

REPUBLIC OF THE PHILIPPINES

House of Representatives
20th Congress
Second Regular Session



HOUSE BILL NO. 10949

Introduced by **REP. ALEXANDER T. PIMENTEL** *Chairperson*
of the Special Committee on Strategic Intelligence and *District*
Representative of the 2nd District of Surigao del Sur

**AN ACT ESTABLISHING A GRADUATED, AGE-CALIBRATED
FRAMEWORK OF LIABILITY FOR CHILDREN IN CONFLICT WITH
THE LAW AMENDING FOR THE PURPOSE SECTIONS 6 AND 7 OF
REPUBLIC ACT NO. 9344, AS AMENDED BY REPUBLIC ACT NO.
10630**

EXPLANATORY NOTE

When Republic Act No. 9344, or the "Juvenile Justice and Welfare Act of 2006," was enacted, it represented a deliberate and well-intentioned shift toward a child-centered, restorative approach to juvenile justice, raising the minimum age of criminal responsibility (MACR) from nine (9) to fifteen (15) years old and placing children in conflict with the law (CICL) at the center of intervention, diversion, and rehabilitation rather than punishment. That policy shift was, and remains, consistent with the State's obligations under the United Nations Convention on the Rights of the Child and with the constitutional mandate to protect and promote the rights of children to assistance, proper care, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Nearly two decades later, the law as currently calibrated did not anticipate and has struggled to respond to a disturbing pattern of petty and more recently heinous crimes committed by children who, because of the blanket exemption enjoyed by those fifteen (15) years old and below, are shielded from criminal liability regardless of the gravity of the act or the clarity of intent behind it. This gap has become impossible to ignore in light of a string of recent, well-documented incidents involving children in conflict with the law:

On June 16, 2026, a 14-year-old Grade 8 student armed with a kitchen knife entered a Grade 5 classroom at a private school in General Trias City, Cavite, and stabbed seven (7) young pupils, two of whom required surgery.

On June 22, 2026, two students aged 14 and 15 opened fire inside San Jose National High School in Tacloban City, killing three (3) fellow students and wounding twenty (20) others in what has been described as one of the deadliest school-related attacks in the country's recent history.

On June 23, 2026, a 17-year-old student stabbed a fellow 17-year-old student outside Julio Ledesma National High School in San Carlos City, Negros Occidental, arising from a personal grudge, leaving the victim seriously wounded.

On July 31, 2026, a 14-year-old student fatally stabbed his 13-year-old classmate inside Las Piñas National High School over a trivial dispute involving ten pesos (Php10.00) in change, prompting the school to suspend face-to-face classes and review how a bladed weapon evaded metal detectors and security personnel.

Most recently, on August 18, 2026, a 14-year-old Grade 9 student brought firearms onto the campus of the Ateneo de Zamboanga University in Zamboanga City, shot and killed a fellow student, wounded several others, and then turned the gun on himself — an attack that was livestreamed on social media and that has been described as the country's second fatal school shooting in less than two months.

These incidents, taken together with the increasing frequency of law enforcement interceptions of children carrying firearms, knives, and other bladed weapons on their way to school, reveal that a rigid, single-threshold exemption no longer reflects the reality on the ground. A significant number of children between the ages of nine (9) and seventeen (17) are demonstrably capable of forming intent, understanding the wrongfulness of grave acts, and, in the most extreme cases, planning and executing them; circumstances that the pre-2006 regime under the Revised Penal Code was designed to address through the concept of "discernment" and the privileged mitigating circumstance of minority, without abandoning the child's constitutional and statutory protections.

This bill does not seek to undo the restorative and rehabilitative philosophy that undergirds Republic Act No. 9344. Diversion, restorative justice, confidentiality of records, the prohibition against detention of children in regular jails alongside adults, the automatic suspension of sentence, access to Bahay Pag-Asa and comprehensive intervention programs, and the child's right to counsel and to be heard remain fully intact under this measure.

What this bill proposes is a more calibrated, three-tiered framework restoring the pre-Republic Act No. 9344 age brackets under Article 12 of the Revised Penal Code under which: (i) children below nine (9) years of age remain absolutely exempt from criminal liability and are referred to intervention programs; (ii) children nine (9) years old up to below fifteen

(15) years old are conditionally liable, subject to a threshold inquiry into whether they acted with discernment; and (iii) children fifteen (15) years old up to below eighteen (18) years old are subject to the full weight of criminal responsibility, tempered by the privileged mitigating circumstance of minority and continued access to suspended sentence and rehabilitative disposition.

This measure seeks to strike the balance the public is demanding: one that neither treats a nine-year-old as a hardened offender nor allows a heinous, premeditated act by a sixteen-year-old to go entirely unanswered by the criminal justice system, while preserving every child-sensitive and restorative safeguard that Republic Act No. 9344 has built over the past two decades. In view of the foregoing, approval of this bill is earnestly requested.

The passage of this measure is earnestly sought.


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

SECTION 1. This Act shall be known as the "Graduated Juvenile
Accountability Act."

SECTION 2. Declaration of Policy. — It is the policy of the State to protect and promote the rights of children, to provide for a system of juvenile justice and welfare that is child-sensitive, restorative, and consistent with the country's obligations under the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines"). At the same time, the State recognizes its equally compelling duty to maintain peace and order, protect the public — including other children — from serious harm, and ensure that accountability is graduated according to a child's demonstrated capacity for discernment and moral responsibility, rather than fixed at a single, undifferentiated age threshold. Towards this end, the State shall adopt a graduated, age-calibrated framework of liability for children in conflict with the law (CICL), without diminishing the restorative, diversionary, and rehabilitative safeguards already guaranteed under Republic Act No. 9344, as amended.

SECTION 3. Section 6 of Republic Act No. 9344, as amended by Republic Act No. 10630, is hereby further amended to read as follows: "SEC. 6. Minimum Age of Criminal Responsibility. — In lieu of the age brackets previously provided, the following graduated, age-calibrated framework of liability shall apply to a child in conflict with the law:

(a) **Absolute Exemption.** — A child nine (9) years of age or under at the time of the commission of the offense shall be absolutely exempt from criminal liability. Such child shall instead undergo the appropriate intervention program under Section 20 of this Act, and shall in all cases remain in the custody and care of his or her parents, guardian, or the Department of Social Welfare and Development (DSWD), as the case may be.

(b) **Conditional Liability Based on Discernment.** — A child above nine (9) years of age but below fifteen (15) years of age at the time of the commission of the offense shall be exempt from criminal liability, unless it is shown that he or she acted with discernment, in accordance with the procedure laid down in Section 7 of this Act, in which case such child shall be subjected to the appropriate proceedings in accordance with this Act, including, where qualified, diversion under Sections 23 to 32 hereof.

(c) **Full Criminal Responsibility Subject to Privileged Mitigating Circumstance.** — A child fifteen (15) years of age or over but below eighteen (18) years of age at the time of the commission of the offense shall be subject to the full force and effect of the appropriate criminal proceedings and, where warranted, to conviction:

Provided, That such child shall in every case be credited with the privileged mitigating circumstance of minority under Article 13, paragraph 2, and Article 68 of the Revised Penal Code, or the equivalent provision of the special penal law violated, where applicable:

Provided, further, That the child shall remain entitled to diversion under this Act where qualified, and to automatic suspension of sentence under Section 38 of this Act where diversion is inapplicable or unsuccessful. The determination of the child's age shall be based on the child's birth certificate, baptismal certificate, or any other pertinent document. In the absence of these documents, the child's age may be based on information from the child, testimony of other persons, physical appearance, and other relevant evidence, in accordance with Section 7 of this Act. In case of doubt as to the age of the child, it shall be resolved in his or her favor. Nothing in this Section shall be construed to authorize the imposition of the death penalty or life imprisonment, or reclusion perpetua without the benefit of parole, upon any child in conflict with the law, consistent with Section 5 of the Convention on the Rights of the Child and Section 21 of Republic Act No. 9344."

SECTION 4. Section 7 of Republic Act No. 9344 is hereby amended to read as follows: "SEC. 7. Determination of Age and Discernment. — The age of a child may be determined in the manner set forth in the preceding Section. Where a child covered by Section 6(b) of this Act is alleged to have acted with discernment, the determination of discernment shall differentiate a discerning child from a non-discerning one, and shall take into consideration all relevant circumstances, such as the appreciation of the consequences of the wrongful act, the context of the child's environment, upbringing, and the degree of criminal sophistication involved in the planning and execution of the offense, based on the

assessment of a social worker duly appointed as the child's guardian ad litem or, in the absence of the latter, a social worker of the Department of Social Welfare and Development. The child in conflict with the law shall enjoy the presumption of minority and shall enjoy all the rights of a child in conflict with the law until proven guilty, and shall be treated with respect and dignity throughout the proceedings, consistent with Sections 5 and 22 of this Act."

SECTION 5. Continued Application of Diversion and Restorative Justice. — Nothing in this Act shall be construed to repeal, diminish, or otherwise affect the system of diversion, mediation, family conferencing, and other restorative justice processes under Sections 23 to 32 of Republic Act No. 9344, which shall remain available, as a matter of right where the imposable penalty does not exceed the threshold set therein, to children in conflict with the law falling under Section 6(b) and 6(c) of this Act, as amended.

SECTION 6. Continued Application of Other Safeguards. — Except as expressly amended by this Act, all other provisions of Republic Act No. 9344, as amended by Republic Act No. 10630, shall remain in full force and effect, including but not limited to: (a) the prohibition against the detention of children in conflict with the law in jails or detention cells together with adults, and the corresponding mandate that such children be committed to a youth detention home or Bahay Pag-asa under Sections 20 and 61; (b) the automatic suspension of sentence in favor of a qualified child in conflict with the law under Section 38; (c) the confidentiality of records and proceedings involving children in conflict with the law under Section 43; (d) the prohibition against labeling and shaming under Section 60; (e) the right to counsel, to be heard, and to be assisted by a social worker at every stage of the proceedings under Section 5; (f) the comprehensive local juvenile intervention and diversion programs required of local government units under Republic Act No. 10630; and (g) the establishment and maintenance of Bahay Pag-asa facilities and the regional juvenile justice and welfare councils. This Act shall be interpreted and applied in a manner that harmonizes accountability with the child-sensitive and restorative processes already guaranteed under existing law.

SECTION 7. Strengthened Intervention Programs. — In view of the expanded population of children who may now be subject to conditional or full liability under Section 6(b) and 6(c) of this Act, the Department of Social Welfare and Development, in coordination with the Juvenile Justice and Welfare Council (JJWC), the Department of Education, and concerned local government units, shall strengthen and adequately fund community-based intervention programs, mental health and psychosocial services, and Bahay Pag-asa facilities, to ensure that graduated liability under this Act is matched by graduated, evidence-based, and rehabilitative intervention, and not by mere incarceration.

SECTION 8. Review and Reporting. — The Juvenile Justice and Welfare Council shall submit an annual report to Congress on the implementation of this Act, including but not limited to the number of children processed under each of the three (3) age brackets under Section

6, as amended, the outcomes of discernment inquiries, diversion rates, and recidivism data, to inform future legislative review of the minimum age of criminal responsibility.

SECTION 9. Appropriations. — The amount necessary to carry out the strengthened intervention programs, Bahay Pag-asa facilities, and capacity-building activities required under this Act shall be included in the annual General Appropriations Act, and augmented, as necessary, from the Local Government Support Fund, the Special Local Government Support Fund, and other funds available to local government units for juvenile intervention programs under Republic Act No. 10630.

SECTION 10. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the Juvenile Justice and Welfare Council, in coordination with the Department of Social Welfare and Development, the Department of Justice, the Department of the Interior and Local Government, the Philippine National Police, and the Department of Education, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 11. Separability Clause. — If, for any reason, any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 12. Repealing Clause. — Section 6 of Republic Act No. 9344, as amended by Republic Act No. 10630, and all other laws, decrees, executive orders, administrative orders, rules, and regulations, or parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly. All other provisions of Republic Act No. 9344, as amended, not inconsistent herewith, shall remain in full force and effect.

SECTION 13. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.