

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 10026



Introduced by: **REP. RACHEL MARGUERITE "CUTIE" DEL MAR**

EXPLANATORY NOTE

Republic Act No. 9344, otherwise known as the *Juvenile Justice and Welfare Act of 2006*, as amended by Republic Act No. 10630, institutionalized a restorative juvenile justice system that protects the rights of children in conflict with the law while promoting their rehabilitation and reintegration into society. Since its enactment, the law has provided an important framework for safeguarding children's rights while recognizing their developmental needs and capacity for reform.

Nearly two decades after its enactment, however, the implementation of the law has revealed challenges that warrant legislative refinement. Government agencies, local government units, law enforcement authorities, prosecutors, and social welfare practitioners have observed the increasing involvement of minors in the commission of serious offenses, as well as the continued exploitation of children by criminal organizations and adult offenders who deliberately take advantage of the special protections afforded by existing law.

These developments call for measures that strengthen the juvenile justice system by ensuring that children remain protected from abuse and exploitation while promoting accountability appropriate to their age, maturity, and capacity to understand the consequences of their actions. Such reforms must continue to uphold the constitutional policy of recognizing the vital role of the youth in nation-building and promoting and protecting their physical, moral, spiritual, intellectual, and social well-being, while likewise protecting the public from serious criminality.

Accordingly, this bill seeks to further strengthen Republic Act No. 9344 by refining the minimum age of criminal responsibility and establishing clearer standards for determining whether a child possesses discernment based on an individualized assessment conducted by qualified professionals and ultimately determined by the courts. The measure likewise

strengthens the legal framework governing serious offenses committed by children, repeat offending, rehabilitation during criminal proceedings, judicial disposition measures, and social reintegration.

The bill reinforces community-based intervention programs for children below the age of criminal responsibility while expanding rehabilitation services for children who become subject to criminal proceedings. It enhances the operation of Bahay Pag-asa and Intensive Juvenile Intervention and Support Centers, provides for comprehensive educational, psychological, vocational, and therapeutic interventions, and ensures that children are not confined in regular penal institutions but are placed in facilities appropriate to their age and rehabilitation needs.

Recognizing that juvenile delinquency is frequently rooted in family and community conditions, the measure likewise strengthens parental participation and accountability through mandatory intervention programs where appropriate and reinforces civil responsibility consistent with existing law. It likewise imposes more severe penalties on persons who exploit, coerce, induce, or otherwise use children in the commission of crimes, thereby addressing one of the principal causes of juvenile offending.

Ultimately, this measure seeks to establish a juvenile justice system that remains faithful to the rehabilitative principles embodied in existing law while ensuring a more effective, balanced, and responsive framework that promotes accountability, protects children from exploitation, safeguards the rights of victims, and advances the interests of justice and public safety.

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


RACHEL MARGUERITE "CUTIE" DEL MAR

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AN ACT
FURTHER STRENGTHENING THE JUVENILE JUSTICE AND WELFARE
SYSTEM, 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

*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, otherwise known as the Juvenile Justice and Welfare Act of 2006, as amended by Republic Act No. 10630, is hereby further amended to read as follows. -

“SEC. 6. Minimum Age of Criminal Responsibility. - A child [fifteen (15) years of age or under] **BELOW TWELVE (12) YEARS OF AGE** 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 is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.]

A child [above fifteen (15) years but below eighteen (18) 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] **TWELVE (12) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE IS PRESUMED TO HAVE ACTED WITH DISCERNMENT, IN WHICH CASE HE/SHE**

CANNOT AVAIL OF THE DIVERSION PROGRAM UNDER THIS ACT AND HE/SHE WILL BE TRIED AS AN ADULT IN ACCORDANCE WITH THE PROVISIONS OF THE RULES OF COURT.

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

SEC. 2. Section 20 of the same Act, as amended, is hereby further 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 [fifteen (15) years old or below] BELOW TWELVE (12) YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE, the authority which will have [an initial] INITIAL contact with the child[, in consultation with the local social welfare and development officer, has the duty to] SHALL immediately release the child to the custody of his/her parents[, OR guardian, or [in the absence thereof, the child’s] nearest relative, IN CONSULTATION WITH THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER.

The child shall be subjected to a community-based intervention program supervised by the local social welfare and development officer, unless the best interest of the child requires [the] referral [of the child] to a youth care facility[, [or] ‘Bahay Pag-asa’, managed by LGUs or licensed and/or accredited NGOs monitored by the DSWD] OR OTHER APPROPRIATE CHILD-CARING OR REHABILITATION FACILITY.

The local social welfare and development officer shall determine the appropriate [programs for the child who has been released, in consultation with the child and 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) A duly registered nongovernmental or religious organization; (b) A barangay official or a member of the Barangay

Council for the Protection of Children (BCPC); (c) A local social welfare and development officer; or, when and where appropriate, the DSWD. If the child has been found by the local social welfare and development officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the Local Social Welfare and Development Office (LSWDO) pursuant to Presidential Decree No. 603, as amended, otherwise known as 'The Child and Youth Welfare Code' and the Supreme Court rule on commitment of children: Provided, further, That the minimum age for children committed to a youth care facility or 'Bahay Pag-asa' shall be twelve (12) years old] INTERVENTION PROGRAM AFTER CONSIDERING THE CHILD'S AGE, MATURITY, FAMILY CIRCUMSTANCES, PHYSICAL AND MENTAL HEALTH CONDITION, POSSIBLE SUBSTANCE ABUSE, AND OTHER RELEVANT CIRCUMSTANCES.

THE PARENTS, GUARDIAN, FOSTER PARENT, OR PERSON HAVING CUSTODY OVER THE CHILD SHALL LIKEWISE UNDERGO APPROPRIATE INTERVENTION PROGRAMS, INCLUDING PARENTING SEMINARS, COUNSELING, AND FAMILY-BASED SUPPORT PROGRAMS, TO BE SUPERVISED BY THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER."

SEC. 3. Section 20-A of the same Act, as amended, is hereby further amended to read as follows. -

"SEC. 20-A. Serious Crimes Committed by Children [Who Are Exempt From Criminal Responsibility] IN CONFLICT WITH THE LAW.
- A child [who is above twelve (12) years of age up to fifteen (15) years

of age] TWELVE (12) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery[,] with homicide or rape, destructive arson, rape, [or] carnapping where the driver or occupant is killed or raped, OR offenses under Republic Act No. 9165[,] OTHERWISE KNOWN AS THE Comprehensive Dangerous Drugs Act of 2002[,] punishable by more than twelve (12) years of imprisonment, OR OTHER SERIOUS CRIMES PUNISHABLE BY IMPRISONMENT OF MORE THAN TWELVE (12) YEARS, [shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a special facility within the youth care faculty or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC)] SHALL BE PRESUMED TO HAVE ACTED WITH DISCERNMENT AND SHALL BE SUBJECT TO APPROPRIATE CRIMINAL PROCEEDINGS.

[In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under the IJISC shall be filed by the local social welfare and development officer of the LGU where the offense was committed, or by the DSWD social worker in the local social welfare and development officer's absence, within twenty-four (24) hours from the time of the receipt of a report on the alleged commission of said child. The court, where the petition for involuntary commitment has been filed shall decide on the petition within seventy-two (72) hours from the time the said petition has been filed by the DSWD/LSWDO. The court will determine the initial period of placement of the child within the IJISC which shall not be less than one (1) year.]

UPON INITIAL CONTACT, THE CHILD SHALL BE IMMEDIATELY REFERRED TO THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER FOR ASSESSMENT. THE ASSESSMENT SHALL INCLUDE THE CHILD'S AGE, DISCERNMENT, FAMILY CIRCUMSTANCES, PHYSICAL AND MENTAL HEALTH CONDITION, SUBSTANCE ABUSE, AND OTHER RELEVANT CIRCUMSTANCES.

[The multi-disciplinary team of the IJISC will submit to the court a case study and progress report, to include a psychiatric evaluation report and recommend the reintegration of the child to his/her family or the extension of the placement under the IJISC. The multi-disciplinary team will also submit a report to the court on the services extended to the parents and family of the child and the compliance of the parents in the intervention program. The court will decide whether the child has successfully completed the center-based intervention program and is already prepared to be reintegrated with his/her family or if there is a need for the continuation of the center-based rehabilitation of the child. The court will determine the next period of assessment or hearing on the commitment of the child.]

PENDING PROCEEDINGS, THE CHILD SHALL NOT BE DETAINED IN A REGULAR JAIL. THE CHILD SHALL BE PLACED IN A BAHAY PAG-ASA, INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER, OR OTHER APPROPRIATE STATE-RUN REHABILITATION FACILITY, UNLESS THE COURT DETERMINES THAT ANOTHER PLACEMENT IS IN THE BEST INTEREST OF THE CHILD AND THE COMMUNITY.

THE COURT SHALL ENSURE THAT PROCEEDINGS INVOLVING THE CHILD ARE CONDUCTED IN A CHILD-SENSITIVE MANNER, WITHOUT PREJUDICE TO THE ACCOUNTABILITY OF THE CHILD AND THE ENFORCEMENT OF CIVIL LIABILITY IN ACCORDANCE WITH LAW.”

SEC. 4. Section 20-B of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 20-B. Repetition of Offenses. - A child who is [above twelve (12) years of age up to fifteen (15)] TWELVE (12) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE and who commits an offense for the second time or oftener: Provided, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603,

as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer: Provided, further, That if the best interest of the child requires that [he/she] SUCH CHILD be placed in a youth care facility or 'Bahay Pag-asa,' the child's parents, FOSTER PARENTS or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, finally, That if the child has no parents, FOSTER PARENTS or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the LSWDO pursuant to Presidential Decree No. 603, as amended.

"IF THE OFFENSE COMMITTED BY THE CHILD IS SERIOUS IN NATURE, OR IF THE CHILD IS FOUND TO HAVE ACTED WITH DISCERNMENT, THE CHILD SHALL BE SUBJECT TO APPROPRIATE CRIMINAL PROCEEDINGS IN ACCORDANCE WITH THIS ACT AND THE RULES OF COURT."

SEC. 5. Section 20-C of the same Act, as amended, is hereby further amended to read as follows:

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

“IF THE OFFENDER IS A PARENT, GUARDIAN, RELATIVE, TEACHER, PERSON IN AUTHORITY, PUBLIC OFFICER, OR ANY PERSON WHO EXERCISES MORAL ASCENDANCY OR AUTHORITY OVER THE CHILD, SUCH CIRCUMSTANCE SHALL BE CONSIDERED AN AGGRAVATING CIRCUMSTANCE.

“THE PENALTY IMPOSED UNDER THIS SECTION SHALL BE WITHOUT PREJUDICE TO PROSECUTION FOR OTHER OFFENSES UNDER THE REVISED PENAL CODE, SPECIAL PENAL LAWS, CHILD PROTECTION LAWS, ANTI-TRAFFICKING LAWS, AND OTHER APPLICABLE LAWS.”

SEC. 6. Section 20-D of the same Act, as amended, is hereby further amended to read as follows:

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

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

“As used in this Act, ‘parents’ shall mean any of the following:

“(a) Biological parents of the child; or

“(b) Adoptive parents of the child; or

“(c) Individuals who have custody of the child[.]; OR

“(D) A DULY LICENSED FOSTER PARENT, PURSUANT TO REPUBLIC ACT NO. 10165, OTHERWISE KNOWN AS THE ‘FOSTER CARE ACT OF 2012.’

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

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

SEC. 7. Section 22 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 22. Duties During Initial Investigation. - The law enforcement officer shall, in his/her investigation, IMMEDIATELY DETERMINE THE AGE OF THE CHILD AND determine where the case involving the child in conflict with the law should be referred.

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

“The [social worker] LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER shall conduct an initial assessment to determine the appropriate interventions and whether the child acted with discernment, using the discernment assessment tools developed

by the DSWD. THE ASSESSMENT SHALL INCLUDE THE IDENTIFICATION OF PHYSICAL AND MENTAL HEALTH ISSUES, SUBSTANCE ABUSE, FAMILY ISSUES, EDUCATIONAL STATUS, AND OTHER CIRCUMSTANCES RELEVANT TO THE BEST INTEREST OF THE CHILD AND PUBLIC SAFETY. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. The local social worker shall do either of the following:

“(a) Proceed in accordance with Section 20 if the child is [fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment] BELOW TWELVE (12) YEARS OF AGE; and

“(b) If the child is [above fifteen (15) years old but below eighteen (18) and who acted with discernment] TWELVE (12) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE, proceed [to diversion under the following chapter] IN ACCORDANCE WITH THIS ACT AND THE RULES OF COURT.”

SEC. 8. A new Section 37-A is hereby inserted to read as follows:

“SEC. 37-A. REHABILITATION DURING PROCEEDINGS AND AFTER JUDGMENT. - A CHILD IN CONFLICT WITH THE LAW WHO IS SUBJECT TO CRIMINAL PROCEEDINGS UNDER THIS ACT SHALL, WHENEVER APPROPRIATE AND CONSISTENT WITH PUBLIC SAFETY, UNDERGO REHABILITATION, EDUCATION, VALUES FORMATION, COUNSELING, SKILLS TRAINING, AND SOCIAL REINTEGRATION PROGRAMS.

“THE COURT SHALL ENSURE THAT THE CHILD IS NOT PLACED IN A REGULAR JAIL AND SHALL ORDER PLACEMENT IN A BAHAY PAG-ASA, INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER, AGRICULTURAL TRAINING FACILITY, TECHNICAL TRAINING FACILITY, OR OTHER APPROPRIATE STATE-RUN REHABILITATION FACILITY.

“THE PERIOD SPENT BY THE CHILD IN ACTUAL COMMITMENT, DETENTION, REHABILITATION, OR COURT-

ORDERED INTERVENTION SHALL BE CREDITED IN THE SERVICE OF SENTENCE IN ACCORDANCE WITH LAW.”

SEC. 9. Section 38 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 38. [Automatic] Suspension of Sentence AND DISPOSITION MEASURES. - Once the child who is under eighteen (18) years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed.

“[However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: Provided, however, That suspension of sentence shall still be applied even if the juvenile is already eighteen years (18) of age or more at the time of the pronouncement of his/her guilt.]

“[Upon suspension of sentence and after considering the various circumstances of the child, the court shall impose the appropriate disposition measures as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.] THE COURT MAY, AFTER CONSIDERING THE GRAVITY OF THE OFFENSE, THE AGE AND CIRCUMSTANCES OF THE CHILD, THE PRESENCE OF DISCERNMENT, THE RECOMMENDATION OF THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER, AND THE BEST INTEREST OF THE CHILD AND THE COMMUNITY, IMPOSE APPROPRIATE DISPOSITION MEASURES.

“THE COURT MAY ORDER THE CHILD TO UNDERGO REHABILITATION, EDUCATION, COUNSELING, SKILLS TRAINING, COMMUNITY-BASED PROGRAMS, CENTER-BASED PROGRAMS, OR PLACEMENT IN A STATE-RUN REHABILITATION FACILITY.

“NOTHING IN THIS SECTION SHALL PREVENT THE COURT FROM ORDERING THE EXECUTION OF JUDGMENT IN CASES WHERE THE CHILD FAILS TO COMPLY WITH THE REHABILITATION

PROGRAM, COMMITS ANOTHER OFFENSE, OR WHERE EXECUTION OF JUDGMENT IS NECESSARY FOR PUBLIC SAFETY AND THE INTEREST OF JUSTICE.”

SEC. 10. Section 40 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 40. Return of the Child in Conflict with the Law to Court.
- If the court finds that the [objective of the disposition measures] OBJECTIVES OF THE REHABILITATION AND INTERVENTION MEASURES imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her [disposition or rehabilitation program] REHABILITATION OR INTERVENTION PROGRAM, the child in conflict with the law shall be brought before the court [for execution of judgment] FOR APPROPRIATE ACTION.

“[If said child in conflict with the law has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.] THE COURT MAY ORDER THE CONTINUATION, MODIFICATION, OR TERMINATION OF THE REHABILITATION PROGRAM, OR ORDER THE EXECUTION OF JUDGMENT, AS THE CIRCUMSTANCES MAY WARRANT.”

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

“SEC. 49. Establishment AND STRENGTHENING of [‘Bahay Pag-Asa’] BAHAY PAG-ASA AND INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTERS. - [Each province and highly-urbanized city (the LGUs) shall be responsible for building, funding and operating a ‘Bahay Pag-asa’ within their jurisdiction following the standards that will be set by the DSWD and adopted by

the JJWC.] THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT SHALL BE PRIMARILY RESPONSIBLE FOR ESTABLISHING, OPERATING, MAINTAINING, SUPERVISING, AND FUNDING BAHAY PAG-ASA FACILITIES AND INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTERS IN PROVINCES AND CITIES TO BE IDENTIFIED BY THE JUVENILE JUSTICE AND WELFARE COUNCIL.

“Every [‘Bahay Pag-asa’ will have] BAHAY PAG-ASA SHALL INCLUDE a special facility called the [IJISC] INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER. This Center [will be allocated for] SHALL CATER TO children in conflict with the law in accordance with Sections 20, 20-A and 20-B hereof. These children [will be required to undergo] SHALL UNDERGO a more intensive multi-disciplinary intervention program.

“The JJWC, in partnership with, but not limited to, the DSWD, the DOH, the DepED and the DILG, [will develop and set] SHALL DEVELOP AND SET the standards for the implementation of the multi-disciplinary intervention program of the [IJISC] INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER, INCLUDING STANDARDS FOR OPERATION, STAFFING, SECURITY, EDUCATION, HEALTH SERVICES, PSYCHOLOGICAL SERVICES, AND REHABILITATION PROGRAMS.

“Upon institutionalization of the [IJISC] INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER program, the JJWC [will] SHALL continue to monitor and provide technical assistance to the multi-disciplinary teams operating the said centers.

“THE AMOUNT NECESSARY FOR THE ESTABLISHMENT, OPERATION, MAINTENANCE, AND CONTINUED IMPROVEMENT OF THESE FACILITIES SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.”

SEC. 12. Section 51 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 51. [Confinement of Convicted Children in] Agricultural AND TECHNICAL TRAINING FACILITIES [Camps and other Training Facilities]. - A child in conflict with the law [may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD] WHO IS ORDERED BY THE COURT TO UNDERGO CENTER-BASED REHABILITATION MAY BE PLACED IN AGRICULTURAL TRAINING FACILITIES, TECHNICAL TRAINING FACILITIES, OR OTHER STATE-RUN REHABILITATION FACILITIES ESTABLISHED, MAINTAINED, SUPERVISED, AND CONTROLLED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT IN PARTNERSHIP WITH THE BUREAU OF CORRECTIONS, TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, AND OTHER CONCERNED AGENCIES.

“THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, IN COORDINATION WITH THE BUREAU OF CORRECTIONS AND TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, SHALL ESTABLISH SEPARATE FACILITIES FOR MALE AND FEMALE CHILDREN AND SHALL DESIGN AND IMPLEMENT REHABILITATION, EDUCATION, LIVELIHOOD, VALUES FORMATION, AND REINTEGRATION PROGRAMS TO PREPARE THE CHILD FOR SUCCESSFUL RETURN TO THE FAMILY AND COMMUNITY.”

SEC. 13. Section 52 of the same Act, as amended, is hereby further amended to read as follows:

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

Conflict with the Law] SHALL UNDERGO REHABILITATION PROGRAMS APPROPRIATE TO THEIR AGE, MATURITY, OFFENSE COMMITTED, FAMILY CIRCUMSTANCES, PHYSICAL AND MENTAL HEALTH CONDITION, EDUCATIONAL NEEDS, AND CAPACITY FOR REINTEGRATION.

“[If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her parents/guardian, the child in conflict with the law shall participate in community-based programs, which shall include, but not limited to:]

“REHABILITATION PROGRAMS MAY INCLUDE COUNSELING, EDUCATION, VALUES FORMATION, SKILLS TRAINING, LIVELIHOOD TRAINING, COMMUNITY SERVICE, FAMILY CONFERENCES, RESTORATIVE JUSTICE MEASURES, PSYCHOLOGICAL OR PSYCHIATRIC INTERVENTION, SUBSTANCE ABUSE TREATMENT, AND OTHER PROGRAMS DETERMINED BY THE COURT, THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, OR THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER.

“[(1) Competency and life skills development;

“(2) Socio-cultural and recreational activities;

“(3) Community volunteer projects;

“(4) Leadership training;

“(5) Social services;

“(6) Homelife services;

“(7) Health services;

“(8) Spiritual enrichment; and

“(9) Community and family welfare services.]

“[In accordance therewith, the family of the child in conflict with the law shall endeavor to actively participate in the community-based rehabilitation.] THE REHABILITATION AND SOCIAL REINTEGRATION

OF THE CHILD SHALL INVOLVE THE CHILD'S PARENTS, GUARDIAN, FOSTER PARENT, CUSTODIAN, SCHOOL, COMMUNITY, AND OTHER APPROPRIATE SUPPORT SYSTEMS.

"[Based on the progress of the youth in the community, a final report will be forwarded by the local social welfare and development officer to the court for final disposition of the case.]

"[If the community-based programs are provided as diversion measures under Chapter II, Title V, the programs enumerated above shall be made available to the child in conflict with the law.]"

SEC. 14. Section 64 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 64. [Children in Conflict with the Law Fifteen (15) Years Old and Below] PENDING CASES INVOLVING CHILDREN IN CONFLICT WITH THE LAW. - Upon effectivity of this Act, cases of children [fifteen (15) years old and below] BELOW TWELVE (12) YEARS OF AGE at the time of the commission of the [crime] OFFENSE shall immediately be dismissed and the child shall be referred to the appropriate local social welfare and development officer FOR INTERVENTION.

"[Such officer, upon thorough assessment of the child, shall determine whether to release the child to the custody of his/her parents, or refer the child to prevention programs as provided under this Act. Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, unless it is contrary to the best interest of the child.] CASES INVOLVING CHILDREN TWELVE (12) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE SHALL BE HANDLED IN ACCORDANCE WITH THIS ACT, TAKING INTO CONSIDERATION THE AGE OF THE CHILD, THE GRAVITY OF THE OFFENSE, THE PRESENCE OF DISCERNMENT, THE BEST INTEREST OF THE CHILD, AND PUBLIC SAFETY."

SEC. 15. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 16. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,