

8

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **922**



Introduced by HON. IRWIN C. TIENG, HON. MARIANO MICHAEL M. VELARDE
and HON. JOSE L. ATIENZA, JR.

EXPLANATORY NOTE

This bill aims to lower the minimum age of criminal liability of a child offender from fifteen (15) years of age to nine (9) years of age.

While the noble intention of RA 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006" is beyond question as it affords more protection to juvenile delinquents, unforeseen events have occurred that a subsequent legislation has become a necessity. Since its passage, crimes involving minors have been tremendously increasing. The present minimum age of fifteen (15) years is not in accord with the reality nowadays. Recent reports show that numerous syndicates are taking advantage of the exempting circumstance under the present law. They use minors as implements and shields to perpetrate crimes.

Furthermore, the massive influence of modern communication has brought minors immense awareness of their surroundings. Minors these days are more matured and their perspectives in life have greatly improved as compared to minors 10 years ago. Accordingly, it is but timely to have our laws reviewed in order to adapt to the demands of time.

Hence, immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Irwin C. Tieng".

IRWIN C. TIENG

MARIANO MICHAEL M. VELARDE

JOSE L. ATIENZA, JR.

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**AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT 9344,
OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF
2006", AND FOR OTHER PURPOSES**

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

SECTION 1. Section 6 of Republic Act No. 9344 entitled 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.

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 20 of the same Act is likewise amended to read as follows:

SEC. 20. Children Below the Age of Criminal Responsibility. - If it has been determined that the child taken into custody is **NINE (9)** years old 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. 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".

SECTION 3. If any provision or section of this Act is declared unconstitutional or invalid, such portions not affected thereby shall remain in full force and effect.

SECTION 4. All laws, decrees, executive orders, rules and regulations inconsistent with the provision of this Act are hereby repealed or modified accordingly.

SECTION 5. This Act shall take effect immediately upon its approval.

Approved,