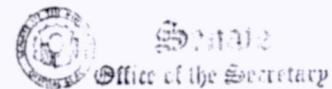


SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session



'19 JAN 30 P4:43

SENATE

RECEIVED

COMMITTEE REPORT NO. 622

Submitted jointly by the Committees on Justice and Human Rights; Women, Children, Family Relations and Gender Equality; and Finance on JAN 30 2019.

Re: Senate Bill No. 2198

Recommending its approval in substitution of Senate Nos. 2026, 1603 and 195, taking into consideration Senate Resolution Nos. 171 and 268.

Sponsor: Senator Richard J. Gordon

MR. PRESIDENT:

The Committees on Justice and Human Rights; Women, Children, Family Relations and Gender Equality; and Finance, to which were referred **Senate Bill No. 2026**, introduced by Senator Sotto III, entitled:

"AN ACT

LOWERING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY AMENDING FOR THE PURPOSE SECTIONS 6, 20, 20-A, 20-B AND 22 OF REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS "THE JUVENILE JUSTICE AND WELFARE ACT OF 2006", AND FOR OTHER PURPOSES"

Senate Bill No. 1603, introduced by Senator Drilon, entitled:

"AN ACT

LOWERING THE AGE OF CRIMINAL RESPONSIBILITY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006", AS AMENDED"

Senate Bill No. 195, introduced by Senator De Lima , entitled:

"AN ACT

DEFINING CRIMINAL EXPLOITATION OF CHILDREN AND INCREASING PENALTIES FOR ALL CRIMES INVOLVING THEM, AND FOR OTHER PURPOSES"

taking into consideration **Senate Resolution No. 171**, introduced by Senator De Lima, entitled:

"RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE IMPLEMENTATION OF REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE WELFARE ACT OF 2006" WITH THE END IN VIEW OF FURTHER STRENGTHENING CURRENT LEGISLATION PROVIDING INTERVENTIONS AND PROTECTION OF CHILDREN IN CONFLICT WITH THE LAW AND ENSURE THAT LEGISLATIVE MEASURES ARE IN PLACE AGAINST PROPOSALS TO LOWER THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY (MACR) FROM FIFTEEN (15) TO NINE (9) YEARS OLD"

and **Senate Resolution No. 268**, introduced by Senator Gatchalian, entitled:

"A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, AS TO THE ENFORCEMENT AND PROPER IMPLEMENTATION OF REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE WELFARE ACT OF 2006", FOR THE PURPOSE OF EXAMINING THE EFFECTIVITY OF THE EXISTING LAW AND PROPOSING AMENDMENTS TO FURTHER STRENGTHEN THE PROVISIONS THAT PROTECT THE RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW"

have considered the same and have the honor to report these bills back to the Senate with the recommendation that the attached **Senate No. 2198**, prepared by the Committees, entitled:

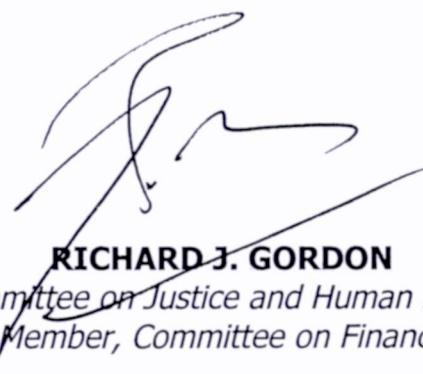
"AN ACT

**STRENGTHENING THE YOUTH SOCIAL WELFARE PROGRAMS AND
EXTENDING THE SCOPE OF REFORMATION AND REHABILITATION OF
CHILDREN IN CONFLICT WITH THE LAW, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE
"JUVENILE JUSTICE AND WELFARE ACT OF 2006", AND OTHER RELATED
LAWS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"**

be approved in substitution of Senate Nos. 2026, 1603 and 195 taking into consideration **Senate Resolution Nos. 171 and 268** with Senators Sotto III, Drilon, De Lima, Gatchalian, Gordon, Hontiveros, and Legarda, as authors thereof.

Respectfully submitted:

Chairpersons


RICHARD J. GORDON

*Committee on Justice and Human Rights
Member, Committee on Finance*

RISA HONTIVEROS

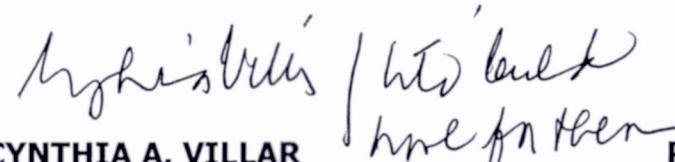
*Committee on Women, Children, Family
Relations and Gender Equality
Member, Committee on Justice and
Human Rights
Member, Committee on Finance*


LOREN LEGARDA

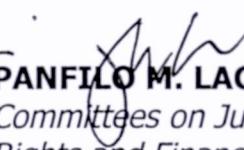
*Committee on Finance
Member, Committee on Women,
Children, Family Relations and Gender
Equality*

*will i August
2011*

Vice Chairpersons

*Mythic Villar / hto buld
hne fn then* 

CYNTHIA A. VILLAR
Committee on Finance
*Member, Committee on Women, Children,
Family Relations and Gender Equality*

Panfilo M. Lacson 

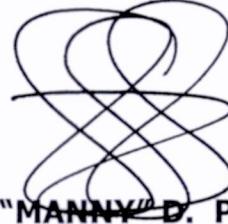
PANFILO M. LACSON
*Committees on Justice and Human
Rights and Finance*

-SJV-

JOSEPH VICTOR G. EJERCITO
Committee on Finance
*Member, Committee on Justice and
Human Rights*
*Member, Committee on Women, Children,
Family Relations and Gender Equality*

PAOLO BENIGNO "BAM" AQUINO IV
Committee on Finance
*Member, Committee on Women,
Children, Family Relations and Gender
Equality*

MARIA LOURDES NANCY S. BINAY
*Committee on Women, Children, Family
Relations and Gender Equality*
Committee on Finance


EMMANUEL "MANNY" D. PACQUIAO
*Committee on Justice and Human
Rights*

Members

*will amend
my vote*

FRANCIS G. ESCUDERO

*Committee on Women, Children, Family
Relations and Gender Equality
Committee on Finance*

FRANCIS N. PANGILINAN

*Committee on Justice and Human
Rights
Committee on Finance*

WIN GATCHALIAN

Committee on Finance

GRACE POE

*Committee on Justice and Human
Rights
Committee on Finance*

AQUILINO "KOKO" PIMENTEL III

Committee on Finance

JOEL VILLANUEVA

Committee on Finance

ANTONIO "SONNY" F. TRILLANES IV

Committee on Finance

GREGORIO B. HONASAN II

Committee on Finance

*will interpolate &
insert amendment.*

Ex-Officio Members

May 2nd

RALPH G. RECTO

President Pro-Tempore



JUAN MIGUEL F. ZUBIRI

Majority Leader

*Member, Committee on Justice and Human
Rights*

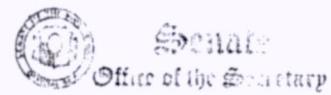
FRANKLIN M. DRILON

Minority Leader

HON. VICENTE C. SOTTO III

Senate President

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



19 JAN 30 P 4 :43

SENATE

RECEIVED

S.B. No. 2198

J

Prepared by the Committees on Justice and Human Rights; Women, Children, Family Relations and Gender Equality; and Finance, with Senators Sotto III, Drilon, De Lima, Gatchalian, Gordon, Hontiveros, and Legarda, as authors

AN ACT

**STRENGTHENING THE YOUTH SOCIAL WELFARE PROGRAMS AND
EXTENDING THE SCOPE OF REFORMATION AND
REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, AS
AMENDED, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE
AND WELFARE ACT OF 2006", AND OTHER RELATED LAWS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Declaration of Policy.** Section 13 of Article II of the 1987
2 Constitution provides that the State recognizes the vital role of the youth in
3 nation-building and shall promote and protect their physical, moral, spiritual,
4 intellectual, and social well-being. It mandates the State to inculcate in the youth
5 patriotism and nationalism, and encourage their involvement in public and civic
6 affairs.

7
8 Section 3 of Article XV of the 1987 Constitution meanwhile mandates the
9 State to defend that "right of children to assistance, including proper care and
10 nutrition, and special protection from all forms of neglect, abuse, cruelty,
11 exploitation, and other conditions prejudicial to their development."

12
13 Children are the principal citizens of the country. The best interest of the
14 child is the primordial and paramount concern of the State. They stand at the
15 center of Philippine nation building and are the most important assets of the
16 nation. Thus, the Constitution and the laws must be implemented, sufficient
17 budget be allocated, and a holistic program be employed to promote the welfare
18 of the children and enhance their opportunities in life.

19
20 No child should be at risk of being in conflict with the law. It is therefore
21 the policy of the State to focus on the fundamental problems facing the youth,
22 namely, poverty, poor education, lack of proper support and guidance, among

1 others. Children must be taught the values of responsibility, respect for the
2 common good, honesty, integrity, diligence and service to the nation.

3

4 **SEC. 2. *Truancy Officers.*** There shall be, in every barangay, a Truancy
5 Officer that shall be designated by the Punong Barangay from among the
6 members of the Sangguniang Barangay. There are shall be one (1) Truancy
7 Officer for every one thousand (1,000) residents in barangay.

8

9 Truancy officers shall have the primary responsibility of ensuring that
10 minors of school age attend school. They shall conduct regular home and school
11 visits to ensure the child's school attendance and shall submit daily reports
12 indicating dates of absences, contacts with parents, and other relevant
13 information, to the Truancy Monitoring Center established in Section 3 of this
14 Act.

15

16 "Truancy" as here used means absence without cause for more than five
17 (5) schooldays in a month, not necessarily consecutive. The Truancy Officer shall
18 refer the child who is considered truant to the Barangay Social Welfare and
19 Development Officer for placement to any child-caring or child-placing institution
20 licensed and accredited by the Department of Social Welfare and Development
21 (DSWD) to implement the foster care program, or to a person registered with the
22 DSWD who is available to provide foster care.

23

24 **SEC. 3. *Establishment of a Truancy Operations Center.*** The
25 Department of Interior and Local Government (DILG) shall establish a Truancy
26 Operations Center that shall be the centralized information management system
27 regarding the school attendance of children and the reports of Truancy Officers.
28 The Center shall ensure a recordation of all pertinent information, such as age,
29 residence, school, and school attendance of all children on a daily basis. The
30 Center shall coordinate with the Department of Justice for the purpose of filing
31 criminal cases against parents or guardians who violate Section 59 of the
32 Presidential Decree No. 603 and other relevant laws.

33

34 **SEC. 4. *Increase in the number of guidance counselors in schools.***
35 To ensure the children's well-being, and academic, behavioral and social growth,
36 there shall be, in every public and private elementary school, at least three (3)
37 guidance counselors each for the first two levels of an elementary school,
38 including kindergarten. Thereafter, there shall be one (1) guidance counselor for
39 every two (2) year levels in all public and private elementary and secondary high
40 schools.

41

42 Guidance counselors shall have the primary responsibility of counseling,
43 assisting, teaching and practicing of guidance and counseling subjects, and other
44 human development services to children.

45

46 **SEC. 5. *Barangay Social Welfare and Development Officer.*** There
47 shall be, in every barangay, a Barangay Social Welfare and Development Officer
48 whose primary duty includes house-to-house visitations, counseling, child rights
49 education, and helping the youth, families and the community develop, improve,
50 maintain or restore their capability for coping with the demands of their

1 environment, through the use of social work methods and interventions. In the
2 absence of a duly-registered Social Worker who shall act as Barangay Social
3 Welfare and Development Officer, persons with training in social work may be
4 employed. They shall be under the supervision of the local social welfare and
5 development officer.

6

7 The Barangay Social Welfare Officers shall be considered employees of the
8 barangay and shall draw their salaries and other benefits therefrom.

9

10 **SEC. 6. School-Based Feeding Program.** To encourage attendance in
11 schools, there is hereby established under the Department of Education a
12 Comprehensive and School-Based National Feeding Program for all day care,
13 kindergarten, elementary and high schools in the country. The program shall
14 include the provision of at least one (1) meal per student per day, or two (2)
15 meals per day for undernourished children, for a period of 208 days per school
16 year.

17

18 Food donations to schools shall also be considered as donations of
19 apparently wholesome food for charitable purposes and will be governed in
20 accordance with the provisions of Republic Act No. 9803.

21

22 **SEC. 7. Schools Dentists and Nurses.** There shall be at least one (1)
23 nurse and one (1) dentist for every two hundred fifty (250) students in every
24 elementary and high school, whether public or private. The school dentists shall
25 be considered employees of the city or municipality where the school is situated,
26 and shall draw their salaries and other benefits therefrom.

27

28 **SEC. 8. Child Witness Protection Program.** The Department of
29 Justice, in coordination with the DSWD, shall establish a child witness assistance
30 program that shall support children and their families throughout criminal
31 proceedings. Guidance counselor and barangay social welfare and development
32 officers shall also assist children who volunteer as witnesses in crimes they have
33 witnessed or have information about.

34

35 **SEC. 9. Juvenile Reformatory Centers.** The Department of Social
36 Welfare and Development, in coordination with the Department of Interior and
37 Local Government, shall establish, fund, and manage 24-hour child-caring
38 institution providing residential care for children in conflict with the law who
39 commits parricide, murder, infanticide, kidnapping and serious illegal detention
40 where the victim is killed or raped, robbery with homicide or rape, destructive
41 arson, rape, or carnapping where the driver or occupant is killed or raped or
42 offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of
43 2002) punishable by more than twelve (12) years of imprisonment.

44

45 Each Juvenile Reformatory Center shall contain facilities such as gyms,
46 libraries, and vocational-technical training shops.

47

48 **SEC. 10. Increased penalties for parental liability.** Article 60 of
49 Presidential Decree No. 603 is hereby amended to read as follows:

50

1 “Article 60. *Penalty.* - The act mentioned in the preceding
2 article shall [be punishable with imprisonment from two or six
3 months or a fine not exceeding five hundred pesos, or both, at the
4 discretion of the Court, unless a higher penalty is provided for in the
5 Revised Penal Code or special laws, without prejudice to actions for
6 the involuntary commitment of the child under Title VIII of this
7 Code] **SUFFER THE PENALTY OF PRISION CORRECCIONAL IN**
8 **ITS MINIMUM PERIOD TO PRISION CORRECCIONAL IN ITS**
9 **MAXIMUM PERIOD.**”

10
11 **SEC. 11.** Section 20-C of Republic Act No. 9344, as amended, is hereby
12 further amended to read as follows:

13
14 “SEC. 20-C. *Exploitation of Children for Commission of Crimes.*
15 – Any person, **INCLUDING THE PARENT OF A CHILD**, who, in
16 the commission of a crime, makes use, takes advantage of, or
17 profits from the use of children, including any person who abuses
18 his/her authority over the child or who, with abuse of confidence,
19 takes advantage of the vulnerabilities of the child and shall induce,
20 threaten or instigate the commission of the crime, shall be imposed
21 the penalty [prescribed by law for the crime committed in its
22 maximum period] **OF RECLUSION PERPETUA, IF THE CRIME**
23 **COMMITTED IS PUNISHABLE BY IMPRISONMENT OF MORE**
24 **THAN SIX (6) YEARS, AND RECLUSION TEMPORAL, IF THE**
25 **CRIME COMMITTED IS PUNISHABLE BY IMPRISONMENT OF**
26 **SIX (6) YEARS OR LESS. THE FACT THAT THE PERSON WHO**
27 **EXPLOITED THE CHILD FOR THE COMMISSION OF CRIMES**
28 **SHALL BE CONSIDERED AS A GENERIC AGGRAVATING**
29 **CIRCUMSTANCE.**”

30
31 **SEC. 12. *Information Campaign.*** Within three (3) months from the
32 effectivity of this Act, the Department of Social Welfare and Development, in
33 coordination with the Department of Education, Department of Interior and Local
34 Government, Department of Justice and the Juvenile Justice and Welfare Council,
35 shall undertake an extensive information campaign to explain children’s rights, as
36 well as the concomitant duties of parents or guardians, the community, and the
37 government.

38
39 **SEC. 13.** Section 49 of Republic Act No. 9344, as amended, is hereby
40 further amended to read as follows:

41
42 “SEC. 49. *Establishment of ‘Bahay Pag-Asa’.* – [Each province
43 and highly-urbanized city (the LGUs)] **THE DSWD** shall be
44 responsible for building, funding and operating a ‘Bahay Pag-asa’
45 [within their jurisdiction] following the standards that will be set by
46 the DSWD and adopted by the JJWC.

47
48 **THE ALLOCATIONS NECESSARY FOR BUILDING,**
49 **FUNDING AND OPERATING THE ‘BAHAY PAG-ASA’ SHALL BE**

1 INCLUDED IN THE BUDGET OF THE DSWD IN THE ANNUAL
2 GENERAL APPROPRIATIONS ACT.

3
4 EVERY BAHAY PAG-ASA SHALL CONTAIN FACILITIES
5 SUCH AS GYMS, LIBRARIES, AND VOCATIONAL-TECHNICAL
6 TRAINING SHOPS, AND SHALL HAVE PROGRAMS FOR
7 ALTERNATIVE LEARNING OR EDUCATION PROGRAMS
8 GEARED TOWARDS VALUES FORMATION, CULTURAL
9 AWARENESS, READING, AND SKILLS DEVELOPMENT.
10

11 ~~PROVIDED THAT CHILDREN WHO NO DOT POSE A~~
12 RISK TO THE COMMUNITY MAY BE ALLOWED TO ATTEND
13 SCHOOLS OUTSIDE THE BAHAY PAG-ASA TO WHICH THE
14 CHILD IS COMMITTED.
15

16 A CHILD COMMITTED TO A BAHAY PAG-ASA MAY BE
17 RELEASED TO THE CHILD'S PARENT, GUARDIAN OR FOSTER
18 PARENT UPON ORDER BY A COURT AND AFTER A
19 COMPREHENSIVE STUDY CONDUCTED BY THE LOCAL
20 SOCIAL WELFARE AND DEVELOPMENT OFFICER OR THE
21 DSWD. IN THE LATTER CASE, THE DEPARTMENT OF SOCIAL
22 WELFARE MAY REFUSE TO DISCHARGE THE CHILD IF, IN
23 ITS OPINION, HIS RELEASE WOULD BE PREJUDICIAL TO
24 HIM OR TO THE COMMUNITY.
25

26 [Every 'Bahay Pag-asa' will have a special facility called the
27 IJISC. This Center will be allocated for children in conflict with the
28 law in accordance with Sections 20, 20-A and 20-B hereof. These
29 children will be required to undergo a more intensive multi-
30 disciplinary intervention program. The JJWC in partnership with, but
31 not limited to, the DSWD, the DOH, the DepED and the DILG, will
32 develop and set the standards for the implementation of the multi-
33 disciplinary intervention program of the IJISC. Upon
34 institutionalization of the IJISC program, the JJWC will continue to
35 monitor and provide technical assistance to the multi-disciplinary
36 teams operating the said centers.]"
37

38 **SEC. 14.** Section 6 of Republic Act No. 9344, as amended, is hereby
39 further amended to read as follows:

40 "SEC. 6. *Minimum Age of Criminal Responsibility.* – A child
41 [fifteen (15)] **BELLOW TWELVE (12)** years of age [or under] at the
42 time of the commission of the offense shall be exempt from
43 [criminal] liability. However, the child shall be subjected to an
44 intervention program pursuant to [Section 20 of] this Act.
45

46 A child is deemed to be [fifteen (15)] **TWELVE (12)** years of
47 age on the day of the [fifteenth] **TWELFTH** anniversary of [his/her]
48 **THE CHILD'S** birthdate.
49

1 A child [above fifteen (15)] **TWELVE (12)** years **OF AGE**
2 **AND ABOVE** but below eighteen (18) years of age shall likewise be
3 exempt from [criminal] liability and be subjected to an intervention
4 program, unless [he/she] **THE CHILD** has acted with discernment,
5 in which case, such child shall be subjected to the appropriate
6 proceedings in accordance with this Act.
7

8 The exemption from [criminal] liability herein established does
9 not include exemption from civil liability, which shall be enforced in
10 accordance with existing laws **AND THIS ACT.**"
11

12 **SEC. 15.** Section 20 of Republic Act No. 9344, as amended, is hereby
13 further amended to read as follows:

14 "SEC. 20. *Children Below the Age of Criminal Responsibility.* -
15 If it has been determined that the child taken into custody is [fifteen
16 (15) years old or] below **TWELVE (12) YEARS OLD**, the authority
17 which will have an initial contact with the child, in consultation with
18 the local social welfare and development officer, has the duty to
19 immediately release the child to the custody of his/her parents or
20 guardian, or in the absence thereof, the child's nearest relative. The
21 child shall be subjected to a community-based intervention program
22 supervised by the [local] **BARANGAY** social welfare and
23 development officer, unless the best interest of the child requires
24 the referral of the child to a [youth care facility or 'Bahay Pag-aso'
25 managed by LGUs or licensed and/or accredited NGOs monitored by
26 the DSWD] **ANY CHILD-CARING INSTITUTION LICENSED**
27 **AND ACCREDITED BY THE DEPARTMENT OF SOCIAL**
28 **WELFARE AND DEVELOPMENT (DSWD) TO IMPLEMENT THE**
29 **FOSTER CARE PROGRAM, OR TO A PERSON DULY**
30 **REGISTERED WITH THE DSWD WHO IS WILLING TO**
31 **PROVIDE FOSTER CARE.**
32

33 **NO CHILD UNDER SEVEN YEARS OF AGE SHALL BE**
34 **SEPARATED FROM THE MOTHER, UNLESS THE LATTER IS**
35 **UNFIT. GIVING CUSTODY OF THE CHILD TO THE PARENTS,**
36 **GUARDIANS OR THE NEAREST RELATIVES SHALL BE**
37 **CONSIDERED NOT TO BE IN THE BEST INTEREST OF THE**
38 **CHILD IF THE CHILD'S PARENTS, GUARDIANS OR NEAREST**
39 **RELATIVES: (1) ARE TEMPORARILY OR PERMANENTLY**
40 **UNABLE OR UNWILLING TO PROVIDE THE CHILD WITH**
41 **ADEQUATE CARE; (2) ARE ENGAGED IN DRUG ADDICTION**
42 **OR HABITUAL ALCOHOLISM; (3) TREAT THE CHILD WITH**
43 **EXCESSIVE HARSHNESS OR CRUELTY; (4) IMPROPERLY**
44 **EXPLOIT THE CHILD; OR ANY OTHER ANALOGOUS**
45 **CIRCUMSTANCES.**
46

47 **THE FOLLOWING CHILDREN MAY ALSO BE PLACED IN**
48 **FOSTER CARE:**

- 1 (A) A CHILD WHO IS ABANDONED, SURRENDERED,
2 NEGLECTED, DEPENDENT OR ORPHANED;
3 (B) A CHILD WHO IS A VICTIM OF SEXUAL, PHYSICAL,
4 OR ANY OTHER FORM OF ABUSE OR
5 EXPLOITATION;
6 (C) A CHILD WITH SPECIAL NEEDS;
7 (D) A CHILD WHOSE FAMILY MEMBERS ARE
8 TEMPORARILY OR PERMANENTLY UNABLE OR
9 UNWILLING TO PROVIDE THE CHILD WITH
10 ADEQUATE CARE;
11 (E) A CHILD AWAITING ADOPTIVE PLACEMENT AND
12 WHO WOULD HAVE TO BE PREPARED FOR FAMILY
13 LIFE;
14 (F) A CHILD WHO NEEDS LONG-TERM CARE AND CLOSE
15 FAMILY TIES BUT WHO CANNOT BE PLACED FOR
16 DOMESTIC ADOPTION;
17 (G) A CHILD WHOSE ADOPTION HAS BEEN DISRUPTED;
18 (H) A CHILD WHO IS UNDER SOCIALLY DIFFICULT
19 CIRCUMSTANCES SUCH AS, BUT NOT LIMITED TO, A
20 STREET CHILD, A CHILD IN ARMED CONFLICT OR A
21 VICTIM OF CHILD LABOR OR TRAFFICKING;
22 (I) A CHILD WHO COMMITTED A MINOR OFFENSE BUT
23 IS RELEASED ON RECOGNIZANCE, OR WHO IS IN
24 CUSTODY SUPERVISION OR WHOSE CASE IS
25 DISMISSED; AND
26 (J) A CHILD WHO IS IN NEED OF SPECIAL
27 PROTECTION AS ASSESSED BY A SOCIAL WORKER,
28 AN AGENCY OR THE DSWD.

30 The [local] **BARANGAY** social welfare and development
31 officer shall determine the appropriate programs for the child who
32 has been released, in consultation with the child and the person
33 having custody over the child. If the parents, guardians or nearest
34 relatives cannot be located, or if they refuse to take custody, the
35 child may be released to any of the following:

- 36 (a) A duly registered nongovernmental or religious
37 organization;
- 40 (b) A barangay official or a member of the Barangay Council
41 for the Protection of Children (BCPC);
- 43 (c) A local social welfare and development officer; [or, when
44 and where appropriate, the DSWD.]

46 **(D) A FOSTER PARENT; OR**

48 **(E) WHEN AND WHERE APPROPRIATE, THE DSWD.**

If the child has been found by the [local] **BARANGAY** social welfare and development officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in [a youth care facility or 'Bahay Pag-aso'] **ANY CHILD-CARING INSTITUTION LICENSED AND ACCREDITED BY THE DSWD TO IMPLEMENT THE FOSTER CARE PROGRAM, OR TO A PERSON DULY REGISTERED WITH THE DSWD WHO IS WILLING TO PROVIDE FOSTER CARE**, the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the Local Social Welfare and Development Office (LSWDO) pursuant to Presidential Decree No. 603, as amended, otherwise known as 'The Child and Youth Welfare Code' and the Supreme Court rule on commitment of children: Provided, further, That the minimum age for children committed to a youth care facility or 'Bahay Pag-aso' shall be twelve (12) years old."

SEC. 16. Section 20-A of Republic Act No. 9344, 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)] **BELLOW EIGHTEEN (18)** 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 facility or 'Bahay Pag-aso' called the Intensive Juvenile Intervention and Support Center (IJISC)] **JUVENILE REFORMATORY CENTER.**

In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under [the IJISC] **A JUVENILE REFORMATORY CENTER** 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 **OR INABILITY**, 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

1 period of placement of the child within the [IJISC] **JUVENILE**
2 **REFORMATORY CENTER** which shall not be less than one (1)
3 year. The multi-disciplinary team of the [IJISC] **JUVENILE**
4 **REFORMATORY CENTER** will submit to the court a case study
5 and progress report, to include a psychiatric evaluation report and
6 recommend the reintegration of the child to his/her family or the
7 extension of the placement under the [IJISC] **JUVENILE**
8 **REFORMATORY CENTER**. The multi-disciplinary team will also
9 submit a report to the court on the services extended to the
10 parents and family of the child and the compliance of the parents in
11 the intervention program. The court will decide whether the child
12 has successfully completed the center-based intervention program
13 and is already prepared to be reintegrated with his/her family or if
14 there is a need for the continuation of the center-based
15 rehabilitation of the child. The court will determine the next period
16 of assessment or hearing on the commitment of the child."

17
18 **SEC. 17.** Section 20-B of Republic Act No. 9344, as amended, is hereby
19 further amended to read as follows:

20
21 "SEC. 20-B. *Repetition of Offenses.* – A child who is [above
22 twelve (12) years of age up to fifteen (15)] **BELOW TWELVE (12)**
23 years of age and who commits an offense for the second time or
24 oftener[: Provided, That the child was previously subjected to a
25 community-based intervention program, shall be deemed a
26 neglected child under Presidential Decree No. 603, as amended, and
27 shall undergo an intensive intervention program supervised by the
28 local social welfare and development officer: Provided, further, That,
29 if the best interest of the child requires that he/she be placed in a
30 youth care facility or] **SHALL BE PLACED IN A CHILD-CARING**
31 **INSTITUTION LICENSED AND ACCREDITED BY THE DSWD**
32 **TO IMPLEMENT THE FOSTER CARE PROGRAM, OR TO A**
33 **PERSON DULY REGISTERED WITH THE DSWD WHO IS**
34 **WILLING TO PROVIDE FOSTER CARE. HOWEVER, IF THE**
35 **CHILD IS ALREADY IN THE CARE OF SUCH CHILD-CARING**
36 **INSTITUTION OR FOSTER PARENT, THEN THE CHILD SHALL**
37 **BE TRANSFERRED TO ANOTHER CHILD-CARING**
38 **INSTITUTION OR FOSTER PARENT. THE CHILD SHALL**
39 **UNDERGO REGULAR EVALUATIONS BY THE BARANGAY**
40 **SOCIAL WELFARE AND DEVELOPMENT OFFICER. IF THE**
41 **LATTER DETERMINES IN A COMPREHENSIVE STUDY THAT**
42 **THE CHILD'S INTEREST REQUIRED COMMITMENT TO A**
43 **BAHAY PAG-ASA, THEN THE CHILD SHALL BE SO**
44 **COMMITTED** ['Bahay Pag-asa', the child's parents or guardians
45 shall execute a written authorization for the voluntary commitment
46 of the child: Provided, finally, That if the child has no parents or
47 guardians or if they refuse or fail to execute the written
48 authorization for voluntary commitment, the proper petition for
49 involuntary commitment shall be immediately filed by the DSWD or
50 the LSWDO pursuant to Presidential Decree No. 603, as amended]."

1
2 **SEC. 18.** Section 20-D of Republic Act No. 9344, as amended, is further
3 amended to read, as follows:

4
5 “SEC. 20-D. *Joint Parental Responsibility*. – Based on the
6 recommendation of the multi-disciplinary team of the [IJISC] **BAHAY**
7 **PAG-ASA**, the LSWDO or the DSWD, the court may require the
8 parents of a child in conflict with the law to undergo counseling or any
9 other intervention that, in the opinion of the court, would advance the
10 welfare and best interest of the child.

11 As used in this Act, ‘parents’ shall mean any of the following:

- 12
13 (a) Biological parents of the child; or
14
15 (b) Adoptive parents of the child; or
16
17 (c) Individuals who have custody of the child[.]; **OR**

18 **(D) A DULY REGISTERED FOSTER PARENT.**

19
20 A court exercising jurisdiction over a child in conflict with the
21 law may require the attendance of one or both parents of the child at
22 the place where the proceedings are to be conducted.

23
24 The parents shall be **PRIMARILY** liable for **CIVIL** damages
25 **ARISING OUT OF THE ACTIONS OF THE CHILD IN CONFLICT**
26 **WITH THE LAW** unless they prove, to the satisfaction of the court,
27 that they were exercising reasonable supervision over the child at the
28 time the child committed the offense and exerted reasonable effort
29 and utmost diligence to prevent or discourage the child from
30 committing another offense.”

31
32 **SEC. 19.** Section 22 of Republic Act No. 9344, as amended, is hereby
33 further amended to read as follows:

34
35 “SEC. 22. *Duties During Initial Investigation*. – The law
36 enforcement officer shall, in his/her investigation, determine where
37 the case involving the child in conflict with the law should be
38 referred.

39
40 The taking of the statement of the child shall be conducted in
41 the presence of the following: (1) child’s counsel of choice or in the
42 absence thereof, a lawyer from the Public Attorney’s Office; (2) the
43 child’s parents, guardian, or nearest relative, as the case may be;
44 and (3) the [local] **BARANGAY** social welfare and development
45 officer. In the absence of the child’s parents, guardian, or nearest
46 relative, and the local social welfare and development officer, the
47 investigation shall be conducted in the presence of a representative
48 of an NGO, religious group, or member of the BCPC.

1
2 The social worker shall conduct an initial assessment to
3 determine the appropriate interventions and whether the child acted
4 with discernment, using the discernment assessment tools
5 developed by the DSWD. The initial assessment shall be without
6 prejudice to the preparation of a more comprehensive case study
7 report. The local social worker shall do either of the following:

8
9 (a) Proceed in accordance with Section 20 if the child is
10 [fifteen (15)] **TWELVE (12)** years [or below or above fifteen (15)
11 but below eighteen (18)] **UP TO BELOW EIGHTEEN (18)** years
12 old, who acted without discernment; and

13
14 (b) If the child is above [fifteen (15)] **TWELVE (12)** years
15 old but below eighteen (18) and who acted with discernment,
16 proceed to diversion under the following chapter."

17
18 **SEC. 20.** Section 43 of Republic Act No. 9344 is hereby amended to read,
19 as follows:

20
21 "SEC. 43. *Confidentiality of Records and Proceedings.* - All
22 records and proceedings involving children in conflict with the law
23 from initial contact until final disposition of the case shall be
24 considered privileged and confidential. The public shall be excluded
25 during the proceedings and the records shall not be disclosed
26 directly or indirectly to anyone by any of the parties or the
27 participants in the proceedings for any purpose whatsoever, except
28 to determine if the child in conflict with the law may have his/hes
29 sentence suspended or if he/she may be granted probation under
30 the Probation Law, or to enforce the civil liability imposed in the
31 criminal action.

32
33 The component authorities shall undertake all measures to
34 protect this confidentiality of proceedings, including non-disclosure
35 of records to the media, maintaining a separate police blotter for
36 cases involving children in conflict with the law and adopting a
37 system of coding to conceal material information which will lead to
38 the child's identity. [Records] **THE CRIMINAL RECORDS** of a child
39 in conflict with the law shall, after undergoing a community-based
40 intervention program, or being committed to a Bahay Pag-Asa or
41 Juvenile Reformatory Center **SHALL BE EXPUNGED AND** not be
42 used in subsequent proceedings for cases involving the same
43 offender as an adult[, except when beneficial for the offender and
44 upon his/her written consent].

45
46 A person who has been in conflict with the law as a child shall
47 not be held under any provision of law, to be guilty of perjury or of
48 concealment or misrepresentation by reason of his/her failure to
49 acknowledge the case or recite any fact related thereto in response
50 to any inquiry made to him/her for any purpose."

1
2 **SEC. 21.** Section 63 of Republic Act No. 9344, as amended, is hereby
3 further amended to read, as follows:

4
5 "**SEC. 63. Appropriations.** – The amount necessary to carry
6 out the provisions of this Act shall be charged against the current
7 year's appropriations of the JJWC under the budget of the
8 Department of Justice. Thereafter, such sums as may be necessary
9 for the continued implementation of this Act shall be included in the
10 budget of the DSWD under the annual General Appropriations Act:
11 Provided, That the amount of Four hundred million pesos
12 (P400,000,000.00) shall be appropriated for the construction of
13 'Bahay Pag-aso' rehabilitation centers in provinces or cities with high
14 incidence of children in conflict with the law to be determined and
15 identified by the DSWD and the JJWC on a priority basis: Provided,
16 further, That the said amount shall be coursed through the
17 Department of Public Works and Highways (DPWH) for its proper
18 implementation.

19
20 The LGUs concerned shall make available, from its own
21 resources or assets, their counterpart share equivalent to the
22 national government contribution of Five million pesos
23 (P5,000,000.00) per rehabilitation center.

24
25 In addition, the Council may accept donations, grants and
26 contributions from various sources, in cash or in kind, for purposes
27 relevant to its functions, subject to the usual government accounting
28 and auditing rules and regulations.

29
30 **THE FAILURE OF THE LOCAL GOVERNMENT UNIT TO**
31 **BUILD, FUND AND OPERATE A BAHAY PAG-ASA SHALL BE A**
32 **GROUND FOR SUSPENSION, OR REMOVAL FROM OFFICE BY**
33 **THE PROPER COURT, OF THE MAYOR AND THE**
34 **SANGGUNIAN MEMBERS IN THE PROVINCE OR HIGHLY-**
35 **URBANIZED CITY.**

36
37 **EVERY LOCAL GOVERNMENT UNIT SHALL SET ASIDE**
38 **FIVE PERCENT (5%) OF ITS SHARE OF THE INTERNAL**
39 **REVENUE ALLOTMENT TO FUND THE PROGRAMS UNDER**
40 **THIS ACT AND OTHER RELEVANT LAWS."**

41
42 **SEC. 22. Congressional Oversight.** There is hereby created a Joint
43 Congressional Oversight Committee to oversee, monitor, and evaluate the
44 implementation of this Act and other related laws.

45
46 The Oversight Committee shall be composed of five (5) members each
47 from the Senate and from the House of Representatives, including the
48 Chairpersons of the Senate Committee on Justice and Human Rights, to act as
49 Chairperson of the Senate Panel, and the House Committee on Justice, to act as

1 Chairperson of the House Panel. The membership of the Committee for every
2 House shall have at least one (1) minority member.

3
4 The Oversight Committee shall conduct a mandatory review of this Act
5 every three (3) years from its approval.

6
7 The DSWD and the Department of Education are required to report to the
8 Oversight Committee, copy furnished the Senate President and the Speaker of
9 the House of Representatives, on a monthly basis relevant data on school
10 enrollment.

11
12 **SEC. 23. Separability Clause.** – If any provision of this Act is declared
13 unconstitutional, such sections or parts not affected thereby shall remain in full
14 force and effect.

15
16 **SEC. 24. Repealing Clause.** - All laws, decrees, executive orders, rules
17 and regulations or parts thereof inconsistent with the provisions of this Act are
18 hereby repealed or modified accordingly.

19
20 **SEC. 25. Effectivity Clause.** - This Act shall take effect fifteen (15) days
21 after its publication in the Official Gazette or in at least two (2) national
22 newspaper of general circulation.

Approved,