

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3973



Introduced by **REP. ESTRELLITA B. SUANSING**

EXPLANATORY NOTE

This bill seeks to lower the minimum age of criminal responsibility amending for the purpose Republic Act No. 9344 otherwise known as the "*Juvenile Justice and Welfare Act of 2006*."

Society has become more intricate compared to the past which was simpler. The social order today is more exposed to the pervading influences like the internet and the state-of-the-art technology; and the corrupting power of such indulgences as gambling, liquor and prohibited drugs. The youth is not sheltered anymore from these influences before they reach an acceptable age of maturity to discern what is right from wrong. It has been difficult to draw the line between innocence and culpability of one's actions.

There are now more juvenile offenders than ever before and the government must now do what it can to curb this trend. Sadly, we have a younger age group at present that is more prone to criminality and that there is a need to lower the age of criminal responsibility from eighteen (18) years of age to sixteen (16) years of age, sending a message to the parents to be more careful and responsible in raising their children.

This proposal should not be seen as a Draconian measure but a necessity to impose tough sanctions if we have to survive as a society.

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


ESTRELLITA B. SUANSING

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HOUSE BILL NO. 3973

Introduced by **REP. ESTRELLITA B. SUANSING**

AN ACT
LOWERING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS THE
“JUVENILE JUSTICE AND WELFARE ACT OF 2006.”

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

1 **SECTION 1.** Section 6 of Republic Act No. 9344 otherwise known as the “Juvenile
2 Justice and Welfare Act of 2006” is hereby amended to read as follows:

3
4 “SEC. 6. **Minimum Age of Criminal Responsibility.** – A child
5 [fifteen (15)] **NINE (9)** years of age or under at the time of the
6 commission of the offense shall be exempt from criminal liability.
7 However, the child shall be subjected to an intervention program
8 pursuant to Section 20 of this Act.

9
10 A child above [fifteen (15)] **NINE (9)** years but below [eighteen
11 (18)] **SIXTEEN (16)** years of age shall likewise be exempt from criminal
12 liability and be subjected to an intervention program, unless he/she
13 has acted with discernment, in which case, such child shall be
14 subjected to the appropriate proceedings in accordance with this Act.

15
16 x x x”

17
18 **SECTION 2.** Section 7 of the Republic Act No. 9344 otherwise known as the “Juvenile
19 Justice and Welfare Act of 2006” is further amended to read as follows:

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21
22 “SEC. 7. **Determination of Age.** – The child in conflict with the
23 law shall enjoy the presumption of minority. He/She shall enjoy all the
24 rights of a child in conflict with the law until he/she is proven to be
25 [eighteen (18)] **SIXTEEN (16)** years of old or older. The age of the child

1 may be determined from the child's birth certificate, baptismal
2 certificate or any other pertinent documents. In the absence of these
3 documents, age may be based on information from the child
4 himself/herself, testimonies of other persons, the physical appearance
5 of the child and other relevant evidence. In case of doubt as to the age
6 of the child, it shall be resolved in his/her favor.
7

8 x x x

10 x x x

12 x x x"

14
15 **SECTION 3.** Section 20 of Republic Act No. 9344 otherwise known as the "Juvenile
16 Justice and Welfare Act of 2006" is further amended to read as follows
17

18 **"SEC 20. Children Below the Age of Criminal Responsibility.**

19 – If it has been determined that the child taken into custody is [fifteen
20 (15)] **NINE (9)** years old or below, the authority which will have an initial
21 contact with the child has the duty to immediately release the child to
22 the custody of his/her parents or guardian, or in the absence thereof,
23 the child's nearest relative. Said authority shall give notice to the local
24 social welfare and development officer who will determine the
25 appropriate programs in consultation with the child and to the person
26 having custody over the child. If the parents, guardians or nearest
27 relatives cannot be located, or if they refuse to take custody, the child
28 may be released to any of the following: a duly registered
29 nongovernment or religious organization; a barangay official or member
30 of the Barangay Council for the Protection of Children (BCPC); a local
31 social welfare and development officer; or when and where appropriate,
32 the DSWD. If the child referred to herein has been found by the Local
33 Social Welfare and Development Office to be abandoned, neglected or
34 abused by his parents, or in the event that the parents will not comply
35 with the prevention program, the proper petition for involuntary
36 commitment shall be filed by the DSWD or the Local Social Welfare and
37 Development Office pursuant to Presidential Decree No. 603, otherwise
38 known as the "The Child and Youth Welfare Code".
39

40 **SECTION 4.** Section 22 of Republic Act No. 9344 otherwise known as the "Juvenile
41 Justice and Welfare Act of 2006" is further amended to read as follows:
42

43 **"SEC. 22 Duties During Initial Investigation.** – The law
44 enforcement officer shall, in his/her investigation, determine where the
45 case involving the child in conflict with the law should be referred.
46

47 x x x

After initial investigation, the local social worker conducting the same may do either of the following:

- (a) Proceed in accordance with Section 20 if the child is [fifteen (15)] **NINE (9)** years of below or above [fifteen (15)] **NINE (9)** but below [eighteen (18)] **SIXTEEN (16)** years old, who acted without discernment; and
- (b) If the child is above [fifteen (15)] **NINE (9)** years old but below [eighteen (18)] **SIXTEEN (16)** and who acted with discernment, proceed to diversion under the following chapter.”

SECTION 5. Section 38 of Republic Act No. 9344 otherwise known as the “Juvenile Justice and Welfare Act of 2006” is further amended to read as follows:

“SEC. 38. **Automatic Suspension of Sentence.** – Once the child who is under [eighteen (18)] **SIXTEEN (16)** years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgement of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application. *Provided, however,* That suspension of sentence shall still be applied even if the juvenile is already [eighteen (18)] **SIXTEEN (16)** years of age or more at the time of the pronouncement of his/her guilt.

x x x”

SECTION 6. Section 40 Republic Act No. 9344 otherwise known as the “Juvenile Justice and Welfare Act of 2006” is further amended to read as follows:

“SEC. 40. **Return of Child in Conflict with the Law to Court.**
- If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law shall be brought before the court for execution of judgement.

If the said child in conflict with the law has reached the age of [eighteen (18)] **SIXTEEN (16)** years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to end the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.”

SECTION 7. Republic Act No. 9344 otherwise known as the “Juvenile Justice and Welfare Act of 2006” is further amended to read as follows:

“SEC. 58. **Offenses Not Applicable to Children.** – Persons below [eighteen (18)] **SIXTEEN (16)** years of age shall be exempt from prosecution for the crime of vagrancy and prostitution under Section 202 of the Revised Penal Code, of mendicancy under Presidential Decree No. 1563, and sniffing of rugby under Presidential Decree No. 1619, such prosecution being inconsistent with the United Nations Convention on the Rights of Child: *Provided, That* said persons shall undergo appropriate counselling and treatment program.”

SECTION 8. Section 67 of Republic Act No. 9344 otherwise known as the “Juvenile Justice and Welfare Act of 2006” is further amended to read as follows:

“SEC. 67. **Children Who Reach the Age of [Eighteen (18)] SIXTEEN (16) Years Pending Diversion and Court Proceeding.** – If a child reaches the age of [eighteen (18)] **SIXTEEN (16)** years pending diversion and court proceedings, the appropriate diversion authority in consultation with the local social welfare and development officer or the Family Court in consultation with the Social Services and Counselling Division (SSCD) of the Supreme Court, as the case may be, shall determine the appropriate disposition. In case the appropriate court executes the judgement of conviction, and unless the child in conflict with the law has already availed of probation under Presidential Decree No. 603 or other similar laws, the child may apply for probation if qualified under the provisions of the Probation Law.”

SECTION 9. Section 68 of Republic Act No. 9344 otherwise known as the “Juvenile Justice and Welfare Act of 2006” is further amended to read as follows:

“SEC. 68. **Children Who Have Been Convicted and are Serving Sentence.** – Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who are below the age of [eighteen (18)] **SIXTEEN (16)** at the time of the commission of the offense for which they were convicted and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable law.

SECTION 10. The Juvenile Justice and Welfare Council under the Department of Justice in coordination with the Department of Social Welfare and Development shall issue the Implementing Rules and Regulations within ninety (90) days from the effectivity of this Act.

1 **SECTION 11.** All existing laws, orders, decrees, rules and regulations or parts
2 thereof contrary to or inconsistent with the provisions of this Act are hereby repealed
3 or modified accordingly.

4
5 **SECTION 12.** If, for any reason, any section or provision of this Act is declared
6 unconstitutional or invalid by the Supreme Court, the other sections or provisions
7 hereof not affected by such declaration shall remain in full force and effect.

8
9 **SECTION 13.** This Act shall take effect after fifteen (15) days from its publication in
10 at least two (2) national newspapers of general circulation.

11
12 Approved,