



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 300 10

HOUSE OF REPRESENTATIVES	
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Introduced by **REPRESENTATIVES RODOLFO C. FARIÑAS,**
PANTALEON D. ALVAREZ, ROLANDO G. ANDAYA, JR.,
MICHAEL JOHN R. DUAVIT, CARLOS O. COJUANGCO, ELISA T. KHO,
RANEO E. ABU, BENHUR L. SALIMBANGON, KARLO ALEXEI B. NOGRALES,
DANILO E. SUAREZ, and RODEL M. BATOCABE

EXPLANATORY NOTE

Article 12 of Act 3815, otherwise known as The Revised Penal Code which was approved on December 8, 1930, exempts from criminal liability a person over nine years of age and under fifteen unless he has acted with discernment, in which case, such minor shall be committed to the custody or care of an institution established under the law for the care, correction or education of delinquent children.

The child's behaviour and compliance with the conditions imposed in his sentence shall determine whether he may be subject to an order of final release or returned to the court to render judgment corresponding to the crime he committed.

The United Nations Convention on the Rights of the Child, under which the Philippines is a signatory, was adopted on November 20, 1989. The Convention aims to ensure that children are safeguarded against all forms of abuse, neglect and exploitation, including safeguards for children under the criminal justice system, and protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

This international treaty does not set a minimum age of criminal liability of a child.

Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, was approved on April 28, 2006 with the noble intention of protecting the best interests of children, through measures that will ensure the observance of international standards of child protection and in a manner consistent with the promotion of the child's sense of dignity and worth.

Section 6 of Republic Act No. 9344 provides that a person who is fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability, but the child shall be subjected to an intervention program pursuant to Section 20 of the Act.

More than ten (10) years after the passage of this law, we have seen clear and notable shifts towards an interconnected society which pulses at an even faster pace. Younger children are increasingly integrated in nearly all aspects of the country's political and social landscape, thus enabling them to be more informed of their surroundings, more cognizant of their choices, and more discerning about the consequences of their intended actions and pursuits, than they ever were ten years ago.

Despite exhaustive efforts to protect and isolate them from wayward influences, criminal elements have taken advantage of this law and have used teenagers exempt from criminal liability to take part in their felonious activities, causing them to perform essential functions in the operations of criminal syndicates. These teenagers, whether willingly or out of need, have allowed themselves to participate in prostitution, in illegal gambling, as drug mules and peddlers, snatchers, liaison for contrabands, among others, often with complete understanding that despite their criminal behaviours, they will eventually be set free.

With a heightened sense of today's criminal justice system and crime incidence involving young children who possess full and complete mental faculties and comprehension of the nature and significance of their actions, there is a need to intensify measure to address this concern involving children, especially so when they are exploited and taken advantage of by criminal elements.

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



RODOLFO C. FARIÑAS



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AN ACT
ESTABLISHING JUVENILE JUSTICE COURTS, GRANTING THEM
EXCLUSIVE ORIGINAL JURISDICTION OVER CRIMINAL CASES INVOLVING
YOUTHFUL OFFENDERS, AMENDING FOR THE PURPOSE BATAS
PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS THE
JUDICIARY REORGANIZATION ACT OF 1980, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Juvenile Justice
2 Courts Act of 2016”.

3 Section 2. *Declaration of Policy.* – It is hereby declared a policy that the State
4 shall protect the rights and promote the welfare of children in keeping with the mandate
5 of the Constitution and the precepts of the United Nations Convention on the Rights of
6 the Child. The State shall provide a system of adjudication for youthful offenders which
7 shall take into account their peculiar circumstances.

8 Section 3. *Establishment of Juvenile Justice Courts.* – There shall be established
9 in every province and city in the country a Juvenile Justice Court. In case a city is the
10 capital of the province, the Juvenile Justice Court shall be established in the
11 municipality which has the highest population.

1 Section 4. *Qualification and Training of Juvenile Justice Court Judges.* –

2 (a) *Qualification.* - No person shall be appointed Juvenile Justice Court Judge or
3 Presiding Judge of the Juvenile Justice Court unless he is a natural-born citizen of the
4 Philippines, at least thirty-five (35) years of age, and, for at least ten (10) years, has
5 been engaged in the practice of law in the Philippines or has held a public office in the
6 Philippines requiring admission to the practice of law as indispensable requisite.

7 (b) *Training of Juvenile Justice Court Judges.* - The Presiding Judge, as well as
8 the court personnel of the Juvenile Justice Courts, shall undergo continuing education
9 and training and must have the experience and demonstrated ability in dealing with
10 youthful offenders and the rights and welfare of children.

11 Section 5. *Jurisdiction of Juvenile Justice Courts.* – The Juvenile Justice Courts
12 shall have exclusive original jurisdiction in criminal cases where one or more of the
13 accused is below eighteen (18) years of age but not less than nine (9) years of age at
14 the time of the commission of the offense: *Provided*, That if the minor is found guilty, the
15 court shall promulgate sentence and ascertain any civil liability which the accused may
16 have incurred; *Provided further*, That if none of the accused is a minor and the victim or
17 one or more of the victims is a minor, jurisdiction remains with the Regional Trial Courts
18 designated as Family Courts under the provisions of Republic Act No. 8369, otherwise
19 known as the Family Courts Act of 1997.

20 Section 6. *Special Rules of Procedure.* – The Supreme Court shall promulgate
21 special rules of procedure for the transfer of cases to the new courts during the
22 transition period and for the disposition of cases.

23 Section 7. *Speedy Disposition of Cases.* – As far as practicable, the trial of cases
24 in the Juvenile Justice Courts, once commenced, shall be continuous until terminated
25 and the judgment shall be rendered within thirty (30) days from the time the case is
26 submitted for decision.

27 Section 8. *Appeals.* – Decisions and orders of the Juvenile Justice Courts shall
28 be appealed in the same manner and subject to the same conditions as appeals from
29 the regular Regional Trial Courts.

30 Section 9. *Appropriations.* – The amount necessary to carry out the provisions of
31 this Act shall be included in the General Appropriations Act of the year following its
32 enactment into law and every year thereafter.

33 Section 10. *Transitory Provisions.* – Criminal cases cognizable by the Juvenile
34 Justice Courts herein created which are pending in, and have been partly tried by, the
35 Regional Trial Courts designated as Family Courts as of the date of the approval of this
36 Act shall continue to be tried by the latter.

1 Section 11. *Separability Clause*. – In case any provision of this Act is declared
2 unconstitutional, the other provisions shall remain in effect.

3 Section 12. *Repealing Clause*. – All other laws, decrees, executive orders, rules
4 and regulations inconsistent herewith are hereby repealed, amended or modified
5 accordingly.

6 Section 13. *Effectivity*. – This Act shall take effect fifteen (15) days after its
7 publication in at least two (2) national newspapers of general circulation.

Approved,