

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

15<sup>th</sup> CONGRESS  
First Regular Session

HOUSE BILL NO. 467

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**Introduced by Honorable Salvador H. Escudero III**

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**EXPLANATORY NOTE**


This bill seeks to restore the criminal liability of children aged below eighteen (18) years, amending for the purpose Republic Act (RA) No. 9344, otherwise known as the *Juvenile Justice and Welfare Act of 2006*.

Under RA 9344, all children in conflict with the law, aged fifteen (15) years of age and below, as well as those aged above fifteen (15) but below eighteen (18) who acted without discernment, are exempt from criminal liability. Before they are released to their families and the communities, these children undergo psycho-social reformation to imbue in them the proper values and understanding. Due to severe lack of institutions, however, these children in conflict with the law are being released without undergoing intervention programs. Hence, the recidivist attitude of many children in conflict with the law.

Further, such children become vulnerable to exploitation by criminal syndicates who are now aware of these limitations in our juvenile justice system.

With this bill, children in conflict with the law will no longer be exempt from criminal liability.

In view of the foregoing, the approval of this bill is highly recommended.

  
**SALVADOR H. ESCUDERO III**  
Representative  
1<sup>st</sup> District, Sorsogon

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**AN ACT**  
**RESTORING THE CRIMINAL LIABILITY OF A PERSON UNDER EIGHTEEN YEARS OF AGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT OF 2006.**

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

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

“Sec. 6. *Minimum Age of Criminal Responsibility.* --- A child fifteen (15) years of age or under BUT OVER NINE (9) YEARS OF AGE WHO WAS DECLARED BY THE COURT TO HAVE ACTED WITHOUT DISCERNMENT 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 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 appropriated proceedings in accordance with this Act.] OR A CHILD FIFTEEN (15) YEARS OF AGE OR UNDER

BUT OVER NINE (9) YEARS OF AGE WHO WAS DECLARED BY THE COURT TO HAVE ACTED WITH DISCERNMENT AT THE TIME OF THE COMMISSION OF THE OFFENSE SHALL NOT, IF FOUND GUILTY OF THE OFFENSE CHARGED, BE SENTENCED TO ANY PENALTY.

THE SENTENCE IS SUSPENDED AND THE CHILD IS ORDERED COMMITTED TO A REFORMATORY INSTITUTION; *PROVIDED*, THAT IF THE CHILD BECOMES INCORRIGIBLE WHILE IN THE REFORMATORY INSTITUTION, THE CHILD SHALL BE RETURNED TO THE COURT FOR THE IMPOSITION OF THE PROPER PENALTY.

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

SEC. 2. Section 20 of Republic Act No. 9344 is hereby repealed 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 has the duty to immediately release the child to the custody of his parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child or to 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 duly registered nongovernmental or religious organizations; a barangay official or a member of the Barangay

Council for the Protection of Children (BCPC); a local social welfare and development officer; or when and where appropriate, the DSWD. If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code."]

SEC. 3. Sec. 22 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.

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

- (a) Proceed in accordance with Section 20 if the child is fifteen (15) 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. 4. If for any reason, any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect.

SEC. 5. All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,