

*Republic of the Philippines*  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Fifteenth Congress

First Regular Session

**HOUSE BILL NO. 2611**

---

Introduced by Hon. Mary Mitzi "Mitch" L. Cajayon

---

**EXPLANATORY NOTE**

The fundamental law provides that, "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy" (Section 5, Article II, 1987 Constitution).

In view of the above constitutional mandate, this bill seeks to amend Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006" by restoring the criminal liability of children aged below eighteen (18) years.

More than four years of implementation have shown the urgent need to improve the juvenile justice law to address legitimate concerns and make it attune with the realities of the times as various sectors have already expressed alarm over the possibility that crime syndicates are taking advantage of this landmark legislation by utilizing juveniles in their nefarious activities.

The proposal makes a pragmatic stance in precluding juvenile-related offenses by restoring the criminal liability of children aged below eighteen (18) years. It also provides for parental responsibility with the end view of making parents actively involved in the supervision of their children; extends assistance to victims of offenses committed by children; and imposes harsher penalties for crime syndicates that utilize children in their illegal activities.

With this proposal, it is hoped that the juvenile justice law will not only protect the best interests of the child but also promote the general welfare and maintain peace and order that everyone in this country rightly deserves.

In view of the foregoing, the passage of this bill is earnestly sought.



**MARY MITZI "MITCH" L. CAJAYON**

*Republic of the Philippines*  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Fifteenth Congress

First Regular Session

**HOUSE BILL NO. 2611**

---

Introduced by Hon. Mary Mitzi "Mitch" L. Cajayon

---

**AN ACT**

**RESTORING THE CRIMINAL RESPONSIBILITY OF CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE, AMENDING REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006" AND FOR OTHER PURPOSES**

*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 is hereby amended to read as follows:

Section 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 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 appropriate 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:

[Section 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/her 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 and 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 organization; 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. Section 22 of Republic Act No. 9344 is hereby amended to read as follows:

Section 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. Republic Act No. 9344 is further amended by inserting a new section designated as Section 61 to read as follows:

SECTION 61. *PARENTAL RESPONSIBILITY.* THE COURT MAY REQUIRE A PARENT OF A CHILD IN CONFLICT WITH THE LAW TO UNDERGO COUNSELING OR DO SUCH OTHER THINGS THAT WOULD IN THE OPINION OF THE COURT ADVANCE THE WELFARE AND BEST INTERESTS OF THE CHILD.

A PARENT, AS USED IN THIS ACT, SHALL MEAN ANY OF THE FOLLOWING:

(A) A BIOLOGICAL PARENT OF THE CHILD;

(B) AN ADOPTIVE PARENT OF THE CHILD;

(C) AN INDIVIDUAL WHO HAS CUSTODY OF THE CHILD

A COURT EXERCISING JURISDICTION WITH RESPECT TO A CHILD IN CONFLICT WITH THE LAW MAY REQUIRE THE ATTENDANCE, AT THE PLACE WHERE THE PROCEEDINGS ARE BEING OR ARE TO BE CONDUCTED, OF ONE OR MORE PARENTS OF THE CHILD. THE COURT MAY SPECIFY WHICH PARENTS ARE TO ATTEND.

THE PARENT SHALL BE LIABLE FOR THE DAMAGES UNLESS THE PARENT SATISFIES THE COURT THAT HE OR SHE WAS EXERCISING REASONABLE

SUPERVISION OVER THE CHILD AT THE TIME THE CHILD COMMITTED THE OFFENSE AND MADE REASONABLE EFFORTS TO PREVENT OR DISCOURAGE THE CHILD FROM COMMITTING THE OFFENSE.

SEC. 5. Republic Act No. 9344 is further amended by inserting a new section designated as Section 62 to read as follows:

SECTION 62. *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, SHALL BE IMPOSED THE PENALTY PRESCRIBED BY LAW FOR THE CRIME COMMITTED IN ITS MAXIMUM PERIOD.

SEC. 6. Republic Act No. 9344 is further amended by inserting a new section designated as Section 63 under a new chapter designated as Chapter 5 - "Assistance to Victims of Offenses Committed By Children" - to read as follows:

SECTION 63. *ASSISTANCE TO VICTIMS OF OFFENSES COMMITTED BY CHILDREN.* IF THE VICTIM OF THE OFFENSE COMMITTED BY A CHILD IS ALSO A CHILD, THE APPROPRIATE ASSISTANCE AND PSYCHOSOCIAL INTERVENTION SHALL BE PROVIDED TO THE VICTIM-CHILD AND HIS OR HER FAMILY BY THE LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICER AND THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, AS PROVIDED IN REPUBLIC ACT NO. 7610, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT" AND ITS IMPLEMENTING RULES AND REGULATIONS.

SEC. 7. *Renumbering of Sections.* Sections of Republic Act No. 9344 subsequent to the deleted and inserted sections are hereby renumbered accordingly.

SEC. 8. *Implementing Rules and Regulations.* The Juvenile Justice and Welfare Council is hereby directed to make the necessary amendments to the implementing rules and regulations of Republic Act No. 9344 in order to reflect the changes embodied in the Act.

SEC. 9. *Repealing Clause.* All other laws, rules and regulation and/or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Separability Clause.* If any part or section of this Act is declared unconstitutional for any reason whatsoever, such declaration shall not in any way affect the other parts or sections of this Act.

SEC. 11. *Effectivity Clause.* This Act shall take effect fifteen [15] days after publication in two [2] newspapers of general circulation in the Philippines.

Approved,