of last resort and for the shortest possible
3 period of time.

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

12 In the absence of a youth detention home OR BAHAY
13 PAGASA AS DEFINED IN THIS ACT, the child in conflict with the
14 law OR YOUTH OFFENDER may be committed to the care of the
15 DSWD or a local rehabilitation center recognized by the
16 government in the province, city or municipality within the
17 jurisdiction of the court. The center or agency concerned shall be
18 responsible for the child's appearance in court whenever required.

19 SEC. 37. *Diversion Measures.* – Where the maximum
20 penalty imposed by law for the offense with which the child in
21 conflict with the law OR YOUTHFUL OFFENDER is charged is
22 imprisonment of not more than twelve (12) years, regardless of the
23 fine or fine alone regardless of the amount, and before arraignment
24 of the child in conflict with the law OR YOUTHFUL OFFENDER, the
25 court shall determine whether or not diversion is appropriate.

26 SEC. 38. *Automatic Suspension of Sentence.* – Once the
27 child who is under [eighteen (18)] FIFTEEN (15) years of age at
28 the time of the commission of the offense is found guilty of the
29 offense charged, the court shall determine and ascertain any civil
30 liability which may have resulted from the offense committed.
31 However, instead of pronouncing the judgment of conviction, the
32 court shall place the child in conflict with the law OR YOUTHFUL

1 OFFENDER under suspended sentence, without need of
2 application: Provided, however, That suspension of sentence shall
3 still be applied even if the juvenile is [already eighteen (18)]
4 FIFTEEN (15) years of age or more at the time of the
5 pronouncement of [his/her] guilt.

6 x x x.

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

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

18 SEC. 40. *Return of the Child in Conflict with the Law OR*
19 *YOUTHFUL OFFENDER to Court.* – If the court finds that the
20 objective of the disposition measures imposed upon the child in
21 conflict with the law OR YOUTHFUL OFFENDER has not been
22 fulfilled, or if the child in conflict with the law OR YOUTHFUL
23 OFFENDER has willfully failed to comply with the conditions of
24 [his/her] disposition or rehabilitation program, the child in conflict
25 with the law OR YOUTHFUL OFFENDER shall be brought before
26 the court for execution of judgment.

27 If said child in conflict with the law OR YOUTHFUL
28 OFFENDER has reached eighteen (18) years of age while under
29 suspended sentence, the court shall determine whether to
30 discharge the child in accordance with this Act, to order execution
31 of sentence, or to extend the suspended sentence for a certain

1 specified period or until the child reaches the maximum age of
2 twenty-one (21) years.

3 SEC. 41. *Credit in Service of Sentence.* – The child in
4 conflict with the law OR A YOUTHFUL OFFENDER shall be
5 credited in the services of [his/her] THE sentence with the full time
6 spent in actual commitment and detention under this Act.

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

15 SEC. 43. *Confidentiality of Records and Proceedings.* – All
16 records and proceedings involving children in conflict with the law
17 OR YOUTHFUL OFFENDERS from initial contact until final
18 disposition of the case shall be considered privileged and
19 confidential. The public shall be excluded during the proceedings
20 and the records shall not be disclosed directly or indirectly to
21 anyone by any of the parties or the participants in the proceedings
22 for any purpose whatsoever, except WHEN NECESSARY to
23 determine if the SENTENCE METED TO THE child in conflict with
24 the law OR YOUTHFUL OFFENDER may [have his/her sentence]
25 BE suspended, or if [he/she] THE CHILD may be granted probation
26 under the Probation Law, or IN LINE WITH THE ENFORCEMENT
27 OF [to enforce] the civil liability imposed in the criminal action.

28 The component authorities shall undertake all measures to
29 protect this confidentiality of proceedings, including non-disclosure
30 of records to the media, maintaining a separate police blotter for
31 cases involving children in conflict with the law and adopting a

1 system of coding to conceal material information which will lead to
2 the child's identity. Records of a child in conflict with the law OR
3 YOUTHFUL OFFENDER shall not be used in subsequent
4 proceedings for cases involving the same offender as an adult,
5 except when beneficial for the offender and upon [his/her] written
6 consent.

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

13 SEC. 44. *Objective of Rehabilitation and Reintegration.* –

14 The objective of rehabilitation and reintegration of children in
15 conflict with the law OR YOUTHFUL OFFENDERS is to provide
16 them with interventions, approaches and strategies that will enable
17 them to improve their social functioning with the end goal of
18 reintegration to their families and as productive members of their
19 communities.

20 SEC. 10. Sections 46 and 47 of RA 9344 are hereby amended to read as
21 follows:

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

28 The rehabilitation, training or confinement area of children in
29 conflict with the law OR YOUTHFUL OFFENDERS shall provide a
30 home environment where children in conflict with the law OR

1 YOUTHFUL OFFENDERS can be provided with quality counseling
2 and treatment."

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

10 SEC. 11. Sections 49, 50, 51 and 52 of RA 9344 are hereby amended
11 and shall read as follows:

12 "SEC. 49. *Establishment of Youth Detention Homes.* –
13 EACH PROVINCE AND HIGHLY URBANIZED CITY [The LGUs]
14 shall BE RESPONSIBLE FOR BUILDING YOUTH DETENTION
15 HOMES TO BE KNOWN AS "BAHAY PAG-ASA" AS MANDATED
16 BY REPUBLIC ACT NO. 8369, OTHERWISE KNOWN AS "THE
17 FAMILY COURTS ACT OF 1997." MOREOVER, THEY shall set
18 aside an amount EACH YEAR TO PROVIDE FOR THE UPKEEP
19 OF THE DETENTION HOMES [to build youth detention homes as
20 mandated by the Family Courts Act.] Youth detention homes may
21 also be established by private and NGOs licensed and accredited
22 by the DSWD, in consultation with the JJWC.

23 SEC. 50. *Care and Maintenance of the Child in Conflict with*
24 *the Law* OR YOUTHFUL OFFENDER. – The expenses for the care
25 and maintenance of a child in conflict with the law OR A
26 YOUTHFUL OFFENDER under institutional care shall be borne by
27 [his/her] THE CHILD'S parents or those persons liable to support
28 [him/her]; *Provided*, That in case [his/her] THE parents or those
29 persons liable [to] FOR THE support [him/her] cannot pay all or
30 part of said expenses, the CITY OR municipality where the

1 [offense was committed shall pay one-third (1/3) of said expenses
2 or part thereof; the province to which the municipality belongs shall
3 pay one-third (1/3) and the remaining one-third (1/3) shall be borne
4 by the national government. Chartered cities shall pay two-thirds
5 (2/3) of said expenses; and] CHILD RESIDES WILL PAY FOR THE
6 COST OR THE BALANCE OF THE UNPAID EXPENSES FOR
7 THE CARE AND MAINTENANCE OF SAID CHILD: *PROVIDED,*
8 *FURTHER,* THAT in case [a chartered] SAID city OR
9 MUNICIPALITY cannot pay said expenses, THE PROVINCE
10 SHALL PAY FOR IT. [part of the internal revenue allotments
11 applicable to the unpaid portion shall be withheld and applied to the
12 settlement of said obligations: *Provided, further,* That in the event
13 that the child in conflict with the law is not a resident of the
14 municipality/city where the offense was committed, the court, upon
15 its determination, may require the city/municipality where the child
16 in conflict with the law resides to shoulder the cost.]

17 All city and provincial governments must exert effort for the
18 immediate establishment of local detention homes for children in
19 conflict with the law OR YOUTHFUL OFFENDERS.

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

28 SEC. 52. *Rehabilitation of Children in Conflict with the Law*
29 *OR YOUTHFUL OFFENDERS.* – Children in conflict with the law
30 OR YOUTHFUL OFFENDERS, whose sentences are suspended
31 may, upon order of the court, undergo any or a combination of

1 disposition measures best suited to the rehabilitation and welfare of
2 the child as provided in the Supreme Court Rule on Juveniles in
3 Conflict with the Law.

4 If the community-based rehabilitation is availed of by a child
5 in conflict with the law OR A YOUTHFUL OFFENDER, [he/she]
6 THE CHILD shall be released to parents, guardians, relatives or
7 any other responsible person in the community. Under the
8 supervision and guidance of the local social welfare and
9 development officer, and in coordination with [his/her] THE
10 parents/guardian, the child in conflict with the law OR YOUTHFUL
11 OFFENDER shall participate in community-based programs, which
12 shall include, but not BE limited to:

- 13 (1) Competency and life skills development;
- 14 (2) Socio-cultural and recreational activities;
- 15 (3) Community volunteer projects;
- 16 (4) Leadership training;
- 17 (5) Social services;
- 18 (6) Homelife services;
- 19 (7) Health services;
- 20 (8) Spiritual enrichment; and
- 21 (9) Community and family welfare services.

22 x x x."

23 SEC. 12. Section 56 of RA 9344 is hereby amended to read as follows:

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

1 re-offending and make the children productive members of the
2 community."

3 SEC. 13. A new section shall be inserted after Section 57 of the same Act
4 to be designated as Section 57-A and which shall read as follows:

5 "SEC. 57-A. VIOLATIONS OF LOCAL ORDINANCES. –
6 ORDINANCES ENACTED BY LOCAL GOVERNMENTS
7 CONCERNING JUVENILE STATUS OFFENSES SUCH AS BUT
8 NOT LIMITED TO, CURFEW VIOLATIONS, TRUANCY,
9 PARENTAL DISOBEDIENCE, ANTI-SMOKING AND ANTI-
10 DRINKING LAWS, AS WELL AS LIGHT OFFENSES AND
11 MISDEMEANORS AGAINST PUBLIC ORDER OR SAFETY SUCH
12 AS, BUT NOT LIMITED TO, DISORDERLY CONDUCT, PUBLIC
13 SCANDAL, HARASSMENT, DRUNKENNESS, PUBLIC
14 INTOXICATION, CRIMINAL NUISANCE, VAGRANCY,
15 VANDALISM, GAMBLING, MENDICANCY, LITTERING, PUBLIC
16 URINATION, AND TRESPASSING, SHALL BE FOR THE
17 PROTECTION AND WELFARE OF CHILDREN. NO PENALTY
18 SHALL BE IMPOSED ON CHILDREN FOR SAID VIOLATIONS,
19 AND THEY SHALL INSTEAD BE BROUGHT TO THEIR
20 RESIDENCE OR TO THE BARANGAY HALL TO BE RELEASED
21 TO THE CUSTODY OF THEIR PARENTS. APPROPRIATE
22 INTERVENTION PROGRAMS SHALL BE PROVIDED FOR IN
23 SUCH ORDINANCES."

24 SEC. 14. Section 63 of the same Act is hereby amended to read as
25 follows:

26 "SEC. 63. *Appropriations.* – The amount necessary to carry
27 out the [initial implementation] PROVISIONS of this Act shall be
28 charged [to the Office of the President] AGAINST THE CURRENT
29 YEAR'S APPROPRIATION OF THE JUVENILE JUSTICE AND
30 WELFARE COUNCIL UNDER THE BUDGET OF THE
31 DEPARTMENT OF JUSTICE. Thereafter, such sums as may be
32 necessary for the continued implementation of this Act shall be

1 included in the BUDGET OF THE DEPARTMENT OF SOCIAL
2 WELFARE AND DEVELOPMENT UNDER THE ANNUAL
3 [succeeding] General Appropriations Act.

4 IN ADDITION, THE COUNCIL MAY ACCEPT DONATIONS,
5 GRANTS AND CONTRIBUTIONS FROM VARIOUS SOURCES, IN
6 CASH OR IN KIND FOR PURPOSES RELEVANT TO ITS
7 FUNCTIONS, SUBJECT TO THE USUAL GOVERNMENT
8 ACCOUNTING AND AUDITING RULES AND REGULATIONS."

9 [An initial amount of Fifty million pesos (P50,000,000.00) for
10 the purpose of setting up the JJWC shall be taken from the
11 proceeds of the Philippine Charity Sweepstakes Office.]

12 SEC. 15. The Title of Republic Act No. 9344 is hereby amended to read
13 as follows:

14 "An Act Establishing a Comprehensive Juvenile Justice
15 Welfare System, Creating the Juvenile Justice and Welfare Council
16 Under the Department of [Justice] **SOCIAL WELFARE AND**
17 **DEVELOPMENT**, Appropriating Funds Therefor and for other
18 Purposes."

19 SEC. 16. **Implementing Rules and Regulations.** – The JJWC shall
20 promulgate the necessary rules and regulation within sixty (60) days from the
21 effectivity of this Act.

22 SEC. 17. **Repealing Clause.** – All laws, decrees, ordinances and rules
23 inconsistent with the provisions of this Act are hereby modified or repealed
24 accordingly.

25

26 SEC. 70. **Separability Clause.** – If any provision of this Act is held
27 unconstitutional, other provisions not affected thereby shall remain valid and binding.

28 SEC. 19. **Effectivity Clause.** – This Act shall take effect after fifteen (15) days
29 from its publication in at least two (2) national newspapers of general circulation.

30 *Approved,*

House of Representatives

Committee Affairs Department

FACT SHEET

House Bill No. _____

in substitution of House Bill Nos. 467, 1495, 2611, 2894, 3077 and 3423

AN ACT STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE RA 9344 KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006"

Introduced by: Representatives Salvador H. Escudero III, Cinchona Cruz-Gonzales, Mel Senen S. Sarmiento, Jerry P. Treñas, Mary Mitzi L. Cajayon, Roberto V. Puno, Pablo P. Garcia, Rex Gatchalian, Karlo Alexei B. Nograles, Erico B. Aumentado, Anthony Rolando T. Golez, Jr. Romeo M. Acop, Pedro P. Romualdo, Rene L. Relampagos, Rufus B. Rodriguez, Cesar V. Sarmiento, Jeci A. Lapus, Carlo V. Lopez, Mercedes K. Alvarez, Maria Zenaida B. Angping, Susan A. Yap, Arnel M. Cerafica and Marlyn L. Primicias-Agabas

*Committee Referral
Committee Chairperson*

**COMMITTEE ON REVISION OF LAWS
HON. MARLYN L. PRIMICIAS-AGABAS**

OBJECTIVE:

- To provide just and proficient parameters in the treatment of children in conflict with the law specially youth offenders who act with discernment.

KEY PROVISIONS:

- Provides that a youthful offender refers to a child above twelve (12) but at least fifteen (15) years of age who acted with discernment and a child above fifteen (15) years old but under eighteen (18) years of age at the time of the alleged commission of a criminal offense.
- Suspends the sentence of a child twelve (12) years of age or under and a child above twelve (12) years old but at least (15) years of age who acted with discernment and was found guilty of an offense, but mandates that the child be committed to a repository institution or to the custody of the DSWD or any duly licensed agency.
- Provides that if the child failed to comply with the conditions of the repository institutions mentioned, the child would be returned to the committing court for the imposition of the penalty upon reaching eighteen (18) years of age.
- Provides, that If the offense charged is murder, parricide, homicide, kidnapping, rape, robbery, drug trafficking or other offenses punishable by more than twelve (12) years, such child shall be presumed to have acted with discernment.

- Transfers the supervision and control of the Juvenile Justice and Welfare Council from the Department of Justice to the Department of Social Welfare and Development.
- Deters the exploitation of juveniles by providing stiffer penalties to anyone found guilty of taking advantage of children to carry out criminal activities.
- Defines the responsibility of parents in the supervision of their children.
- Provides for assistance to be extended to victims of offenses committed by children.

RELATED LAWS:

- 1997 Philippine Constitution
- Revised Penal Code of the Philippines, as amended
- EO No. 227, known as "The Family Code of the Philippines."
- RA No 9344, known as "Juvenile Justice and Welfare Act of 2006."
- PD No. 603, known as "The Child and Youth Welfare Code."
- UN Convention of Rights of the Child
- UN Universal Declaration of Human Rights