

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

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **11319**



Introduced by **Representative ERIC G. YAP**

EXPLANATORY NOTE

This bill seeks to establish a Regional Rehabilitation Center for Youth (RRCY) in every region of the country, under the direction of the Department of Social Welfare and Development (DSWD), with an Intensive Juvenile Intervention and Support Center in each RRCY. It amends Republic Act (RA) No. 9344, otherwise known as the "*Juvenile Justice and Welfare Act of 2006*", as amended by RA No. 10630, to strengthen the rehabilitation and supervision of children exempt from criminal responsibility who commit serious crimes.

Despite the enactment of RA No. 9344, as amended, the increasing number of cases involving children in conflict with the law provides an opportunity to strengthen the existing rehabilitation system. The current framework places significant responsibility on local government units (LGUs) for the establishment and operation of Bahay Pag-Asa facilities which results in uneven capacity to provide secure and specialized care.

The bill transfers the primary responsibility for specialized residential rehabilitation to the DSWD, and strengthens the protection and assistance afforded to victims and their families. It likewise preserves the right of victims to recover restitution, indemnity, damages, and other civil remedies notwithstanding the child's exemption from criminal liability.

The protection of children and the protection of society are not competing obligations. A just juvenile justice system gives children a genuine opportunity to change while giving victims, families, and communities the assurance that serious offenses will be met with meaningful intervention and appropriate action. This measure gives the State the capacity to fulfill both responsibilities, because rehabilitation must be a system capable of protecting lives, restoring families, and giving children the chance to return to society as better and more responsible individuals.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


HON. ERIC G. YAP

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AN ACT
STRENGTHENING THE REHABILITATION AND SUPERVISION OF CHILDREN
EXEMPT FROM CRIMINAL RESPONSIBILITY WHO COMMIT SERIOUS
CRIMES, ESTABLISHING REGIONAL REHABILITATION CENTERS FOR
YOUTH, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344,
OTHERWISE KNOWN AS THE “JUVENILE JUSTICE AND WELFARE ACT OF
2006”, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR

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

Section 1. Section 4 of Republic Act (RA) No. 9344, otherwise known as the “*Juvenile Justice and Welfare Act of 2006*”, as amended, is hereby further 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 nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are **PLACED THEREIN IN ACCORDANCE WITH THIS ACT, INCLUDING CHILDREN BELOW FIFTEEN (15) YEARS OF AGE REFERRED THERETO PURSUANT TO SECTION 20 OF THIS ACT, AND CHILDREN** above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction, **EXCEPT WHERE PLACEMENT IN A REGIONAL REHABILITATION CENTER FOR YOUTH (RRCY) OR AN INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER (IJISC) IS REQUIRED UNDER THIS ACT.**

[Part of the features of a ‘Bahay Pag-asa’ is an intensive juvenile intervention and support center. This will cater to children

in conflict with the law in accordance with Sections 20, 20-A and 20-B hereof.]

x x x

“(t) [“Youth Rehabilitation Center”] **REGIONAL REHABILITATION CENTER FOR YOUTH OR ‘RRCY’** refers to a 24-hour residential care [facility] **INSTITUTION** managed by the Department of Social Welfare and Development (DSWD), [LGUs, licensed and/or accredited NGOs monitored by the DSWD,] which provides **RESIDENTIAL** care, treatment and rehabilitation services for children in conflict with the law. Rehabilitation services are provided under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals. **EACH RRCY SHALL MAINTAIN AN INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER (IJISC), IN ACCORDANCE WITH THIS ACT AND THE STANDARDS PRESCRIBED BY THE DSWD.** Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

“(u) “[Victimeless Crimes] **INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER OR IJISC**” refers to [offenses where there is no private offended party] **A SPECIALIZED COMPONENT OF AN RRCY OPERATED BY THE DSWD WHICH PROVIDES INTENSIVE, INDIVIDUALIZED, AND MULTI-DISCIPLINARY INTERVENTION, TREATMENT, EDUCATION, REHABILITATION, REINTEGRATION, AND AFTERCARE SERVICES TO CHILDREN PLACED THEREIN PURSUANT TO SECTIONS 20-A AND 20-B OF THIS ACT.**”

“THE IJISC SHALL INCLUDE A SEPARATE, SECURE, AND SPECIALIZED RESIDENTIAL UNIT EXCLUSIVELY FOR CHILDREN COVERED UNDER SECTION 20-A OF THIS ACT. THE SPECIALIZED RESIDENTIAL UNIT SHALL BE PHYSICALLY SEPARATE FROM THE FACILITIES OR RESIDENTIAL AREAS OCCUPIED BY OTHER CHILDREN IN CONFLICT WITH THE LAW.”

SEC. 2. Section 9-A(e) of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 9-A. Duties and Functions of the RJJWC. – The RJJWC shall have the following duties and functions:

x x x

“e. To [oversee] **MONITOR** the programs [and operation] of the [intensive juvenile intervention and support center] **RRCYS AND IJISCS** established within the region, **FACILITATE COORDINATION AMONG CONCERNED NATIONAL GOVERNMENT AGENCIES AND LGUS, AND SUBMIT THE NECESSARY FINDINGS AND RECOMMENDATIONS TO THE JJWC AND THE DSWD;**

x x x.”

SEC. 3. 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, 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, **OR TO A REGIONAL REHABILITATION CENTER FOR YOUTH; PROVIDED, THAT A CHILD COVERED BY SECTIONS 20-A OR 20-B OF THIS ACT SHALL BE PLACED IN THE INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER WITHIN THE APPROPRIATE RRCY.**

x x x.”

SEC. 4. 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.* – 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 (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 faculty or ‘Bahay Pag asa’ called] the Intensive Juvenile Intervention and Support Center (IJISC) **WITHIN THE REGIONAL REHABILITATION CENTER FOR YOUTH (RRCY), IN A SEPARATE, SECURE, AND SPECIALIZED RESIDENTIAL UNIT OPERATED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.**

“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] **SHALL ORDER THE COMMITMENT OF THE CHILD TO THE IJISC AND SHALL CONDUCT PERIODIC JUDICIAL REVIEW OF THE CHILD'S CONTINUED PLACEMENT BASED ON THE RECOMMENDATION OF THE MULTI-DISCIPLINARY TEAM.**

x x x.”

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

“SEC. 20-E. *Assistance to Victims of Offenses Committed by Children.* – The victim of the offense committed by a child and the victim’s family shall be [provided the appropriate assistance and psychological intervention by the LSWDO, the DSWD and other concerned agencies.] **ENTITLED TO IMMEDIATE AND APPROPRIATE ASSISTANCE FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICE (LSWDO), AND OTHER CONCERNED GOVERNMENT AGENCIES, WHICH SHALL INCLUDE, WHENEVER APPROPRIATE:**

“(A) EMERGENCY MEDICAL CARE;

“(B) PSYCHOLOGICAL INTERVENTION AND CONTINUING COUNSELING;

“(C) SOCIAL WELFARE ASSISTANCE;

“(D) LEGAL ASSISTANCE AND REPRESENTATION;

“(E) FINANCIAL ASSISTANCE SUBJECT TO EXISTING LAWS AND APPROPRIATIONS; AND

“(F) REFERRAL TO LIVELIHOOD, EDUCATIONAL, OR OTHER SUPPORT SERVICES;

“PROVIDED, THAT THE EXEMPTION OF A CHILD FROM CRIMINAL LIABILITY SHALL NOT PREJUDICE THE RIGHT OF THE VICTIM TO RECOVER RESTITUTION, INDEMNITY, DAMAGES, ATTORNEY'S FEES, AND ALL OTHER CIVIL REMEDIES AVAILABLE UNDER EXISTING LAWS.”

SEC. 6. Section 49 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 49. Establishment of ‘Bahay Pag-Asa’. – 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.

[“Every ‘Bahay Pag asa’ will have a special facility called the IJISC. This Center will be allocated for children in conflict with the law in accordance with Sections 20, 20-A and 20-B hereof. These children will be required to 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 the standards for the implementation of the multi-disciplinary intervention program of the IJISC. Upon institutionalization of the IJISC program, the JJWC will continue to monitor and provide technical assistance to the multi-disciplinary teams operating the said centers.”]

SEC. 7. Section 50 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 50. Care and Maintenance of the Child in Conflict with the Law. –
x x x

“The LGUs expected expenditures on the local juvenile intervention program for children at risk and children in conflict with the law shall be included in the LGUs annual budget. Highly-urbanized cities and provincial governments should include a separate budget for the construction and maintenance of the ‘Bahay Pag-asa’ [including the operation of the IJISC within the 'Bahay Pag asa'].

“THE EXPENSES FOR THE ESTABLISHMENT, ADMINISTRATION, OPERATION, MAINTENANCE, STAFFING, SECURITY, REPAIR, AND IMPROVEMENT OF THE RRCY, INCLUDING THE OPERATION OF THE IJISCS THEREIN, SHALL BE BORNE BY THE NATIONAL GOVERNMENT THROUGH THE DSWD AND SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT: PROVIDED, THAT THE EXPENSES FOR THE CARE, MAINTENANCE, TREATMENT, EDUCATION, REHABILITATION, REINTEGRATION, AND AFTERCARE OF A CHILD PLACED IN AN RRCY OR IJISC SHALL BE BORNE IN ACCORDANCE WITH THE COST-SHARING ARRANGEMENT

PROVIDED IN THIS SECTION; PROVIDED, FURTHER, THAT THE DSWD SHALL BE RESPONSIBLE FOR THE DELIVERY OF SUCH SERVICES TO THE CHILD DURING HIS OR HER STAY IN THE RRCY OR IJISC; PROVIDED, FINALLY, THAT THE CONCERNED LGUS SHALL EXTEND ASSISTANCE TO THE DSWD IN THE REFERRAL, TRANSPORT, CASE MANAGEMENT, FAMILY INTERVENTION, REINTEGRATION, AND AFTERCARE OF CHILDREN RESIDING WITHIN THEIR RESPECTIVE JURISDICTIONS."

SEC. 8. Section 53 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 53. REGIONAL [Youth] Rehabilitation CenterS FOR YOUTH (RRCY) AND INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTERS (IJISC). - THE DSWD SHALL ESTABLISH, ADMINISTER, FUND, MAINTAIN, AND OPERATE AT LEAST ONE REGIONAL REHABILITATION CENTER FOR YOUTH IN EACH REGION OF THE COUNTRY.

"The [youth rehabilitation center] RRCY shall provide 24-hour [group] RESIDENTIAL care, treatment, EDUCATION, INTERVENTION, and rehabilitation services under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals. A quarterly report shall be submitted by the center to the proper court on the progress of the children in conflict with the law. Based on the progress of the youth in the center, a final report will be forwarded to the court for final disposition of the case; [The DSWD shall establish youth rehabilitation centers in each region of the country.]

"PROVIDED, THAT EACH RRCY SHALL MAINTAIN AN INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTER. THIS CENTER SHALL BE ALLOCATED FOR CHILDREN IN CONFLICT WITH THE LAW IN ACCORDANCE WITH SECTIONS 20-A AND 20-B HEREOF.

"THE IJISC SHALL HAVE A SEPARATE, SECURE, AND SPECIALIZED RESIDENTIAL UNIT EXCLUSIVELY FOR CHILDREN COVERED BY SECTION 20-A OF THIS ACT. THE SPECIALIZED RESIDENTIAL UNIT SHALL BE PHYSICALLY SEPARATE FROM THE FACILITIES OR RESIDENTIAL AREAS OCCUPIED BY OTHER CHILDREN IN CONFLICT WITH THE LAW. THE CHILD SHALL BE PROVIDED ENHANCED SUPERVISION, WITH MOVEMENT WITHIN THE FACILITY BASED ON AN INDIVIDUALIZED ASSESSMENT OF THE CHILD'S TREATMENT, REHABILITATION, AND SECURITY NEEDS.

"THE DSWD, IN CONSULTATION WITH THE JJWC, AND OTHER CONCERNED AGENCIES, SHALL PRESCRIBE THE MINIMUM STANDARDS FOR THE ADMINISTRATION, SECURITY, STAFFING, AND OPERATION OF THE SPECIALIZED RESIDENTIAL UNITS; PROVIDED, THAT THE CHILDREN PLACED THEREIN WILL BE REQUIRED TO UNDERGO A MORE INTENSIVE MULTI-DISCIPLINARY INTERVENTION PROGRAM; PROVIDED, FURTHER, THAT THE JJWC IN PARTNERSHIP WITH, BUT NOT LIMITED TO, THE DSWD, THE DOH, THE DEPED AND THE DILG, SHALL DEVELOP AND SET THE STANDARDS FOR THE IMPLEMENTATION OF THE MULTI-DISCIPLINARY INTERVENTION PROGRAM OF THE IJISC. UPON INSTITUTIONALIZATION OF THE IJISC PROGRAM, THE JJWC SHALL CONTINUE TO MONITOR AND PROVIDE TECHNICAL ASSISTANCE TO THE MULTI-DISCIPLINARY TEAMS OPERATING THE SAID CENTERS."

SEC. 9. Section 63 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 63. Appropriations. – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the JJWC [under the budget of the Department of Justice]. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the budget of the DSWD under the annual General Appropriations Act: [Provided, That the amount of Four hundred million pesos (P400,000,000.00) shall be appropriated for the construction of 'Bahay Pag asa' rehabilitation centers in provinces or cities with high incidence of children in conflict with the law to be determined and identified by the DSWD and the JJWC on a priority basis: Provided, further, That the said amount shall be coursed through the Department of Public Works and Highways (DPWH) for its proper implementation.] PROVIDED, THAT THE AMOUNT NECESSARY FOR THE ESTABLISHMENT, CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE REGIONAL REHABILITATION CENTERS FOR YOUTH, INCLUDING THE INTENSIVE JUVENILE INTERVENTION AND SUPPORT CENTERS THEREIN, SHALL BE INCLUDED IN THE ANNUAL APPROPRIATIONS OF THE DSWD.

"The LGUs concerned shall make available, from its own resources or assets, their counterpart share equivalent to the national government contribution [of Five million pesos (P5,000,000.00)] per [rehabilitation center] BAHAY PAG-ASA, IN SUCH AMOUNT AS MAY BE DETERMINED BY THE DSWD IN ACCORDANCE WITH THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT.

"In addition, the Council AND THE DSWD, FOR AND ON BEHALF OF THE RRCYS AND IJISCS, may accept donations, grants and contributions from various sources, in cash or in kind, for purposes

relevant to its functions, subject to the usual government accounting and auditing rules and regulations.”

SEC. 10. *Transitory Provision* – Within one hundred eighty (180) days from the effectivity of this Act, the DSWD, in coordination with the Juvenile Justice and Welfare Council (JJWC), the Regional Juvenile Justice and Welfare Committees (RJJWCs), the Department of Budget and Management (DBM), the Department of the Interior and Local Government (DILG), and other concerned agencies, shall formulate and implement a transition plan for the establishment and full operation of the Regional Rehabilitation Centers for Youth (RRCYs) and the Intensive Juvenile Intervention and Support Centers (IJISCs) therein, in accordance with the implementing rules and regulations of this Act.

The transition plan shall include, among others, the establishment or designation of RRCYs, the transfer of children covered under Sections 20-A and 20-B of RA No. 9344, otherwise known as the “*Juvenile Justice and Welfare Act of 2006*”, as amended, the deployment of personnel, and the transition timeline for IJISC operations, as may be prescribed in the implementing rules and regulations.

Pending the establishment and full operation of the RRCYs, existing IISCs operating within Bahay Pag-asa facilities shall continue to operate under the supervision of the DSWD until the transfer of the children concerned to the appropriate RRCYs is completed: *Provided*, That such transfer shall be subject to the prior authority of the court, where required under this Act, and shall not interrupt the implementation of the child's intervention and rehabilitation program.

SEC. 11. *Implementing Rules and Regulations*. – Within sixty (60) days from the effectivity of this Act, the DSWD and JJWC shall promulgate the necessary rules and regulations for its effective implementation.

SEC. 12. *Separability Clause*. – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 13. *Repealing Clause*. – All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 14. *Effectivity*. – This Act shall take effect fifteen days (15) after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,