



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
Second Regular Session

HOUSE BILL NO. 10330

**Introduced by Ako Bicol Partylist Representatives Alfredo A. Garbin Jr. and Jan Franz
Norbert Joselito A. Chan**

EXPLANATORY NOTE

The first and most solemn duty of the State is to secure justice, to protect the lives of its people, and most of all, the lives of its children. A statute that ceases to serve that end ceases to deserve its place upon the books. Republic Act No. 9344, the *Juvenile Justice and Welfare Act of 2006*, was enacted upon a humane and, in the main, correct premise: that a child, by reason of tender years and incomplete moral and intellectual development, ordinarily does not act with the full understanding that the law justly presumes of an adult. For the overwhelming majority of Filipino children, that premise holds, and the rehabilitative architecture of the law is wise and worthy of preservation. But the law is an instrument of justice, not an idol to be venerated. When its operation begins to shield the authors of grave wrongs and to leave their victims without redress, the law has wandered from its purpose and must be recalled to it.

This measure proceeds from a single conviction: that the Juvenile Justice and Welfare Act must be made to serve justice, and must never be permitted to become a refuge for those who would commit, in the body of a child, the atrocities of a hardened criminal. Compassion for the erring child and justice for the innocent victim are not enemies; a just law honors both. The present law, as written for the conditions of an earlier age, has fallen out of that balance, and the present measure seeks to restore it.

The Philippines of 2006 is not the Philippines in which our children are now being raised. When this law was framed, childhood was largely bounded by the home, the school, the parish, and the neighborhood. A world in which a child, for the most part, thought as a child and remained, for a while longer, innocent. That world has been overtaken. Presently, the Filipino child inhabits a second life upon the internet, very often wholly unsupervised, in which violence is rendered as entertainment, cruelty is circulated as content, and the gravest acts of bloodshed are simulated, rehearsed, and even rewarded. The innocence that the statute presumes is, for too many of our children, corroded long before the age the law has fixed. A presumption of incapacity that may have described the child of 2006 can no longer be applied, without discernment, to a child who has been schooled in violence by a screen.

The cost of that disjunction was written in the blood of schoolchildren. On 22 June 2026, at the San Jose National High School in Tacloban City, two students, aged fourteen and fifteen, opened fire upon their schoolmates as classes were in session. Three children were killed, and some twenty others were wounded, most of them young girls, in a place where children ought to have been safe and at their studies. The attack was no sudden fury of the moment since the initial investigation indicates that it was planned over a period of weeks, coordinated through online messages, and carried out by assailants who the authorities found to have been heavily influenced by violent online content, one of them having immersed himself in a violent video game in the period before the assault. The firearms were obtained, in both instances, through the negligence of the adults who held them.

Herein lies the chasm between the letter of the present law and the demands of justice. Under the prevailing fifteen-year threshold, the fourteen-year-old assailant, though alleged to have helped plan and execute a premeditated massacre, stands *wholly exempt* from criminal

responsibility, answerable to nothing more than an intervention program. Only his fifteen-year-old companion may be prosecuted, and even then, only upon proof that he acted with discernment. Three families have buried their children. A child who allegedly helped to plan their deaths cannot, under the present law, be made to answer for them in any court. No system of justice worthy of the name can rest content with that result.

This bill, therefore, lowers the minimum age of criminal responsibility from fifteen (15) to twelve (12) years. It does so without dismantling the child-centered and restorative framework that is the enduring merit of Republic Act No. 9344. The exemption of the genuinely young child, the intervention and diversion programs, the automatic suspension of sentence, the confidentiality of records, and the *Bahay Pag-asa* and Intensive Juvenile Intervention and Support Center systems all remain in force. What the measure does is to calibrate the law so that a child above twelve who possesses, and is proven by the State to have exercised, the discernment to understand the gravity of his act may be made to answer for the most heinous offenses through child-appropriate proceedings, while children of tender years, and those who act without discernment, continue to be protected, rehabilitated, and restored.

Beyond the age of responsibility, this measure strengthens the law in several further respects. It defines *discernment* for the first time in the statute, supplying a standard long left to inference. It establishes a rebuttable presumption of discernment where a child is charged with the gravest enumerated crimes, while preserving the child's right to prove the contrary. It holds adults to account, whether by negligence or by design, for placing firearms within a child's reach, an evil at the very heart of the Tacloban tragedy. It confronts the digital driver of juvenile violence by mandating online-safety and media-literacy instruction and strengthening school-safety coordination. And it reinforces the responsibility of parents for the supervision of their children.

Justice is not vengeance, but neither is mercy a license. A law conceived to rehabilitate the erring child must not be allowed to harden into a charter of impunity for those who, wearing a child's years, visit upon the innocent the cruelty of grown men. The safety of the schoolchild at her desk is among the first liberties the State is bound to defend.

In the service of that duty, and in memory of the children of the San Jose National High School, the immediate passage of this bill is earnestly and respectfully sought.

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ALFREDO A. GARBIN JR.

Representative

Ako Bicol Partylist

A bold, angular handwritten signature in black ink, with sharp strokes and a prominent horizontal line.

Jan Franz Norbert Joselito A. Chan

Representative

Ako Bicol Partylist



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HOUSE BILL NO. 10330

**Introduced by Ako Bicol Partylist Representatives Alfredo A. Garbin Jr. and Jan Franz
Norbert Joselito A. Chan**

AN ACT
LOWERING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY, DEFINING
DISCERNMENT, STRENGTHENING ACCOUNTABILITY, PARENTAL
RESPONSIBILITY, AND CHILD-PROTECTION SAFEGUARDS UNDER 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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of State Policy. — Section 2 of Republic Act No. 9344 is hereby amended by adding new paragraphs (g) and (h) thereto. The pertinent portions presently read:

“SEC. 2. Declaration of State Policy. — The following State policies shall be observed at all times:

x x x

“(f) The State shall apply the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law.”

The same Section 2 is hereby amended to read as follows:

“SEC. 2. Declaration of State Policy. — The following State policies shall be observed at all times:

“x x x

“(f) The State shall apply the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law; PROVIDED, THAT RESTORATIVE JUSTICE SHALL BE ADMINISTERED SO AS TO SECURE JUSTICE FOR THE VICTIM AND THE PROTECTION OF SOCIETY, AND SHALL NOT BE CONSTRUED TO SHIELD FROM ACCOUNTABILITY ANY CHILD WHO, HAVING ACTED WITH DISCERNMENT, COMMITS A SERIOUS OFFENSE;

“(G) THE STATE RECOGNIZES THAT THE PROTECTION OF THE BEST INTEREST OF THE CHILD MUST BE BALANCED WITH THE RIGHTS OF VICTIMS, THE SAFETY OF THE COMMUNITY, AND THE PARAMOUNT INTEREST OF JUSTICE; AND THAT THE LAW SHALL NEVER BE EMPLOYED AS AN INSTRUMENT OF IMPUNITY OR INJUSTICE; AND

“(H) THE STATE RECOGNIZES THAT THE CONTEMPORARY EXPOSURE OF CHILDREN, OFTEN UNSUPERVISED, TO VIOLENT, EXPLOITATIVE, OR HARMFUL ONLINE CONTENT IS A SIGNIFICANT CONTEMPORARY DRIVER OF JUVENILE OFFENDING, AND SHALL ADOPT MEASURES FOR DIGITAL SAFETY, MEDIA LITERACY, AND THE PREVENTION OF VIOLENCE AMONG CHILDREN AS PART OF ITS JUVENILE INTERVENTION AND PREVENTION PROGRAMS.”

SECTION 2. Definition of Terms. — Section 4 of Republic Act No. 9344, as amended by Republic Act No. 10630, is hereby further amended by adding a new paragraph defining “discernment.” Said Section presently enumerates the defined terms ending with the definition of “Bahay Pag-asa” and does not define discernment. The Section is hereby amended to read, in pertinent part, as follows:

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

“X X X

“(V) ‘DISCERNMENT’ REFERS TO THE MENTAL CAPACITY OF A CHILD TO FULLY UNDERSTAND AND APPRECIATE THE CONSEQUENCES AND WRONGFULNESS OF HIS/HER UNLAWFUL ACT, AS DISTINGUISHED FROM THE INTENT TO COMMIT THE ACT. IT INVOLVES THE CHILD’S CAPACITY, AT THE TIME OF THE COMMISSION OF THE OFFENSE, TO DISTINGUISH RIGHT FROM WRONG, TO COMPREHEND THE NATURE AND CONSEQUENCES OF THE ACT, AND TO GOVERN HIS/HER CONDUCT IN ACCORDANCE WITH THAT UNDERSTANDING, AS DETERMINED THROUGH THE DISCERNMENT ASSESSMENT CONDUCTED PURSUANT TO SECTION 22 OF THIS ACT.”

SECTION 3. Minimum Age of Criminal Responsibility. — Section 6 of Republic Act No. 9344, as amended by Republic Act No. 10630, presently reads:

“SEC. 6. Minimum Age of Criminal Responsibility. — A child fifteen (15) 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 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.

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

The same Section 6 is hereby further amended to read as follows:

“SEC. 6. Minimum Age of Criminal Responsibility. — A child TWELVE (12) 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 is deemed to be TWELVE (12) years of age on the day of the TWELFTH anniversary of his/her birthdate.

“A child above TWELVE (12) 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.

“WHERE A CHILD ABOVE TWELVE (12) YEARS BUT BELOW EIGHTEEN (18) YEARS OF AGE IS ALLEGED TO HAVE COMMITTED ANY OF THE OFFENSES ENUMERATED UNDER SECTION 20-A OF THIS ACT, DISCERNMENT SHALL BE PRESUMED, SUBJECT TO THE RIGHT OF THE CHILD TO PRESENT EVIDENCE TO THE CONTRARY IN THE DISCERNMENT ASSESSMENT AND PROCEEDINGS CONDUCTED PURSUANT TO SECTION 22 HEREOF. IN ALL OTHER CASES, DISCERNMENT MUST BE AFFIRMATIVELY ESTABLISHED.

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

SECTION 4. The Educational System. — Section 13 of Republic Act No. 9344 presently reads:

“SEC. 13. The Educational System. — Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children in conflict with the law are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non-formal education accreditation equivalency system.”

The same Section 13 is hereby amended to read as follows:

“SEC. 13. The Educational System. — Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children

in conflict with the law are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non-formal education accreditation equivalency system.

“THE DEPARTMENT OF EDUCATION, IN COORDINATION WITH THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, AND THE JUVENILE JUSTICE AND WELFARE COUNCIL, SHALL INTEGRATE INTO THE BASIC EDUCATION CURRICULUM AGE-APPROPRIATE PROGRAMS ON DIGITAL LITERACY, ONLINE SAFETY, RESPONSIBLE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, AND THE PREVENTION OF VIOLENCE, INCLUDING THE IDENTIFICATION OF AND PROTECTION AGAINST VIOLENT, EXPLOITATIVE, OR HARMFUL ONLINE CONTENT.

“EDUCATIONAL INSTITUTIONS, IN COORDINATION WITH THE PHILIPPINE NATIONAL POLICE AND THE CONCERNED LOCAL GOVERNMENT UNITS, SHALL ADOPT AND REGULARLY REVIEW SCHOOL-SAFETY AND THREAT-ASSESSMENT PROTOCOLS DESIGNED TO PREVENT, DETECT, AND RESPOND TO ACTS OF VIOLENCE WITHIN SCHOOL PREMISES, AND SHALL ESTABLISH CONFIDENTIAL MECHANISMS BY WHICH STUDENTS, TEACHERS, AND PARENTS MAY REPORT THREATS OF VIOLENCE.”

SECTION 5. Children Below the Age of Criminal Responsibility. — The first paragraph of Section 20 of Republic Act No. 9344, as amended by Republic Act No. 10630, presently reads:

“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, the authority which will have an initial contact with the child, in consultation with the local social welfare and development officer, has the duty to immediately release the child to the custody of his/her parents or guardian x x x.”

The same paragraph is hereby 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 TWELVE (12) years old or below, OR IS ABOVE

TWELVE (12) BUT BELOW EIGHTEEN (18) YEARS OF AGE AND IS FOUND TO HAVE ACTED WITHOUT DISCERNMENT, the authority which will have an initial contact with the child, in consultation with the local social welfare and development officer, has the duty to immediately release the child to the custody of his/her parents or guardian x x x.”

SECTION 6. Serious Crimes Committed by Children Who Are Exempt From Criminal Responsibility. — The first paragraph of Section 20-A of Republic Act No. 9344, as introduced by Republic Act No. 10630, presently reads:

“SEC. 20-A. Serious Crimes Committed by Children Who Are Exempt From Criminal Responsibility. — A child who is above twelve (12) years of age up to fifteen (15) 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 x x x punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child x x x and shall be mandatorily placed in a special facility within the youth care facility or ‘Bahay Pag-asa’ called the Intensive Juvenile Intervention and Support Center (IJISC). x x x”

The same Section 20-A is hereby amended to read as follows:

“SEC. 20-A. Serious Crimes Committed by Children Who Are Exempt From Criminal Responsibility. — A child who is TWELVE (12) YEARS OF AGE OR UNDER 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 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, 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 facility or ‘Bahay Pag-asa’ called the Intensive Juvenile Intervention and Support Center (IJISC).

“A CHILD ABOVE TWELVE (12) YEARS BUT BELOW EIGHTEEN (18) YEARS OF AGE WHO COMMITS ANY OF THE FOREGOING OFFENSES AND WHO IS

FOUND TO HAVE ACTED WITH DISCERNMENT SHALL NOT BE EXEMPT FROM CRIMINAL LIABILITY AND SHALL BE SUBJECTED TO THE APPROPRIATE PROCEEDINGS IN ACCORDANCE WITH THIS ACT, WITHOUT PREJUDICE TO THE AUTOMATIC SUSPENSION OF SENTENCE AND THE OTHER PROTECTIONS TO WHICH A CHILD IS ENTITLED HEREUNDER.

“In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under the IJISC of A CHILD COVERED BY THE FIRST PARAGRAPH HEREOF shall be filed by the local social welfare and development officer x x x. The court x x x will determine the initial period of placement of the child within the IJISC which shall not be less than one (1) year. x x x”

SECTION 7. Repetition of Offenses. — Section 20-B of Republic Act No. 9344, as introduced by Republic Act No. 10630, presently reads:

“SEC. 20-B. Repetition of Offenses. — A child who is above twelve (12) years of age up to fifteen (15) 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 x x x and shall undergo an intensive intervention program supervised by the local social welfare and development officer x x x.”

The same Section 20-B is hereby amended to read as follows:

“SEC. 20-B. Repetition of Offenses. — A child who is TWELVE (12) YEARS OF AGE OR UNDER 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 x x x.”

SECTION 8. Joint Parental Responsibility. — Section 20-D of Republic Act No. 9344, as introduced by Republic Act No. 10630, presently provides, in pertinent part:

“SEC. 20-D. Joint Parental Responsibility. — x x x The parents shall be liable for damages 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."

The same Section 20-D is hereby amended by adding the following paragraphs:

"SEC. 20-D. Joint Parental Responsibility. — x x x

"FOR PURPOSES OF THIS SECTION, REASONABLE SUPERVISION SHALL INCLUDE THE DUTY OF PARENTS TO EXERCISE DILIGENCE IN PREVENTING THE CHILD'S ACCESS TO FIREARMS, DEADLY WEAPONS, AND VIOLENT, EXPLOITATIVE, OR HARMFUL ONLINE CONTENT.

"UPON A FINDING THAT THE OFFENSE WAS FACILITATED BY THE GROSS NEGLIGENCE OR WILLFUL FAILURE OF THE PARENTS TO EXERCISE SUCH SUPERVISION, THE COURT SHALL, IN ADDITION TO CIVIL LIABILITY, REQUIRE THE PARENTS TO UNDERGO A MANDATORY PARENTING-EDUCATION AND COUNSELING PROGRAM, WITHOUT PREJUDICE TO ANY CRIMINAL OR ADMINISTRATIVE LIABILITY THAT MAY ARISE UNDER OTHER LAWS."

SECTION 9. New Provision. — A new Section 20-F is hereby inserted in Republic Act No. 9344, as amended, to read as follows:

"SEC. 20-F. LIABILITY FOR PROVIDING OR NEGLIGENTLY ALLOWING A CHILD ACCESS TO A FIREARM. — ANY PERSON WHO PROVIDES A CHILD WITH A FIREARM OR AMMUNITION, OR WHO, THROUGH GROSS NEGLIGENCE OR WILLFUL DISREGARD OF THE DUTY OF SAFEKEEPING, ALLOWS A CHILD TO GAIN ACCESS TO A FIREARM OR AMMUNITION WITHIN HIS/HER CONTROL OR CUSTODY, WHICH FIREARM OR AMMUNITION IS THEREAFTER USED BY THE CHILD IN THE COMMISSION OF AN OFFENSE, SHALL BE LIABLE AS A PRINCIPAL FOR SUCH OFFENSE OR, AT THE ELECTION OF THE PROSECUTION, FOR A VIOLATION OF THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE 'COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT,' WHICHEVER IMPOSES THE HIGHER PENALTY.

“WHERE THE PERSON SO LIABLE IS A LAW ENFORCEMENT OFFICER, A LICENSED FIREARM HOLDER, OR A PERSON OTHERWISE ENTRUSTED WITH THE CUSTODY OF FIREARMS BY REASON OF OFFICE OR EMPLOYMENT, HE/SHE SHALL, IN ADDITION, SUFFER THE PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE AND THE REVOCATION OF ANY FIREARM LICENSE OR PERMIT, WITHOUT PREJUDICE TO ADMINISTRATIVE LIABILITY.”

SECTION 10. Duties During Initial Investigation; Discernment Assessment. — The third paragraph of Section 22 of Republic Act No. 9344, as amended by Republic Act No. 10630, presently reads:

“The social worker 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 initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. x x x”

The same paragraph is hereby amended to read as follows:

“The social worker 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. SUCH ASSESSMENT SHALL CONSIDER, AMONG OTHERS, THE CHILD’S AGE AND MATURITY, THE PLANNING AND DELIBERATION ATTENDING THE OFFENSE, AND THE CHILD’S EXPOSURE TO AND INFLUENCE OF VIOLENT, EXPLOITATIVE, OR HARMFUL ONLINE CONTENT. THE DETERMINATION OF DISCERNMENT SHALL BE REDUCED TO WRITING AND SHALL FORM PART OF THE RECORDS OF THE CASE. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. x x x”

SECTION 11. Implementing Rules and Regulations. — The Juvenile Justice and Welfare Council, in coordination with the Department of Social Welfare and Development, the Department of Justice, the Department of Education, the Department of the Interior and Local Government, and the Department of Information and Communications Technology, shall promulgate the rules and regulations necessary to implement this Act within sixty (60) days from its effectivity.

SECTION 12. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 13. Repealing Clause. — All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 14. Effectivity Clause. — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,