MEMORANDUM TO:

OIC, Office of the Assistant Schools Division Superintendent
Chief Education Supervisor, SGOD and CID
Elementary and Secondary School Principals
Officers-In-Charge
Public and Private Schools

SALINLAHI FORUM ON JUVENILE JUSTICE AND WELFARE ACT (JJWA)

Enclosed is a letter from Mr. Eule Rico C. Bonganay, Secretary-General, Salinlahi Alliance for Children’s Concerns dated February 1, 2019 re: “Salinlahi Alliance for Children’s Concerns Forum on Juvenile Justice and Welfare Act (JJWA)”, content of which is self-explanatory, for information and guidance.

Particular attention is invited to paragraphs 2-5 of the said letter.

Participation of the school and students shall be subject to the no-disruption of classes policy stipulated in DepEd Order No. 9, s. 2005 entitled Instituting Measures to Increase Engaged Time-on-Task and Ensuring Compliance Therewith and protection of children from abuse, exploitation, violence, discrimination, bullying, and other forms of abuse as stated in DepEd Order No. 40, s. 2012 entitled DepEd Child Protection Policy.

Immediate and wide dissemination of this Memorandum is desired.

For:

JOEL T. TORRECAMPO
Officer-In-Charge
Office of the Schools Division Superintendent

By:

ATTY. CEASAR AUGUSTOS E. CEBUJANO
Legal Officer
OIC, Office of the Schools Division Superintendent

Maka-Diyos, Makatao, Makakalikasan at Makabansa
01 February 2019

Dr. Joel T. Torrecampo
Schools Division Superintendent
Division of City Schools Marikina
Department of Education National Capital Region

Dear Dr. Torrecampo;

Warmest greetings from Salinlahi Alliance for Children’s Concerns!

Salinlahi is a non-stock, non-profit alliance with more than 30 member organizations and institutions all over the Philippines. The alliance is advocating for the rights and welfare of Filipino children through various campaign activities.

The brewing debate to amend the Juvenile Justice and Welfare Act (JJWA) merits that we, child rights advocates consolidate our efforts, come together in one front in order to impede any amendment that would jeopardize the rights and welfare of Children in Conflict with the Law (CICL), and of all children in general.

The involvement of children in criminal and anti-social activities is indeed an issue of grave concern. As child rights advocates, we find it both disheartening and alarming that children, vulnerable as they are and deprived of opportunities, have to deal with having committed an action ostracized by society. Even the DepEd Secretary Leonor Magtolis Briones expressed opposition to the said proposed legislation.

As child rights advocates and promoting the children’s participation, we would like to request your good office to allow us to conduct school forum in all Marikina City public and private high schools to bring the issue about CICL to students, teachers and school administrations in order to raise their awareness in the campaign and stimulate their participation.

Should you have queries and clarifications, you may call our office at telephone number (+632) 356-4299 and look for Fionna.

We are hoping for your positive response!

For the Filipino children,

Eule Rico C. Bonganay
Secretary - General
Salinlahi Alliance for Children’s Concerns

Fionna Tejado
Salinlahi Staff
0949 701 0166
Statement of Salinlahi on the Lowering the Minimum Age of Criminal Responsibility of Children in Conflict with the Law

Salinlahi Alliance for Children’s Concerns, a national alliance of child rights and welfare institutions, opposes the proposal to lower the minimum age of criminal responsibility (MACR) of children in conflict with the law (CICL) from 15 years old to 12 years old.

The involvement of children in criminal and antisocial activities is truly an issue of grave concern that should and will involve all stakeholders in society.

The Juvenile Justice and Welfare law enacted in 2006 sets the legal and operational standards in response to children in conflict with the law and children-at-risk. It is a product of more than a decade of deliberations on evidence-based information and compliance with international laws firmly grounded on the social reality where majority of children are faced with destitution and lack of opportunities for survival and development.

The proponents of the amendment to lower down MACR blames the law for emboldening children to be involved in criminal acts. According to them, it gives CICL a free pass. They argue that children, as young as 9 or 12 years old can act with discernment, comprehending fully well the consequences of their actions.

However, a number of studies proving that developmental factors really do come into play on why children get involved in criminal and antisocial activities. For one, the Psychological Association of the Philippines is firm in the following position:

“The developmental immaturity of juveniles mitigates their criminal culpability. Although they may be able to discern right from wrong action, it is their capability to act in ways consistent with that knowledge that is compromised by several factors at this stage. Such includes a) deficiencies in decision making capacities; b) heightened vulnerability to coercive circumstances and; c) the disadvantaged environment and profile of the Filipino child in conflict with the law.”

Other data shows that of the total crimes documented in the country, 98% of which are still committed by adults while barely 2% are committed by children - majority of their crimes are robbery and theft of food items, cash which are essential to survive. Lowering the age of criminal liability will create a very minimal impact in terms of curtailing crimes in the country.

Unfortunately, most of the detention facilities used to shelter children do not meet the minimum legal requirements for shelters, are seriously overcrowded, understaffed and ill-equipped to meet the needs of children. There are also reports of violence and other forms of abuses within these facilities.
We believe that the approval of the bill runs in sharp contrast to the proposal of various stakeholders for the full implementation of RA 9344 (Juvenile Justice and Welfare Act) that promotes restorative justice and recognizes the social context why children commit crimes—poverty, dismal social services, employment of their parents and the lack of child rearing support from the government.

With this in mind, we are reiterating our call to stop any proposals to lower the age of criminal responsibility. Instead, efforts should be poured towards ensuring adequate and proper implementation of the law.

1. Increase the budget of the primary agencies implementing JJWA including the Department of Social Welfare and Development (DSWD), Council for the Welfare of Children (CWC), the Juvenile Justice and Welfare Council (JJWC), among others.

2. Establish more Bahay Pag-asa and support initiatives that provide for the rehabilitation and reintegration of children in conflict with the law.

3. Conduct widespread dissemination of the provisions of the JJWA and its implementing rules and regulations coupled with educational campaigns on children’s rights and child development targeting all stakeholders especially law enforcers and service providers.

4. Undertake a regular comprehensive study of children under intervention programs to assess their condition as well as the rehabilitation programs designed for them.

5. A nationwide survey of BCPC’s should also be conducted in order to assess the needs for their creation and/or functionalization. BCPCs should design programs that will promote the holistic development of children and youth and encourage their meaningful participation in social affairs.

But after all things are said and done, the government should go beyond strengthening the implementation of the Juvenile Justice and Welfare Act (JJWA) if it is serious in its campaign against criminality. Responsive programs and policies to address poverty, including job generation, genuine land reform and access to free basic social services such as health and education, should be top priority. For as long as children and their families are stuck in the quagmire of poverty, criminal acts, whether by adult or children, will continue to proliferate. ###
SENATE

S.B. No.

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

AN ACT

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

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

Section 2 of Article XV of the 1987 Constitution meanwhile mandates the State to defend that “right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.”

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

No child should be at risk of being in conflict with the law. It is therefore the policy of the State to focus on the fundamental problems facing the youth, namely, poverty, poor education, lack of proper support and guidance, among
others. Children must be taught the values of responsibility, respect for the common good, honesty, integrity, diligence and service to the nation.

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

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

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

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

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

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

SEC. 5. Barangay Social Welfare and Development Officer. There shall be, in every barangay, a Barangay Social Welfare and Development Officer whose primary duty includes house-to-house visitations, counseling, child rights education, and helping the youth, families and the community develop, improve, maintain or restore their capability for coping with the demands of their
"Article 60. Penalty. - The act mentioned in the preceding article shall [be punishable with imprisonment from two or six months or a fine not exceeding five hundred pesos, or both, at the discretion of the Court, unless a higher penalty is provided for in the Revised Penal Code or special laws, without prejudice to actions for the involuntary commitment of the child under Title VIII of this Code] SUFFER THE PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM PERIOD TO PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD."

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

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

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

SEC. 13. Section 49 of Republic Act No. 9344, 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)] THE DSWD 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.

THE ALLOCATIONS NECESSARY FOR BUILDING, FUNDING AND OPERATING THE 'BAHAY PAG-ASA' SHALL BE
environment, through the use of social work methods and interventions. In the absence of a duly-registered Social Worker who shall act as Barangay Social Welfare and Development Officer, persons with training in social work may be employed. They shall be under the supervision of the local social welfare and development officer.

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

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

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

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

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

SEC. 9. Juvenile Reformatory Centers. The Department of Social Welfare and Development, in coordination with the Department of Interior and Local Government, shall establish, fund, and manage 24-hour child-caring institution providing residential care for children in conflict with the law 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.

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

SEC. 10. Increased penalties for parental liability. Article 60 of Presidential Decree No. 603 is hereby amended to read as follows:
A child [above fifteen (15)] TWELVE (12) years OF AGE AND ABOVE but below eighteen (18) years of age shall likewise be exempt from [criminal] liability and be subjected to an intervention program, unless [he/she] THE CHILD has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

The exemption from [criminal] liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws AND THIS ACT.”

SEC. 15. Section 20 of Republic Act No. 9344, 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 TWELVE (12) YEARS OLD, 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] BARANGAY 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-asawa’ managed by LGUs or licensed and/or accredited NGOs monitored by the DSWD] ANY CHILD-CARING INSTITUTION LICENSED AND ACCREDITED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) TO IMPLEMENT THE FOSTER CARE PROGRAM, OR TO A PERSON Duly REGISTERED WITH THE DSWD WHO IS WILLING TO PROVIDE FOSTER CARE.

NO CHILD UNDER SEVEN YEARS OF AGE SHALL BE SEPARATED FROM THE MOTHER, UNLESS THE LATTER IS UNFIT. GIVING CUSTODY OF THE CHILD TO THE PARENTS, GUARDIANS OR THE NEAREST RELATIVES SHALL BE CONSIDERED NOT TO BE IN THE BEST INTEREST OF THE CHILD IF THE CHILD’S PARENTS, GUARDIANS OR NEAREST RELATIVES: (1) ARE TEMPORARILY OR PERMANENTLY UNABLE OR UNWILLING TO PROVIDE THE CHILD WITH ADEQUATE CARE; (2) ARE ENGAGED IN DRUG ADDICTION OR HABITUAL ALCOHOLISM; (3) TREAT THE CHILD WITH EXCESSIVE HARSNESS OR CRUELTY; (4) IMPROPERLY EXPLOIT THE CHILD; OR ANY OTHER ANALOGOUS CIRCUMSTANCES.

THE FOLLOWING CHILDREN MAY ALSO BE PLACED IN FOSTER CARE:
INCLUDED IN THE BUDGET OF THE DSWD IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

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

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

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

[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. 14. Section 6 of Republic Act No. 9344, as amended, is hereby further amended to read as follows:

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

A child is deemed to be [fifteen (15)] TWELVE (12) years of age on the day of the [fifteenth] TWELFTH anniversary of [his/her] THE CHILD’S birthdate."
(A) A CHILD WHO IS ABANDONED, SURRENDERED, NEGLECTED, DEPENDENT OR ORPHANED;
(B) A CHILD WHO IS A VICTIM OF SEXUAL, PHYSICAL, OR ANY OTHER FORM OF ABUSE OR EXPLOITATION;
(C) A CHILD WITH SPECIAL NEEDS;
(D) A CHILD WHOSE FAMILY MEMBERS ARE TEMPORARILY OR PERMANENTLY UNABLE OR UNWILLING TO PROVIDE THE CHILD WITH ADEQUATE CARE;
(E) A CHILD AWAITING ADOPTIVE PLACEMENT AND WHO WOULD HAVE TO BE PREPARED FOR FAMILY LIFE;
(F) A CHILD WHO NEEDS LONG-TERM CARE AND CLOSE FAMILY TIES BUT WHO CANNOT BE PLACED FOR DOMESTIC ADOPTION;
(G) A CHILD WHOSE ADOPTION HAS BEEN DISRUPTED;
(H) A CHILD WHO IS UNDER SOCIALLY DIFFICULT CIRCUMSTANCES SUCH AS, BUT NOT LIMITED TO, A STREET CHILD, A CHILD IN ARMED CONFLICT OR A VICTIM OF CHILD LABOR OR TRAFFICKING;
(I) A CHILD WHO COMMITTED A MINOR OFFENSE BUT IS RELEASED ON RECOGNIZANCE, OR WHO IS IN CUSTODY SUPERVISION OR WHOSE CASE IS DISMISSED; AND
(J) A CHILD WHO IS IN NEED OF SPECIAL PROTECTION AS ASSESSED BY A SOCIAL WORKER, AN AGENCY OR THE DSWD.

The [local] BARANGAY 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. 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; [or, when and where appropriate, the DSWD.]

(D) A FOSTER PARENT; OR
(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-asa’] ANY CHILD-CARING INSTITUTION LICENSED AND ACCREDITED BY THE DSWD TO IMPLEMENT THE FOSTER CARE PROGRAM, OR TO A PERSON DUTY 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-asa’ 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 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)] 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
period of placement of the child within the [IJSF] JUVENILE
REFORMATORY CENTER which shall not be less than one (1)
year. The multi-disciplinary team of the [IJSF] JUVENILE
REFORMATORY CENTER 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 [IJSF] JUVENILE
REFORMATORY CENTER. 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. 17. Section 20-B of Republic Act No. 9344, as amended, is hereby
further amended to read as follows:

"SEC. 20-B. Repetition of Offenses. - A child who is [above
twelve (12) years of age up to fifteen (15)] BELOW TWELVE (12)
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 undergo an intensive intervention program supervised by the
local social welfare and development officer: Provided, further, That,
if the best interest of the child requires that he/she be placed in a
youth care facility or] SHALL BE PLACED IN A 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. However, if the
child is already in the care of such child-caring
institution or foster parent, then the child shall
be transferred to another child-caring
institution or foster parent. The child shall
undergo regular evaluations by the barangay
social welfare and development officer. If the
latter determines in a comprehensive study that
the child’s interest required commitment to a
bahay pag-asa, then the child shall be so
committed ['Bahay Pag-asa', the child’s parents or guardians
shall execute a written authorization for the voluntary commitment
of the child: Provided, finally, 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 LSWDO pursuant to Presidential Decree No. 603, as amended]."
SEC. 18. Section 20-D of Republic Act No. 9344, as amended, is further amended to read, as follows:

"SEC. 20-D. Joint Parental Responsibility. - Based on the recommendation of the multi-disciplinary team of the [IISC] BAHAY PAG-ASA, the LSWDO or the DSWD, the court may require the parents of a child in conflict with the law to undergo counseling or any other intervention that, in the opinion of the court, would advance the welfare and best interest of the child.

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

(a) Biological parents of the child; or

(b) Adoptive parents of the child; or

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

(D) A DUTY REGISTERED FOSTER PARENT.

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

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

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

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

The taking of the statement of the child shall be conducted in the presence of the following: (1) child’s counsel of choice or in the absence thereof, a lawyer from the Public Attorney’s Office; (2) the child’s parents, guardian, or nearest relative, as the case may be; and (3) the [local] BARANGAY social welfare and development officer. In the absence of the child’s parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC."
The social worker shall conduct an initial assessment to
determine the appropriate interventions and whether the child acted
with discernment, using the discernment assessment tools
developed by the DSWD. The initial assessment shall be without
prejudice to the preparation of a more comprehensive case study
report. The local social worker shall do either of the following:

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

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

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

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

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

A person who has been in conflict with the law as a child shall
not be held under any provision of law, to be guilty of perjury or of
concealment or misrepresentation by reason of his/her failure to
acknowledge the case or recite any fact related thereto in response
to any inquiry made to him/her for any purpose.”
SEC. 21. Section 63 of Republic Act No. 9344, 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 sourced through the Department of Public Works and Highways (DPWH) for its proper implementation.

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.

In addition, the Council 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.

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

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

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

The Oversight Committee shall be composed of five (5) members each from the Senate and from the House of Representatives, including the Chairpersons of the Senate Committee on Justice and Human Rights, to act as Chairperson of the Senate Panel, and the House Committee on Justice, to act as
Chairperson of the House Panel. The membership of the Committee for every House shall have at least one (1) minority member.

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

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

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

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

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

Approved,
AN ACT
EXPANDING THE SCOPE OF THE REFORMATION AND REHABILITATION
OF CHILDREN IN CONFLICT WITH THE LAW AND STRENGTHENING THE
SOCIAL REINTEGRATION PROGRAMS, 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
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)] TWELVE (12) 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.”
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.

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

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

"SEC. 6. Minimum Age of [Criminal] SOCIAL Responsibility OF CHILDREN IN CONFLICT WITH THE LAW — A child [fifteen (15)] BELOW TWELVE (12) years of age [or under] at the time of the commission of the offense shall be exempt from [criminal] liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

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

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

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

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

"SEC. 20. Children IN CONFLICT WITH THE LAW Below the Age of [Criminal] SOCIAL Responsibility. — If it has been determined that the child taken into custody is [fifteen (15) years old or] below TWELVE (12) YEARS OF AGE, 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.

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. 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 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) years of age up to [fifteen (15)] 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-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) 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 undergo an intensive intervention..."
program supervised by the local social welfare and development officer: Provided, further, That, if the best interest of the child requires that [he/she] SUCH CHILD be placed in a youth care facility or ‘Bahay Pag-asa’, the child’s parents, FOSTER PARENTS or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, finally, That if the child has no parents, FOSTER 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 LSWDO pursuant to Presidential Decree No. 603, as amended.”

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

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

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

“SEC. 20-D. Joint Parental Responsibility. — Based on the recommendation of the multi-disciplinary team of the JJISC, the LSWDO or the DSWD, the court may require the parents of a child in conflict with the law to undergo counseling or any other intervention that, in the opinion of the court, would advance the welfare and best interest of the child.

PARENTS OF CHILDREN WHO COMMITTED ANY OF THE SERIOUS CRIMES UNDER SECTION 20-A OF THIS ACT, AND OF CHILDREN WHO ARE REPEAT OFFENDERS UNDER SECTION 20-B OF THIS ACT, SHALL UNDERGO MANDATORY INTERVENTION PROGRAMS, INCLUDING PARENTING SEMINARS AND COUNSELLING. THE FAILURE OF SUCH PARENTS TO UNDERGO MANDATORY INTERVENTION, UNLESS PREVENTED BY A LAWFUL CAUSE, SHALL BE A GROUND FOR IMPRISONMENT FOR AT LEAST THIRTY (30) DAYS BUT NOT MORE THAN SIX (6) MONTHS.
As used in this Act, 'parents' shall mean any of the following:

(a) Biological parents of the child; or
(b) Adoptive parents of the child; or
(c) Individuals who have custody of the child[.]; OR

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

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

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

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

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

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

The LOCAL social [worker] WELFARE AND DEVELOPMENT OFFICER shall conduct an initial assessment to determine the appropriate interventions and whether the child acted with discernment, using the discernment assessment tools developed by the DSWD. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. THE ASSESSMENT SHALL INCLUDE IDENTIFICATION OF PHYSICAL
AND MENTAL HEALTH ISSUES, SUBSTANCE ABUSE AND FAMILY
 ISSUES. The local social [worker] WELFARE AND DEVELOPMENT
OFFICER shall do either of the following:

(a) Proceed in accordance with Section 20 if the child is [fifteen (15)
years or] below TWELVE (12) YEARS OF AGE or [above fifteen (15)]
TWELVE (12) YEARS OF AGE AND ABOVE but below eighteen (18)
years [old] OF AGE who acted without discernment; and

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

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

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

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

“SEC. 40. Return of the Child in Conflict with the Law to Court. - If the
court finds that the objective of the [disposition] REFORMATION
AND REHABILITATION 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] REFORMATION or rehabilitation program, the child in
conflict with the law shall be brought before the court for execution of
judgment.

If said child in conflict with the law has reached eighteen (18) 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 extend the [suspended] SUSPENSION
OF THE sentence for a certain specified period or until the child
reaches the maximum age of [twenty-one (21)] TWENTY-FIVE (25)
years.”
SEC. 11. Section 41 of the same Act is amended to read as follows:

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

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

SEC. 43-A. PENALTY FOR VIOLATION OF CONFIDENTIALITY OF RECORDS - Any person who has been found guilty of divulging, wilfully or through gross inexcusable negligence, the records or any information relating to the proceedings involving children in conflict with the law, shall suffer the penalties imposed in Title VII, Chapter 3 of this Act.

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

"SEC. 49. Establishment of ‘Bahay Pag-Asa’. - [Each province and highly-urbanized city (the LGUs)] THE DSWD shall be responsible for building, funding and operating a ‘Bahay Pag-asa’ [within their jurisdiction] IN PROVINCES AND CITIES TO BE IDENTIFIED BY THE JJWC, 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. 14. Section 51 of the same Act is amended to read as follows:

“SEC. 51. Confinement of Convicted Children in Agricultural [Camps] and [other] TECHNICAL 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] OR TECHNICAL training FACILITY [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 TRAINING FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THE DSWD, IN PARTNERSHIP WITH TESDA, SHALL LIKewise ESTABLISH AT LEAST TWO (2) TECHNICAL 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 REINTRODUCTION INTO THEIR FAMILIES AND COMMUNITIES UPON DISCHARGE AND RELEASE.

THE AMOUNT NECESSARY FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF AGRICULTURAL AND TECHNICAL TRAINING FACILITIES SHALL BE INCLUDED IN THE BUDGET OF THE DSWD IN THE ANNUAL GENERAL APPROPRIATIONS ACT.”

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.
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 
wellfare and development officer, and in coordination with his/her 
parents/guardian, the child in conflict with the law shall participate in 
community-based programs, which shall include, but not limited to:

xxx  xxx  xxx”

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

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

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

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

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

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

Adopted,