

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

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 3127



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Introduced by Representative DOY C. LEACHON

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### EXPLANATORY NOTE

This bill seeks to enhance the juvenile justice system of our country by expanding the coverage of reformation and rehabilitation programs for children in conflict with the law (CICL). Under this proposed measure, children below twelve (12) years of age shall be totally exempt from criminal liability, while children who are at least twelve (12) years of age but below eighteen (18) years of age shall likewise be exempt from criminal liability, unless they acted with discernment in committing crimes or felonies. This is in consonance with the minimum age of criminal responsibility set by the United Nations Convention on the Rights of the Child (UNCRC).

Another important component of this bill is the emphasis on the reformation and rehabilitation of CICL, starting from intervention measures for children who acted without discernment and diversion proceedings for children who acted with discernment, up to the imposition of the proper penalties and the service of sentence of CICL.

This bill proposes to cover CICL who are at least twelve (12) years of age but below eighteen (18) years of age under diversion proceedings in order to reform and rehabilitate them at the earliest possible time. If such children are not qualified to undergo diversion proceedings and the court finds them guilty of the crime charged, then the court shall impose the penalty two (2) degrees lower than that prescribed by law, or in case of fixed period of imprisonment, the penalty shall be reduced by two-thirds (2/3), and for life imprisonment, the penalty to be imposed shall be imprisonment up to twelve (12) years. In all cases, convicted CICL shall not be placed in correctional facilities for adults, but shall serve their sentences in agricultural and technical training facilities with separate facilities for boys and girls. At least two (2) training facilities each shall be established in Luzon, Visayas and Mindanao, under the direct control and supervision of the Department of Social Welfare and Development (DSWD).

In order to strengthen the protection of children against exploitation in the commission of crimes, this bill seeks to increase the penalty for persons who induce children to commit crimes. Thus, if the crime committed by the child so induced is punishable by imprisonment of six (6) years or less, the person or persons who induced such child to commit the crime shall be punished by *reclusion temporal* (imprisonment of 12 years to 20 years), and if the crime

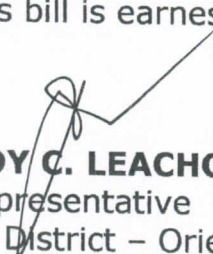
committed is punishable by more than six (6) years, the person who induced the child shall be punished by *reclusion perpetua*.

Finally, this bill proposes to return the establishment, operation and maintenance of *Bahay Pag-asa* to the DSWD, considering the sad reality that not all local government units have the capacity or funding to establish *Bahay Pag-asa* as currently required by law.

These proposed amendments to the Juvenile Justice and Welfare Act are aimed at a holistic approach to reformation and rehabilitation of children in conflict with the law, in order to ensure that such children will not be exposed to further harm and will, instead, be subjected to appropriate intervention and diversion proceedings, or will be able to serve their reduced sentences in preparation for their reintegration to society.

This bill was the product of the Committee on Justice in the 17<sup>th</sup> Congress during which I was the Chairman of the said Committee, and was passed by the House of Representatives on Third Reading on January 28, 2019.

For these reasons, the urgent passage of this bill is earnestly sought.



**DOY C. LEACHON**  
Representative  
1<sup>st</sup> District – Oriental Mindoro

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**AN ACT**

**EXPANDING THE SCOPE OF THE REFORMATION AND REHABILITATION  
OF CHILDREN IN CONFLICT WITH THE LAW AND STRENGTHENING THE  
SOCIAL REINTEGRATION PROGRAMS, AMENDING FOR THE PURPOSE  
REPUBLIC ACT NO. 9344, AS AMENDED, 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 4(s) of Republic Act No. 9344, otherwise known as the  
"Juvenile Justice and Welfare Act of 2006", as amended by Republic Act No.  
10630, is further amended to read as follows:

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

xxx

xxx

xxx

(s) 'Bahay Pag-asa' – refers to a 24-hour child-caring institution  
established, funded and managed by [local government units (LGUs)]  
**THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT  
(DSWD)** and licensed and/or accredited nongovernment organizations  
(NGOs) providing short-term residential care for children in conflict  
with the law who are [above fifteen (15)] **TWELVE (12) YEARS OF  
AGE AND ABOVE** but below eighteen (18) years of age who are  
**COMMITTED FOR REHABILITATION OR** awaiting court disposition  
of their cases or transfer to other agencies or jurisdiction."

Part of the features of a 'Bahay Pag-asa' is an intensive juvenile  
intervention and support center. This will cater to children in conflict  
with the law in accordance with Sections 20, 20-A and 20-B hereof.

A multi-disciplinary team composed of a social worker, a  
psychologist/mental health professional, a medical doctor, an  
educational/guidance counselor and a Barangay Council for the  
Protection of Children (BCPC) member shall operate the 'Bahay Pag-  
asa'. The team will work on the individualized intervention plan with

1 the child and the child's family.

2 XXX

XXX

XXX

3  
4 SEC. 2. Section 6 of the same Act, as amended, is further amended to read as  
5 follows:

6  
7 "SEC. 6. *Minimum Age of [Criminal] Responsibility* **OF CHILDREN IN**  
8 **CONFLICT WITH THE LAW** – A child [fifteen (15)] **BELOW TWELVE**  
9 **(12)** years of age [or under] at the time of the commission of the  
10 offense shall be exempt from [criminal] liability. However, the child  
11 shall be subjected to an intervention program pursuant to Section 20  
12 of this Act.

13  
14 A child is deemed to be [fifteen (15)] **TWELVE (12)** years of age on  
15 the day of the [fifteenth] **TWELFTH** anniversary of [his/her] **THE**  
16 **CHILD'S** birthdate.

17  
18 A child [above fifteen (15)] **TWELVE (12)** years **OF AGE AND ABOVE**  
19 but below eighteen (18) years of age shall likewise be exempt from  
20 [criminal] liability and be subjected to an intervention program, unless  
21 [he/she] **THE CHILD** has acted with discernment, in which case, such  
22 child shall be subjected to the appropriate **INTERVENTION AND**  
23 **DIVERSION** proceedings in accordance with this Act.

24  
25 The exemption from [criminal] liability herein established does not  
26 include exemption from civil liability, which shall be enforced in  
27 accordance with existing laws **AND THIS ACT.**"

28  
29 SEC. 3. Section 20 of the same Act, as amended, is further amended to read  
30 as follows:

31  
32 "SEC. 20. *Children IN CONFLICT WITH THE LAW Below the Age of*  
33 *[Criminal] Responsibility.* – If it has been determined that the child  
34 taken into custody is [fifteen (15) years old or] below **TWELVE (12)**  
35 **YEARS OF AGE**, the authority which will have an initial contact with  
36 the child, in consultation with the local social welfare and development  
37 officer, has the duty to immediately release the child to the custody of  
38 his/her parents or guardian, or in the absence thereof, the child's  
39 nearest relative. The child shall be subjected to a community-based  
40 intervention program supervised by the local social welfare and  
41 development officer unless the best interest of the child requires the  
42 referral of the child to a youth care facility or 'Bahay Pag-asa' managed  
43 by [LGUs or licensed and/or accredited NGOs monitored by] the  
44 DSWD.

45  
46 The local social welfare and development officer shall determine the  
47 appropriate programs for the child who has been released, in  
48 consultation with the child and the person having custody over the  
49 child. If the parents, guardians or nearest relatives cannot be located,

1 or if they refuse to take custody, the child may be released to any of  
2 the following:

3  
4 (a) A duly registered nongovernmental or religious organization;

5  
6 (b) A barangay official or a member of the Barangay Council for the  
7 Protection of Children (BCPC);

8  
9 (c) A local social welfare and development officer;

10  
11 **(D) A FOSTER PARENT; or,**

12  
13 **(E) [w] When and where appropriate, the DSWD.**

14  
15 **THE PARENT, GUARDIAN OR FOSTER PARENT WITH CUSTODY**  
16 **OVER THE CHILD SHALL LIKEWISE UNDERGO INTERVENTION**  
17 **PROGRAMS, INCLUDING PARENTING SEMINARS AND**  
18 **COUNSELLING, TO BE SUPERVISED BY THE LOCAL SOCIAL**  
19 **WELFARE AND DEVELOPMENT OFFICER IN ORDER TO PROVIDE**  
20 **THE PRIMARY SUPPORT IN THE REHABILITATION AND SOCIAL**  
21 **REINTEGRATION OF THE CHILD.**

22  
23 If [the child has been found by the local social welfare and  
24 development officer to be dependent, abandoned, neglected or abused  
25 by his/her parents and] the best interest of the child requires that  
26 [he/she] **THE CHILD** be placed in a youth care facility or 'Bahay Pag-  
27 asa', the child's parents or guardians shall execute a written  
28 authorization for the voluntary commitment of the child: *Provided,*  
29 That if the child has no parents or guardians or if they refuse or fail to  
30 execute the written authorization for voluntary commitment, the  
31 proper petition for involuntary commitment shall be immediately filed  
32 by the DSWD or the Local Social Welfare and Development Office  
33 (LSWDO) pursuant to Presidential Decree No. 603, as amended,  
34 otherwise known as 'The Child and Youth Welfare Code' and the  
35 Supreme Court rule on commitment of children: *Provided, further,*  
36 That the minimum age for children committed to a youth care facility  
37 or 'Bahay Pag-asa' shall be twelve (12) years old."

38  
39 SEC. 4. Section 20-A of the same Act, as amended, is further amended to read  
40 as follows:

41  
42 "SEC. 20-A. *Serious Crimes Committed by Children* **IN CONFLICT**  
43 **WITH THE LAW [Who Are Exempt From Criminal Responsibility]. -**  
44 A child who is above twelve (12) years of age up to [fifteen (15)]  
45 **EIGHTEEN (18)** years of age and who commits parricide, murder,  
46 infanticide, kidnapping and serious illegal detention where the victim  
47 is killed or raped, robbery with homicide or rape, destructive arson,  
48 rape, or carnapping where the driver or occupant is killed or raped or  
49 offenses under Republic Act No. 9165 (Comprehensive Dangerous  
50 Drugs Act of 2002) punishable by more than twelve (12) years of  
51 imprisonment shall be deemed a neglected child under Presidential

1 Decree No. 603, as amended, and shall be mandatorily placed in a  
2 special facility within the youth care facility or 'Bahay Pag-asa' called  
3 the Intensive Juvenile Intervention and Support Center (IJISC).  
4

5 In accordance with existing laws, rules, procedures and guidelines, the  
6 proper petition for involuntary commitment and placement under the  
7 IJISC shall be filed by the local social welfare and development officer  
8 of the LGU where the offense was committed, or by the DSWD social  
9 worker in the local social welfare and development officer's absence,  
10 within twenty-four (24) hours from the time of the receipt of a report  
11 on the alleged commission of said child. The court, where the petition  
12 for involuntary commitment has been filed shall decide on the petition  
13 within seventy-two (72) hours from the time the said petition has been  
14 filed by the DSWD/LSWDO. The court will determine the initial period  
15 of placement of the child within the IJISC which shall not be less than  
16 one (1) year. The multi-disciplinary team of the IJISC will submit to  
17 the court a case study and progress report, to include a psychiatric  
18 evaluation report and recommend the reintegration of the child to  
19 his/her family or the extension of the placement under the IJISC. The  
20 multi-disciplinary team will also submit a report to the court on the  
21 services extended to the parents and family of the child and the  
22 compliance of the parents in the intervention program. The court will  
23 decide whether the child has successfully completed the center-based  
24 intervention program and is already prepared to be reintegrated with  
25 his/her family or if there is a need for the continuation of the center-  
26 based rehabilitation of the child. The court will determine the next  
27 period of assessment or hearing on the commitment of the child."  
28

29 SEC. 5. Section 20-B of the same Act, as amended, is further amended to read  
30 as follows:  
31

32 "SEC. 20-B. *Repetition of Offenses.* – A child who is above twelve (12)  
33 years of age up to [fifteen (15)] **EIGHTEEN (18)** years of age and  
34 who commits an offense for the second time or oftener: *Provided*, That  
35 the child was previously subjected to a community-based intervention  
36 program, shall be deemed a neglected child under Presidential Decree  
37 No. 603, as amended, and shall undergo an intensive intervention  
38 program supervised by the local social welfare and development  
39 officer: *Provided*, further, That, if the best interest of the child requires  
40 that [he/she] **SUCH CHILD** be placed in a youth care facility or 'Bahay  
41 Pag-asa', the child's parents, **FOSTER PARENTS** or guardians shall  
42 execute a written authorization for the voluntary commitment of the  
43 child: *Provided*, finally, That if the child has no parents, **FOSTER**  
44 **PARENTS** or guardians or if they refuse or fail to execute the written  
45 authorization for voluntary commitment, the proper petition for  
46 involuntary commitment shall be immediately filed by the DSWD or  
47 the LSWDO pursuant to Presidential Decree No. 603, as amended."  
48

1 SEC. 6. Section 20-C of the same Act, as amended, is further amended to read  
2 as follows:

3  
4 "SEC. 20-C. *Exploitation of Children for Commission of Crimes.* – Any  
5 person who, in the commission of a crime, makes use, takes advantage  
6 of, or profits from the use of [children] **A CHILD**, including any person  
7 who abuses his/her authority over the child, or who[, with abuse of  
8 confidence, takes advantage of the vulnerabilities of the child and shall  
9 induce, threaten or instigate the commission of the crime,]  
10 **OTHERWISE INDUCES OR COERCES A CHILD TO COMMIT A**  
11 **CRIME**, shall be [imposed the penalty prescribed by law for the crime  
12 committed in its maximum period] **PUNISHED BY RECLUSION**  
13 **TEMPORAL IF THE CRIME COMMITTED IS PUNISHABLE BY**  
14 **IMPRISONMENT OF SIX (6) YEARS OR LESS, AND BY**  
15 **RECLUSION PERPETUA IF THE CRIME COMMITTED IS**  
16 **PUNISHABLE BY IMPRISONMENT OF MORE THAN SIX (6)**  
17 **YEARS."**

18  
19 SEC. 7. Section 20-D of the same Act, as amended, is further amended to read  
20 as follows:

21  
22 "SEC. 20-D. *Joint Parental Responsibility.* – Based on the  
23 recommendation of the multi-disciplinary team of the IJISC, the  
24 LSWDO or the DSWD, the court may require the parents of a child in  
25 conflict with the law to undergo counseling or any other intervention  
26 that, in the opinion of the court, would advance the welfare and best  
27 interest of the child.

28  
29 **PARENTS OF CHILDREN WHO COMMITTED ANY OF THE**  
30 **SERIOUS CRIMES UNDER SECTION 20-A OF THIS ACT, AND OF**  
31 **CHILDREN WHO ARE REPEAT OFFENDERS UNDER SECTION 20-**  
32 **B OF THIS ACT, SHALL UNDERGO MANDATORY INTERVENTION**  
33 **PROGRAMS, INCLUDING PARENTING SEMINARS AND**  
34 **COUNSELLING. THE FAILURE OF SUCH PARENTS TO UNDERGO**  
35 **MANDATORY INTERVENTION, UNLESS PREVENTED BY A**  
36 **LAWFUL CAUSE, SHALL BE A GROUND FOR IMPRISONMENT**  
37 **FOR AT LEAST THIRTY (30) DAYS BUT NOT MORE THAN SIX (6)**  
38 **MONTHS.**

39  
40 As used in this Act, 'parents' shall mean any of the following:

41  
42 (a) Biological parents of the child; or

43  
44 (b) Adoptive parents of the child; or

45  
46 (c) Individuals who have custody of the child[.]; **OR**

47  
48 **(D) A DULY LICENSED FOSTER PARENT, PURSUANT TO**  
49 **REPUBLIC ACT NO. 10165, OTHERWISE KNOWN AS THE**  
50 **"FOSTER CARE ACT OF 2012".**  
51

1 A court exercising jurisdiction over a child in conflict with the law may  
2 require the attendance of one or both parents of the child at the place  
3 where the proceedings are to be conducted.  
4

5 The parents shall be **PRIMARILY** liable for **CIVIL** damages **ARISING**  
6 **OUT OF THE ACTIONS OF THE CHILD IN CONFLICT WITH THE**  
7 **LAW** unless they prove, to the satisfaction of the court, that they were  
8 exercising reasonable supervision over the child at the time the child  
9 committed the offense and exerted reasonable effort and utmost  
10 diligence to prevent or discourage the child from committing another  
11 offense."  
12

13 SEC. 8. Section 22 of the same Act, as amended, is further amended to read as  
14 follows:  
15

16 "SEC. 22. *Duties During Initial Investigation.* - The law enforcement  
17 officer shall, in his/her investigation, determine where the case  
18 involving the child in conflict with the law should be referred.  
19

20 The taking of the statement of the child shall be conducted in the  
21 presence of the following: (1) child's counsel of choice or in the absence  
22 thereof, a lawyer from the Public Attorney's Office; (2) the child's  
23 parents, **FOSTER PARENT**, guardian, or nearest relative, as the case  
24 may be; and (3) the local social welfare and development officer. In  
25 the absence of the child's parents, **FOSTER PARENT**, guardian, or  
26 nearest relative, and the local social welfare and development officer,  
27 the investigation shall be conducted in the presence of a representative  
28 of an NGO, religious group, or member of the BCPC.  
29

30 The **LOCAL** social [worker] **WELFARE AND DEVELOPMENT**  
31 **OFFICER** shall conduct an initial assessment to determine the  
32 appropriate interventions and whether the child acted with  
33 discernment, using the discernment assessment tools developed by the  
34 DSWD. The initial assessment shall be without prejudice to the  
35 preparation of a more comprehensive case study report. **THE**  
36 **ASSESSMENT SHALL INCLUDE IDENTIFICATION OF PHYSICAL**  
37 **AND MENTAL HEALTH ISSUES, SUBSTANCE ABUSE AND FAMILY**  
38 **ISSUES.** The local social [worker] **WELFARE AND DEVELOPMENT**  
39 **OFFICER** shall do either of the following:  
40

41 (a) Proceed in accordance with Section 20 if the child is [fifteen (15)  
42 years or] below **TWELVE (12) YEARS OF AGE** or [above fifteen (15)]  
43 **TWELVE (12) YEARS OF AGE AND ABOVE** but below eighteen (18)  
44 years [old] **OF AGE** who acted without discernment; and  
45

46 (b) If the child is [above fifteen (15) years old] **TWELVE (12) YEARS**  
47 **OF AGE AND ABOVE** but below eighteen (18) **YEARS OF AGE** and  
48 [who] acted with discernment **OR COMMITTED A SERIOUS**

1 **OFFENSE UNDER SECTION 20-A OF THIS ACT**, proceed to diversion  
2 under the following chapter.”

3  
4 SEC. 9. A new Section 37-A shall be inserted after Section 37 of the same Act,  
5 and shall read as follows:  
6

7 **SEC. 37-A. REDUCED SENTENCE FOR CHILDREN IN CONFLICT**  
8 **WITH THE LAW. – ALL LAWS TO THE CONTRARY**  
9 **NOTWITHSTANDING, AND SUBJECT TO OTHER PROVISIONS IN**  
10 **THIS ACT RELATIVE TO THE SENTENCING OF CHILDREN IN**  
11 **CONFLICT WITH THE LAW, THE COURT SHALL IMPOSE THE**  
12 **PENALTY TWO (2) DEGREES LOWER THAN THAT PRESCRIBED**  
13 **IN THE LAW FOR CRIMES COMMITTED BY CHILDREN IN**  
14 **CONFLICT WITH THE LAW. IN CASES WHERE THE LAW**  
15 **PRESCRIBES A FIXED PERIOD OF IMPRISONMENT, THE PERIOD**  
16 **SHALL BE REDUCED BY TWO-THIRDS. FOR CRIMES PUNISHABLE**  
17 **BY LIFE IMPRISONMENT, THE PENALTY TO BE IMPOSED SHALL**  
18 **BE IMPRISONMENT OF UP TO TWELVE (12) YEARS.**  
19

20 SEC. 10. Section 40 of the same Act is amended to read as follows:  
21

22 “SEC. 40. *Return of the Child in Conflict with the Law to Court.* - If the  
23 court finds that the objective of the [disposition] **REFORMATION**  
24 **AND REHABILITATION** measures imposed upon the child in conflict  
25 with the law have not been fulfilled, or if the child in conflict with the  
26 law has willfully failed to comply with the conditions of his/her  
27 [disposition] **REFORMATION** or rehabilitation program, the child in  
28 conflict with the law shall be brought before the court for execution of  
29 judgment.  
30

31 If said child in conflict with the law has reached eighteen (18) years of  
32 age while under suspended sentence, the court shall determine  
33 whether to discharge the child in accordance with this Act, to order  
34 execution of sentence, or to extend the [suspended] **SUSPENSION**  
35 **OF THE** sentence for a certain specified period or until the child  
36 reaches the maximum age of [twenty-one (21)] **TWENTY-FIVE (25)**  
37 years.”  
38

39 SEC. 11. Section 41 of the same Act is amended to read as follows:  
40

41 SEC. 41. *Credit in Service of Sentence.* - The child in conflict with the  
42 law shall be credited in the services of his/her sentence with the full  
43 time spent in actual commitment and detention under this Act. **A**  
44 **CHILD WITH GOOD CONDUCT AND BEHAVIOR WHILE**  
45 **UNDERGOING DIVERSION, INTERVENTION, REHABILITATION,**  
46 **OR DETENTION IN ANY FACILITY UNDER THIS ACT, SHALL BE**  
47 **ALLOWED DEDUCTIONS FROM THE PERIOD OF SENTENCE AS**  
48 **PROVIDED IN ARTICLE 97 OF THE REVISED PENAL CODE, AS**  
49 **AMENDED.**  
50

1 SEC. 12. A new Section 43-A is inserted after Section 43 of the same Act, to  
2 read as follows:

3  
4 **SEC. 43-A. PENALTY FOR VIOLATION OF CONFIDENTIALITY OF**  
5 **RECORDS - ANY PERSON WHO HAS BEEN FOUND GUILTY OF**  
6 **DIVULGING, WILFULLY OR THROUGH GROSS INEXCUSABLE**  
7 **NEGLIGENCE, THE RECORDS OR ANY INFORMATION RELATING**  
8 **TO THE PROCEEDINGS INVOLVING CHILDREN IN CONFLICT**  
9 **WITH THE LAW, SHALL SUFFER THE PENALTIES IMPOSED IN**  
10 **TITLE VII, CHAPTER 3 OF THIS ACT.**

11  
12 SEC. 13. Section 49 of the same Act, as amended, is further amended to  
13 read as follows:

14  
15 "SEC. 49. *Establishment of 'Bahay Pag-Asa'.* - [Each province and  
16 highly-urbanized city (the LGUs)] **THE DSWD** shall be responsible for  
17 building, funding and operating a 'Bahay Pag-asa' [within their  
18 jurisdiction] **IN PROVINCES AND CITIES TO BE IDENTIFIED BY**  
19 **THE JJWC**, following the standards that will be set by the DSWD and  
20 adopted by the JJWC.

21  
22 **ALL 'BAHAY PAG-ASA' THAT ARE CURRENTLY OPERATED AND**  
23 **MAINTAINED BY LGUS SHALL CONTINUE TO BE OPERATED,**  
24 **MAINTAINED AND FUNDED BY THE RESPECTIVE LGUS UNTIL**  
25 **SUCH TIME THAT THE OPERATIONS AND MANAGEMENT OF THE**  
26 **BAHAY PAG-ASA SHALL HAVE BEEN TRANSFERRED TO THE**  
27 **DSWD. THEREAFTER, THE FUNDING NECESSARY FOR THE**  
28 **ESTABLISHMENT AND CONTINUED OPERATION OF 'BAHAY**  
29 **PAG-ASA' SHALL BE INCLUDED IN THE BUDGET OF THE DSWD**  
30 **IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

31  
32 Every 'Bahay Pag-asa' will have a special facility called the IJISC. This  
33 Center will be allocated for children in conflict with the law in  
34 accordance with Sections 20, 20-A and 20-B hereof. These children  
35 will be required to undergo a more intensive multi-disciplinary  
36 intervention program. The JJWC in partnership with, but not limited to,  
37 the DSWD, the DOH, the DepED and the DILG, will develop and set  
38 the standards for the implementation of the multi-disciplinary  
39 intervention program of the IJISC. Upon institutionalization of the  
40 IJISC program, the JJWC will continue to monitor and provide technical  
41 assistance to the multi-disciplinary teams operating the said centers."  
42

43 SEC. 14. Section 51 of the same Act is amended to read as follows:

44  
45 "SEC. 51. *Confinement of Convicted Children in Agricultural [Camps]*  
46 *and [other] TECHNICAL Training Facilities.* - A child in conflict with  
47 the law [may] **SHALL**, after conviction and upon order of the court, be  
48 made to serve his/her sentence, in lieu of confinement in a regular  
49 penal institution, in an agricultural [camp and other] **OR TECHNICAL**  
50 **training FACILITY** [facilities] that [may] **SHALL** be established,  
51 maintained, supervised and controlled by the **DSWD** [BuCor], in

1 [coordination] **PARTNERSHIP** with the [DSWD] **BUCOR AND THE**  
2 **TECHNICAL EDUCATION AND SKILLS DEVELOPMENT**  
3 **AUTHORITY (TESDA).**  
4

5 **THE DSWD, IN PARTNERSHIP WITH THE BUCOR, SHALL**  
6 **ESTABLISH AT LEAST TWO (2) AGRICULTURAL TRAINING**  
7 **FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THE**  
8 **DSWD, IN PARTNERSHIP WITH TESDA, SHALL LIKEWISE**  
9 **ESTABLISH AT LEAST TWO (2) TECHNICAL TRAINING**  
10 **FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THERE**  
11 **SHALL BE SEPARATE FACILITIES FOR MALE AND FEMALE**  
12 **CHILDREN IN EVERY AGRICULTURAL CAMP AND TRAINING**  
13 **FACILITY.**  
14

15 **THE DSWD, IN COORDINATION WITH THE BUCOR AND TESDA,**  
16 **SHALL DESIGN AND IMPLEMENT THE REHABILITATION AND**  
17 **INTERVENTION PROGRAMS IN THESE SPECIALIZED**  
18 **FACILITIES IN ORDER TO PREPARE THE RESIDENTS THEREIN**  
19 **FOR SUCCESSFUL REINTEGRATION INTO THEIR FAMILIES AND**  
20 **COMMUNITIES UPON DISCHARGE AND RELEASE.**  
21

22 **THE AMOUNT NECESSARY FOR THE ESATBLISHMENT,**  
23 **OPERATION AND MAINTENANCE OF AGRICULTURAL AND**  
24 **TECHNICAL TRAINING FACILITIES SHALL BE INCLUDED IN THE**  
25 **BUDGET OF THE DSWD IN THE ANNUAL GENERAL**  
26 **APPROPRIATIONS ACT."**  
27

28 SEC. 15. Section 52 of the same Act is amended to read as follows:  
29

30 "SEC. 52. *Rehabilitation of Children in Conflict with the Law.* - Children  
31 in conflict with the law, whose sentences are suspended may, upon  
32 order of the court, undergo any or a combination of disposition  
33 measures best suited to the rehabilitation and welfare of the child as  
34 provided in the Supreme Court Rule on Juveniles in Conflict with the  
35 Law.  
36

37 If the community-based rehabilitation is availed of by a child in conflict  
38 with the law, he/she shall be released to parents, guardians, relatives,  
39 **ACCREDITED FOSTER PARENTS** or any other responsible person in  
40 the community. Under the supervision and guidance of the local social  
41 welfare and development officer, and in coordination with his/her  
42 parents/guardian, the child in conflict with the law shall participate in  
43 community-based programs, which shall include, but not limited to:  
44

45 xxx

46 xxx

47 xxx"

48 SEC. 16. Section 64 of the same Act, as amended, is further amended to read  
49 as follows:

1 SEC. 64. *Children in Conflict with the Law* [Fifteen (15) Years Old and]  
2 below **TWELVE (12) YEARS OF AGE**. - Upon effectivity of this Act,  
3 cases [of children fifteen (15) years old and] **INVOLVING CHILDREN**  
4 **IN CONFLICT WITH THE LAW** below **TWELVE (12) YEARS OF AGE**  
5 at the time of the commission of the crime shall immediately be  
6 dismissed and the child shall be referred to the appropriate local social  
7 welfare and development officer. Such officer, upon thorough  
8 assessment of the child, shall determine whether to release the child  
9 to the custody of his/her parents, or refer the child to prevention  
10 programs as provided under this Act. Those with suspended sentences  
11 and undergoing rehabilitation at the youth rehabilitation center shall  
12 likewise be released, unless it is contrary to the best interest of the  
13 child.  
14

15 SEC. 17. *Implementing Rules and Regulations*. - The JJWC shall promulgate the  
16 necessary rules and regulations for the effective implementation of this Act  
17 within ninety (90) days from the effectivity of this Act.  
18

19 SEC. 18. *Separability Clause*. - If any provision of this Act is held to be  
20 unconstitutional, other provisions not affected thereby shall remain valid and  
21 binding.  
22

23 SEC. 19. *Repealing Clause*. - Republic Act No. 9344, as amended by Republic  
24 Act No. 10630, is hereby amended accordingly. All laws, decrees, ordinances  
25 and rules inconsistent with the provisions of this Act are hereby modified or  
26 repealed accordingly.  
27

28 SEC. 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its  
29 publication in the *Official Gazette* or in a newspaper of general circulation.  
30

31  
32 Approved,  
33