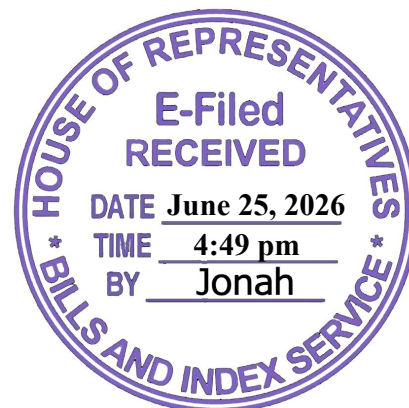




REPUBLIC OF THE PHILIPPINES
House of Representatives
CONSTITUTION HILLS, QUEZON CITY

TWENTIETH CONGRESS
First Regular Session

House Bill No. 9950



AN ACT LOWERING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY FROM FIFTEEN (15) YEARS TO TEN (10) YEARS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006," AS AMENDED BY REPUBLIC ACT NO. 10630, AND FOR OTHER PURPOSES

Introduced by Representative SHIRLYN L. BAÑAS-NOGRALES

EXPLANATORY NOTE

The State recognizes the vital role of the youth in nation-building and affirms its commitment to promote and protect their physical, moral, spiritual, intellectual, and social well-being. At the same time, the State bears the equally important responsibility of maintaining peace and order, protecting communities from criminality, and ensuring that justice is effectively administered.

Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006," as amended by Republic Act No. 10630, established a child-sensitive juvenile justice and welfare system in the Philippines. The law raised the minimum age of criminal responsibility from nine (9) years under the Revised Penal Code to fifteen (15) years, thereby exempting children fifteen (15) years of age or below from criminal liability regardless of the nature of the offense committed. Children above fifteen (15) but below eighteen (18) years of age may only be held criminally liable upon proof that they acted with discernment.

The Supreme Court, in the cases of *Joemar Ortega vs. People* (G.R. No. 151085, August 20, 2008); *Robert Sierra y Caneda vs. People* (G.R. No. 182941, July 3, 2009), and *CICL XXX vs. People* (G.R. No. 238798, March 14, 2023), consistently affirmed that the current minimum age of criminal responsibility is fifteen (15) years and that discernment is a necessary element in determining the liability of minors above such age threshold.

While the Juvenile Justice and Welfare Act has undeniably advanced the protection of children's rights, developments over the past two decades have exposed serious challenges that necessitate legislative review. Law enforcement agencies, local government units, social welfare practitioners, and community stakeholders have reported increasing instances wherein criminal syndicates, drug trafficking networks, organized theft groups, and other criminal organizations deliberately recruit and utilize children below the age of criminal responsibility to carry out unlawful activities. The existing legal framework has, in some cases, inadvertently created opportunities for criminal elements to exploit minors as instruments for the commission of offenses while insulating the true perpetrators from accountability.

Moreover, the realities confronting Filipino children today are significantly different from those prevailing when Republic Act No. 9344 was enacted in 2006. Access to information

technology, social media, digital communication platforms, and other forms of mass communication has considerably accelerated the acquisition of knowledge and awareness among young people. Many children now develop a greater understanding of social norms, legal rules, and the consequences of their actions at a much earlier age. Consequently, the law must evolve to address these changing realities while preserving the fundamental rights and welfare of children.

This proposed measure seeks to lower the minimum age of criminal responsibility from fifteen (15) years to ten (10) years. The proposal is not intended to criminalize childhood nor to abandon the principles of restorative justice and rehabilitation embodied in Republic Act No. 9344. Rather, it seeks to establish a more balanced framework that recognizes both the rights of children and the legitimate interests of society in ensuring accountability for unlawful conduct.

Under the proposed measure, children below ten (10) years of age shall continue to enjoy absolute exemption from criminal liability and shall be subjected to appropriate intervention programs. Children who are ten (10) years of age but below eighteen (18) years of age shall remain exempt from criminal liability unless the prosecution is able to establish beyond reasonable doubt that they acted with discernment. The burden of proving discernment shall continue to rest upon the State, thereby preserving an essential safeguard against the unwarranted prosecution of children.

The Bill likewise strengthens existing intervention, diversion, rehabilitation, and reintegration mechanisms by mandating intensive psychological, educational, social, and family-centered programs for children in conflict with the law. Furthermore, it imposes more severe consequences upon adults who recruit, coerce, induce, exploit, or use children in the commission of crimes, recognizing that such individuals bear the greatest responsibility for the corruption and victimization of minors.

This measure proceeds from the principle that accountability and rehabilitation are complementary objectives. A juvenile justice system that promotes responsibility, protects children from criminal exploitation, strengthens family and community interventions, and ensures meaningful rehabilitation ultimately serves the best interests of both the child and society.

By lowering the minimum age of criminal responsibility to ten (10) years while retaining robust safeguards for discernment, diversion, rehabilitation, and restorative justice, this Bill seeks to strengthen the administration of justice, deter the exploitation of minors by criminal elements, promote public safety, and foster a culture of responsibility among the youth.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.


SHIRLYN L. BAÑAS-NOGRALES



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

SECTION 1. *Short Title.* – This Act shall be known as the “Minimum Age of Criminal Responsibility Reform Act of 2026.”

SECTION 2. *Declaration of Policy.* – The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.

The State likewise recognizes its duty to protect children from exploitation, abuse, manipulation, and recruitment by criminal syndicates, organized crime groups, drug trafficking networks, and other unlawful organizations that take advantage of the existing minimum age of criminal responsibility to evade criminal accountability.

While rehabilitation, intervention, and restorative justice remain the primary approaches in dealing with children in conflict with the law, the State acknowledges that children who have reached a sufficient level of mental, emotional, and moral development may already possess the capacity to understand the consequences of their actions and should therefore be held appropriately accountable for serious violations of the law, subject to age-appropriate judicial proceedings and rehabilitation measures.

Toward this end, the State shall strengthen the juvenile justice system by lowering the minimum age of criminal responsibility to ten (10) years while ensuring that children are accorded all rights guaranteed under the Constitution, international human rights instruments, and existing laws.

SECTION. 3. *Amendment of Section 4 of Republic Act No. 9344.* – Section 4 of Republic Act No. 9344, as amended, is hereby further amended to include the following definition:

“(v.) Discernment” refers to the mental capacity of a child to understand the difference between right and wrong and to appreciate the consequences and effects of a wrongful act at the time of its commission.”

SECTION 4. *Amendment of Section 6 of Republic Act No. 9344.* – Section 6 of Republic Act No. 9344, as amended by Section 3 of Republic Act No. 10630, is hereby further amended to read as follows:

“SECTION 6. *Minimum Age of Criminal Responsibility.* – A child below ten (10) years of age at the time of the commission of the offense shall be exempt from criminal liability and shall be subjected to an intervention program pursuant to Section 20 of Republic Act No. 9344, as amended.

A child is deemed to be ten (10) years of age on the day of the tenth anniversary of his/her birthdate.

A child who is ten (10) years of age but below eighteen (18) years of age shall likewise be exempt from criminal liability and shall be subjected to an intervention program unless he or she has acted with discernment, in which case such child shall be subjected to the appropriate proceedings in accordance with the provisions of Republic Act No. 9344, as amended.

In determining discernment, the court shall consider the child's age, educational attainment, family environment, mental and emotional maturity, behavior before, during, and after the commission of the offense, and other relevant circumstances.

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

SECTION 5. *Creation of Intensive Juvenile Intervention and Rehabilitation Program.* – Children ten (10) years of age but below eighteen (18) years of age who are found to have acted with discernment shall be enrolled in an Intensive Juvenile Intervention and Rehabilitation Program under the supervision of the Department of Social Welfare and Development (DSWD), in coordination with the Department of Justice (DOJ), Local Government Units (LGUs), and accredited child-caring institutions.

Such program shall include:

- a.) Psychological assessment and counseling;
- b.) Educational and skills development interventions;
- c.) Family-based rehabilitation programs;
- d.) Community service and restorative justice mechanisms; and
- e.) Reintegration programs designed to prevent recidivism.

SECTION. 6. *Protection Against Exploitation by Criminal Syndicates.* – Any person who recruits, coerces, induces, utilizes, harbors, or exploits a child in the commission of any crime shall suffer the penalty next higher in degree than that prescribed by law for the offense committed, without prejudice to prosecution under other applicable laws.

The use of children by criminal syndicates, organized crime groups, drug trafficking organizations, terrorist groups, or similar unlawful associations shall constitute an aggravating circumstance.

SECTION 7. *Mandatory Social Case Study Report.* – Before the filing of any criminal action involving a child ten (10) years of age but below eighteen (18) years of age, the local social welfare and development officer shall prepare a Social Case Study Report evaluating the child's family background, educational status, psychological condition, and level of discernment.

The report shall form part of the records of the case and shall be considered by the court in determining criminal responsibility and appropriate disposition measures.

SECTION 8. *Diversion Measures.* – Diversion proceedings under this Act shall remain available to qualified children in conflict with the law. The lowering of the minimum age of criminal responsibility shall not diminish the availability of diversion programs, restorative justice mechanisms, and community-based rehabilitation services.

SECTION 9. *Institutional Strengthening.* – The Department of Social Welfare and Development, Department of Justice, Department of the Interior and Local Government, Council for the Welfare of Children, Juvenile Justice and Welfare Council, and Local Government Units shall strengthen and expand child intervention facilities, *Bahay Pag-asa* centers, psychological services, and rehabilitation programs to effectively implement this Act.

SECTION 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Justice, Department of Social Welfare and Development, Juvenile Justice and Welfare Council, and other concerned agencies shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 11. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 12. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,