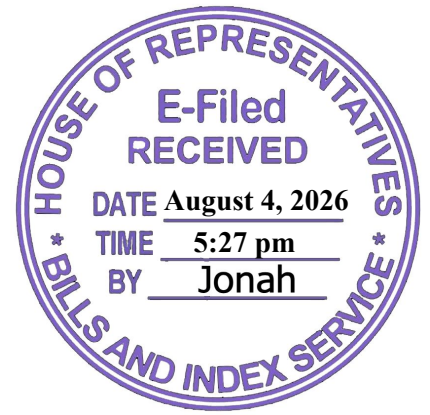




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. **10596**



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

AN ACT

STRENGTHENING THE JUVENILE JUSTICE AND WELFARE SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, AS AMENDED BY REPUBLIC ACT NO. 10630, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006," AND FOR OTHER PURPOSES

EXPLANATORY NOTE

"Humiinga pa ba?"

Those were the first words uttered by the mother of Chris Lorenz Fabian when she arrived at his school in Tacloban. By then, she already knew that her son had been shot. What she did not yet know was whether he was still alive.

A mother who knew her son as someone who would not fight back even when he was bullied, even though he was physically capable of defending himself, was suddenly confronted with a reality no parent should ever have to face.

Chris Lorenz Fabian, Ayessa Nicole Dazo, and Joyancee Separa lost their lives in the school shooting in Tacloban, a tragedy that shocked not only the families of the victims but our whole nation.

In the days that followed, the tragedy drew widespread public attention. Public officials, members of the media, and concerned citizens reached out to the grieving families. But amidst that attention, Christopher's mother acknowledged a reality she had already come to accept: **today, their story is at the height of public attention and a lot of people are reaching out; but when the public moves on, she knows that attention will fade, and people will eventually forget.**

The families, however, will not.

Long after the headlines disappear, they will continue to live with the empty seats at their tables, the unanswered questions, and the permanent absence of their children.

It is in this context that this measure is proposed.

No law can bring Chris Lorenz, Ayessa Nicole, and Joyancee back. No amendment to our criminal laws can undo what happened inside that school. But the deaths of these victims must compel us to examine whether our laws adequately respond when children commit acts involving the gravest forms of violence.

Republic Act No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006,” as amended by Republic Act No. 10630, established a juvenile justice system founded on restorative justice, diversion, intervention, and rehabilitation. These principles remain essential. Children in conflict with the law must continue to be treated in a manner that recognizes their age, capacity for change, dignity, and potential for rehabilitation.

But compassion and rehabilitation cannot mean the absence of accountability.

The State has a fundamental duty to protect children, including children in conflict with the law. It has an equally solemn duty to protect other children, families, and communities from violence, to recognize the suffering of victims, and to ensure that the justice system provides an appropriate response to the gravity of an offense.

This measure therefore seeks to strengthen and recalibrate the juvenile justice framework while preserving its fundamental child-appropriate safeguards. It provides that children twelve (12) years of age or under at the time of the commission of an offense shall remain exempt from criminal liability and shall instead undergo appropriate intervention. Children above twelve (12) but below eighteen (18) years of age may be held criminally liable, subject to child-appropriate proceedings, with diversion, restorative justice, intervention, and rehabilitation continuing to be prioritized whenever legally permissible.

The bill likewise provides a more appropriate framework for heinous crimes. Where a child above twelve (12) but below eighteen (18) years of age commits such an offense, special rules on custody and disposition shall apply. For persons found guilty by final judgment of heinous crimes committed while minors, transfer to the appropriate regular penal facility shall be mandatory upon reaching eighteen (18) years of age, subject to appropriate transition measures and continued access to rehabilitation programs.

The measure also recognizes that responsibility cannot rest solely upon the child when adults knowingly contribute to juvenile offending. It accordingly imposes liability upon parents, guardians, or persons exercising parental authority who knowingly encourage, direct, compel, profit from, or induce a child to commit an offense; whose gross negligence or willful failure to exercise reasonable supervision substantially contributes to the commission of an offense; or who unlawfully assist a child in evading lawful custody or proceedings. Safeguards are retained to ensure that no parent or guardian is punished merely by reason of parenthood and that liability must be established beyond reasonable doubt.

This bill does not seek to abandon rehabilitation as the foundation of juvenile justice. Neither does it proceed from the belief that every child who commits an offense is beyond reform. Rather, it recognizes that rehabilitation and accountability need not be opposing principles. A justice system can believe in the capacity of a child to change while still recognizing the gravity of the harm inflicted upon another human being.

Most importantly, this measure asks that we remember the people behind the cases that eventually disappear from our headlines.

Chris' mother understands that the attention surrounding their tragedy will not last forever. She also understands that changing the law will never return the lives that were taken.

But their deaths need not be without consequence or meaning.

If this tragedy can compel us to examine the gaps in our laws, strengthen accountability for the most serious offenses, better protect our children and communities, and prevent another family from asking whether their child is still breathing, then the lives lost will have left behind something more enduring than a headline.

We cannot bring them back. But we can remember them through action, and we can give meaning to their loss by ensuring that what happened to them is not simply forgotten when the public attention fades.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte



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

SECTION 1. Section 4 of Republic Act No. 9344 is hereby amended to read as follows:

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

X X X

*(s) 'Bahay Pag-asa' – refers to a 24-hour child-caring institution established, funded and managed by local government units (LGUs) and licensed and/or accredited non-government organizations (NGOs) providing short-term residential care for children in conflict with the law who are ~~[above fifteen (15)]~~ **TWELVE (12)** but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction~~[-]~~ **EXCEPT WHEN THE OFFENSE CHARGED IS A HEINOUS CRIME, AS PROVIDED IN THIS ACT."***

X X X

SECTION 2. Section 6 of Republic Act No. 9344, as amended, is hereby 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 **above twelve (12) years but below eighteen (18) years of age** shall be **subject to criminal liability** and be proceeded against in accordance with this Act and applicable procedural rules: **Provided**, That diversion, restorative justice, and child-appropriate proceedings shall be prioritized when legally permissible.*

***Exception for Heinous Crimes.** — **Notwithstanding the foregoing**, when the offense committed is a **heinous crime**, the child **above twelve (12) years of age but below eighteen (18) years of age** shall be proceeded against in accordance with this Act, subject to the special rules on custody, disposition, and transition to adult penal custody as provided under this Act and its amendments.*

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

For purposes of this Act, “**heinous crimes**” shall have the meaning and coverage provided under existing laws and jurisprudence, unless otherwise defined by Congress in a separate enactment.

SECTION 3. Section 20 of Republic Act No. 9344, as amended, 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 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, or in the absence thereof, the child’s nearest relative. 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.

X X X

THIS PROVISION SHALL NOT APPLY WHEN THE OFFENSE CHARGE IS A HEINOUS CRIME, AS PROVIDED IN THIS ACT.”

SECTION 4. Section 20-D of Republic Act No. 9344, as amended, is hereby amended to read as follows:

***“SEC. 20-D. Criminal Liability of Parents, Guardians, or Persons Exercising Parental Authority; Duties; Presumptions.** — The parents,*

legal guardians, or persons exercising parental authority over a child in conflict with the law (CICL) shall have the duty to: (a) exercise reasonable supervision, guidance, and care; (b) cooperate with and ensure the child's attendance and compliance with diversion, intervention, and rehabilitation programs; and (c) appear when required by the court, prosecutor, barangay authorities, or social welfare officer.

(1) Criminal Liability. — Without prejudice to civil liability and other applicable laws, a parent, legal guardian, or person exercising substitute parental authority having custody of a child in conflict with the law (CICL) shall incur **criminal liability** when:

(a) He/she **knowingly encourages, directs, commands, compels, profits from, or otherwise induces** the child to commit an offense; or

(b) Through **gross negligence or willful failure** to exercise reasonable parental authority and supervision, he/she **substantially contributes** to the commission of the offense by the child, as determined by the court; or

(c) He/she **harbors, conceals, or assists** the child to evade lawful custody or proceedings, without lawful justification.

(2) Penalty. — The penalty shall be **prision correccional in its minimum to medium periods** and a fine of not less than **Fifty Thousand Pesos (₱50,000.00)** but not more than **Two Hundred Thousand Pesos (₱200,000.00)**, without prejudice to prosecution under the Revised Penal Code or special laws when applicable.

(3) Due Process Safeguards. — No parent/guardian shall be held liable under this Section solely by reason of parenthood or guardianship. The prosecution must prove beyond reasonable doubt the specific acts or omissions under paragraphs (a), (b), or (c), and their substantial contribution to the commission of the offense.

(4) Non-Application to Victims of Abuse. — Where the parent/guardian is shown to be a victim of domestic violence, coercion, or intimidation materially preventing supervision or reporting, such circumstance shall be considered in determining liability."

SECTION 5. New Section on Mandatory/Discretionary Transfer to Regular Penal Custody Upon Reaching Eighteen (18) Years Old. —

A new section is hereby inserted in Republic Act No. 9344, as amended, to read as follows:

"SEC. 43. Transition to Adult Penal Custody Upon Reaching Eighteen (18) Years of Age. —

(a) Coverage. — *This Section applies to a person who:*
(1) committed an offense while below eighteen (18) years of age; and
*(2) is **found guilty** by final judgment; and*
(3) is serving a disposition, rehabilitation program, or sentence in a youth facility, Bahay Pag-asa, IJISC, or other child-appropriate facility pursuant to this Act or court order.

(b) Mandatory Transfer for Heinous Crimes. — *If the person was found guilty of a **heinous crime**, the person shall, upon reaching eighteen (18) years of age, be **mandatorily transferred** to the **regular penal facility** under the Bureau of Corrections or Bureau of Jail Management and Penology, as appropriate, to serve the remainder of the penalty: **Provided**, That the court shall ensure appropriate transition measures, security classification, and access to rehabilitation programs suited to young adult offenders.*

(c) Discretionary Transfer for Non-Heinous Crimes. — *If the person was found guilty of a **non-heinous offense**, the court, upon motion or motu proprio and after hearing, may order transfer to a regular penal facility upon reaching eighteen (18) years of age, considering:*
(1) the person's conduct and progress reports;
(2) risk to public safety;
(3) victim safety and reparation compliance;
(4) the feasibility of continued rehabilitation in a youth or youth-oriented facility; and
(5) recommendations of the social worker and the multi-disciplinary team.

(d) Implementing Custodial Arrangements. — *The Department of Social Welfare and Development (DSWD), the Department of the Interior and Local Government (DILG), the Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), and the Juvenile Justice and Welfare Council (JJWC) shall issue joint protocols to ensure safe, orderly transition and continuity of rehabilitation programming."*******

SECTION 6. Conforming Amendment; Harmonization with the 2019 Supreme Court Revised Rule on Children in Conflict with the Law. —

All courts, prosecutors, law enforcement agencies, local government units, and concerned agencies shall, **to the maximum extent consistent with this Act**, implement this Act in a manner that aligns procedures, terminology, and child-appropriate safeguards with the **2019 Supreme Court Revised Rule on Children in Conflict with the Law**, including the serious-crimes handling and commitment procedures reflected in the Rule and in the statutory IJISC framework.

Provided, That such procedural alignment shall **not** be construed to:
(a) diminish or negate the policy choice under this Act on **mandatory transfer upon reaching eighteen (18) years old for persons found guilty of heinous crimes**; or
(b) bar Congress from setting substantive standards on criminal responsibility and custodial disposition consistent with the Constitution.

SECTION 7. Implementing Rules and Regulations. — Within ninety (90) days from effectivity, the JJWC, in coordination with the DSWD, DOJ, DILG, DepEd, BuCor, BJMP, and other concerned agencies, shall promulgate the IRR to implement this Act, consistent with the juvenile justice framework under RA 9344 (2006), as amended, including the Bahay Pag-asa and IJISC mechanisms under RA 10630 (2013) and the relevant judicial procedures under A.M. No. 02-1-18-SC (2019).

SECTION 8. 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 9. Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations, memorandum circulars, and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 10. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,