

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fiftieth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. **10630**]

AN ACT STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006" AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Title of Republic Act No. 9344 is hereby amended to read as follows: "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."

2
SEC. 2. Section 4 of Republic Act No. 9344 is hereby amended to read as follows:

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

"x x x

"(s) 'Bahay Pag-asa' - refers to a 24-hour child-caring institution established, funded and managed by local government units (LGUs) 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) but below eighteen (18) years of age who are 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.

"x x x."

SEC. 3. Section 6 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 6. *Minimum Age of Criminal Responsibility.* - A child fifteen (15) 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) years of age on the day of the fifteenth anniversary of his/her birthdate.

"A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she 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."

SEC. 4. Section 8 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 8. *Juvenile Justice and Welfare Council (JJWC)*. – A Juvenile Justice and Welfare Council (JJWC) is hereby created and attached to the Department of Social Welfare and Development and placed under its administrative supervision. The JJWC shall be chaired by an Undersecretary of the Department of Social Welfare and Development. It shall ensure the effective implementation of this Act and coordination among the following agencies:

- "(a) Department of Justice (DOJ);
- "(b) Council for the Welfare of Children (CWC);
- "(c) Department of Education (DepED);
- "(d) Department of the Interior and Local Government (DILG);
- "(e) Public Attorney's Office (PAO);
- "(f) Bureau of Corrections (BUCOR);
- "(g) Parole and Probation Administration (PPA);

“(h) National Bureau of Investigation (NBI);

“(i) Philippine National Police (PNP);

“(j) Bureau of Jail Management and Penology (BJMP);

“(k) Commission on Human Rights (CHR);

“(l) Technical Education and Skills Development Authority (TESDA);

“(m) National Youth Commission (NYC); and

“(n) Other institutions focused on juvenile justice and intervention programs.

“The JJWC shall be composed of representatives, whose ranks shall not be lower than director, to be designated by the concerned heads of the following departments or agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

“(1) Department of Justice (DOJ);

“(2) Department of Social Welfare and Development (DSWD);

“(3) Council for the Welfare of Children (CWC);

“(4) Department of Education (DepED);

“(5) Department of the Interior and Local Government (DILG);

“(6) Commission on Human Rights (CHR);

“(7) National Youth Commission (NYC);

“(8) Two (2) representatives from NGOs, to be designated by the Secretary of Social Welfare and

Development, to be selected based on the criteria established by the Council;

“(9) Department of Health (DOH); and

“(10) One (1) representative each from the League of Provinces, League of Cities, League of Municipalities and League of Barangays.

“There shall be a Regional Juvenile Justice and Welfare Committee (RJJWC) in each region. The RJJWCs will be under the administration and supervision of the JJWC. The RJJWC shall be chaired by the director of the regional office of the DSWD. It shall ensure the effective implementation of this Act at the regional and LGU levels and the coordination among its member agencies.

“The RJJWC will be composed of permanent representatives who shall have a rank not lower than an assistant regional director or its equivalent to be designated by the concerned department heads from the following agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

“(i) Department of Justice (DOJ);

“(ii) Department of Social Welfare and Development (DSWD);

“(iii) Department of Education (DepED);

“(iv) Department of the Interior and Local Government (DILG);

“(v) Commission on Human Rights (CHR);

“(vi) Department of Health (DOH);

“(vii) Two (2) representatives from NGOs operating within the region selected by the RJJWC based on the criteria established by the JJWC;

“(viii) One (1) sectoral representative from the children or youth sector within the region; and

“(ix) One (1) representative from the League of Provinces/Cities/Municipalities/Barangays of the Philippines.

“The JJWC shall convene within fifteen (15) days from the effectivity of this Act. The Secretary of Social Welfare and Development shall determine the organizational structure and staffing pattern of the JJWC national secretariat and the RJJWC secretariat.

“In the implementation of this Act, the JJWC shall consult with the various leagues of local government officials.

“The JJWC shall coordinate with the Office of the Court Administrator and the Philippine Judicial Academy to ensure the realization of its mandate and the proper discharge of its duties and functions, as herein provided.”

SEC. 5. Section 9 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 9. *Duties and Functions of the JJWC.*
– The JJWC shall have the following duties and functions:

- “(a) To oversee the implementation of this Act;
- “(b) To advise the President on all matters and policies relating to juvenile justice and welfare;
- “(c) To assist the concerned agencies in the review and redrafting of existing policies/regulations or in the formulation of new ones in line with the provisions of this Act;
- “(d) To periodically develop a comprehensive 3 to 5-year national juvenile intervention program, with the participation of government agencies concerned, NGOs and youth organizations;

“(e) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities which may have an important bearing on the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the JJWC;

“(f) To consult with the various leagues of local government officials in the formulation and recommendation of policies and strategies for the prevention of juvenile delinquency and the promotion of juvenile justice and welfare;

“(g) To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law;

“(h) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as, but not limited to:

“(1) The performance and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;

“(2) The periodic trends, problems and causes of juvenile delinquency and crimes; and

“(3) The particular needs of children in conflict with the law in custody.

“The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.

“The JJWC shall submit an annual report to Congress on the implementation of the provisions of this Act.

"The JJWC shall set up a mechanism to ensure that children are involved in research and policy development.

"(i) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary recommendations to appropriate agencies;

"(j) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program;

"(k) To submit an annual report to the President on the implementation of this Act; and

"(l) To perform such other functions as may be necessary to implement the provisions of this Act."

"SEC. 9-A. *Duties and Functions of the RJJWC.* - The RJJWC shall have the following duties and functions:

"(a) To oversee and ensure the effective implementation of this Act at the regional level and at the level of the LGUs;

"(b) To assist the concerned agencies in the implementation and in compliance with the JJWC's adopted policies/regulations or provide substantial inputs to the JJWC in the formulation of new ones in line with the provisions of this Act;

"(c) To assist in the development of the comprehensive 3 to 5-year local juvenile intervention program, with the participation of concerned LGUs, NGOs and youth organizations within the region and monitor its implementation;

“(d) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities within the region;

“(e) To oversee the programs and operation of the intensive juvenile intervention and support center established within the region;

“(f) To collect relevant regional information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare within the region, such as, but not limited to:

“(1) Performance and results achieved by juvenile intervention programs and by activities of the LGUs and other government agencies within the region;

“(2) The periodic trends, problems and causes of juvenile delinquency and crimes from the LGU level to the regional level; and

“(3) The particular needs of children in conflict with the law in custody within their regional jurisdiction.

“The data gathered shall be forwarded by the RJJWC to the JJWC on an annual basis and as may be deemed necessary by the JJWC.

“(g) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities within the region and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary reports and recommendations to appropriate agencies and to the JJWC;

“(h) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program within the region;

“(i) To submit an annual report to the JJWC on the implementation of this Act; and

“(j) To perform such other functions as may be determined by the JJWC to implement the provisions of this Act.”

SEC. 6. Section 20 of Republic Act No. 9344 is hereby 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, 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; or, when and where appropriate, the DSWD.

“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 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. 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) 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. 20-B. *Repetition of Offenses.* - A child who is above twelve (12) years of age up to fifteen (15) 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 '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. 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, 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."

"SEC. 20-D. *Joint Parental Responsibility.* - Based on the recommendation of the multi-disciplinary team of the IJISC, 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.

"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 liable for damages 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. 20-E. *Assistance to Victims of Offenses Committed by Children.* - The victim of the offense committed by a child and the victim's family shall be provided the appropriate assistance and psychological intervention by the LSWDO, the DSWD and other concerned agencies."

SEC. 7. Section 22 of Republic Act No. 9344 is hereby 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 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) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and

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

SEC. 8. Section 33 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 33. *Preliminary Investigation and Filing of Information.* – The prosecutor shall conduct a preliminary investigation in the following instances: (a) when the child in conflict with the law does not qualify for diversion; (b) when the child, his/her parents or guardian does not agree to diversion as specified in Sections 27 and 28; and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the child in conflict with the law.

“Upon serving the *subpoena* and the affidavit of complaint, the prosecutor shall notify the Public Attorney’s Office of such service, as well as the personal information, and place of detention of the child in conflict with the law.

“Upon determination of probable cause by the prosecutor, the information against the child shall be filed before the Family Court within forty-five (45) days from the start of the preliminary investigation. The information must allege that the child acted with discernment.”

SEC. 9. Section 49 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 49. *Establishment of ‘Bahay Pag-Asa’.* – Each province and highly-urbanized city (the LGUs)

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.

"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. 10. Section 50 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 50. *Care and Maintenance of the Child in Conflict with the Law.* - x x x

"The LGUs expected expenditures on the local juvenile intervention program for children at risk and children in conflict with the law shall be included in the LGUs annual budget. Highly-urbanized cities and provincial governments should include a separate budget for the construction and maintenance of the 'Bahay Pag-asa' including the operation of the IJISC within the 'Bahay Pag-asa'."

SEC. 11. Section 57 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 57. *Status Offenses.* - Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child."

"SEC. 57-A. *Violations of Local Ordinances.* - Ordinances enacted by local governments concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, shall be for the protection of children. No penalty shall be imposed on children for said violations, and they shall instead be brought to their residence or to any barangay official at the barangay hall to be released to the custody of their parents. Appropriate intervention programs shall be provided for in such ordinances. The child shall also be recorded as a 'child at risk' and not as a 'child in conflict with the law'. The ordinance shall also provide for intervention programs, such as counseling, attendance in group activities for children, and for the parents, attendance in parenting education seminars."

SEC. 12. *Mandatory Registry of Children in Conflict with the Law.* - All duty-bearers, including barangay/BCPC workers, law enforcers, teachers, guidance counselors, social workers and prosecutors who will receive report, handle or refer cases of children in conflict with the law, shall ensure a faithful recordation of all pertinent information, such as age, residence, gender, crime committed or accused of and the details of the intervention or diversion, as the case may be, under which they will undergo or has undergone, of all children in conflict with the law to guarantee the correct application of the provisions of this Act and other laws. The JJWC shall lead in the establishment of a centralized information management system on children in conflict with the law. This provision is however without prejudice to Section 43 of this Act.

SEC. 13. Section 63 of Republic Act No. 9344 is hereby 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 coursed 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."


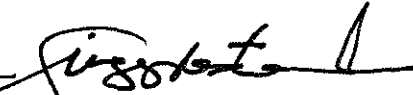
SEC. 14. *Implementing Rules and Regulations.* - The JJWC shall promulgate the necessary rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 15. *Separability Clause.* - If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

SEC. 16. *Repealing Clause.* - All laws, decrees, ordinances and rules inconsistent with the provisions of this Act are hereby modified or repealed accordingly.

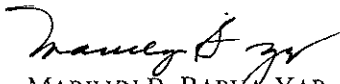
SEC. 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,


 

FELICIANO BELMONTE JR. JINGGOY EJERCITO ESTRADA
Speaker of the House *Acting Senate President*
of Representatives

This Act which is a consolidation of Senate Bill No. 3324 and House Bill No. 6052 was finally passed by the Senate and the House of Representatives on June 5, 2013.



MARILYN B. BARUA-YAP
Secretary General
House of Representatives



EMMA LIRIO-REYES
Secretary of the Senate

Approved: OCT 03 2013



BENIGNO S. AQUINO III
President of the Philippines

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