

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session



COMMITTEE REPORT NO. 1071

Submitted by the Committee on Justice on JAN 21 2019

Re: House Bill No. 8858

Recommending its approval in substitution of House Bills Numbered 2, 505, 935, 1609, 2009 and 3973

Sponsors: Representatives Doy C. Leachon, Fredenil H. Castro, Pantaleon D. Alvarez, Victor A. Yap, Tobias M. Tiangco, Mercedes C. Cagas, Romeo M. Acop, and Estrellita B. Suansing

Madam Speaker:

The Committee on Justice, to which was referred House Bill No. 2, introduced by Representatives Fredenil H. Castro and Pantaleon D. Alvarez, entitled:

"AN ACT

AMENDING REPUBLIC ACT NO. 9344, AS AMENDED BY REPUBLIC ACT NO. 10630, AND REVERTING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY FROM FIFTEEN (15) YEARS OLD TO NINE (9) YEARS OLD";

House Bill No. 505, introduced by Rep. Victor A. Yap, entitled:

"AN ACT

AMENDING SECTION 3 AND 6 OF RA NO. 10630, OTHERWISE KNOWN AS AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES";

House Bill No. 935, introduced by Rep. Tobias "Toby" M. Tiangco, entitled:

"AN ACT

AMENDING CERTAIN PROVISIONS OF THE REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT OF 2006";

House Bill No. 1609, introduced by Rep. Mercedes "Didi" C. Cagas, entitled:

"AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT 2006", AND FOR OTHER PURPOSES";

House Bill No. 2009, introduced by Rep. Romeo M. Acop, entitled:

"AN ACT

REINSTATING THE CRIMINAL LIABILITY OF CHILDREN ABOVE NINE (9) YEARS OF AGE WHO COMMIT HEINOUS CRIMES";

and House Bill No. 3973, introduced by Rep. Estrellita B. Suansing, entitled:

"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'"

has considered the same and recommends that the attached House Bill No. 8858 entitled:

"AN ACT

EXPANDING THE SCOPE OF THE JUVENILE JUSTICE AND WELFARE SYSTEM AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS FOR 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

be approved in substitution of House Bills Numbered 2, 505, 935, 1609, 2009 and 3973, with Representatives Fredenil H. Castro, Pantaleon D. Alvarez, Victor A. Yap, Tobias M. Tiangco, Mercedes C. Cagas, Romeo M. Acop, Estrellita B. Suansing, Doy C. Leachon, Henry S. Oaminal, Leopoldo N. Bataoil, Gwendolyn F. Garcia, Roger G. Mercado, Ronald M. Cosalan, Michelle M. Antonio, Gerald Anthony "Samsam" V. Gullas, Jr., Antonio R. Floirendo, Jr., Gus S. Tambunting, Linabelle Ruth R. Villarica, Amado T. Espino, Jr., John Marvin "Yul Servo" C. Nieto, Manuel Luis T. Lopez, and Mariano Michael M. Velarde, Jr. as authors thereof.

Respectfully submitted,

DOY C. LEACHON

Chairperson
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

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

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8858

(in substitution of House Bills Numbered 2, 505, 935, 1609, 2009 and 3973)

Introduced by Representatives FREDENIL H. CASTRO, PANTALEON D. ALVAREZ, VICTOR A. YAP, TOBIAS M. TIANGCO, MERCEDES C. CAGAS, ROMEO M. ACOP, ESTRELLITA B. SUANSING, DOY C. LEACHON, HENRY S. OAMINAL, LEOPOLDO N. BATAOIL, GWENDOLYN F. GARCIA, ROGER G. MERCADO, RONALD M. COSALAN, MICHELLE M. ANTONIO, GERALD ANTHONY "SAMSAM" V. GULLAS, JR., ANTONIO R. FLOIRENDO, JR., GUS S. TAMBUNTING, LINABELLE RUTH R. VILLARICA, AMADO T. ESPINO, JR., JOHN MARVIN "YUL SERVO" C. NIETO, MANUEL LUIS T. LOPEZ, and MARIANO MICHAEL M. VELARDE, JR.

AN ACT

EXPANDING THE SCOPE OF THE JUVENILE JUSTICE AND WELFARE SYSTEM AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS FOR 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"

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

SECTION 1. Section 4(s) of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", as amended by Republic Act No. 10630, is further amended to read as follows:

"SEC. 4. *Definition of Terms.* The following terms as used in this Act shall be defined as follows:

xxx

xxx

xxx

(s) 'Bahay Pag-asa' – refers to a 24-hour child-caring institution established, funded and managed by [local government units (LGUs)] **THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)** and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are [above fifteen (15)] **NINE (9) YEARS OF AGE AND ABOVE** but below eighteen (18) years of age who are **COMMITTED FOR REHABILITATION OR** awaiting court disposition of their cases or transfer to other agencies or jurisdiction."

1 Part of the features of a 'Bahay Pag-asa' is an intensive juvenile
2 intervention and support center. This will cater to children in conflict
3 with the law in accordance with Sections 20, 20-A and 20-B hereof.
4

5 A multi-disciplinary team composed of a social worker, a
6 psychologist/mental health professional, a medical doctor, an
7 educational/guidance counselor and a Barangay Council for the
8 Protection of Children (BCPC) member shall operate the 'Bahay Pag-
9 asa'. The team will work on the individualized intervention plan with
10 the child and the child's family.

11 xxx

xxx

xxx

12
13 SEC. 2. Section 6 of the same Act, as amended, is further amended to read as
14 follows:

15
16 "SEC. 6. *Minimum Age of [Criminal] Responsibility* **OF CHILDREN IN**
17 **CONFLICT WITH THE LAW** – A child [fifteen (15)] **BELOW NINE**
18 **(9)** years of age [or under] at the time of the commission of the
19 offense shall be exempt from criminal liability. However, the child shall
20 be subjected to an intervention program pursuant to Section 20 of this
21 Act.

22
23 A child is deemed to be [fifteen (15)] **NINE (9)** years of age on the
24 day of the [fifteenth] **NINTH** anniversary of [his/her] **THE CHILD'S**
25 birthdate.

26
27 A child [above fifteen (15)] **NINE (9)** years **OF AGE AND ABOVE** but
28 below eighteen (18) years of age shall likewise be exempt from
29 criminal liability and be subjected to an intervention program, unless
30 [he/she] **THE CHILD** has acted with discernment, in which case, such
31 child shall be subjected to the appropriate proceedings in accordance
32 with this Act.

33
34 The exemption from criminal liability herein established does not
35 include exemption from civil liability, which shall be enforced in
36 accordance with existing laws **AND THIS ACT.**"

37
38 SEC. 3. Section 20 of the same Act, as amended, is further amended to read
39 as follows:

40
41 "SEC. 20. *Children* **IN CONFLICT WITH THE LAW** *Below the Age of*
42 *[Criminal] Responsibility.* – If it has been determined that the child
43 taken into custody is [fifteen (15) years old or] below **NINE (9)**
44 **YEARS OF AGE**, the authority which will have an initial contact with
45 the child, in consultation with the local social welfare and development
46 officer, has the duty to immediately release the child to the custody of
47 his/her parents or guardian, or in the absence thereof, the child's
48 nearest relative. The child shall be subjected to a community-based
49 intervention program supervised by the local social welfare and
50 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.]

The local social welfare and development officer shall determine the appropriate programs for the child who has been released, in consultation with the child and the person having custody over the child. **THE ASSESSMENT SHALL INCLUDE IDENTIFICATION OF PHYSICAL AND MENTAL HEALTH ISSUES, SUBSTANCE ABUSE AND FAMILY ISSUES.** If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

(a) A duly registered nongovernmental or religious organization;

(b) A barangay official or a member of the Barangay Council for the Protection of Children (BCPC);

(c) A local social welfare and development officer;

(D) A FOSTER PARENT; or,

(E) [w] When and where appropriate, the DSWD.

THE PARENT, GUARDIAN OR FOSTER PARENT WITH CUSTODY OVER THE CHILD SHALL LIKEWISE UNDERGO INTERVENTION PROGRAMS, INCLUDING PARENTING SEMINARS AND COUNSELLING, TO BE SUPERVISED BY THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER IN ORDER TO PROVIDE THE PRIMARY SUPPORT IN THE REHABILITATION AND SOCIAL REINTEGRATION OF THE CHILD.

If [the child has been found by the local 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] **THE CHILD** be placed in a youth care facility or 'Bahay Pag-asa', 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 **NO CHILD BELOW NINE (9) YEARS OF AGE SHALL BE** [the minimum age for children] committed to a youth care facility or 'Bahay Pag-asa' [shall be twelve (12) years old.]"

SEC. 4. Section 20-A of the same Act, as amended, is further amended to read as follows:

"SEC. 20-A. *Serious Crimes Committed by Children* **IN CONFLICT WITH THE LAW** [*Who Are Exempt From Criminal Responsibility*]. – A child who is [above twelve (12)] **NINE (9)** 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 facility or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC).

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. The multi-disciplinary team of the IJISC will submit to the court a case study and progress report, to include a psychiatric evaluation report and recommend the reintegration of the child to his/her family or the extension of the placement under the IJISC. The multi-disciplinary team will also submit a report to the court on the services extended to the parents and family of the child and the compliance of the parents in the intervention program. The court will decide whether the child has successfully completed the center-based intervention program and is already prepared to be reintegrated with his/her family or if there is a need for the continuation of the center-based rehabilitation of the child. The court will determine the next period of assessment or hearing on the commitment of the child."

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

"SEC. 20-B. *Repetition of Offenses*. – A child who is [above twelve (12)] **NINE (9)** years of age up to [fifteen (15)] **EIGHTEEN (18)** years of age and who commits an offense for the second time or oftener: *Provided*, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall

1 undergo an intensive intervention program supervised by the local
2 social welfare and development officer: Provided, further, That, if the
3 best interest of the child requires that he/she be placed in a youth care
4 facility or 'Bahay Pag-asa', the child's parents, **FOSTER PARENTS** or
5 guardians shall execute a written authorization for the voluntary
6 commitment of the child: Provided, finally, That if the child has no
7 parents, **FOSTER PARENTS** or guardians or if they refuse or fail to
8 execute the written authorization for voluntary commitment, the
9 proper petition for involuntary commitment shall be immediately filed
10 by the DSWD or the LSWDO pursuant to Presidential Decree No. 603,
11 as amended."

12
13 SEC. 6. Section 20-C of the same Act, as amended, is further amended to read
14 as follows:

15
16 "SEC. 20-C. *Exploitation of Children for Commission of Crimes.* – Any
17 person who, in the commission of a crime, makes use, takes advantage
18 of, or profits from the use of [children] **A CHILD**, including any person
19 who abuses his/her authority over the child, or who[, with abuse of
20 confidence, takes advantage of the vulnerabilities of the child and shall
21 induce, threaten or instigate the commission of the crime,]
22 **OTHERWISE INDUCES OR COERCES A CHILD TO COMMIT A**
23 **CRIME**, shall be [imposed the penalty prescribed by law for the crime
24 committed in its maximum period] **PUNISHED BY RECLUSION**
25 **TEMPORAL IF THE CRIME COMMITTED IS PUNISHABLE BY**
26 **IMPRISONMENT OF SIX (6) YEARS OR LESS, AND BY**
27 **RECLUSION PERPETUA IF THE CRIME COMMITTED IS**
28 **PUNISHABLE BY IMPRISONMENT OF MORE THAN SIX (6)**
29 **YEARS."**

30
31 SEC. 7. Section 20-D of the same Act, as amended, is further amended to read
32 as follows:

33
34 "SEC. 20-D. *Joint Parental Responsibility.* – Based on the
35 recommendation of the multi-disciplinary team of the IJISC, the
36 LSWDO or the DSWD, the court may require the parents of a child in
37 conflict with the law to undergo counseling or any other intervention
38 that, in the opinion of the court, would advance the welfare and best
39 interest of the child.

40
41 **PARENTS OF CHILDREN WHO COMMITTED ANY OF THE**
42 **SERIOUS CRIMES UNDER SECTION 20-A OF THIS ACT, AND OF**
43 **CHILDREN WHO ARE REPEAT OFFENDERS UNDER SECTION 20-**
44 **B OF THIS ACT, SHALL UNDERGO MANDATORY INTERVENTION**
45 **PROGRAMS, INCLUDING PARENTING SEMINARS AND**
46 **COUNSELLING. THE FAILURE OF SUCH PARENTS TO UNDERGO**
47 **MANDATORY INTERVENTION, UNLESS PREVENTED BY A**
48 **LAWFUL CAUSE, SHALL BE A GROUND FOR IMPRISONMENT**

1 **FOR AT LEAST THIRTY (30) DAYS BUT NOT MORE THAN SIX (6)**
2 **MONTHS.**

3
4 As used in this Act, 'parents' shall mean any of the following:

5
6 (a) Biological parents of the child; or

7
8 (b) Adoptive parents of the child; or

9
10 (c) Individuals who have custody of the child[.]; **OR**

11
12 **(D) A DULY LICENSED FOSTER PARENT, PURSUANT TO**
13 **REPUBLIC ACT NO. 10165, OTHERWISE KNOWN AS THE**
14 **"FOSTER CARE ACT OF 2012".**

15
16 A court exercising jurisdiction over a child in conflict with the law may
17 require the attendance of one or both parents of the child at the place
18 where the proceedings are to be conducted.

19
20 The parents shall be **PRIMARILY** liable for **CIVIL** damages **ARISING**
21 **OUT OF THE ACTIONS OF THE CHILD IN CONFLICT WITH THE**
22 **LAW** unless they prove, to the satisfaction of the court, that they were
23 exercising reasonable supervision over the child at the time the child
24 committed the offense and exerted reasonable effort and utmost
25 diligence to prevent or discourage the child from committing another
26 offense."

27
28 SEC. 8. Section 22 of the same Act, as amended, is further amended to read as
29 follows:

30
31 "SEC. 22. *Duties During Initial Investigation.* - The law enforcement
32 officer shall, in his/her investigation, determine where the case
33 involving the child in conflict with the law should be referred.

34
35 The taking of the statement of the child shall be conducted in the
36 presence of the following: (1) child's counsel of choice or in the absence
37 thereof, a lawyer from the Public Attorney's Office; (2) the child's
38 parents, **FOSTER PARENT**, guardian, or nearest relative, as the case
39 may be; and (3) the local social welfare and development officer. In
40 the absence of the child's parents, **FOSTER PARENT**, guardian, or
41 nearest relative, and the local social welfare and development officer,
42 the investigation shall be conducted in the presence of a representative
43 of an NGO, religious group, or member of the BCPC.

44
45 The **LOCAL** social [worker] **WELFARE AND DEVELOPMENT**
46 **OFFICER** shall conduct an initial assessment to determine the
47 appropriate interventions and whether the child acted with
48 discernment, using the discernment assessment tools developed by the
49 DSWD. The initial assessment shall be without prejudice to the

1 preparation of a more comprehensive case study report. The local social
2 [worker] **WELFARE AND DEVELOPMENT OFFICER** shall do either of
3 the following:

4
5 (a) Proceed in accordance with Section 20 if the child is [fifteen (15)
6 years or] below **NINE (9) YEARS OF AGE** or [above fifteen (15)]
7 **NINE (9) YEARS OF AGE AND ABOVE** but below eighteen (18) years
8 [old] **OF AGE** who acted without discernment; and

9
10 (b) If the child is [above fifteen (15) years old] **NINE (9) YEARS OF**
11 **AGE AND ABOVE** but below eighteen (18) **YEARS OF AGE** and who
12 acted with discernment **OR COMMITTED A SERIOUS OFFENSE**
13 **UNDER SECTION 20-A OF THIS ACT**, proceed to diversion under the
14 following chapter."

15
16 SEC. 9. A new Section 37-A shall be inserted after Section 37 of the same Act,
17 and shall read as follows:

18
19 **SEC. 37-A. REDUCED SENTENCE FOR CHILDREN IN CONFLICT**
20 **WITH THE LAW. - ALL LAWS TO THE CONTRARY**
21 **NOTWITHSTANDING, AND SUBJECT TO OTHER PROVISIONS IN**
22 **THIS ACT RELATIVE TO THE SENTENCING OF CHILDREN IN**
23 **CONFLICT WITH THE LAW, THE COURT SHALL IMPOSE THE**
24 **PENALTY TWO (2) DEGREES LOWER THAN THAT PRESCRIBED**
25 **IN THE LAW FOR CRIMES COMMITTED BY CHILDREN IN**
26 **CONFLICT WITH THE LAW. IN CASES WHERE THE LAW**
27 **PRESCRIBES A FIXED PERIOD OF IMPRISONMENT, THE PERIOD**
28 **SHALL BE REDUCED BY TWO-THIRDS. FOR CRIMES PUNISHABLE**
29 **BY LIFE IMPRISONMENT, THE PENALTY TO BE IMPOSED SHALL**
30 **BE IMPRISONMENT OF UP TO TWELVE (12) YEARS.**

31
32 SEC. 10. Section 40 of the same Act is amended to read as follows:

33
34 "SEC. 40. *Return of the Child in Conflict with the Law to Court.* - If the
35 court finds that the objective of the disposition measures imposed
36 upon the child in conflict with the law have not been fulfilled, or if the
37 child in conflict with the law has willfully failed to comply with the
38 conditions of his/her disposition or rehabilitation program, the child in
39 conflict with the law shall be brought before the court for execution of
40 judgment.

41
42 If said child in conflict with the law has reached eighteen (18) years of
43 age while under suspended sentence, the court shall determine
44 whether to discharge the child in accordance with this Act, to order
45 execution of sentence, or to extend the [suspended] **SUSPENSION**
46 **OF THE** sentence for a certain specified period or until the child
47 reaches the maximum age of [twenty-one (21)] **TWENTY-FIVE (25)**
48 years."

1 SEC. 11. Section 41 of the same Act is amended to read as follows:

2
3 SEC. 41. *Credit in Service of Sentence.* - The child in conflict with the
4 law shall be credited in the services of his/her sentence with the full
5 time spent in actual commitment and detention under this Act. **A**
6 **CHILD WITH GOOD CONDUCT AND BEHAVIOR WHILE**
7 **UNDERGOING DIVERSION, INTERVENTION, REHABILITATION,**
8 **OR DETENTION IN ANY FACILITY UNDER THIS ACT, SHALL BE**
9 **ALLOWED DEDUCTIONS FROM THE PERIOD OF SENTENCE AS**
10 **PROVIDED IN ARTICLE 97 OF THE REVISED PENAL CODE, AS**
11 **AMENDED.**

12
13 SEC. 12. A new Section 43-A is inserted after Section 43 of the same Act, to
14 read as follows:

15
16 **SEC. 43-A. PENALTY FOR VIOLATION OF CONFIDENTIALITY OF**
17 **RECORDS - ANY PERSON WHO HAS BEEN FOUND GUILTY OF**
18 **DIVULGING, WILFULLY OR THROUGH GROSS INEXCUSABLE**
19 **NEGLIGENCE, THE RECORDS OR ANY INFORMATION RELATING**
20 **TO THE PROCEEDINGS INVOLVING CHILDREN IN CONFLICT**
21 **WITH THE LAW, SHALL SUFFER THE PENALTIES IMPOSED IN**
22 **TITLE VII, CHAPTER 3 OF THIS ACT.**

23
24 SEC. 13. Section 49 of the same Act, as amended, is further amended to
25 read as follows:

26
27 "SEC. 49. *Establishment of 'Bahay Pag-Asa'.* - [Each province and
28 highly-urbanized city (the LGUs)] **THE DSWD** shall be responsible for
29 building, funding and operating a 'Bahay Pag-asa' [within their
30 jurisdiction] **IN PROVINCES AND CITIES TO BE IDENTIFIED BY**
31 **THE JJWC**, following the standards that will be set by the DSWD and
32 adopted by the JJWC.

33
34 **ALL 'BAHAY PAG-ASA' THAT ARE CURRENTLY OPERATED AND**
35 **MAINTAINED BY LGUS SHALL CONTINUE TO BE OPERATED,**
36 **MAINTAINED AND FUNDED BY THE RESPECTIVE LGUS, UNLESS**
37 **BEFORE THE END OF THE FISCAL YEAR, THE CONCERNED LGU**
38 **REQUESTS IN WRITING THAT THE OPERATION, MAINTENANCE**
39 **AND FUNDING OF THE 'BAHAY PAG-ASA' BE TRANSFERRED TO**
40 **THE DSWD BEGINNING THE NEXT FISCAL YEAR.**

41
42 Every 'Bahay Pag-asa' will have a special facility called the IJISC. This
43 Center will be allocated for children in conflict with the law in
44 accordance with Sections 20, 20-A and 20-B hereof. These children
45 will be required to undergo a more intensive multi-disciplinary
46 intervention program. The JJWC in partnership with, but not limited to,
47 the DSWD, the DOH, the DepED and the DILG, will develop and set
48 the standards for the implementation of the multi-disciplinary
49 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.

THE FUNDING NECESSARY FOR THE ESTABLISHMENT AND CONTINUED OPERATION OF 'BAHAY PAG-ASA' BY THE DSWD SHALL BE INCLUDED IN THE BUDGET FOR THE DSWD IN THE GENERAL APPROPRIATIONS ACT."

SEC. 14. Section 51 of the same Act is amended to read as follows:

"SEC. 51. *Confinement of Convicted Children in Agricultural Camps and other Training Facilities.* - A child in conflict with the law [may] **SHALL**, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that [may] **SHALL** be established, maintained, supervised and controlled by the **DSWD [BuCor]**, in [coordination] **PARTNERSHIP** with the [DSWD] **BUCOR AND THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA).**

THE DSWD, IN PARTNERSHIP WITH THE BUCOR, SHALL ESTABLISH AT LEAST TWO (2) AGRICULTURAL CAMPS EACH IN LUZON, VISAYAS AND MINDANAO. THE DSWD, IN PARTNERSHIP WITH TESDA, SHALL LIKEWISE ESTABLISH AT LEAST TWO (2) TRAINING FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THERE SHALL BE SEPARATE FACILITIES FOR MALE AND FEMALE CHILDREN IN EVERY AGRICULTURAL CAMP AND TRAINING FACILITY.

THE DSWD, IN COORDINATION WITH THE BUCOR AND TESDA, SHALL DESIGN AND IMPLEMENT THE REHABILITATION AND INTERVENTION PROGRAMS IN THESE SPECIALIZED FACILITIES IN ORDER TO PREPARE THE RESIDENTS THEREIN FOR SUCCESSFUL REINTEGRATION INTO THEIR FAMILIES AND COMMUNITIES UPON DISCHARGE AND RELEASE."

SEC. 15. Section 52 of the same Act is amended to read as follows:

"SEC. 52. *Rehabilitation of Children in Conflict with the Law.* - Children in conflict with the law, whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives, **ACCREDITED FOSTER PARENTS** or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her

1 parents/guardian, the child in conflict with the law shall participate in
2 community-based programs, which shall include, but not limited to:

3
4 XXX

XXX

XXX"

5
6 SEC. 16. Section 64 of the same Act, as amended, is further amended to read
7 as follows:
8

9 SEC. 64. *Children in Conflict with the Law [Fifteen (15) Years Old and]*
10 below **NINE (9) YEARS OF AGE**. - Upon effectivity of this Act, cases
11 [of children fifteen (15) years old and] **INVOLVING CHILDREN IN**
12 **CONFLICT WITH THE LAW** below **NINE (9) YEARS OF AGE** at the
13 time of the commission of the crime shall immediately be dismissed
14 and the child shall be referred to the appropriate local social welfare
15 and development officer. Such officer, upon thorough assessment of
16 the child, shall determine whether to release the child to the custody
17 of his/her parents, or refer the child to prevention programs as
18 provided under this Act. Those with suspended sentences and
19 undergoing rehabilitation at the youth rehabilitation center shall
20 likewise be released, unless it is contrary to the best interest of the
21 child.
22

23 SEC. 17. *Implementing Rules and Regulations*. - The JJWC shall promulgate the
24 necessary rules and regulations for the effective implementation of this Act
25 within ninety (90) days from the effectivity of this Act.
26

27 SEC. 18. *Separability Clause*. - If any provision of this Act is held to be
28 unconstitutional, other provisions not affected thereby shall remain valid and
29 binding.
30

31 SEC. 19. *Repealing Clause*. - Republic Act No. 9344, as amended by Republic
32 Act No. 10630, is hereby amended accordingly. All laws, decrees, ordinances
33 and rules inconsistent with the provisions of this Act are hereby modified or
34 repealed accordingly.
35

36 SEC. 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its
37 publication in the *Official Gazette* or in a newspaper of general circulation.
38

39
40 Adopted,
41

House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 8858

(in substitution of House Bills Nos. 2, 505, 935, 1609, 2009, and 3973)
(Approved by the Committee on January 21, 2019)

“AN ACT EXPANDING THE SCOPE OF THE JUVENILE JUSTICE AND WELFARE SYSTEM AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS FOR 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”

Introduced by: Reps. FREDENIL H. CASTRO, PANTALEON D. ALVAREZ, VICTOR A. YAP, TOBIAS M. TIANGCO, MERCEDES C. CAGAS, ROMEO M. ACOP, and ESTRELLITA B. SUANSING

*Committee Referral: **Committee on Justice**
Committee Chairperson: **Rep. DOY C. LEACHON***

OBJECTIVES:

- To protect minors from being exploited by syndicates and unscrupulous persons that use minors to escape liability for crimes and other illegal activities.
- To provide adequate intervention and diversion measures for children in conflict with the law.
- To increase the penalties for the exploitation of children for the commission of crimes.

KEY PROVISIONS:

- Provides that children aged nine (9) years old but below eighteen (18) years old are exempt from criminal liability, unless such children acted with discernment.
- Reduces the penalty to be imposed to children in conflict with the law by two (2) degrees for penalties under the Revised Penal Code, or by two-thirds (2/3) for fixed periods of imprisonment.
- Strengthens the provisions of RA 9344 through the construction of “Bahay Pag-Asa” in strategic locations in provinces and cities in order to be sustainable.
- Provides greater penalties for the exploitation of children for commission of crimes.
- Imposes mandatory counseling or intervention for the parents of children who committed serious crimes. Failure of the parents to undergo counseling or intervention shall be ground for imprisonment.

RELATED LAWS:

- RA 9344 as amended by RA 10630
- Act No. 3815 (Revised Penal Code)