



# Congressional Record

PLENARY PROCEEDINGS OF THE 17<sup>th</sup> CONGRESS, THIRD REGULAR SESSION

## House of Representatives

Vol. 3

Tuesday, January 22, 2019

No. 46

### RESUMPTION OF SESSION

*At 3:00 p.m., the session was resumed with Deputy Speaker Frederick "Erick" F. Abueg presiding.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, I move that we now proceed to the Additional Reference of Business.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please read the Additional Reference of Business.

### ADDITIONAL REFERENCE OF BUSINESS

*The Secretary General read the title of the following House Bills and Resolution on First Reading, Messages from the Senate, Communication and Committee Report, and the Deputy Speaker made the corresponding references:*

### BILLS ON FIRST READING

House Bill No. 8839, entitled:

“AN ACT DECLARING JUNE 13 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF CALAUAG, PROVINCE OF QUEZON, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY”

By Representative Tan (A.)

TO THE COMMITTEE ON REVISION OF LAWS

House Bill No. 8840, entitled:

“AN ACT PROVIDING SPECIAL ASSISTANCE FOR OVERSEAS FILIPINO WORKERS IN DISTRESS, PROVIDING FUNDS

THEREFOR AND FOR OTHER PURPOSES”

By Representative Olivarez

TO THE COMMITTEE ON OVERSEAS WORKERS AFFAIRS

House Bill No. 8841, entitled:

“AN ACT RECOGNIZING REEDLEY INTERNATIONAL SCHOOL AS AN EDUCATIONAL INSTITUTION OF INTERNATIONAL CHARACTER, GRANTING CERTAIN PREROGATIVES CONDUCIVE TO ITS GROWTH AS SUCH, AND FOR OTHER PURPOSES”

By Representative Eusebio

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 8842, entitled:

“AN ACT FACILITATING THE GLOBAL EMPLOYMENT OF FILIPINOS”

By Representative Manalo

TO THE COMMITTEE ON OVERSEAS WORKERS AFFAIRS

House Bill No. 8843, entitled:

“AN ACT PROVIDING COMPASSIONATE AND RIGHT OF ACCESS TO MEDICAL CANNABIS AND EXPANDING RESEARCH INTO ITS MEDICINAL PROPERTIES”

By Representative Sy-Alvarado

TO THE COMMITTEE ON HEALTH

### RESOLUTION

House Resolution No. 2419, entitled:

“A RESOLUTION COMMENDING MISS CATRIONA GRAY AS THE FOURTH FILIPINA HAILED AS MISS UNIVERSE FOR 2018”

By Representative Nieto

TO THE COMMITTEE ON RULES

## MESSAGES FROM THE SENATE

Message dated January 17, 2019, informing the House of Representatives that on January 16, 2019, the Senate designated Senators Joel Villanueva, Sonny Angara, Joseph Victor G. Ejercito, Maria Lourdes Nancy S. Binay and Paolo Benigno “Bam” Aquino IV as conferees to the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1629, entitled:

“AN ACT WAIVING GOVERNMENT FEES AND CHARGES ON THE ISSUANCE OF DOCUMENTS REQUIRED IN THE APPLICATION FOR EMPLOYMENT OF FIRST TIME JOBSEEKERS”

and House Bill No. 172, entitled:

“AN ACT PROVIDING ASSISTANCE TO NEW GRADUATES BY WAIVING GOVERNMENT FEES AND CHARGES COLLECTED IN CONNECTION WITH THE ISSUANCE OF DOCUMENTS REQUIRED IN THEIR APPLICATION FOR EMPLOYMENT”.

TO THE COMMITTEE ON RULES

Message dated January 17, 2019, informing the House of Representatives that on January 16, 2019, the Senate designated Joseph Victor G. Ejercito, Maria Lourdes Nancy S. Binay and Risa Hontiveros as conferees to the Bicameral Conference Committee on the disagreeing votes on House Bill No. 6621, entitled:

“AN ACT INCREASING THE BED CAPACITY OF THE ADELA SERRA TY MEMORIAL MEDICAL CENTER IN TANDAG CITY, PROVINCE OF SURIGAO DEL SUR, FROM TWO HUNDRED (200) TO FIVE HUNDRED (500) BEDS, UPGRADING ITS SERVICES AND FACILITIES, AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL AND APPROPRIATING FUNDS THEREFOR”.

TO THE COMMITTEE ON RULES

## COMMUNICATION

Report of Honorable Dante Roberto P. Maling, Acting Secretary General, House of Representatives, on enrolled bills, submitted to the Office of the President, for His Excellency’s consideration and signature, pursuant to the provision of Rule VI, Section 18, Par. (h) of the Rules of the House of Representatives:

1. House Bill No. 6331, entitled:

“AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE PROVINCE OF SOUTHERN LEYTE INTO TWO (2) LEGISLATIVE DISTRICTS”;

2. House Bill No. 1955, entitled:

“AN ACT INCREASING THE BED CAPACITY OF RIZAL MEDICAL CENTER IN PASIG CITY FROM THREE HUNDRED (300) TO FIVE HUNDRED (500) BEDS AND APPROPRIATING FUNDS THEREFOR”;

3. House Bill No. 5559, entitled:

“AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO ERMITA ELECTRONICS INCORPORATED, PRESENTLY KNOWN AS G. TELECOMS, INC., AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8196, ENTITLED ‘AN ACT GRANTING THE ERMITA ELECTRONICS, INCORPORATED, A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN AND OPERATE RADIO COMMUNICATIONS SYSTEMS IN THE PHILIPPINES’”;

4. House Bill No. 5576, entitled:

“AN ACT ESTABLISHING A CAREER GUIDANCE AND COUNSELING PROGRAM FOR ALL SECONDARY SCHOOLS AND APPROPRIATING FUNDS THEREFOR”;

5. House Bill No. 6165, entitled:

“AN ACT GRANTING THE DEUS AMOR EST BROADCASTING, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES”;

6. House Bill No. 6724, entitled:

“AN ACT CHANGING THE NAME OF LUPON SCHOOL OF FISHERIES IN LUPON, DAVAO ORIENTAL, INTO THE DAVAO ORIENTAL POLYTECHNIC INSTITUTE”;

7. Consolidated version of House Bill No. 6604 and Senate Bill No. 1985, entitled:

“AN ACT PROVIDING FOR REASONABLE RATES FOR POLITICAL ADVERTISEMENTS, AMENDING FOR THE PURPOSE SECTION 11 OF REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE ‘FAIR ELECTION ACT’ ”; and

8. Consolidated version of Senate Bill No. 1753 and House Bill No. 2158, entitled:

“AN ACT RATIONALIZING AND EXPANDING THE POWERS AND DUTIES OF THE SOCIAL SECURITY COMMISSION TO ENSURE THE LONG-TERM VIABILITY OF THE SOCIAL SECURITY SYSTEM, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED BY REPUBLIC ACT NO. 8282, OTHERWISE KNOWN AS THE ‘SOCIAL SECURITY ACT OF 1997’ ”.

## COMMITTEE REPORT

Report of the Committee on Tourism and the Committee on Ways and Means (Committee Report No. 1072), re H.B. No. 8861, entitled:

“AN ACT EXTENDING THE PERIOD FOR THE GRANT OF INCENTIVES TO TOURISM ENTERPRISE ZONES AND REGISTERED TOURISM ENTERPRISES AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9593, OTHERWISE KNOWN AS THE ‘TOURISM ACT OF 2009’ ”

recommending its approval in consolidation of House Bills Numbered 7333 and 7535

Sponsors: Representatives Nuñez-Malanyaon, Suansing (E.), Vargas and Villafuerte  
TO THE COMMITTEE ON RULES

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, may we acknowledge the presence of the guests of Rep. Sol Aragonés, her balikbayan guests from different countries who are in the plenary: Mr. John Candoleta from London, England; Mrs. Chona Mae Marcella Banzon from Vancouver, Canada; Mr. Laurence Dequeña from Sydney, Australia; and Mrs. Grace Dequeña from Sydney, Australia.

THE DEPUTY SPEAKER (Rep. Abueg). The guests of the Honorable Aragonés, please rise. (*Applause*) Welcome to the House of Representatives.

The Majority Leader is recognized.

## SUSPENSION OF SESSION

REP. HOFER. I move that we suspend the session for a minute, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 3:03 p.m.*

## RESUMPTION OF SESSION

*At 3:04 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized

CONSIDERATION OF H.B. NO. 7070  
ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 7070, contained in Committee Report No. 593, as reported out by the Committee on Basic Education and Culture.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 7070, entitled: AN ACT DECLARING THE BALANGAY, OTHERWISE KNOWN AS THE BUTUAN BOAT, AS THE NATIONAL BOAT OF THE PHILIPPINES.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

## PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize the Chairperson of the Committee on Basic Education and Culture, Rep. Ramon “Red” H. Durano VI, to begin the sponsorship of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Durano is recognized to sponsor the measure.

REP. DURANO. Thank you, Mr. Speaker. Thank you, Majority Leader.

Mr. Speaker, I move that the Explanatory Note of the said Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

\* See MEASURES CONSIDERED (printed separately)

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move to close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 7070 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 7070 on Second Reading.

As many as in favor of House Bill No. 7070, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 7070 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 7070 is approved on Second Reading.

The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. PIMENTEL. Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 3:07 p.m.*

#### RESUMPTION OF SESSION

*At 3:08 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8844 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8844, contained in Committee Report No. 1059, as reported out by the Committee on Civil Service and Professional Regulation, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8844, entitled: AN ACT REGULATING THE PRACTICE OF THE FISHERIES PROFESSION IN THE PHILIPPINES, CREATING FOR THE PURPOSE A PROFESSIONAL REGULATORY BOARD OF FISHERIES, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Florida "Rida" Robes, the Vice Chair of the Committee on Civil Service, to begin sponsorship of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Robes is recognized for her sponsorship speech.

SPONSORSHIP REMARKS OF REP. ROBES

REP. ROBES. Thank you, Mr. Speaker.

In connection with House Bill No 8844, I would just like to request for the approval of the Bill, entitled: AN ACT REGULATING THE PRACTICE OF THE FISHERIES PROFESSION IN THE PHILIPPINES, CREATING FOR THE PURPOSE A PROFESSIONAL REGULATORY BOARD OF FISHERIES, AND APPROPRIATING FUNDS THEREFOR. This is also the counterpart bill of our dearest Sen. Cynthia Villar.

That is all, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we vote on House Bill No. 8844 on Second Reading, Mr. Speaker.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion to approve House Bill No. 8844 on Second Reading. As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

APPROVAL OF H.B. NO. 8844  
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8844 is hereby approved on Second Reading.

The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. PIMENTEL. Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 3:11 p.m.*

RESUMPTION OF SESSION

*At 3:12 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 8857  
ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8857, contained in Committee Report No. 1070, as reported out by the Committees on Agriculture and Food, and Aquaculture and Fisheries Resources.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8857, entitled: AN ACT INSTITUTING THE FARMERS AND FISHERFOLK ENTERPRISE DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE.

\* See MEASURES CONSIDERED (printed separately)

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize the Vice Chairman of the Committee on Agriculture and Food, Rep. Wilfredo S. Caminero to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Caminero is recognized for his sponsorship speech.

#### SPONSORSHIP SPEECH OF REP. CAMINERO

REP. CAMINERO. Thank you, Mr. Speaker.

Mr. Speaker, agriculture plays a critical role in the Philippine economy. Ten percent (10%) of the population is engaged in agriculture and related activities, and the sector contributes nine percent (9%) to the country's Gross Value Added Tax. Given the importance of the agriculture sector, we need to take vital steps for its sustainable development and promotion. We need to focus on supporting and strengthening the areas identified as factors contributing to the competitiveness of the agriculture industry.

It is in this light that this measure is filed. The Bill seeks to capacitate our agricultural and fisherfolk communities through an enterprise development program that will help them establish and manage their own business. The program shall institute a comprehensive and holistic approach in the formulation, coordination and implementation of enterprise development initiatives. It shall consolidate the roles of different government agencies involved in farmers and fisherfolk enterprise development, and intensify the building of an entrepreneurship culture among farmers and fisherfolk.

The key provisions of the Bill are the following:

1. establishes the Farmers and Fisherfolk Development Program which shall make use of science-based technologies in the identification and prioritization of agricultural and fishery products that will be covered;

2. mandates partnerships and alliances between farmers and fisherfolk groups and the private sector to improve the market access of producer groups;

3. creates the Farmers and Fisherfolk Enterprise Development Council which shall oversee the proper implementation of the program. It shall be composed of the following: the Secretary of the Department of Agriculture or his duly authorized representative; a representative of the Department of Trade and Industry who shall likewise at least be an Undersecretary; a representative of the Department of the Interior and

Local Government; a representative of the Department of Finance; a representative of the Cooperative Development Authority; a representative of a national organization of farmers cooperatives and associations; a representative of national organization for fisherfolk cooperatives or associations; and two representatives from the agriculture, food, restaurant and business sectors.

4. mandates the agricultural and fishery councils of the Philippine Council for Agriculture and Fisheries to provide the mechanisms for private sector participation in the development process at the regional, provincial, city and municipal levels;

5. directs the national and local government agencies to purchase agricultural and fishery products from accredited farmers and fisherfolk cooperatives and enterprises. The procurement by the national and local government agencies of said agricultural and fishery products shall be exempt from the application of the bidding process prescribed under relevant government procurement laws.

Our farmers and fisherfolk have always been identified as the poorest sectors in our country. The Farmers and Fisherfolk Enterprise Development Program proposed in this Bill would provide them with a business structure and information network by which they can market their products, acquire new technologies to improve their industries and access credit, among others.

Mr. Speaker, in line with our mandate to ensure food security, not only through increased sustainable production, but also through the development of skills of our farmers and fisherfolks, the passage of this Bill is earnestly sought.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we recognize Rep. Cecilia Leonila V. Chavez for her interpellation or individual amendments—Mr. Speaker, I move to correct the previous motion.

There being no Member who wishes to interpellate or speak against the measure, I move to close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move to open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we recognize Rep. Cecil Chavez for her individual amendment.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Chavez is recognized.

#### INDIVIDUAL AMENDMENT

REP. CHAVEZ. Thank you, Mr. Speaker. Mr. Speaker, I would like to propose an individual amendment to the Bill at hand, and I believe it is very vital that this be incorporated in the Bill.

After Section 11, may we insert another Section to read as follows: SECTION 12. TAX INCENTIVES AND EXEMPTIONS.— THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW TO THE CONTRARY NOTWITHSTANDING:

A) GIFTS AND DONATIONS OF REAL AND PERSONAL PROPERTIES SHALL BE EXEMPT FROM DONOR'S TAX;

B) THE LGUs SHALL EXEMPT STRUCTURES, BUILDINGS, AND WAREHOUSES UTILIZED FOR THE STORAGE OF FARM INPUTS AND OUTPUTS FROM REAL PROPERTY TAX: PROVIDED, THAT THE ASSESSED VALUE OF THE PROPERTY DOES NOT EXCEED THREE MILLION PESOS (P3,000,000.00);

C) THE LAND BANK OF THE PHILIPPINES SHALL PROVIDE PREFERENTIAL RATES AND SPECIAL WINDOW TO ACCREDITED FARMERS AND FISHERFOLK ENTERPRISES; AND

D) EXEMPTIONS FROM INCOME TAX MAY BE PROVIDED FOR INCOME ARISING FROM THE OPERATIONS OF THE ENTERPRISE: PROVIDED, THAT THE FARMER AND THE FISHERFOLK COOPERATIVES AND ENTERPRISES SHALL REGISTER AS BARANGAY MICRO-BUSINESS ENTERPRISES PURSUANT TO REPUBLIC ACT NO. 9178, OTHERWISE KNOWN AS THE "BARANGAY MICRO-BUSINESS ENTERPRISES (BMBEs) ACT OF 2002."

The subsequent sections shall be renumbered accordingly.

That is all, Mr. Speaker. I move for its approval.

THE DEPUTY SPEAKER (Rep. Abueg). What does the Sponsor say to the amendment?

REP. CAMINERO. It is willingly accepted, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we approve the individual amendment of Rep. Cecilia Leonila V. Chavez.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the individual amendment is approved.

REP. PIMENTEL. Mr. Speaker, I move that we consider Committee amendments. However, there being no Committee amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8857, as amended, on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8857, as amended, on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 8857, AS AMENDED, ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8857, as amended, is approved on Second Reading.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8845 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8845, contained in Committee Report No. 1060, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8845, entitled: AN ACT ESTABLISHING A CAMPUS OF THE POLYTECHNIC UNIVERSITY OF THE PHILIPPINES (PUP) IN THE CITY OF SAN JUAN, METRO MANILA, TO BE KNOWN AS THE PUP-SAN JUAN CAMPUS, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Paolo Everardo S. Javier to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Javier is recognized for his sponsorship speech.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8845 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8845 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 8845 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8845 is approved on Second Reading. The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. PIMENTEL. Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 3:23 p.m.*

#### RESUMPTION OF SESSION

*At 3:24 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.



REP. PIMENTEL. Mr. Speaker, before the break of the House, we already distributed copies of the Rules of the House of Representatives, Rules on Inquiries in Aid of Legislation and Rules on Impeachment of the Seventeenth Congress. Therefore, Mr. Speaker, I move that we adopt these three rules—the Rules of the House of Representatives, Rules on Inquiries in Aid of Legislation and Rules on Impeachment.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*)

REP. TINIO. Objection, Mr. Speaker. There is an objection.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we recognize Rep. Antonio L. Tinio.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Tinio is recognized.

REP. TINIO. Mr. Speaker, you asked if there would be objections and we have objections. We still would like to propose amendments to the rules, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. PIMENTEL. Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 3:25 p.m.*

#### RESUMPTION OF SESSION

*At 3:26 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Honorable Tinio is recognized.

REP. TINIO. Mr. Speaker, having conferred with the Majority Leader, for the moment, I withdraw my objection to the motion.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### ADOPTION OF THE RULES

REP. PIMENTEL. Mr. Speaker, I reiterate my previous motion to adopt the three House rules.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

#### CONSIDERATION OF H.B. NO. 8838 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, under the Calendar of Business, I move that we consider House Bill No. 8838, contained in Committee Report No. 1058, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY-GENERAL. House Bill No. 8838, entitled: AN ACT ESTABLISHING A TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TRAINING AND ASSESSMENT CENTER IN THE CITY OF MAASIN, PROVINCE OF SOUTHERN LEYTE, TO BE KNOWN AS THE MAASIN CITY TESDA TRAINING AND ASSESSMENT CENTER, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize the Chairperson of the Committee, Rep. Paolo Everardo S. Javier, to sponsor the measure.

\* See MEASURES CONSIDERED (printed separately)

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Javier is recognized for his sponsorship speech.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8838 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8838 on Second Reading.

As many as are in favor, please, say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please, say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 8838 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8838 is approved on Second Reading.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8849 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8849, contained in Committee Report No. 1065, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8849, entitled: AN ACT ESTABLISHING THE ROMBLON PROVINCIAL TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TRAINING AND ASSESSMENT CENTERS IN THE MUNICIPALITIES OF CAJIDIOCAN IN SIBUYAN ISLAND, AND ODIONGAN IN TABLAS ISLAND, PROVINCE OF ROMBLON, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Paolo Everardo S. Javier to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Javier is recognized for his sponsorship speech.

\* See MEASURES CONSIDERED (printed separately)

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8849 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion to approve House Bill No. 8849 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 8849 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8849 is approved on Second Reading.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8850 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8850, contained in Committee Report No. 1066, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8850, entitled: AN ACT ESTABLISHING A TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TRAINING AND ASSESSMENT CENTER IN BARANGAY MALABOG, PAQUIBATO DISTRICT, DAVAO CITY TO BE KNOWN AS THE PAQUIBATO DISTRICT, DAVAO CITY TESDA TRAINING AND ASSESSMENT CENTER, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Paolo Everardo S. Javier to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Javier is recognized for his sponsorship speech.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

\* See MEASURES CONSIDERED (printed separately)

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move for the approval of House Bill No. 8850 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion to approve House Bill No. 8850 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 8850 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8850 is approved on Second Reading.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8851 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move for the consideration of House Bill No. 8851, contained in Committee Report No. 1067, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8851, entitled: AN ACT ESTABLISHING A TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TRAINING AND ASSESSMENT CENTER IN THE MUNICIPALITY OF BAYOMBONG, PROVINCE OF NUEVA VIZCAYA, TO BE KNOWN AS THE NUEVA VIZCAYA TESDA TRAINING AND ASSESSMENT CENTER, AND APPROPRIATING FUNDS THEREFOR.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Paolo Everardo S. Javier to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Javier is recognized for his sponsorship speech.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

\* See MEASURES CONSIDERED (printed separately)

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8851 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8851 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 8851 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8851 is approved on Second Reading.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8852 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8852, contained in Committee

Report No. 1068, as reported out by the Committees on Higher and Technical Education, and Appropriations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8852, entitled: AN ACT ESTABLISHING THE PALAWAN PROVINCIAL TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TRAINING AND ASSESSMENT CENTERS IN THE CITY OF PUERTO PRINCESA AND IN THE MUNICIPALITIES OF CORON, CUYO, ROXAS, SAN VICENTE, SOFRONIO ESPAÑOLA, AND QUEZON, PROVINCE OF PALAWAN, AND APPROPRIATING FUNDS THEREFOR.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Paolo Everardo S. Javier to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Javier is recognized for his sponsorship speech.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

REP. PIMENTEL. Mr. Speaker.

#### SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader and the Sponsor, we will suspend the session.

The session is suspended.

*It was 3:36 p.m.*

#### RESUMPTION OF SESSION

*At 3:36 p.m., the session was resumed.*

\* See MEASURES CONSIDERED (printed separately)

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, again, I move that we recognize Representative Javier.

THE DEPUTY SPEAKER (Rep. Abueg). Again, we recognize the Honorable Javier.

REP. JAVIER. Mr. Speaker, I move that the Explanatory Note of the Bill be considered as the sponsorship speech on the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8852 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8852 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 8852 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8852 is approved on Second Reading. The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, may we acknowledge the presence of the guests of Cong. Emi G. Calixto-Rubiano from the Government Islamic Republic of Afghanistan and Bases Conversion and Development Authority. We have Abdul Rahim Saeedi, Director, Ministry of Commerce and Industry; Aziz Ahmad Gulistani, Deputy Minister of the Ministry of Urban Development and Housing; Nasrullah Hassani Sahibzada, Executive Director of Afghanistan Airfields; Nazellfullah Qalandarzi, Head of Plan and Policy Department, AAEDC; Amerzeb Durrani, Coordination Expert, AAEDC; Queenie Bautista, Marketing and Promotions Officer III; Joan Grace Ortila, Business Development Officer III; Darryl Garcia, Land Management Officer III; Benjamin Abella, Marketing Associate; and Gilda Alvis, Secretary II.

THE DEPUTY SPEAKER (Rep. Abueg). The guests of the Hon. Emi Calixto-Rubiano, welcome to the House of Representatives. (*Applause*)

REP. HOFER. Mr. Speaker, I move that we include the additional coauthors of House Bills No. 7070, 8149, 8830, 8833, 8835, 8837, 8838, 8844, 8845, 8846, 8847, 8848, 8849, 8850, 8851, 8852, 8854, 8857, 8858 and 8861 as contained in the list to be submitted by the Committee on Rules.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8830 ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8830, as contained in Committee Report No. 1054, as reported out by the Committee on Labor and Employment.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8830, entitled: AN ACT DECLARING THE CITY OF SAN JOSE DEL MONTE IN THE PROVINCE OF BULACAN AS HUMAN RESOURCE CAPITAL.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Florida “Rida” P. Robes to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Robes is recognized for her sponsorship speech.

#### SPONSORSHIP REMARKS OF REP. ROBES

REP. ROBES. Thank you, Mr. Speaker. Thank you, Majority Floor Leader.

I would like to seek again the approval of House Bill No. 8830, in our district, entitled: AN ACT DECLARING THE CITY OF SAN JOSE DEL MONTE IN THE PROVINCE OF BULACAN AS HUMAN RESOURCE CAPITAL.

Again, Mr. Speaker, I seek for its approval. Thank you so much.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation. However, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. PIMENTEL. Mr. Speaker, there being no Committee or individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none, the motion is approved.

REP. PIMENTEL. Mr. Speaker, I move that we approve House Bill No. 8830 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Abueg). There is a motion for the approval of House Bill No. 8830 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Abueg). As many as are against, please say *Nay*. (*Silence*)

#### APPROVAL OF H.B. NO. 8830 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Abueg). The *ayes* have it; the motion is approved.

House Bill No. 8830 is approved on Second Reading.

The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. PIMENTEL. Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

REP. HOFER. Thank you, Mr. Speaker.

*It was 3:42 p.m.*

\* See MEASURES CONSIDERED (printed separately)

## RESUMPTION OF SESSION

*At 3:44 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 8858  
ON SECOND READING

REP. PIMENTEL. Mr. Speaker, I move that we consider House Bill No. 8858, contained in Committee Report No. 1071, as reported out by the Committee on Justice.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved. \*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 8858, entitled: AN ACT EXPANDING THE SCOPE OF THE JUVENILE JUSTICE AND WELFARE SYSTEM AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS FOR CHILDREN IN CONFLICT WITH THE LAW, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE “JUVENILE JUSTICE AND WELFARE ACT OF 2006.”

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

## PERIOD OF SPONSORSHIP AND DEBATE

REP. PIMENTEL. Mr. Speaker, I move that we open the period of sponsorship and debate and recognize Rep. Doy C. Leachon, the Chairman of the Committee on Justice, to sponsor the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Chairman of the Committee on Justice, the

Honorable Leachon, is recognized for his sponsorship speech.

## SPONSORSHIP REMARKS OR REP. LEACHON

REP. LEACHON. Good afternoon, Mr. Speaker, Mr. Majority Leader and our dear colleagues in Congress, it is our pleasure to make this sponsorship as regards House Bill No. 8858.

Good afternoon, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we proceed to the interpellation and recognize Rep. Michael John R. Duavit of the First District of Rizal for his interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Duavit is recognized.

REP. DUAVIT. Thank you, Mr. Speaker.

Will the honorable Sponsor be amenable to a few questions?

REP. LEACHON. Yes, Mr. Speaker.

REP. DUAVIT. Mr. Speaker, Mr. Sponsor, I have an 11-year-old boy and he asked me, “Daddy, do you want to put me in jail?” Okay. I said, “Son, of course not. First of all, you did not do anything.” But there is this prevailing fear in the public’s mind of this particular measure, and their understanding is that minors or children who have committed crimes will be automatically put in jail. Ito po iyong, sa parlance, ang sinasabi po nila, na ikukulong ang mga bata agad-agad. Ipinaliwanag ko naman na hindi naman po iyon ang proseso dahil kung mahuli po sila, sila po ay i-cha-charge pa, pagkatapos ay ita-try pa at saka sesentensiyahan pa.

Now, Mr. Speaker, Mr. Sponsor, I am rising today—because I am not a member of, you know, your Committee— as this is my only chance to really ventilate my thoughts and the thoughts of those who I represent. We also know that these discussions will be used by the Judiciary as an intrinsic aid to understand our purpose for this Bill. May I ask, categorically, Mr. Speaker, Mr. Sponsor, does this Bill have the intent that a minor will be automatically charged, tried and sentenced as an adult?

\* See MEASURES CONSIDERED (printed separately)



REP. LEACHON. Mr. Speaker, my good friend, the Gentleman from the Province of Rizal, I am talking before this august Body and august Chamber not only as the Sponsor of a bill passed by the House Committee on Justice, but also speaking as a father like you, a father of three children, and in the same way, I am telling our friends and dear colleagues in Congress right now that I am fighting for this—because I love my kids, I love my family—and I was approached and I am proud to tell you that this Bill is a pro-child or pro-children legislation. To answer you very categorically, there will be, of course, number one, no imprisonment to speak of for nine-year-olds and above because this is some sort of an amendment of the previous law—that there will be no imprisonment. In fact, there are only actually two mandatory circumstances wherein a child aged nine or over nine years old will be confined in a youth care facility as provided for by this proposed Bill. And to answer you, there will be no imprisonment—I repeat, no imprisonment. Number two, he will not be treated as an adult, but, in fact, will be taken care of, which is clearly defined in the provisions of this Bill.

REP. DUAVIT. Do you agree with me, Mr. Speaker, Mr. Sponsor, that this question that I asked and the answer that you have given will guide the Judiciary, including the law enforcement community in the future?

REP. LEACHON. Yes, of course. To make it very clear, once and for all, to all Members present in this august Chamber, number one, in fact, we do not call those children “criminals or suspects” but children in conflict with the law whenever they will be confined by law enforcement officers and agencies. Number two, if the crime they committed do not belong to the serious offenses, they will not be confined in the youth care facility called Bahay Pag-asa because the only requirement under this new amendatory Bill is actually, number one, to make a listing or to include the young child or the child in conflict with the law in the intervention program of the DSWD. The only circumstance wherein children in conflict with the law will be confined in the youth care facility is, number one, when they commit serious offenses which are actually exclusive, like the crime of rape, murder, parricide, infanticide, homicide, serious illegal detention, rape with homicide, robbery with homicide, arson, carnapping, and violation of the dangerous drugs law. Meaning, if a child in conflict with the law committed such serious offenses, that is the only time there will be mandatory confinement, and not actually a confinement because it will be very different from the ordinary jail, but a confinement separate and distinct from all adults, and within an

intervention program where it will be supervised by a multidisciplinary team of a guidance counselor, social worker, a doctor, a nurse and a member of the reformation team where, even in other Bahay Pag-asa facility that we have now, especially in our province, there is actually a youth care facility which includes schools. So, meaning that if a child does not commit any of those serious offenses, he will not be mandated to be confined in the Bahay Pag-asa Youth Development Center.

REP. DUAVIT. Mr. Speaker, in other words, regarding this measure that we are working on now, it does not repeal totally the existing law. It, in fact, just enhances it in another way aside from the age, Mr. Speaker?

REP. LEACHON. Yes, Mr. Speaker, I would like to agree with you that this new Bill does not actually repeal, but only amends in order to enhance or to fill in the gaps that inadvertently have not been complied with under the existing law for that matter. For example, the youth care facility provided for in Republic Act No. 9344, until now, has not been complied with through the construction or establishment of youth care facilities, and this law seeks to fill in that gap as well as to assure the funding for those youth care facilities, Mr. Speaker.

REP. DUAVIT. Mr. Speaker, moving on, in our observation doon po sa amin, at medyo talagang urbanized na po kami, there has been a rise in criminality among minors and that in almost all of the cases, it is an organized crime, it is a syndicated crime where the children are being used, sometimes even by their own parents or relatives in introducing and coercing them into lives of crime. The children are being used as snatchers, thieves or bugaw because the syndicates can just get these children back, these victims, and again send them back to the streets. This is just our observation and we do not have the hard numbers, Mr. Speaker. May we please have the official data?

REP. LEACHON. Yes, Mr. Speaker, for the record, I would like to agree with the distinguished Gentleman from Rizal that, number one, this is the very purpose why this new Bill is being proposed to amend the existing one in order to protect children who are being exploited, abused and used by certain criminals and criminal syndicates to perpetrate offenses because, for all we know, the syndicate or the one committing the offense knows that a child aged 15 years old and under, would be exempt from criminal liability. There is, in fact, an apparent surge of criminal offenses being committed and as

per record submitted to the House Committee on Justice by the Philippine National Police, compared to those offenses being committed by minors prior to the enactment of R.A. No. 9344, for almost about 10 years prior the enactment of R.A. No. 9344, there would be, more or less, an average of 1,000 to 1,700 criminal offenses being perpetrated involving these children in conflict with the law.

After the approval or effectivity of R.A. No. 9344, there has been an apparent surge in the commission of such criminal offenses. Why? Because records will show that from 1,700 in 2006, there was a jump already to, more or less, 3,000 in 2009, more or less, 9,000 in 2010, about 10,000; and it even reached 14,000. As to the average, more or less, for the past five years, Mr. Speaker, the surge or the average number in the commission of crimes involving CICL or the children in conflict with the law, actually rose from, more or less, 2,000 to more than 10,000 per year, Mr. Speaker.

This is the very purpose as to why most of our colleagues and even the authors feel that there is a need and it is high time to amend the existing law, R.A. No. 9344, Mr. Speaker.

REP. DUAVIT. It is interesting that you brought up R.A. No. 9344, Your Honor, Mr. Speaker. I think, and we all agree here, I mean, it is even in the Bible that we should act like children, and we all believe that children are intrinsically good and that when children go bad, it is because they were coerced. I have no doubt that the creation of R.A. No. 9344 was full of good intentions.

REP. LEACHON. Yes.

REP. DUAVIT. Was this in 2006, the enactment?

REP. LEACHON. Yes, Mr. Speaker.

REP. DUAVIT. Yes. If I recall it correctly, I was here then and I voted in favor of raising the age. Like I have said, when you see a jump like this in the statistics, I think I have no choice but to recognize that I, myself, was not able to foresee this unintended consequence.

Now, another question, Mr. Speaker, we used the term “lowering of age” but, Mr. Speaker, are we not just returning to the age—I think that is the big thing that the public has to understand, na iyong numero na nine years old ay hindi lang po binunot sa ere. Gaano nga po katagal na, prior to R.A. No. 9344, o ilang dekada na po na talagang nine years old ang nakalagay sa batas?

REP. LEACHON. Yes, Mr. Speaker, since the

inception of criminal justice system in the country and, in fact, the only criminal law that we know is the Revised Penal Code and so, from then on until now, mostly about 80 percent of the criminal laws being implemented are based on that Republic Act enacted way, way back, more or less, 80 or 90 years ago. It was on December 8, 1930 when the first criminal law was enacted in this country by this august Body. That is why the amendatory bill seeks only the reversion to the original rule which pegs the minimum age of criminal responsibility of minors at nine years old. In fact, this age is way below, Mr. Speaker, compared to the ASEAN countries and other affluent countries in the world. If we will make a survey, most of the countries in Asia, let us say, in Singapore, the minimum age of criminal responsibility is pegged at seven years old; likewise, in Thailand, it is pegged at seven; in Malaysia, it sets the standard at eight; and in Japan, it is 10. In fact, the most affluent or most powerful country in the world, the United States of America does not provide any minimum age of criminal responsibility, and there is only a record that in the State of North Carolina, the age is pegged at six years old while the other states do not have a peg or any standard minimum age of criminal responsibility. In fact, they only rely on common law where it is pegged at seven years old, but for federal offenses, it is pegged at 11.

Even the most affluent countries in Europe, for example, the United Kingdom sets its standard at eight. Even England before pegged it at 14 but due to the occurrence of a brutal murder by two 10-year old kids—they tortured and murdered a two-year old kid and mutilated his body—the government of England was forced to lower the minimum age of criminal responsibility to 10. In nearby countries like Australia and New Zealand, they pegged it at 10.

So, Mr. Speaker, our distinguished Gentleman from Rizal, I think that pegging it at 15 when obviously, children of this age are being used by so many criminal syndicates, I think it is high time, and I do believe it in my heart, that we lower it to where it was rightfully pegged at nine in the law this august Body enacted in 1930. I think it is proper to revert back to the age of nine, Mr. Speaker.

REP. DUAVIT. In which case, for the sake of clarity for ourselves and the public, Mr. Speaker, Mr. Sponsor, would the sponsoring Committee be amenable at the proper time to actually amend the title of the Bill and state, instead of using the word “lowering,” to make it clear that this is a reversion to a law that worked?

REP. LEACHON. Yes, Mr. Speaker. I myself, and

I think also the Members of the House Committee on Justice, would not, of course, admit that only we have a monopoly of good ideas or rightful concepts. But, of course, to tell me right now if we are amenable? Of course we are amenable because, definitely, this is a collective body and a collegial one, with more or less 300 Members. If the majority of the membership of this Seventeenth Congress would be agreeable to a certain age, who am I to refuse, and I will even possibly join them because, after all, this is a democratic state and, of course, we do believe in the power of the majority. So, if ever the majority would rule that there will be a compromise age, Mr. Speaker, our dear good friend, we are, of course, amenable to that.

REP. DUAVIT. Thank you, Mr. Speaker. At first, I was just asking kasi baka naman mapalitan na iyong pangalan sa pagbaba at ipangalan na natin na pagbalik sa dating batas. Ngayon, nasabi mo na bukas po ang inyong isip at puso na pati po sa edad na ito, it does not necessarily have to be nine years old because, Mr. Speaker, personally, on a purely emotional level, even I find the age of nine to be way, way low.

I have spoken with some other Members, I have even spoken with my own family, at iyong naitatanong kung minsan is: Bakit hindi 10 or 11 or 12? Bakit iyong 15, sa tingin mo, ang naging issue? Ang explanation ko sa kanila was that we were looking at the types of crimes that these children were being forced to commit. Sabihin na lang po natin, may snatching na naging viral po dati kasi iyong bata, na hawak ng sindikato, ay pumasok sa jeep at ninakawan ang isang senior citizen at tumakbo. Iyong akyat-bahay po, nagkakasya sila lumusot sa mga bintana, et cetera, but basically, even at this age, the children are young, even if biologically, if we are looking at a 13-year old, he can, biologically, actually father a child.

REP. LEACHON. Yes.

REP. DUAVIT. In some cases.

REP. LEACHON. Yes, definitely.

REP. DUAVIT. Is that correct? So, it is precisely this physical prowess of these children. Ang sabi ko nga sa kausap ko na isang kasama natin dito, na kung tayo, si Cong. Doy at ako, ay nakipaglaro ng basketball ...

REP. LEACHON. Yes, po.

REP. DUAVIT. ... sa mga 15 anyos, 14 anyos o 13 anyos, ...

REP. LEACHON. Hindi na po natin kaya kalabanin sila.

REP. DUAVIT. ... ay baka namatay na tayo sa ano, baka inatake na tayo sa puso. So, those are the reasons—that it is not just the cognitive abilities, the moral construction at that age but rather, the exploitation of their physical capabilities at that age, and that is what we are trying to focus on or that is the window that we are trying to close. I think we can agree on that.

So, I am very happy because a lot of my fears had been allayed, you know, the chief concern of which was, like I said, in my very first question. I am now very much more confident because it had been categorically stated that minors will not be automatically treated as adults and for me, that is number one. Number two, I am also very happy that we have been given a chance to let the public know, again, na hindi binunot sa ere ang numero na ito, na ito ay ang batas na nauna pa sa 1935 Constitution, noong 1930 pa. Hindi pa napapanganak ang aking tatay pero ito ay nandoon na, and that this Bill does not throw the baby out with the bathwater, that the good parts of Republic Act No. 9344 are retained and even expanded.

REP. LEACHON. Yes, Mr. Speaker.

REP. DUAVIT. With that, Mr. Speaker, I would like to end my interpellation and thank wholeheartedly the honorable Sponsor.

REP. LEACHON. Thank you, Mr. Speaker. Thank you, distinguished Gentleman from Rizal.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, the next to interpellate is Rep. Tomasito “Tom” S. Villarín from the Party-List AKBAYAN. May I move that he be recognized, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Villarín is recognized.

REP. VILLARIN. Thank you, Mr. Speaker. Thank you, Majority Leader.

Would the good Sponsor yield to some questions?

REP. LEACHON. Yes, Mr. Speaker.

REP. VILLARIN. Well, first, I would like to ask the good Sponsor, when the Committee on Justice conducted public hearings on this matter, if can he cite on record the positions of the stakeholders in their papers submitted on this issue?

REP. LEACHON. Yes, Mr. Speaker, and to our good friend from AKBAYAN, this Representation would like

to manifest and express before this august Body that, of course, a rigorous process had been observed. In fact, apart from the usual hearings that we had in the Committee on Justice—in fact, when I was still the Vice Chairman during that time—well, just to be specific, we had one, two, three, four, five, six, seven, eight, nine hearings conducted by the House Committee on Justice, to include those on September 20, November 16 and 21 in 2016, and February 2, May 23 and August 16 in 2017, during which several positions had been entertained coming from social groups and other experts as to its effects. The House Committee on Justice, in fact, through the headship of Congressman Oaminal who is heading the subcommittee on this, undertook to give it to the technical working group, and the technical working group also worked hard on this one as it had actually conducted several meetings and also came up with a unified version.

In fact, we have six authors here who filed separate bills, but all aiming at one version. Then, in order to harmonize this one and in fact, give effect and importance to enhancing the existing article in Republic Act No. 9344, they came up with a unified version, which was actually the version right now that we are defending before this august Chamber and approved by the House Committee on Justice, in fact, yesterday. So, if you are asking if this actually underwent several meetings, I would say, based on what I said—it is a yes, Mr. Speaker, Your Honor.

REP. VILLARIN. Well, I do understand that we invited resource persons, and even if I am not a member of the Justice Committee, I have been diligently attending the public hearings on this matter. To cite a fact, the stakeholders—well, we have the Psychological Association of the Philippines, Child Rights Network and other NGOs, and even government agencies also—provided their inputs on this proposed measure and I understand that in these public hearings, there was a lot of opposition on this proposed measure.

In fact, in the last TWG chaired by Cong. Ron P. Salo, being a member of the Justice Committee, the proposal then, there was a substitute bill to the effect that—because in the public hearings, it was found that under the existing law, we lacked programs and interventions for children aged nine to 15 years old, because the law, the Juvenile Justice and Welfare Act, as amended, only provided for Bahay Pag-asa Youth centers or juvenile rehabilitation facilities for children aged 15 years but under 18. I think the proposal then was for us not to lower the age of criminal responsibility or as you term it, children in conflict with the law (CICL), but the State should have a comprehensive intervention for children aged nine to 15.

Mr. Speaker, I understand that there is a big difference between the discernment of a nine-year old

and the discernment of a 15-year old, and even that of an 18-year old. I think this was well established in our public hearings when the resource persons from their respective fields said that based on science, based on scientific evidence, the brain development of a nine-year old is not the same as that of a 15-year old and especially, it is not the same as that of an 18-year old. So, the challenge here is, if we would really want to help children in conflict with the law, then let us provide a set of comprehensive interventions directed at these specific ages, the nine to 15 years old, rather than lumping the nine-year old child with the 18-year old, and with them having the same set of penalties intended for a 17 or 18-year old.

That is precisely what this proposed legislative measure wants to do—you are lumping the nine-year old child with the 18-year old. If that will happen, I also do not think that this nine-year old will not spend time in jail, as that was mentioned earlier, because under Section 26 of the existing law, in the absence of juvenile detention facilities, it states thereat that these children in conflict with the law may be put in municipal or city jails. So, the point that these children in conflict with the law, although you have mentioned earlier that they would not be put in jail, is not exact because under our law, in the absence of these juvenile detention facilities—and mind you, we still have a lot of LGUs that do not have these juvenile detention facilities or what we call the youth rehabilitation centers. So, in the absence of these facilities right now, you will be prosecuting a nine-year old in court in the same way as an 18-year old or a 15-year old.

The issue here is that this measure lumps together children in conflict with the law in a similar situation. So, my question now is, how did the Committee jump to this conclusion after all the public hearings and after all the opposition by established and well-known groups, with their science-based evidence, and even by the Psychological Association of the Philippines which is really at the forefront of intervening for children in conflict with the law? How did the Committee come up with this conclusion to just reduce the age of criminal responsibility to nine years old? How did that happen, Mr. Speaker, good Sponsor?

REP. LEACHON. Mr. Speaker, with all due respect to our good friend Cong. Tom Villarin of AKBAYAN Party-List, of course, after the so many statements that our good friend had uttered, may I know the specific question.

REP. VILLARIN. Well, I was asking for stenographic notes, I was asking for hard evidence or data for the conclusion that, by lowering the age of criminal responsibility to nine years, the problems mentioned would be addressed, given the fact that in the public

hearings, it had been established that the number one priority should be a comprehensive program of interventions for CICL aged nine to 15. I think that was the last summation of arguments or proposals and recommendations that, indeed, we need a set of interventions for the CICL aged nine to 15 because the existing law only provided for children 15 to 18 years old.

REP. LEACHON. Okay. Mr. Speaker, I think I have to, at least, summarize that number one, it is not actually the intention of lowering it because it is very clear that the proposed Bill is only an expansion; and, in fact, its intention is the strengthening of the existing Republic Act No. 9344. Number two, of course I would like to agree with the good Gentleman from AKBAYAN that indeed there was no compliance with the existing laws as regards the establishment of youth care facilities or what we call Bahay Pag-asa because the existing law, Republic Act No. 9344, provides that the supervision, finance, maintenance and operation of Bahay Pag-asa should be given to local government units.

Mr. Speaker, some years back, I, for one, was also the head of a local government unit—I was a city mayor—and even the local government units such as the provincial capitol or provincial government, we must admit as a fact that we are already maintaining provincial jails and hospitals and in fact, these would occupy, more or less, a big share in our annual budget. That is the gap in the existing law that was inadvertently unforeseen by us lawmakers, considering that we must admit that these local governments do not have the capability of maintaining Bahay Pag-asa. Just imagine it—constructing a building, maintaining doctors, nurses, social workers, psychologists and guidance counselors.

Mr. Speaker, my dear colleagues, this is actually what this new Bill seeks—to fill in the gap. There is an assurance here in this Bill, especially so that we are the ones who will approve this Bill, that through the oversight powers and functions of Congress, we shall assure this every year under the General Appropriations Act. In fact, it is in the provision that there should be a transfer of the operation and maintenance of such youth care facilities from the provincial government to the national government through the Department of Social Welfare and Development. Mr. Speaker, I would like, of course, to encourage each and every Member to read the Bill in its entirety, and you would see the beauty and how pro-children is this new proposed law that we seek to adopt.

Wala pong kulungan dito, hindi sila isasama sa mga nandoon sa ordinaryong bilanguan; hindi sila isasama sa adult inmates. Kapag sila ay nahuli, ilalagay sila sa mga institusyon na pagagandahin ng

pamahalaan. Of course you would ask for compliance and implementation, but actually, it is even beyond the domain of Congress as through oversight, we can compel these agencies every year to see to it that they implement the functions being mandated by this law. Of course, considering the most important thrust of this new law or this proposed amendatory Bill is to provide security, assistance and welfare to children, *aba, pagsamahin na po natin dito*. We cannot deny the fact that *tumataas ang krimen, ginagamit ang mga bata, pero mas lalo silang protektado kapag nalamang hindi na sila exempt. Kung walang kasalanan, bakit naman sila makukulong? Kung sakaling sila ay may kasalanan, ang sinasabi ko po ay hindi sila ikukulong at ilalagay lang po sila sa isang confinement which is actually a youth caring institution or facility called Bahay Pag-asa na popondohan ng pamahalaan para maalagaan sila, but all records will be kept confidential.*

Mayroon mga Bahay Pag-asa kung saan puwedeng lagyan ng mga eskuwelahan during the time that these children are troubled and, in fact, considered to be children in conflict with the law, *kaya hindi po sila mapababayaan*. In fact, there is a mandatory provision also for the parents of these children who committed these serious offenses that they, the parents too, would undergo the mandatory intervention program of the government, and failure to do so would constitute the punishment of imprisonment *para sa magulang*. After the child has been rehabilitated together with the family and the parents, to the satisfaction of the court based on evidence, they will begin their life again. The program must be implemented for the child to be reformed, so with the parents and thus, they will be reintegrated again into the community in particular, and to the society in general, so that later on, they will become effective partners of the society. *Ito po ang gusto ng Bill na ito. Pangalawa, hindi automatic sa nine years old, kahit na nakalagay pa rin if he acted with discernment under the law, and even psychologists would say that the power to discern is only the capacity to know the right and wrong. Matagal na po na batas ito ng Pilipinas, ito ay 80-years old na po. Noong binago po ito, nakikita ko ang wisdom at kagalingan ng mga Miyembro ng Kongreso noong panahong iyon, pero pagkatapos ng labingdalawang taon, nakita natin ang pagtaas ng krimen na ginagamit ang mga kabataan, mas nakakaawa po sila. Dito po ay protektado sila and even then, this is to seek punishment of the criminals who exploits these children. In fact, it is clearly provided, under this new Bill, that if ever a criminal or criminal syndicate would be found to have used and exploited the children to perpetrate an offense, they would be imprisoned with a maximum penalty of *reclusion perpetua*.*

On the other hand, and on the contrary, itong mga kabataan po who are found to be in conflict with the law, ang nakalagay po dito, kapag ang penalty ay divisible, it

will be two degrees lower. For example po, numerically, kung ang penalty ay 21 years imprisonment, magiging seven years na lang pero it will not be implemented during the minority age. There will be a suspension of judgment and it will be imposed only upon reaching the majority age. Pangalawa po, kapag life imprisonment ang penalty, halimbawa, a 10-year old, an 11-year old or a 12-year old ay nakapatay o nanggahasa—may nangyari na po, in fact, na patayan sa England and just very recently, mayroong crime of bullying. Kung ang penalty po, halimbawa, ang na-commit na krimen ay violation ng Dangerous Drugs Law o kaya murder, imbes na life imprisonment, ang nakalagay po sa batas na ito ay only a maximum of 12 years' imprisonment and the penalty will not be implemented during the time of minority, but it will be implemented only at the time when the child reaches the age of majority. During that time, if the court would find to its satisfaction that there was reformation and completion of all intervention requirements, the child in conflict with the law would be discharged in accordance with the provisions of this Bill.

Mr. Speaker, I hope with all those statements that I just uttered, I hope they would fully satisfy the query set forth by my good friend, Cong. Tom Villarín of AKBAYAN.

REP. VILLARIN. Thank you for elucidating the salient points of the proposed measure, but again, let us go back to what was earlier mentioned by the good Sponsor. First, he acknowledged that the State has been remiss in implementing the existing law, the Juvenile Justice and Welfare Act, for many reasons. While it is not for Congress to be the implementing body, but in a way, we have also been remiss in our duty to exercise our oversight function. I support the good Sponsor's acknowledgment that both Congress and, of course, the Executive, have been remiss in implementing the Juvenile Justice and Welfare Act.

Now, going to the issue that crimes committed by children or children in conflict with the law, based again on the scientific data of the PNP, what percentage of offenses committed by children in conflict with the law are ascribed to or had been committed by children aged nine years old to 15? Do we have data on this?

REP. LEACHON. Yes. In fact, I got it from the records of the PNP submitted to the House Committee on Justice and based on our summary of the crimes that were committed by children in conflict with the law. Since the enactment of the new law, they totaled to, more or less, 66,000 crimes.

REP. VILLARIN. That is the collective figure. It is not the annual figure, the 66,000 you have mentioned.

REP. LEACHON. Yes, more or less, it is an average of about 10,000 to 15,000 or let us say, 10,000.

REP. VILLARIN. Which is it—66,000 or 10,000 annually? In terms of percentage to total crimes committed annually, what is the percentage of these crimes?

REP. LEACHON. With all due respect to our good friend from AKBAYAN, I mean, of course, we have the data here, but then, I think that is quite irrelevant at this moment. Even a single person, not even the 66,000, does not pertain ...

REP. VILLARIN. To what ...

REP. LEACHON. ... only to the small percentage of the total crimes. Just imagine, 66,000, more or less, will pertain to about 100,000 individuals who are now in conflict with the law and who would, if not rectified or rehabilitated, be hardened criminals later on. I think that is the most important thing that we have to deal with, Mr. Speaker.

REP. VILLARIN. Mr. Speaker, distinguished Sponsor, I am not downplaying the numbers. What I just want to zero in, of course, is to, let us help these children in conflict with the law, those who have committed crimes. Again, under this proposed measure, the intent of this measure is that children aged nine years to 18, okay, would now become part of our criminal justice system and while I am saying this, I meant those children—like if you commit non-serious crimes or crimes punishable under the Revised Penal Code and special laws, you would have to go through the process of attending courts. You have to go through the process of, in layman's term, "ipa-piano" so that your fingerprints would be recorded and you would have a record in the fiscal's office. This process of putting our children within the ambit of our existing criminal justice system is akin to what the adults would go through, and the only difference is that their sentences would be suspended and the penalties ascribed to these crimes, if committed by CICL, would be reduced in terms of sentencing, and would be a matter of discretion of the judge.

The issue of presumption or the burden of proof that there was no discernment or there was lack of discernment when the crime was committed, is no longer conclusive. Meaning, that the child offender would have to come up with the defense that, indeed, when he or she committed such act or crime, there was no discernment at that time. Now, what we said before was that under the principle of *doli incapax*, there was no wrong being committed precisely because the defense was lack of discernment. Now, we took that

away and the child in conflict with the law, will have to go through this process of being prosecuted. As we all know in our criminal justice system, ilang buwan o taon ang itinatagal bago matapos ang isang kaso? Come to think of it, if a child committed such crime, even for a first-time offender, he or she will have to go through that process from prosecution and up to the time that the sentence will be rendered and so, the child has to go through the criminal justice system of prosecution. Have we really put ourselves into the situation of a nine-year old, a 10-year old or an 11-year old who has to be brought to court? Imagine how we would feel if we were in that child's situation? Iyan po ay magmamarka habang buhay.

The issue here is not just good intentions if we want the criminals and the syndicates to be eliminated, but our approach is that, in a way, we are all the more putting the child in harm's way rather than helping him or her. Again, as I have said, imagine the trauma that the child, who is a Grade 3 student, would feel. Paano po pagbalik niya sa eskuwelahan? Sabihin natin that we have provided protection, we have guarantees na hindi madi-divulge, but again, in a small community, in a munisipyo, in a province, wala pong sikreto diyan at malalaman at malalaman iyan. Ano ang mangyayari sa bata? Papasok pa ba siya? Magkakaroon pa ba siya ng insentibo to socialize with other children? Ito po ang real-life situations that we have to take into account when we pass this legislation.

May mga anak tayo, may mga pamangkin tayo, may mga apo tayo. Imagine their situation. Of course, if we look at the data again, many of the children in conflict with the law are poor at siguro ay masuwerte tayo dahil posibleng hindi iyong mga anak, apo or pamangkin natin ang masasangkot dito. But again, what I am saying, that situation, Mr. Speaker, distinguished Sponsor, of putting children aged nine years old to 15 under our existing criminal justice system, while the sentence might be suspended, mind you, we will mix the nine to 15-year old children in Bahay Pag-asa if they committed serious offenses, with those 15 to 18 years old, kasi iyong mayroong serious offenses, isasama mo rin iyong mga 15 to 18 years old. Just imagine that and here are studies that show na iyong mga bata, kapag nagsama-sama, ay maiimpluwensiyahan din sila and they become recidivists, hindi mo sila ma-rehabilitate. It is also very costly to have juvenile detention facilities. In fact, ang argument ng mga LGU kung bakit wala silang juvenile detention facility? Dahil nga it is very costly.

Now, what we are saying is that children nine to 18 years old ay magsasama-sama sa Bahay Pag-asa if they commit serious offenses. Again, the issue here is, why we would institutionalize this experience of a child and commit him or her to a life that would forever be etched in his or her memory because of his or her situation. Iyon po ang sinasabi natin, and

during our public hearings, I think we are all aware that the experts on this field, the psychologists and psychiatrists, have been telling us that. That is precisely our criminal justice system. Huwag na po natin pag-usapan iyong ibang bayan kagaya ng UK because, maybe, they have a very advanced criminal justice system and that is why they say that an eight-year old child, puwede na. In our situation, we are aware, we are apprised—I mean, we really do need a lot to improve our criminal justice system. Yet, here we are, we want to put our children through a criminal justice system that has been seen to not really be delivering justice. Here, we would be putting our children in such situation.

That is my point, good Sponsor, Mr. Speaker. Of course, we would say that we have guarantees and we have ensured in the law that there are safe measures but, again, the law wants to put our children within the ambit of a criminal justice system which is flawed until now. So, how can we justify that, good Sponsor, Mr. Speaker?

REP. LEACHON. Mr. Speaker, with all due respect, ang dami ho kasing tanong. Nalista ko na ho iyong lima dito. Ano po iyong huling tanong para maliwanag, Mr. Speaker?

REP. VILLARIN. Well, ang tanong ko po, ang sinasabi natin, the children aged nine to 15 years old sa kasalukuyang batas, hindi natin isasama or automatic na hindi sila mapo-prosecute. Hindi ba? Okay, pero dito sa panukalang batas, ang gusto natin, iyong children aged nine to 15 years old ay mapo-prosecute criminally. Hindi ba? Tama ho ba ang basa ko dito sa panukala?

REP. LEACHON. I beg to disagree, Mr. Speaker, because it is very clear that there should be intervention programs and not prosecution.

REP. VILLARIN. No, but when a nine-year-old commits a crime or a felony under the Revised Penal Code and special laws, like theft for example, he or she will be charged. Am I right?

REP. LEACHON. He will, of course, number one, be confined at the Bahay Pag-asa.

REP. VILLARIN. So, hindi ho ba siya i-cha-charge in court, good Sponsor, Mr. Speaker?

REP. LEACHON. Of course, he will be charged.

REP. VILLARIN. That is my point. We would be charging this nine-year old child criminally in court because there is a violation.

REP. LEACHON. Ang ibig bang sabihin ho ninyo, kahit gumawa na ng krimen, huwag na nating i-charge?

REP. VILLARIN. Hindi naman po. Ang sinasabi lang natin ...

REP. LEACHON. I mean, Mr. Speaker, ...

REP. VILLARIN. ... ang bata na nine to 15-years old is very much different from a 15 to 18-year old.

REP. LEACHON. Malaki ho iyong pagkakaiba, Mr. Speaker.

REP. VILLARIN. Ang argument po natin, ang nagkakasala ...

REP. LEACHON. Number one, ...

REP. VILLARIN. ... ay ang sindikato, hindi ba? Ito naman iyong thesis or the main premise that children are being used by criminal syndicates and so, if these criminal syndicates, which until now we have not identified or abolished, ay hindi natin napaparusahan, parang ang lumalabas na ang gusto nating tutukan ay iyong mga bata para hindi sila magagamit.

REP. LEACHON. Hindi naman po, Mr. Speaker. Napakalinaw dito na, well, of course, one of the motivations will probably be those criminal syndicates using these children, pero aminin natin ang katotohanan na mayroon din mga kabataan na nagkakasala, who are acting on their own discernment. In fact, it would not be appropriate for us to assume that, but what is provided for under the law is simply that they acted with discernment. Now, if the local social welfare worker, so with the court, would find otherwise, then, of course, there will be no case against the children. Pangalawa po, this is actually not different, for example, for a person who has a drug addiction problem and he needs to be rehabilitated. It is just the same way of rehabilitating these children. Number three, of course, may nasabi po kayo na hanggang kailan, kasi hindi naman natin alam kung hanggang kailan matatapos. Alam naman natin iyong takbo ng mga kaso dito sa bansa natin. I would like to emphasize that there is a particular provision that one year after the confinement of children in conflict with the law at Bahay Pag-asa, there will be a case report or progress report to be submitted to the court and if the court is satisfied that the intervention program had been completed and properly implemented and the child had been reformed and rehabilitated, he will be allowed to go back to his family and be reintegrated in the community in general.

So, I think that belies the point that the case will hang forever or indefinitely.

REP. VILLARIN. Yes, meaning that a nine-year old or 10-year-old child that you would confine at Bahay Pag-asa for committing a serious crime, that would be...

REP. LEACHON. Yes, of course.

REP. VILLARIN. Okay.

REP. LEACHON. Yes, that is the only mandatory case; and second, if he becomes a recidivist—because there are three cases. Number one, if the child aged nine years old but below 18 years, committed, with discernment, only petty offenses, it will not be mandatory for him to be confined at Bahay Pag-asa. The mandatory aspect will only come in on two circumstances: first, if that child in conflict with the law committed serious offenses in exclusive offenses—I said, about 10—and second, if the child would become a recidivist later on, after committing a petty offense. For example, during one hearing, I happen to interview an 11-year-old na 17 beses nagnakaw ng cellphone at paulit-ulit, maya't maya ay hinuhuli at hinahabla, kaya sumasakit na ang ulo noong piskal. Pagkatapos, ibabalik siya sa magulang pero hindi naman babalik. Ito iyong mga pamamaraan po, Mr. Speaker, na gusto nating gamutin. Hindi umuwi iyong bata sa bahay kasi iyong pamilya ay dysfunctional. Kung recidivist siya, he will be considered a neglected child as defined under the Child and Youth Welfare Code, in which case mandatory ang confinement and he shall undergo reformatory treatment and thereon, if he would prove to the court that he is able to reform and has been reformed, he will be reintegrated to the community.

Hindi automatic na iko-confine kapag mayroon kang offenses na ganoon. Wala pa hong nakalagay sa batas na ganoon. Kapag theft, nakakalabas po siya. Hindi po sinabi doon na isama ito. Ngayon, sino ba sa atin, na kapag ikaw naman ay nahuling nagbebenta ng drugs—mayroong nangyayaring ganyan at maraming cases diyan. Pangalawa, ikaw ay nakapatay, ikaw ay nagnakaw at nang-rape, ang ibig sabihin ba ay hindi na natin ipapasok siya dito at hindi na ma-cha-charge? That is actually an extraordinary case. Aba, sino naman ho ang papayag na hindi ma-charge ang naka-commit ng serious offense?

In fact, sa petty offenses, walang confinement. Confinement only will come in if the child in conflict with the law will commit serious offenses as clearly defined in this amendatory Bill. Second, if he becomes a recidivist, meaning, he has not only committed the offense once, katulad nang nabanggit kanina na 17 times nagnakaw ng cellphone, mandatory po ang confinement, Mr. Speaker.

I hope it is very clear here right now that a child in conflict with the law will not be confined in Bahay



Pag-asa for petty offenses, but only in the best interest of the child, upon the recommendation of the social welfare worker and if the offenses committed are clearly enumerated under the law and again, if I may be endlessly repetitive, he becomes a recidivist, Mr. Speaker.

REP. VILLARIN. Well, the points that you are now driving at, these are two major points. What we are saying is relative to the issue on our criminal justice system. So, Mr. Speaker, good Sponsor, you are arguing now that...

REP. LEACHON. Yes.

REP. VILLARIN. ...a nine-year old child will be prosecuted under the law for committing a crime and yes, a child can be confined or put in a detention facility if that child committed a serious crime and these serious crimes are enumerated in this proposed measure.

Thirdly, it was also stated that—you said there is a set of interventions that could be provided for the child but, again, the issue here, Mr. Speaker, good Sponsor, is an assessment of our justice system. Ang sinasabi ho natin dito, again, is that when the Juvenile Justice and Welfare Act was passed, the intent then was that, for children in conflict with the law, dapat ihiwalay natin iyong kanilang pamamaraan sa pag-reform and pag-rehabilitate. Of course, our Constitution and our justice and penal system are also for a reformative and rehabilitative justice system and so, it all boils down na sa ngayon, ang panukala natin, except for some, well, like sentencing, is okay, but in serving the sentence, may kaibahan doon sa adults. What we are now proposing here is that children in conflict with the law would now be treated the same as the adults who have committed crimes as prescribed in our laws.

Now, earlier, you were saying something about the issue of discernment. Discernment is, again, given as a defense for the child who has committed a felony, and if the courts will not take that defense at the time of the commission of the offense, even if he or she is nine years old—kasi hindi puwedeng sabihin, “Sir, nine years old lang ako. Wala akong discernment”—so, of course, kukuha tayo ng experts and it will be the experts who would say na wala ngang discernment iyong bata. Again, papunta na tayo doon sa dulo, where the judge has to decide on that, but the situation here is the child has to go through that criminal prosecution system. So, in a way, this is totally the reverse of the intent of the juvenile justice and welfare system kasi sa JJW, ang gusto nating iwasan ay ang madaanan ito ng isang bata. Of course, the argument na may ginawa silang masama at sa mata ng lipunan at sa mga matatanda, na talagang ito ay masama—and you mentioned rape, murder, dangerous drugs—and so, they have to become

part of the adult criminal justice system. So, that is our proposal.

My point, Mr. Speaker, good Sponsor, is that this is a total reversal of the intent of the juvenile justice and welfare system. We might put in some safeguards, we might put in sentencing that would reduce the period to be served by the CICL, but the imprint on the lives of these children would be, I mean, it would last more than a lifetime.

So, with that, Mr. Speaker, good Sponsor, I hope that when we look at this Bill, huwag ho natin siyang tingnan sa usapin lang ng law enforcement or usapin ng providing discipline. Let us look at it from a holistic multidisciplinary approach and from a viewpoint that society cares for our children. I dread the day when we would, again, come back here to Congress and say, “Hindi nangyari iyong ating gusto”; and we have been saying that we have been helping children pero kulang naman pala sa facilities, kulang naman sila sa pag-aalaga natin.

Well, it is not a dire warning, but my appeal to our colleagues is that sana ho pag-isipan natin ito nang maigi. My argument is, let us make the existing law work, let us provide more resources, let us hire more personnel, let us hire more counselors and do more community-based interventions. Let us pull in the parents, the families, and have more programs on family development sessions, have more really caring programs that are restorative rather than having a punitive approach to children in conflict with the law.

Thank you, Mr. Speaker, good Sponsor.

REP. LEACHON. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, before we go to our next interpellator, may we acknowledge the presence of the guests of Cong. Yedda Marie K. Romualdez: the local representatives and leaders of the First District of the province of Leyte.

THE DEPUTY SPEAKER (Rep. Abueg). The guests of the Honorable Romualdez, please rise. Welcome to the House of Representatives. (*Applause*)

REP. HOFER. Mr. Speaker, I move that we recognize the next interpellator, Rep. Manuel “Manny” F. Zubiri from the Third District of Bukidnon.

REP. ZUBIRI. Thank you, Mme. Majority Leader, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Zubiri is recognized. Well, in view of the

numerous interpellators, with the list still piling up and counting, the honorable Representative Zubiri is given 20 minutes.

REP. ZUBIRI. I will try to make this quick, Mr. Speaker. Thank you very much. To my dear colleague, if you do not mind, I just have one or two questions that need to be answered.

Mr. Speaker, if this proposed law or this Bill is passed and made into law, my question is very simple: Are we ready for this? Is the infrastructure that we have nationwide ready for this? Is the support system or the support staff ready for this? Do we have enough support staff to be able to make this work, Mr. Speaker?

REP. LEACHON. Mr. Speaker, my good friend, Congressman Zubiri from Bukidnon, this is actually why we are putting up this proposed law because if we will not put up this law, we will not be able to start and this is actually a good start. When we have this, we will be eventually filling up those gaps which were inadvertently unforeseen and, in fact, not implemented by the previous law. So, this is actually the enabling law in order to make it happen, Mr. Speaker.

REP. ZUBIRI. Mr. Speaker.

REP. LEACHON. If I may add, with the indulgence of the good Congressman, there will be mandates here. Of course, number one, to fund it; second, to transfer the supervision and maintenance from the provincial government to the national government and to create a plantilla. Of course, these will not be done overnight, I must admit, and if we will not start with this one. In fact, the answer to your question would only happen after the enactment of this Bill because that is what this Bill actually seeks—to make it happen.

REP. ZUBIRI. Mr. Speaker, I will not argue with the Sponsor of the Bill. Let me just manifest what I think is the reality on the ground, especially in the far-flung areas in provinces and not in the urban centers. For example, in the rural areas, especially in far-flung areas like in Mindanao, the problem is this: the authorities in place—not all, but quite a number of them—in a lot of areas might or will misinterpret the law and this will put our children's lives at risk or in danger. Due to the lack of infrastructure or facilities by the agencies involved, our children will end up in the slammer or jail, whether temporarily or permanently or even dead—God-willing, not.

This is my problem, and the reality is very simple. If there is someone—a law officer out there who will make a mistake because he does not understand what this Bill is for, our children can end up dead and we do not want that to happen. We are here to protect them at all costs.

Number two, my problem also is this: a nine-year old, hindi pa po buo iyong kanyang utak, iyong kanyang ulo, and I have spoken to psychologists, psychiatrists and doctors with regard to this. The problem is, if they end up either in the slammer or in Boys Town of some sort, ang mangyayari po nito, they will be scarred for life and this is a proven fact worldwide. Do we want that? So, this is my problem. Before we decide to pass this Bill, let us sit down, discuss and think hard whether this is good for our nation in moving forward.

I will not take maybe a minute or two, Mr. Speaker, just to end my manifestation. Basically, sad to say, the support staff is not in place, the support infrastructure is not in place, thus, I am very afraid of the future if this Bill is passed. So, God help us, Mr. Speaker. I will not put the blame on anybody here, but we need to think hard.

We have countries that they have set it below the age of nine—that is correct, but their infrastructure, take Japan for example, Japan is way more developed than we are. We are far behind. What is going to happen is, they are going to make space in the jails for our children and they will put them there if there is no space in the DSWD facility and that is the truth of the matter. We have to know what the reality is and that is the reality on the ground, specially in areas that are not developed. That is why we need to be very careful, and I ask my colleagues here in the House to be very careful in deciding on this, especially for the future of our children because they are watching us, and they know we are here for them and will protect their rights at all cost.

That is all, Mr. Speaker and my dear colleagues. Thank you so much for listening to me. Thank you.

REP. LEACHON. Thank you, Mr. Speaker. In fact, your remarks are much appreciated and will be taken into consideration definitely.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the Hon. Edgar R. Erice of the Second District of Caloocan City for his interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Erice is given 20 minutes.

REP. ERICE. Thank you, Mr. Speaker. May the distinguished Gentleman from Mindoro yield to some clarification?

REP. LEACHON. Gladly, Mr. Speaker.

REP. ERICE. The Juvenile Welfare Act was approved in 2006 and we increased the age of criminal liability of children to 15 years old.

REP. LEACHON. Yes, from nine to 15.

REP. ERICE. May I be clarified relative to the statistics on the increase in the involvement of children in criminal acts after the passage of the Juvenile Justice and Welfare Act.

REP. LEACHON. Yes. For about 10 years prior to the enactment of the amendatory bill to the Revised Penal Code in 2006, the average number of the crimes committed by children in conflict with the law is 1,000 to 1,700. We have these data in the crime report submitted by the Philippine National Police to the House Committee on Justice, as requested by the technical working group and it showed that the total number of crimes committed by the children in conflict with the law from 2006 to 2009 rose a little bit from 2,000 to 3,000 on the average for the next three years after its passage. In 2010, it became 5,000; in 2011, it was almost 6,000; in 2012, it was 6,000; in 2013, it was 8,400; in 2014, it rose to as high as 15,000; but in 2015, it decreased to 12,000; and the last data that we have, as submitted by the PNP, was for 2016 with, more or less, 13,000 crimes committed in a year, Mr. Speaker.

REP. ERICE. The Committee and the PNP have concluded that the reason for the increase was the passage of the Juvenile Justice and Welfare Act?

REP. LEACHON. No, there was no conclusion on that given by the PNP because we only requested for data and there was no interpretation on the part of the PNP when we requested the same. It is just that we want to emphasize here, and of course, by the technical working group, the differences or instances in the number of crimes reported per year or the average number of the crimes committed by those children in conflict with the law at the time, before the passage and after the passage. Other than that, there was no intent of interpretation by the Philippine National Police on their reports submitted to us, Mr. Speaker.

REP. ERICE. So, the increase in the involvement of children is not actually the reason we are pushing for the amendment?

REP. LEACHON. Mr. Speaker, I would like to partially agree and disagree. Well, of course, number one, based on the records that we have, when we increased the minimum age of criminal responsibility to 15 years old, Mr. Speaker, many of the offenses are being committed by children whose ages are way below 15 years. So, we can safely assume that—because the coverage actually or already expanded, meaning, for example, if you are a 14-year old kid and you committed a crime, before, you were not covered—so,

when we increase that one, because there were offenses committed by 13 years old, 14 years old, 12 years old, 10 years old, meaning, when we expanded that exemption, many of those crimes were committed, and if not for the passage of that one, mababa nga iyon dahil walang minors. So, dito po na-exempt ang napakaraming minors, and with all due respect to our good friend, the Gentleman from Caloocan City, marami po iyong crimes dito that are serious offenses.

REP. ERICE. Kaya nga po ang ibig ninyong sabihin, dahil sa pagkakapasa ng Juvenile Justice and Welfare Act, naging malakas ang loob ng mga exempted dito sa batas na ito.

REP. LEACHON. Yes, to some extent.

REP. ERICE. Ito ang dahilan kung bakit tumaas ang bilang ng mga bata na involved ngayon sa krimen. Tama po ba?

REP. LEACHON. Mayroon din po kasi na iba, sa sarili niya at hindi naman siya ginamit ng ibang tao. But then, of course, admittedly, there were offenses committed through the exploitation of these children.

REP. ERICE. Like in drug trafficking.

REP. LEACHON. Not only in drugs but also in cases of robbery.

REP. ERICE. Robbery.

REP. LEACHON. Yes, and some other offenses.

REP. ERICE. Hindi po kaya posible din naman na, since 2006, ay talaga namang nag-increase ang population ng mga bata? Hindi po kaya dahil mas naging laganap ang droga at kinakailangan talaga ng mga sindikato para humanap ng iba't ibang paraan kung paano nila madi-distribute iyong kanilang kalakal? Hindi kaya dahil mas laganap ang kahirapan? Hindi ho kaya ito iyong mga dahilan at hindi naman ito dahil sa itinaas natin ang edad ng criminal liability?

REP. LEACHON. Well, sama-sama na po iyan. Those are not the only reasons the criminal offenses rose to as high as 15,000 every year, but they are contributory factors. Mantakin mo, tanggalin mo ang mga 14 years old, e di naabusong sila ng mga sindikato at ginagamit sila. In some interviews that we had, in fact, may mga bitbit pa nga iyong mga bata na birth certificate para ipakita na sila ay 13 years old kaya hindi mo sila puwedeng kasuhan.

REP. ERICE. Ang ibig ninyong sabihin po, kung

ilo-lower natin iyong age of criminal responsibility to nine years, titigil na iyong mga sindikato na gamitin sila?

REP. LEACHON. Of course, definitely.

REP. ERICE. Titigil po sila?

REP. LEACHON. It is a deterrent, of course.

REP. ERICE. It is a deterrent. Bakit po kaya? Ano ang rason? They do not care for these children. They are exploiting these children.

REP. LEACHON. Of course, we want to protect...

REP. ERICE. So, dahil lang may batas na mapaparusan na ang mga bata na ito at makukulong na sila, titigil na iyong mga pusakal na sindikato? Parang hindi ko makita ang lohika doon.

REP. LEACHON. May lohika po roon dahil kapag nahuli ang mga bata, madali silang maituturo. Kung exempt...

REP. ERICE. Kahit naman po siguro iyong bata na nine years old, sa palagay ko, ay napakadali pong kumbinsihin, kahit na wala silang criminal liability, na ituro iyong kanilang principals.

REP. LEACHON. Of course po, dahil siyempre kapag ho exempt sila, madali iyon para sa kanila. After all, huwag lang sila magsasalita, hindi sila makukulong and, of course, children of this age actually have proper discernment and it is very clear under the law that the...

REP. ERICE. In your experience, ang mga bata ba na ito ay provided with lawyers by syndicates? Mayroon po bang pagkakataon sa mga batang nahuhuli na exempted from criminal liability, when they are accosted, that they are assisted by the lawyers of syndicates? Hindi po ba ito iyong mga bata na nandoon sa depressed areas na nauutusan lang ng petty pushers, ng petty drug traffickers, at hindi naman po talaga ng mga malalaking sindikato?

REP. LEACHON. Gusto ko lang sagutin ho iyon. Kaya nga ho lumalakas ang loob nila dahil exempted po sila. Wala nang kailangang abogado dahil wala naman silang kaso dahil exempted sila. Of course, it is not difficult for syndicates to evade prosecution kapag nahuli ang mga bata kasi exempted ang mga ito.

REP. ERICE. Alam po ninyo, may programa ako sa aking distrito at ang tawag ko po dito ay Education Summit. Sa bawat paaralan po na pinupuntahan ko,

iniimbata ko ang mga magulang, mga guro, leaders ng community, at mga bata tulad ng elementary school children dahil gusto kong alamin kung ano iyong pinakamalalaking problema ng edukasyon sa kani-kanilang mga eskuwelahan. Siguro po, sa loob ng isang taon kong pag-iikot, mayroon akong mga 20,000 respondents at ang sabi nila, ang pinakamalaking problema ng edukasyon ngayon ay hindi school buildings, hindi mga guro, hindi mga learning materials. Sixty-five percent ng respondents po, ang sinabi nila na pinakamalaking problema ng edukasyon ngayon sa ating bansa ay ang tila kawalan ng panahon ng mga magulang na subaybayan ang mga kabataan sa kanilang pag-aaral. Sixty-five percent ang nagsabing walang panahon ang mga magulang para subaybayan ang mga kabataan.

Noong bata ako, natatandaan ko po, pag-uwi ko mula sa paaralan, ang unang tanong sa akin ng ina, "May assignment ka ba? Hindi ka puwede maglaro kung may assignment ka pa." Ngayon po, ibabalibag iyong bag, sila ay lalabas na at aabutin sila hanggang 10 to 11:00 p.m. sa mga computer centers at sa tambayan sa kanto, itong mga batang musmos dahil walang pagsubaybay ng mga magulang. Iyan ang pinakamalaking problema ng mga kabataan. Bakit po? Bakit walang panahon ang mga magulang? Una, iyong ibang magulong ay pabaya. Mayroon din po, dahil sa kahirapan, ay kailangan magtrabaho ang mag-asawa, kailangan mag-overtime, kaya wala nang panahon dahil kung hindi nila gagawin ito, ay hindi sila kakain, hindi maibibigay o hindi masu-sustain iyong pangangailangan ng pamilya. Iyan ang problema na hindi nasasagot ng gobyerno, ng pamahalaan. Iyong mga batang ito, na mga siyam na taong gulang na hindi nabibigyan ng atensiyon ng pamahalaan at ng kanilang mga magulang, iyan ang gusto natin na ipakulong, ipatigil sa kanilang mga pag-aaral kung sila ay mahuhuli dahil dito sa mga operasyon na ito.

Alam ninyo ang ginawa ko? Ang ginawa ko po, sa bawat eskuwelahan, 20 eskuwelahan, gumawa ako ng programa, "Wanted Mabubuting Magulang." Tinuruan ko po sila, sa pamamagitan ng mga eksperto, kung papaano nila bibigyan ng atensiyon iyong kanilang mga anak sa kabila ng kanilang kahirapan at sa kanilang kaabalaan. Iyan dapat ang sagot ng gobyerno— hindi dapat ipakulong iyong mga siyam na taon na gulang na mga bata na ito. Alam ninyo, napag-alaman ko rin po sa Grade 1, Grade 2 at Grade 3, na ang daming dropout. Bakit? Kasi po dahil sa kakulangan sa pagkain, hindi naging husto ang kanilang pag-iisip. Grades 1, 2, 3—hindi pa sila marunong magbasa, hindi sila makasunod sa leksiyon ng kanilang mga guro o makasabay sa kanilang mga kamag-aral. Anong nangyayari? Hindi na lang sila papasok dahil nahihiya sila. Ano po ang ginawa ko? Gumawa ako ng programa, Oplan Talk-Read tuwing Sabado at Linggo. Oplan

Talk-Read ho, hindi tokhang kasi iyong tokhang ay nakakapatay; iyong Oplan Talk-Read ay nakakabuhay. Kasama namin ang mga volunteers, tinuturuan namin iyong Grades 1 to 3 na mag-aaral tuwing Sabado at Linggo para magbasa.

Si Dexter, Grade 3, hindi marunong magbasa pero after three weeks lang po, sa tulong ng mga volunteer, hindi na siya nahihiyang pumasok dahil nakakasabay na siya sa pagbabasa at pag-aaral ng leksiyon sa kanyang mga paaralan. Iyan po ang mga kailangan ng mga bata natin, hindi iyong pagpapakulong sa kanila. Samantalang tayo rito, dito, kapag nagutom tayo, mayroon tayong pagkain, various pa ang catering—may litson tayo, may baka tayo. Iyong mga bata, wala na ngang makain, ipakukulong pa natin.

Sasabihin natin may mga pasilidad. Kalokohan po iyan, kalokohan po iyang mga sinasabing pasilidad kasi kahit sa ngayon, at sasamahan ko kayo sa bawat panig ng ating bansa, ay kulang na kulang iyong mga pasilidad. Paano ang mga mag-aaral? Ikukulong mo, kaya paano mag-aaral iyong mga bata? Idi-deny natin sila sa pagpapatuloy ng kanilang pag-aaral. Paparusahan natin iyong mga biktima dahil wala tayong kakayahan, dahil incompetent tayo na sagutin iyong problema natin sa ating criminal justice system, iyong korapsyon sa judiciary, at incompetent iyong ating mga law enforcers. Iyan po siguro ang dapat una natin sagutin.

Sabi po ni Nelson Mandela, masasalamatin ang konsensiya ng isang bansa sa pamamagitan ng kung papaano natin tatratuhin ang ating mga bata. Ang tanong ko po—tayo bilang mga Mambabatas, at may mga constituent tayo na mga bata, ano na po ba ang nagawa natin muna para sa kanila? Hindi ba busy tayo para mangampanya, para manalo, para panatilihin sa kapangyarihan ang mga pamilya natin sa ating mga lugar? Diyan tayo busy. Pero nagbigay na ba tayo ng panahon talaga para bigyan muna ng pag-asa ang mga batang ito bago natin parusahan ang mga batang biktima nito?

Maraming salamat po.

REP. LEACHON. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the Hon. Salvador B. Belaro Jr. of 1- ANG EDUKASYON Party-List for his interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Belaro has 20 minutes.

He will please proceed.

REP. BELARO. Good afternoon, Mr. Speaker, distinguished Sponsor. Mr. Speaker, will my idol from

the First District of Oriental Mindoro yield to some clarificatory questions about the Bill?

REP. LEACHON. Yes, gladly, Mr. Speaker.

REP. BELARO. Mr. Speaker, the law being sought to be amended is Republic Act No. 9344. My understanding is that in the present state of the law, criminal responsibility is pegged at the minimum of 15 years old. Is that correct, Mr. Speaker, distinguished Sponsor?

REP. LEACHON. Yes, Mr. Speaker.

REP. BELARO. Also, under the present state of the law, child offenders will be relegated or confined to a facility exclusively for child offenders. Is that correct, Mr. Speaker, distinguished Sponsor?

REP. LEACHON. Yes, Mr. Speaker.

REP. BELARO. Now, Mr. Speaker, the proposed Bill seeks to lower the age of responsibility from 15 years old to nine years old. Is that correct, Mr. Speaker, distinguished Sponsor?

REP. LEACHON. Yes, that is included or part of those provisions to be amended, Mr. Speaker.

REP. BELARO. As a corollary, Mr. Speaker, under the proposed Bill, the referral or relegation to the Bahay Pag-asa or the facility exclusively intended for child offenders is also there. Is that correct, Mr. Speaker, distinguished Sponsor?

REP. LEACHON. Yes, with the inclusion only of—if ever there will be an execution of judgment later on at the age of majority, there is now, actually, a provision creating agricultural centers to be supervised by the Bureau of Corrections, together with the TESDA, so that children in conflict with the law, later on, will be taught how to improve their lives. If they will be reintegrated into the community later on, of course they will need to have the skills needed in order to face a new life after being confined in Bahay Pag-asa.

REP. BELARO. Thank you, Mr. Speaker, distinguished Sponsor.

Mr. Speaker, a while ago in my room, I was listening to the very well-researched exposition of the distinguished Sponsor with respect to the fact that in other countries, in other jurisdictions, there is no minimum age or it is variable, and in fact, the United States does not have a minimum age of criminal responsibility. That is correct, Mr. Speaker, Mr. Sponsor?

REP. LEACHON. Yes, Mr. Speaker.

REP. BELARO. Mr. Speaker, as a Representative of the education sector, I always believe that for any law or proposal to be successful, it has to be based on a correct analysis of theory and should be scientifically based. May I, therefore, for the record, ask the distinguished Sponsor on the theory on pedagogy, education, science or psychology the Committee used to buttress the contention that, indeed, nine is the magic number for criminal responsibility?

REP. LEACHON. Thank you, Mr. Speaker. As we said, this is only a reversion. Our experience for almost more than eight decades or almost 80 years was that the minimum age of criminal responsibility was pegged at nine years old and then, it was increased to 15. As I said in the Explanatory Note, the remarks and the objectives of so many different authors, with the surge, of course, of criminal offenses committed by children in conflict with the law, most especially those below 15, and with the advancement of technology right now, the reversion to the original age, which was nine years old, was made.

REP. BELARO. Mr. Speaker, I read somewhere—a French philosopher, Baron de Montesquieu, his theory on the philosophy of laws. His thesis is that a law successful in one country cannot be expected to be successful in another country because they have different conditions. My question, Mr. Speaker, is, did the Committee, which the good Chairman heads, ever consider the fact that in these countries where there is no minimum age of responsibility, there are other ages pegged for the criminal responsibility of child offenders? They have variable conditions: for example, their state support, there is massive infusion in education, there is massive investment in laws, in law enforcement and other societal interventions. Could the good Chairman assure us that in presenting these data to the honorable Body, they considered as well the societal conditions of these other countries?

REP. LEACHON. Yes, Mr. Speaker, we did.

REP. BELARO. Mr. Speaker, I would also like to go to another point, that is, the scientific basis. A while ago, I tried to elicit from the distinguished Sponsor the scientific basis for his proposal to lower the age of criminal responsibility to nine. Now, I would like to go to the commonsensical. I would like to refer, Mr. Speaker, to current events. We have seen on television what is happening in the refugee camps all over the world—in Macedonia, in the Middle East, and even in the recent tussle in the Mexican border, where children as young as nine years old were displaced from the comfort of their homes. Well, it is not technically a home because

they are refugees, but what this Representation is saying is that they were separated from their mothers. We will recall, under our Civil Law, you cannot even separate a child below seven years old from the mother, but I am referring to it here in a more imaginative fashion.

Now, Mr. Speaker, considering the displacement factor of these nine-year olds who are possible child offenders under the proposed Bill, my question is, assuming *arguendo* that it is proper, would the good Sponsor consider an amendment, in the proposed Bill, separating what to do with respect to those child offenders who are with parents and those without? In that case, they could be referred to the DSWD or any other similar arrangement like putting them in an orphanage or under the care of foster parents.

REP. LEACHON. Actually, to be honest about this one, if you will just read the new Bill, there is actually a difference between one who has no parents at all, who under the law can be considered as a neglected child, in which case, he shall be termed as “neglected child,” as defined under the Child and Youth Welfare Code. He will then be confined at Bahay Pag-asa. Number two, in cases wherein the child in conflict with the law committed serious offenses, it is mandatory that, apart from the child himself who is in conflict with the law, his parents would also be made to undergo a mandatory intervention program. So, they would definitely be treated differently, because the intervention program for those children with parents is different and, of course, those considered as neglected children will also be taken care of separately under the new Bill.

REP. BELARO. Mr. Speaker, lest I may be misconstrued in my intentions, I am with the authors of this Bill in trying to propose a solution to the prevalent social situation, which apparently is beyond redemption considering the present intervention that we are doing. May I refer to the facts and statistics that were cited by the author on the growing number of child criminals in the country. The number is staggering and, I think, is reaching hundreds of thousands. I am particularly struck by the fact that there is this provision in the proposed Bill which proposes that there will be an increase in penalty for those people capitalizing on these children to perpetrate crimes, such as pickpocketing and others, via the use of syndicates and other criminal organizations. I fully understand the intent of the authors with respect to that, Mr. Speaker. However, Mr. Speaker, at the back of the mind of this Representation is the question that if, indeed, that is the ill of society which the authors would like to cure, have they entertained the fact that this could be cured by increasing instead the penalty for those people who are capitalizing on these children and using them for illegal and criminal activities?

REP. LEACHON. Come again? I would like to understand the question—is there a provision regarding the raising of penalties for people exploiting and using these children in conflict with the law and inducing them to perpetrate an offense? If that is the question, then it is quite clear. Is that the question, Mr. Speaker?

REP. BELARO. The question actually, Mr. Speaker, is on the provision regarding people using child criminals for ...

REP. LEACHON. Yes, there is a provision on two grounds: number one, if the penalty for the commission of an offense is less than six years imprisonment, the penalty for the one using or exploiting the child to perpetrate an offense would be *reclusion temporal*; and if the offense committed has a penalty of more than six years, the person or persons exploiting, using or abusing this child to commit an offense, if found guilty, these persons exploiting the children will be penalized with the maximum penalty of *reclusion perpetua*.

REP. BELARO. Mr. Speaker, just to reiterate the obvious based on what the distinguished Sponsor just said a while ago, is the distinguished Sponsor saying that he is willing to go as far as capital punishment being imposed on these people using children for criminal activities?

REP. LEACHON. Well, this Representation, of course, subject to the rule of the majority, will always be open to amendments in order to craft a better version of the bill. The Committee on Justice does not brag about having a monopoly of ideas in enhancing or creating a better version of this House Bill. Any amendment that can be, of course, proposed by any Member of this Seventeenth Congress would be gladly accepted and be accommodated, of course, subject always to the rule of majority.

REP. BELARO. Thank you, distinguished Sponsor. Mr. Speaker, I would like to refer to another point and that is on the practicability of the proposed Bill. Being the distinguished Chairman of the Committee on Justice, I believe that the distinguished Sponsor is very much aware of the conditions of the jails in the country—that we lack facilities, humane accommodations or facilities at that, for our prisoners. Now, the question is, under the proposed Bill, may I ask the good Sponsor if the Committee has done research on how many Bahay ng Pag-asa, how many more facilities this would entail and how much budget it will require from the national government every year to sustain this proposal.

REP. LEACHON. Mr. Speaker, as of this present

moment, we do not have the specific number of Bahay Pag-asa that we must have, and based on investigations that we had done, we cannot categorically say that yet. Since the inception of the new law in 2006, I would like to impress and manifest before this august Body, actually, that that has not been fully implemented and that is why we are seeking now to at least fill in those gaps. We have already instructed the DSWD that we need a complete data. They have to complete the data and submit to this august Body the number of Bahay Pag-asa that we have now. In some other instances, well, I have spoken with a governor who said that even without government funding, there are actually donations being given to maintain their youth facility which is not actually operated by the government. There is one facility in our province being operated by the national government. In fact, through the House program, the alternative system of learning or ALS has been instituted there. Now, with this law that we are proposing, definitely, there will be transitory provisions for this one.

I would also like to address the concern of Congressman Zubiri—we shall not make this an empty or just a big white elephant. We will not be imposing or creating, drafting, and enacting a law without it being implemented later on. That is why the transitory provisions would provide for this, of course, until a Bahay Pag-asa has been constituted with complete facilities funded by the government. We have to create a time frame, a period of more or less two years, to complete this one and make it effective because after all, if we really care for the children, we have to prepare for eventualities later on if this Bill will be passed.

Of course, we are mindful of the consequences of the Bill. The previous law, with all due respect, was not able to foresee that local governments cannot finance or provide enough funds to this Bahay Pag-asa. Now, we have learned our lesson. This is actually an apology to the Filipino people. That is why we are offering a good Bill, a new one which is pro-children at that, because we have to take care of these children. We will not imprison them. We will, in fact, protect them from abuse of the ones exploiting them. In fact, we will punish those criminals and save these children for them to be able to at least reunite with their families afterwards.

So, going back to your question, we are now in the process of collating all these. There is also an assurance—in fact, there is a provision in the Bill that the Congress of the Philippines will assure a budget for the maintenance and operation, and construction of Bahay Pag-asa, which is to be filled up with facilities. On the personnel, they will be funded in the General Appropriations Act. With all due respect to the opposition that we heard previously from the series of Members who made their interpellations, of course, we will make this new Bill ready for all those who will be affected later on with the proper budget. In fact, the

maintenance of the facilities will be transferred from the LGUs to the national government and the Department of Social Welfare and Development, Mr. Speaker.

REP. BELARO. Thank you very much, Mr. Speaker, for that admission and that candor. Mr. Speaker, my second to the last question—before making that, I would like to just make a manifestation. Among academicians, because of the impending deliberations on this Bill, there is a view that the growing number of child criminals in the country is indicative of the fact that we, the Philippine government, the Philippine society and even educators, have failed our children. We have failed to prepare them to be at par with or on top of day-to-day situations so much so that they are tempted or are led to criminality. That is a circulating view. Now, if we were to say that the State, the Philippine government and even our Philippine education have all failed our children because of the increasing number of children being involved in criminality, and in view of the fact that if we were to take this route as a solution, it is not going to be a quick-fix solution, it is not going to be an overnight solution, but it is going to be a solution which will require years of preparation to re-acculture our people, to retool our state facilities and our government personnel. If we were to take this route, Mr. Speaker, then, perhaps, we have to reconsider the Bill, on certain provisions of the Bill. What can you say about this view, Mr. Speaker, distinguished Sponsor?

REP. LEACHON. Come again, Congressman Belaro, Mr. Speaker? What is the question?

REP. BELARO. Ang katanungan ko po ay, mayroon po kasing view ngayon na kumakalat na ang nangyayaring ito kung saan dumarami ang child criminals at nagri-reach ito ng hundreds of thousands is indicative of the fact that the government and even the Philippine education have failed our children, leading them to become criminals.

There is a failure of our society, of our government, of our education to properly arm our children so as that they would not become criminals. Ito po ay isang view na nagsi-circulate sa mga educators ngayon. Kung ito po ang ating pagbabasehan as a corollary to this view, ang sinasabi po nito is that kailangan ng preparasyon para mabago ang values ng lipunan at ng ating kultura, at maprepara ang ating facilities, ang personnel o mga tao at staff dito, para ang ating mga kabataan ay hindi maligaw ng landas. Ano po ang inyong masasabi sa view na ito?

REP. LEACHON. Well, nirespeto po natin ang view na iyan. In fact, the formation of every child to become responsible in society is actually everybody's responsibility and obligation. I, for one, as I said, am

a father of three children, of course, and with so many undertakings that we are having as public servants, we are just so fortunate that we have our counterparts in the family—the mother, my spouse—pero ito po ay combination ng lahat. Kung mayroon mang pagkukulang ang gobyerno, maaari siguro na maraming contributory factors. Ang mahalaga lang na gusto nating sabihin po ngayon at hindi natin puwedeng itanggi, we cannot deny the fact na mayroong mga problema ang kabataan that most of them are actually being involved in crimes and are children in conflict with the law at iyon ho ang gusto nating ayusin at ipaglaban. Hindi natin sila sinasaktan, hindi natin sila pinababayaan. In fact, hindi naman dapat automatic iyong mga opposition, at hindi ko sinasabing opposition sa Kongreso, pero ang hinihiling ko lang sana ay buksan ang isip nila at makita nila ang kabuuan ng batas na ito na ang hinahanap ay ang maayos na kalagayan ng mga bata. In fact, hindi ito automatic for a nine-year old and in fact, the safety net has provided under the law—only if the nine-year old is acting with discernment. Kung wala namang discernment pala, siya ay papalayain, pero iyon ibang nabanggit ninyo, sumasang-ayon po ako sa inyo na maraming dapat ayusin. Gusto ko ring i-address ito at siguro, kasama na rin ang naging kapabayaan ng istraktura ng gobyerno, ng society natin at ng kahirapan.

For so long a time, Mr. Speaker, poverty and poor living conditions were believed to be the most considerations and important factors as to why there is an increase in the number of children in conflict with the law. Actually, in fact, in a very recent study, when I had the chance to surf the Net, in the survey made by Director Wilkins of the University of Massachusetts, it has been shown that, in countries where the national and average family income, educational level, housing conditions and other social indicators have been steadily improving, juvenile delinquency is not necessarily decreasing. Indeed, in a very recent survey of the United Nations, it indicated that the opposite is taking place in more cases than expected. Meaning that, and this I would like to impress upon all of us, na hindi lang naman kahirapan, hindi naman ang mga less fortunate natin na mga kababayan ang nakakaligta, na tayo nga rin ay nakakaligta o nakakaligtaan natin ang tamang parenting. But then, diyan po, dapat lahat tayo ay kailangang magsumikap. The instant issue presented before us is an order to face the challenges brought about by the unexpected or expected increase in criminal offenses being committed by children in conflict with the law, and that is why we are trying to repair this problem by trying to improve their conditions. We are trying to lift up their ideals, so that there can be a united family and that is, actually, what is important about the objectives of this amendatory Bill.

By the way, about your question, Mr. Speaker, Congressman Belaro, on the number of Bahay Pag-asa



that we have in this country. In 2016, on the data that just came in, we provided at least—supposedly, it should be the sole responsibility of the provincial governments, across all the provinces nationwide, to provide and establish the Bahay Kalinga, and then Congress provided, more or less, P40 million, to establish this facility. In fact, all over the country, we have established 63 Bahay Pag-asa, the youth care institution or Youth Care Facility. Unfortunately, five of them remain inoperative as of this moment and so, as of now, we have about 58 Youth Care Facility branches operating nationwide. I would like to address its completion and setting the standard for all these Bahay Pag-asa, and that is why we are pushing for the passage of this Bill before this august Chamber, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Gentlemen, please, wrap up.

REP. BELARO. Mr. Speaker, with my continuing gratitude to the distinguished Sponsor, this Representation would like to field his last question. Actually, this is not a question, but this is more of a manifestation. I would like to relate to another idiomatic expression—“there are so many ways of killing a fly: you can kill a fly by an atomic bomb, you can kill it by your hand, you can kill it by a fly swatter.” There are so many ways, there are so many options in resolving a problem like the growing child criminality, the growing number of child criminals in the country. The question is, and I like to pose this to all the Members of this august Body: Is the Bill, with its present features, the best option to address this social menace?

As I have said, the good, distinguished Sponsor has provided us an enlightening and comprehensive dissertation, well-supported by data, on the practicability of the proposal, and with all due respect to the distinguished Sponsor, I would like to thank him for his candor and his admission on the various features of the Bill and his willingness to admit amendments to the present form of the Bill. I would just like to pose this to the august Body to factor in the readiness of the Filipino people and of our institutions in the crafting and implementation of this Bill.

Thank you very much, Mr. Speaker, distinguished Sponsor.

REP. LEACHON. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, before we recognize the next interpellator, may we acknowledge the presence of the guests of Rep. Arlene D. Brosas of Gabriela Women’s Party. They are the following:

students, together with their professor, from the College of Social Works, UP Diliman; and the delegation from the CSC-Coalition, Salinhali and Unchain Children, Children Rehabilitation Center, Child Rights Network; mga taong simbahan na nagtataguyod sa mga karapatan ng bata; the Philippines against Child Trafficking Incorporated; and the Philippines Action for Youth Offenders or PAYO, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The guests of the Hon. Arlene Brosas, welcome to the House of Representatives. *(Applause)*

The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we recognize Rep. Florida “Rida” P. Robes of the Lone District of San Jose Del Monte City.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Robes has 20 minutes.

REP. ROBES. Thank you, Mr. Speaker. Good afternoon, fellow colleagues, our dear Sponsor. I, for myself, upon reading the title of the Bill, got scared, but when I got hold of the entire committee report, I have seen that this is a very good answer sa lahat ng problema natin sa ating mga kabataan. Ang gusto ko lamang pong tanungin ang ating mahal na Sponsor ay hanggang saan ang diversion program na ating isinusulong na batas?

REP. LEACHON. Thank you, Mr. Speaker, our good friend from San Jose, Bulacan. Well, for the particular question relative to the diversion measures, it only may be resorted to by the court if the imposable penalty for the crime committed would exceed six years imprisonment. In which case, the intervention program would be sufficient for the children in conflict with the law. It will only be resorted to if the penalty to be imposed would exceed six years imprisonment.

REP. ROBES. Thank you, Mr. Sponsor. I would just like to clear this again, to give peace of mind to a co-parent like me, a mother like me. Ano nga ba iyong talagang sinasabi nilang papatawan ng parusa ang mga anak kung sila ay nagkasala? Anu-ano ba ang mga kasalanang ito na kabahagi ng batas na ito kung saka-sakali?

REP. LEACHON. Gusto ko pong linawin, at para rin sa kaalaman po ng lahat at siyempre po, ng ating ginagalang na Kongresista ng Bulacan na—una ho, may narinig tayo na ang sinabi ay ikakalaboso, ikukulong. Ito po iyong imahe na gusto natin i-correct at itama sa plenaryong ito.

Una, ang mga bata, lahat naman po ng nine to 18 years old, kung makagawa sila ng krimen, may

dalawang klase po ang krimen. May petty offenses po at hindi po ito kabahagi doon sa 10 serious offenses na nabanggit ko tulad ng rape, murder, homicide, parricide, infanticide, robbery, robbery with rape, robbery with homicide, carnapping, serious illegal detention with homicide and rape, and of course, violations of the Dangerous Drugs Law. Kapag petty crimes po, hindi po mandatory na ma-confine siya sa Bahay Pag-asa. Siya lang po ay idadaan sa isang intervention program, maikli lang po ito, at hindi po siya ilalagay doon sa Bahay Pag-asa. Ang mga ito lang po ang mapapalagay sa Bahay Pag-asa at actually, kanina ay nasabi ko na dalawa: una, kapag ikaw ay naka-commit nitong sinasabi kong serious offenses; at pangalawa, kung ikaw ay recidivist.

I would like to admit that, of course, I may say that there are only two instances but actually, there are three—if the child in conflict with the law has no parents at all and is considered a neglected child, and he shall be going back to the streets to loiter around and probably, commit another offense again. If the local social welfare worker, as provided for and in fact, assigned to the Bahay Pag-asa, would find that such is the situation of the child in conflict with the law, the procedure that the worker will follow is that the child shall be determined and named as a neglected child as provided for under the Child and Youth Welfare Code, in which case, iko-confine po iyong bata sa Bahay Pag-asa para sa ganoon, siya po ay mabibigyan ng intervention. Kaya tatlo po. In other cases, wala po na kulungan na mangyayari.

Pangalawa po, lagi po lang naman sinasabi na “kulong pa rin iyan.” Huwag ho nating lokohin ang ating sarili. We should be honest and sincere about this one. Confinement is different from being jailed. It is actually no different from the one suffering from drug addiction who is being rehabilitated and without liberty of the drug addict going out of any facility. Dito ay hindi rin siya makakaalis pero hindi naman ibig sabihin na ikinukulong siya. In this case, sabi ko nga, he will be taught the proper skills. Maliwanag po ang definition ng intervention program, iyong mga pamamaraan na nakikita ng social welfare worker katulad ng tuturuan siya ng pag-aaral, tuturuan siya ng tamang values, kasama ang kanyang mga magulang, in case may magulang siya. Siya ay bibigyan ng pagkakataon para makapagbago at nang sa ganoon ay maging isang responsableng mamamayan, at kung pumasa siya sa pagsusuri ng social welfare worker, isusumite po ang kaso niya sa korte at siya ay palalayaing muli.

Kung makikita natin iyong buong proseso, dito ay wala namang kulungan. It is just that may mga agam-agam po tayo dahil “wika nga, wala pa naman iyang facility.” Oo nga ho, wala pa naman talaga o may facilities nga pero kulang at hindi kumpleto. Kaya ho tayo nagpagawa ng panukalang batas na katulad nito para ayusin nga po ang mga ito. If we will be closing our eyes and thoughts to this one dahil closed tayo sa

idea dito—basta ayaw natin—hindi po mabibigyan ng mas magandang buhay ang mga sa bata sa panukalang batas na ito. Kaya po ang sinasabi ko ay walang kulong and if ever, Mr. Speaker and Mme. Congresswoman, na may pagkakasala ang bata, bakit hindi naman natin siya kailangang parusahan. Hahayaan na lang ba natin silang magpakalat-kalat, halimbawa, itong nine, 10 hanggang 14 years old? Kung makapatay sila—at may nangyari nang ganyan hindi lang sa ating bansa, at sa maraming pagkakataon—there was even a report of the PNP that a six-year old child was being used as a drug courier—nangyayari lahat iyan. Mayroon din naman nakagahasa na isang 12-years old o 13-year old, hindi natin na puwedeng itanggi iyan. Ngayon ang tanong ko sa inyo, dahil lang ba sila ay bata? Of course, sasabihin na ikaw ay hindi na makatao kapag ganoon, parang mali naman dahil hindi lang naman tayo ang ganito.

Isipin po natin kapag nagkasala ng serious offenses, aba, threat naman iyan sa komunidad at kung palalayain mo lang naman siya dahil lang ang prinsipyo mo ay exempted siya, parang sala naman iyon. Kailangan nating buksan iyong isipan natin. Kaya po kapag nagkasala siya, kinakailangan ng tamang parusa kasi nga po serious offenses, pero iyong pong petty offenses, hindi po natin sila ipinapasok sa confinement. Ito lang po ay para sa serious offenses. Hindi po ba natin kayang unawain ang mga pagkakataong ito?

I am sorry for that prolonged explanation, Mme. Congresswoman, Mr. Speaker, but I would just like to elucidate on that. If you will question about the offenses, napasama po ang mga ito dahil ang katotohanan, at kailangan at dapat may mangyari, that we have to address the existing problems and we cannot just oppose and oppose because we do not like this law, I am begging you to understand. Of course, you have your own free will not to vote for this Bill, but then let us give it a chance because there is a problem and we have to fix this problem because we care for the youth and we need to protect our children because our youth is the future of this country, Mr. Speaker.

REP. ROBES. Mr. Speaker, katanggap-tanggap naman po ang paliwanag ng ating kasama, ng ating dear Sponsor. Gusto ko lamang din pong ipaalala na ang amendments ay hinihingi ng ating mga kasama dahil ramdam ko ang pakiusap ng ating mga kasama tulad ni Congressman Erice, Congressman Zubiri and the rest of the fathers who are here at mga magulang din katulad ko. Siguro po, ang dapat pa nating idagdag na imprastraktura ay napakahalagang bagay sa batas—sa pagpapapasa ng batas na ito. At least, maliwanag po sa akin ngayon na hindi naman pala ikukulong at reporma ang ibibigay sa mga batang ito.

Maraming salamat po, Mr. Speaker, dear Sponsor. Nawa ay patibayin po tayo sa batas na ito. Magandang gabi po sa ating lahat.

REP. LEACHON. Thank you, Mme. Congresswoman, Mr. Speaker. I am assuring that, sa amendments po ng ating mga kasamahan, ay willing po ang Representasyong ito dahil kung ihahalintulad po natin ito sa isang nilulutong pagkain, kapag kulang ang lahok, hindi sasarap ang niluluto. Kaya mas mainam na pagandahin natin ang batas na ito para sa kabutihan ng lahat, at malaya at tinatanggap po ng Representasyong ito ang amendments at ibang panukala na gustong isusog para lalong mapaganda ang panukalang batas na ito, Mr. Speaker. Thank you.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the Hon. Arlene D. Brosas of the ACT-TEACHERS Party-List for her interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Brosas is recognized for 20 minutes.

REP. BROSAS. Thank you, Mr. Speaker. I am from Gabriela Women's Party, my representation is from Gabriela Women's Party. Correction lang po doon sa sinabi nang Majority Leader natin.

Will the Sponsor yield to a few clarificatory questions kaugnay po ng amended na batas na ito, Mr. Speaker, Mr. Sponsor?

REP. LEACHON. Yes, Mr. Speaker, Mme. Congresswoman.

REP. BROSAS. Thank you, Mr. Speaker. Thank you, Mr. Sponsor. Unang-una po i-appeal ko na maging open-minded din sa posisyon, kahit gaano man po kaiba ang position ng Kinatawan na ito, sa iba pang narito. Kaya po nandito tayo sa kapulungan na ito ay para maging malaya po nating masasabi kung ano ang mga gusto nating sabihin, lalong-lalo na sa usapin po ng mga karapatan ng bata.

Sa unang bahagi po ng deliberasyon nitong batas, kung maaalala ko, dahil naupuan ko pa po ito, it is included in the priority legislative agenda of the President. Totoo ba ito, Mr. Sponsor?

REP. LEACHON. Well, this is one of the priorities of the House Committee on Justice since I assumed as its Chair last August. In fact, this was set back because of the impeachment complaints that had been filed and acted upon by the Committee. We also know for a fact that it has been the current administration's thrust and agenda to promote and stabilize peace and order and to curb violence and offenses and these are all geared towards economic growth and national development. If that is the question, I would like to agree with you, Mr. Speaker.

REP. BROSAS. Yes, iyon lang po. Itatanong ko lang if you are touting the line of the President na ipababa ang edad ng criminal responsibility na ito at kung nine years old specifically ang ni-request na edad?

REP. LEACHON. Honest to goodness, deep inside me, I would like to assure and reassure the good Congresswoman that there was no instruction whatsoever. We have never talked. It was, actually, the proposal of many—I am not, in fact, even an author of the Bill, but I am just a Sponsor, being the Chair of the Committee on Justice. There are about six authors, and it is my responsibility only as Chairman of the Committee on Justice to defend this, to sponsor this, and I would agree with you and would tell you that even though I am not an author of this—what I am saying is, it is not because I was told, but because I am feeling the sentiment of a father, as a Filipino, and as a lawyer at that. I think there is no problem about this insofar as I am concerned. I would like to be clear about it because after all, this has been effective as the operative law since 1930, prior to its amendment in 2006.

REP. BROSAS. Yes. Thank you, Mr. Sponsor.

REP. LEACHON. It is just, actually, to revert back.

REP. BROSAS. Yes.

REP. LEACHON. So, if you are or if you would like...

REP. BROSAS. Thank you, Mr. Sponsor.

REP. LEACHON. Yes.

REP. BROSAS. Ang history nito, ito talaga ay nine years old, pagkatapos ay ginawa nating 15 years old noong 2006 lang.

REP. LEACHON. I would like, of course, Mr. Speaker, to advise the good Congresswoman that this Representation still has the floor but of course, I would like always to accommodate everybody, especially a woman colleague. But then, if I may say so again, I was not commanded and I am doing it of my own free will because I do believe in what I am doing right now, Mr. Speaker.

Thank you.

REP. BROSAS. Okay. Thank you, Mr. Sponsor. Thank you, Mr. Speaker. Ito pong batas ay ipinasa natin noong 2006, ano po. Ngayon, mayroon naman pong oversight function ang ating Kongreso. Ang tanong ko po ay mula pa noong 2006, bakit walang naging aksiyon

ang Kongreso at bakit ngayon lang natin ito ginagawa? At bakit ang naging desisyon agad ay pababain sa nine years old ang edad ng criminal responsibility, Mr. Sponsor, Mr. Speaker?

REP. LEACHON. With all due respect po sa kagalang-galang na Congresswoman, I cannot speak for the past Congress because I was not part of it. This was actually pending before my Committee and we have the right to act on it because there were bills filed on this, and all I need is to act on this one, conduct the meetings as rigidly as possible, come up with enough number of Committee hearings on this. It was even delegated to a technical working group to come up with a good bill and that is the one actually being debated right now. Now, as to the reasons in the past, that I could not answer, Mr. Speaker.

REP. BROSAS. Yes, Mr. Sponsor, Mr. Speaker, kasi hindi naman natin ito tinitingnan na hiwalay din lang sa kasaysayan talaga ang pagsusulong ng batas. In fact, iyong Juvenile Justice and Welfare Act ay umabot din ng ilang taon na ni-lobby ng mga advocates at ng ating mga tagapagtanggol ng mga karapatan ng bata. Pagkatapos ngayon, ibalik natin with the reasoning na sinasabi po ninyo ngayon, na na-identify ninyo kanina pero sa tingin po ng Kinatawan na ito ay may problema kasi hindi pa natin nagagawa iyong oversight function natin sa pagpapatupad o implementasyon ang nakaraang batas na ito. Baka hindi pa nga fully na-implementa iyong batas pero tayo ngayon ay nag-aamyenda na ulit ng panibagong edad.

Mr. Speaker, Mr. Sponsor, maaari ninyo po bang sagutin ito?

REP. LEACHON. Tama po iyon. Kaya po ginagawa itong pag-aamyenda dahil nga po may gap iyong nakaraang batas. Hindi naman po babaguin ang isang bagay kapag po walang nakikitang kakulangan. Kaya po ginagawa po natin ito ay para ma-address po iyong kakulangan noong kasalukuyang batas.

Of course, this Representation absolutely respects the views of the good Congresswoman, but as of now the question is, why are we doing this? As I have said, the amendatory Bill is being pushed to be a law precisely because it needs to fill in the gaps as those matters that needed to be implemented ay hindi nagawa noong nakaraan kaya po ginagawa ito ngayon.

REP. BROSAS. Mr. Sponsor, Mr. Speaker, kaya ko po itinanong iyong logic po ng mga bagay-bagay na sinasabi natin, na kailangang magkaroon muna ng oversight o pag-alam kung paano ba inimplementa iyong batas ay para malaman natin kung saan ang mga naging problema na nagresulta sa pagbaba ng edad sa nine years old. Kung doon po tayo magdi-dwell, pag-

usapan po natin iyong facilities, unahin natin iyong Bahay Pag-asa na sinasabi.

Currently po, sinabi kanina na may mga Bahay Pag-asa sa buong bansa pero ang problema po natin ay mga doctors, nurses, licensed social workers, et cetera. Paano po tayo makakatiyak ngayon na may badyet para dito at magagawa rin ang mga ito, at maibibigay ang mga rekisitos na ito ng ating Department of Social Welfare and Development with the manpower na mayroon sila ngayon at ano po iyong structures or mga gagawin, specifically ng DSWD, na hindi nito nagawa nang nakaraan?

REP. LEACHON. Tayo po ay aminadong may kakulangan, 63 lang nga po iyong sinabing Bahay Pag-asa and some others are incomplete with facilities. That is why I am again reiterating, for the nth time, that we would like to address this short in funding as incorporated in the provisions of the amendatory Bill. Uulitin ko po, because we must admit also that the provincial government, to which the maintenance and operation of the Bahay Pag-asa had been mandated to be imposed upon them, do not have the capacity under their present condition, financially, and they have been maintaining only so much. This is why it is Congress itself that should be the one to fill in those gaps as stated in one of the provisions therein, that this Bahay Pag-asa should be assured of funding under the General Appropriations Act. Wala po itong ipinagkaiba kaya nga po ang sabi ko, hihingi ako ng panahon. Hindi naman po sinabi na, “Ibababa ninyo ito.” Pagkatapos, dadami na naman pero wala namang kulungan. Kaya nga po kailangan gawin ang mga ito and this will not be done overnight.

I must admit that there will be transitions on this one. In fact, it will be up to all of us na magkaroon ng transition para makumpleto iyong facilities katulad din ho ng pag-create ng isang departamento. Paano ba nakumpleto ng departamento at nagiging o umaakto ng tama para sa kakulangan at kailangan ng mga kababayan—ito rin po iyon. When all systems are in place, we should not be content with the present conditions where those children in conflict with the law, usually, dahil walang facilities ay pinalalabas na lang—iyon na lang ang gusto nating gawin.

Ako ho, maghapon hanggang kahapon, tumawag ako sa maraming piskal and in fact, marami akong binisitang piskal ang tinanong—“ano ang ginagawa ninyo? “Pinalalabas na lang ulit.” “Saan sila pupunta?” “Hindi ho namin alam.” Usually, this is on recognizance of the family of the child in conflict with the law, but when the family is dysfunctional, what will happen to that child in conflict with the law? He will again return to the streets, be swayed and influenced by peers and then, be induced, and even worse, unfortunately, to commit crimes and be exploited by criminal syndicates.

That is why the Bill seeks, as I said for the nth time, to fill in those gaps. Gumawa tayo ng mahusay na mga pasilidad, na gagawin ng batas na ito at popondohan ng batas na ito. Kung hindi natin papayagan at tayo ay kokontra—well, of course, the fate of this Bill will depend on the conscience of each Member of this Congress. But mind you, if ever this Bill will pass, I assure you, let us give the children this chance because after all, kung ang isang bata na noon ay na-charge, na-release lang in recognizance, hindi mo alam kung ano nangyari pero ngayon ay maaayos na, hindi ba dapat tayong matuwa na mayroong probisyon for the reformation of the parents? Dapat matuwa tayo na magiging magkasama sila sa pamumuhay at magiging kaaya-aya na ang buhay nila. Ngayon, kapag may na-charge, kung hahayaan lang natin na bumalik ulit sa kalsada dahil hindi pa nai-implement—inaamin namin po and I am actually and candidly admitting that there were or there have been lapses. That is why we want to create one that would be beneficial para sa ating mga kabataan. Kung hindi natin pagbibigyan, so be it but at least, we have tried. At least the motivation and intent is very clear. At least the motivation is, deep in my heart, a very good try to protect and care for our children.

Huwag po nating kalimutan na ako ay isang ama rin at nangangalaga para sa kabutihan ng aking mga anak. Wala ho akong nakikitang masama rito but I, of course, cannot convince each Member na maniwala sa akin dahil may sarili tayong paniniwala. Iyong pagkukulang po na sinasabi ninyo ng pamahalaang ito, inaamin ko at bukas ang aking mga mata, pero kung hindi natin pagbibigyan ang batas na ito, ito iyong magpupuno. If we will not try, it will not happen. We must remember that those people who became successful in life, are always the ones who are taking risks. Ito ay pagbigyan natin at mabubuhay ng maayos, kaysa maging palaboy-laboy ang ating mga kabataan. Iyong sinasabi po ninyong pagkukulang, nagkukulang po talaga dahil kung walang pagkukulang, wala tayong pag-uusapan ngayon na isang panukalang batas na nais nating isulong.

Thank you, Mr. Speaker.

REP. BROSAS. Mr. Sponsor, Mr. Speaker, noong pinasa ang batas na ito, sa totoo lang, ang makakalagayan po noon ay isinasama iyong mga bata na naka-commit ng offenses sa kulungan ng mga matatanda, kaya nga po nagkaroon ng Juvenile Justice and Welfare Act of 2006. Ang sitwasyon po, ang kalakhan ng mga bata ay naging repeat offenders, naging recidivists, et cetera, at lahat po iyan, kapagka tiningnan po ninyo, ay aktuwal dahil dati, ang problema po ay walang mga facilities. Hanggang ngayon, ang sinasabi natin ay wala pa ring mga facilities. Hindi ba dapat ang mauna ay iyong mga facilities para diyan? O baka kailangang i-review talaga natin kung ano ang mga dahilan ng mga pagkakasala ng mga bata, ano at anong klaseng justice system mayroon

tayo at bakit nagkakaganyan iyong mga bata natin, hindi ba? Ito po iyong usaping kung saan na pupunta iyong mga bata. Totoong hindi po siya overnight, kaya nga nagpasa ng batas noong nakaraan ay para i-address ito, pero hindi nga po iyon na-address. So, nasaan po iyong problema? Pagkatapos ngayon, iyong DSWD, ilan po ang total number of social workers ng DSWD ngayon? Kaya po ba ninyo itong ipatupad? Nagkakaproblema po ang DSWD, nagkakaroon ng job order ngayon at actually, contractualization nga ang problema ng DSWD.

In line with this, napakarami pang problema ng mga istruktura natin sa gobyerno, pagkatapos ay nagpropose tayo ng ganitong batas, magiging accountable tayo dito. Maski tayo na magpapasa ng ganitong batas, kapag nagkaroon ng problema na mahalo ang mga bata ulit sa mga matatanda sa mga facilities, sa mga kulungan ng mga matatanda, magkakaroon ulit tayo ng problema, ng maraming kaso ng pang-aabuso sa loob ng Bahay Pag-asa. Magkakaproblema ulit tayo kapagka iyong mga bata ay napakawalan at nagpaulit-ulit sa kanilang komunidad na gumawa ng mga sinasabi nating offenses o masasamang gawain. So, Mr. Speaker, Mr. Sponsor, iyon po iyong gusto kong ipunto doon sa usapin ng facilities.

Ngayon po, nais kong pumunta sa point ng sinabi natin dito sa batas na mayroong ina-add na nine years of age and above but below 18 who are committed for rehabilitation. Ano po ang ibig sabihin o ano ang parameters ng sinasabing committed for rehabilitation? How will this be determined and who will determine such? Mayroon po ba kayong specifics doon sa section na committed for rehabilitation ang nakalagay na titulo?

REP. LEACHON. Yes, I said it previously, of course, that there are instances, and in fact, I must say, generally, the provisions set forth in the new Bill which seeks to amend R.A. No. 9344 provides the general rule, number one, that if petty offenses have been committed by children in conflict with the law, definitely, there is no confinement. There will be only confinement for three reasons, for three grounds or circumstances: number one, if the child in conflict with the law, as I have said, committed serious offenses, as I have defined earlier. Bakit naman hindi ikukulong—sorry for the term—o iko-confine sa Bahay Pag-asa kung serious na iyong krimen. Number two, those children who committed petty offenses but became recidivists. Ang ibig sabihin, paulit-ulit na. Gaya rin po ng nasabi ko kanina, ang isang 11-year old ay 17 beses na nagnakaw ng cellphone, anong gagawin na natin? An 11-year old, for the record, and I can show you the case. Number three, for any child who is in conflict with the law but was found and determined by the social worker to be without parents, what shall we do with them? Of course, they will be

returning back to the streets and so, to avoid that circumstance, what the Bill seeks to do is to consider them and turn them in as neglected children as defined under the Child and Youth Welfare Code, in which case he or she will be confined at the Bahay Pag-asa wherein in all cases, as I have mentioned, they will undergo an intervention program. That is mandatory on the part of the children in conflict with the law, along with the parents who will likewise be included in the intervention program, provided that the crimes committed are serious offenses.

I hope that is clear because I have been telling the circumstances where confinement should be made prior to the reintegration of the child to his family and to the society.

REP. BROSAS. So, Mr. Speaker,

REP. LEACHON. Mme. Congresswoman, thank you.

THE DEPUTY SPEAKER (Rep. Abueg). The Gentlewoman will please wind up.

REP. BROSAS. Marami pa po akong tanong, Mr. Speaker, Mr. Sponsor, at mukhang hindi po aabutin ang lahat ng aking mga tanong. Lilipat po ako sa mga iba pang mga kailangan kong ma-clarify na mga usapin.

THE DEPUTY SPEAKER (Rep. Abueg). Please wind up.

REP. BROSAS. For now, iyong committed for rehabilitation, malinaw po iyon. Sinasabi ninyo na makakalaya ang bata kapag sinabi ng social worker na siya ay hindi iko-commit for rehabilitation. Tsaka lang sila iko-confine kapag na-find out na sila ay for rehabilitation na and so, technically, ang social worker ang magsasabi nito, Mr. Speaker, Mr. Sponsor?

REP. LEACHON. Bago po, ang sinabi ko, ang una ay iyon munang discernment. Kung wala naman discernment, makakalaya din po siya, kahit nakagawa ng krimen, kung walang discernment. That is the general rule. Now, regarding confinement that you are asking, Mme. Congresswoman, as I said, for petty offenses, there is no confinement.

REP. BROSAS. So, Mr. Speaker, Mr. Sponsor, who will determine the discernment?

REP. LEACHON. Who will determine what, Mme. Congresswoman?

REP. BROSAS. Who will determine po iyong discernment na sinasabi ninyo?

REP. LEACHON. It will be the court.

REP. BROSAS. Is it the psychologist?

REP. LEACHON. It is the court.

REP. BROSAS. So, kailangan po i-provide muna iyong lahat ng mga ito—doctors and psychologists, and everything.

REP. LEACHON. Yes, in order to aid in the assessment so that the proper decision and outcome and output can be made.

REP. BROSAS. Next, Mr. Sponsor, kailangan ko pong tapusin ito—puwede pong sagutin ninyo ng mas maiksi iyong mga itatanong ko dahil kaunti lang pala, at hindi isang oras, ang ibinigay para makapag-interpellate po ang inyong lingkod.

Next, as regards parents of children who are in conflict with the law, the parents are primarily liable for civil damages arising out of the actions of their child. Ano po ang ibig sabihin nito? If the child was induced or coerced to commit a crime not by his parents but by other lawless elements, ang parents pa din ang may civil liability? Ganoon po ba iyon? Paano po iyon?

REP. LEACHON. Dalawa po iyan sa batas po natin. Under the law, the commission of offenses has dual consequences: the first is the criminal aspect and the second is the civil aspect. Of course, under the doctrine of *parens patriae*, meaning, it is the responsibility of the parents to shoulder the problem of the child, in all cases in this jurisdiction, whether criminal or civil, the civil liability shall rest definitely upon the parents. For example, kung inayos lang natin... Gusto ninyo lang po ng maikli? Iyon parents po.

REP. BROSAS. Magbigay ako ng halimbawa po para mas madali.

REP. LEACHON. Parents po.

REP. BROSAS. Si Kian delos Santos po sa tokhang case, paano po sasabihin—kung na-determine ng pulis, ang mga parents ay ikukulong ng 30 days?

REP. LEACHON. Mali po. Hindi po.

REP. BROSAS. Thirty days to six months? Paano po?

REP. LEACHON. Hindi po, dahil wala pong civil liability iyon. Ang may civil liability lang po ay kapag may injury against private interest or private persons. Doon po sa drugs, wala naman pong civil aspect doon.

So, let us say that in case of robbery, may civil aspect. Sino magbabayad ng ninakaw? Ang magulang. Kapag nakabangga, sino magbabayad? Ang magulang. Kapag namatay o nawala, of course, as regards the loss of income? Of course, ang magulang. In those crimes like tokhang, ito ay drug-related at wala naman po doon ang civil aspect. So, there is no need to mandate the parents to pay for any civil liability.

THE DEPUTY SPEAKER (Rep. Abueg). The Lady will please wind up.

REP. BROSAS. Yes, last na lang po. Doon po sa usapin ng Section 14 of House Bill No. 8858, it states therein: "THE DSWD, IN PARTNERSHIP WITH THE BUCOR, SHALL ESTABLISH AT LEAST TWO (2) AGRICULTURAL CAMPS EACH IN LUZON, VISAYAS AND MINDANAO."

Sabi ninyo po na training facilities ang mga ito. Ngayon, ang tanong ko po dito sa mga agricultural o training facility, gaano po kalalayo ang mga ito, lalo na kung ihihwalay mo iyong bata sa parents niya? Example lang po, sa Visayas, kung iyong facility ay nasa Negros at iyong pamilya ay nasa Cebu, hindi nila kakayanin na pumunta doon. Alam po ninyo po iyong stigma kapag napunta sa mga ganyang facilities ang mga bata. Delikado po sa mga bata na mahihwalay sa mga komunidad nila at lalo na sa mga magulang nila. Sinabi ninyo na rin, reformativo o restorative justice ang kailangan ng mga bata, hindi kailangan punitive pero ganito po ang inyong pino-propose. Sinasabi dito, halimbawa, kahit na iyong taga-Iloilo, iyong taga-Panay, pero nasa Bohol iyong facility, mahihirapan po ang mga parents. Gaano kalayo ilalayo iyong mga bata?

REP. LEACHON. Gusto ko lang pong i-correct, with all due respect to Mme. Congresswoman, that this is actually a misinterpretation because the child will not be put in that agricultural camp. During the Committee hearing, we said that it is an agricultural training center, in fact, to be supervised by the BuCor and TESDA, but they will not be put—sabi po ninyo, mahihwalay iyong bata. We should be guided on how to distinguish the Bahay Pag-asa from that agricultural training center.

The Bahay Pag-asa is a reformatory institution, at ang sinasabi sa bata "sana magbago ka na para palayain ka." Dito po, kung talagang guilty po iyong bata at napatunayan talagang nang-rape siya pero siya ay isang minor, hindi naman po iimplementa iyong sentensiya agad-agad. Because we care for our children, we care for this youth, there will be a suspension of judgment until the child reaches the age of majority. Meaning, if you are less than 18 years of age and are found to be guilty of the offense charged, even for grave offenses, you will not be put in agricultural centers or training

centers, but you will stay at Bahay Pag-asa because that is where you properly belong as a minor, and the State expects you to be reformed and rehabilitated during those years.

Now, when will be the time that he will go to the agricultural centers? Only at the time there is a need for the execution of judgment and at that time, hindi na po siya or he cannot be considered a minor anymore because by that time, he would have attained the age of majority, which is 18 years and in that case, he is considered already an adult. But with due consideration of the fact that the crime was committed when he was still a minor, even if he is an adult already, he will not be mixed with those in ordinary penal institutions at doon po siya dadalhin sa agricultural training centers kung saan matuturuan siya ng proper skills sa lahat po ng programs na ino-offer ng TESDA. Tuturuan po siya during the time that he would be serving his sentence kung talagang nanggahasa siya.

In fact, nakalagay lang naman sa batas—gusto mong maliwanagan—na ang maximum na parusa po ay life imprisonment. Kaya ganito po iyon: life imprisonment dahil naka-commit siya at he was found guilty pero noong nagkasala siya, he was 11 kaya hanggang maging 18 years old, andoon lang po siya sa Bahay Pag-asa. Okay? In fact, nakalagay pa doon na within one year, if he has reformed, puwede siyang palabasin and to be reintegrated with the family while the case is being tried. Hindi naman isang taon lang sa Bahay Pag-asa e. Kahit serious offenses, doon lang siya at kapag napatunayan sa korte na siya ay naging kaaya-aya na tao na, pabalik sa komunidad. Kapag may kaso, nanggahasa siya at kung sakali siya ay ma-found na guilty, there will be definitely an entry of judgment or execution of judgment, in which case ay doon siya pupunta sa agricultural centers under TESDA.

Now, kung 11 years old siya noong nakapatay o nanggahasa, ang sabi po ng batas, if the penalty is life imprisonment, the maximum penalty to be imposed on him shall be only 12 years, meaning, 11 plus 12, that equals 23. Kung siya ay naging 18, iko-continue niya lahat, iki-credit lahat iyong sentence. Kung siya ay nakailang years na nakatira sa Bahay Pag-asa, iki-credit din iyon. So, lalabas siya at the age of 23. Doon, kung limang taon siyang natuto sa Bahay Pag-asa, at sa agricultural center ay naturuan siya ng TESDA, and he learned the proper skills and knowledge, and even gained a diploma, he will be, again, entering a new life as a renewed person with proper abilities and skills provided for by the State.

Kaya ang sinabi ko ay sana tingnan natin iyong lahat ng pagkakataon na ito. I mean, these are actually the provisions that we seek to implement. Kaya po iyong sinasabi po ninyo na mawawalay iyong bata sa mga magulang niya, ano ang magagawa natin, nanggahasa siya. Anong magagawa natin, pumatay siya. Hindi

naman siya ilalagay natin doon kung siya ay nasa age of majority. Masuwerte pa nga siya ngayon dahil may bagong batas at covered siya, kaya hindi siya ilalagay sa Bureau of Corrections jail. Dito siya ilalagay at mabibigyan pa siya ng pag-asa dahil kinikilala ng batas na ito na siya ay isang menor de edad noong nagawa niya ang krimen. Kinakalinga siya ng batas because there will definitely be no execution of judgment while he is young. In fact, he can even be merited with being allowed to go outside Bahay Pag-asa upon the showing of satisfactory evidence to the court that he has reformed as an individual, Mr. Speaker.

REP. BROSAS. Yes, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Lady, your time has expired. We will give you a final statement or question.

REP. BROSAS. Yes. Mr. Speaker, Mr. Sponsor. Ilang porsiyento lang po iyong sinasabi natin na mga bata na nagkaroon ng serious crime offenses katulad niyan. Sa tingin po ng Kinatawan na ito, ang matitinding isyu po na kaugnay sa usapin dito sa pagpapababa ng edad na seryosong tinitingnan ng ating mga Kinatawan, hindi po natin dapat tinitingnan ito nang magkahiwalay lang o hiwalay dito sa mga nangyayari sa ating bansa. In fact, ang mas kailangan po talaga ng ating mga bata at pamilya sa ngayon ay makapag-focus tayo para i-address ang poverty, ang hunger, ang unemployment na mayroon tayo, ang root causes ng mga delinquencies o mga offenses na maliit, dahil iyon naman talaga iyong mga petty offenses ang marami tayo. Hindi naman itong mga matitinding offenses na sinasabi natin.

In fact, 1.72 percent lang po ang juvenile crimes sa 2015 data natin. Ngayon po ay lumalabas na mayroon tayong pag-increase. Bakit? Baka iyon ang kailangan nating tanungin. Ito po iyong mga dapat i-arrest, ang dapat unahin, iyong underlying na dahilan sa mga problema. Isa lang po iyong sinasabi nating juvenile crimes dito sa ating bansa na dapat i-address at ito po iyong mas kailangan na tingnan ng kasalukuyan nating gobyerno, ng kasalukuyan nating mga legislators sa pagpapasa ng batas na ito. Ayaw po natin na mas lumala pa ang kondisyon ng mga bata. Kung ang magiging resulta po ng panukalang batas ay ganoon, sa totoo lang po, hindi po maninindigan ang Kinatawan na ito na ang edad na 15 years old ang sinasabi natin na minimum age of criminal responsibility. Naniniwala po ang Kinatawan na ito na dapat hindi punitive ang ating mga batas, bagkus, dapat restorative justice. Kung hindi po natin iyon magagawa, huwag po tayo mag-introduce ng panibago na namang mga amyenda sa batas.

Maraming salamat, Mr. Speaker, Mr. Sponsor.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the Hon. Divine Grace C. Yu from the First District of Zamboanga del Sur for her interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Hon. Divine Yu is recognized, for 20 minutes.

REP. YU. Mr. Speaker, Mr. Sponsor, my fellow Members of this august Body, please allow me, as Chairperson of the Committee on Welfare of Children, to express my manifestations on House Bill No. 8858.

The transfer of management and establishment of Bahay Pag-asa from the LGUs to the Department of Social Welfare and Development is a very welcome provision, especially so that the Chair of the Committee on Justice has stated that the House will ensure that certain funds shall be set aside for the construction and operation of Bahay Pag-asa. The penalties for parents and other adults who cause the child to commit wrongdoings is also a welcome provision. May I, however, express my strong reservations to lowering the age of criminal responsibility to nine years old. A nine-year old child is too young to be confined in a facility, away from his or her parents, and especially away from his mother. A nine-year old child is even closer to being a little child than to being an adult. A nine-year old child may know that what he or she does is wrong but this nine-year old child surely does not know the consequences or effects of the bad that he or she does.

Mr. Speaker, there are many important things in the world of a child that the government or any person cannot give and which only a mother or father can provide. Mr. Speaker, we in the Committee on Welfare of Children were given the privilege of being exposed to studies conducted on the best interest of a child. Let us listen to the cries of our child-advocates like the UNICEF, the Save the Children, the Child Rights Network and many others. Mr. Speaker, may I also appeal that I be given the chance to propose some amendments at the proper time.

Thank you, Mr. Speaker.

REP. LEACHON. Yes, Mr. Speaker, this Representation is very much amenable.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move to recognize Rep. Carlos Isagani T. Zarate.



THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Zarate is recognized for his interpellation of 20 minutes.

REP. ZARATE. Thank you, Mr. Speaker. Will the good Sponsor yield to some clarificatory questions?

REP. LEACHON. Yes, Mr. Speaker, gladly.

REP. ZARATE. Thank you, Mr. Sponsor, Mr. Speaker. The good Sponsor earlier mentioned na binabalik lang naman natin ang dating kalakaran na iyong criminal responsibility, before the amendment, was already set at nine years of age. Ang sinasabi ng kagalang-galang na Sponsor na kaya binabalik natin ito ay, after the passage of the Juvenile Justice and Welfare Act, noong itinaas ang criminal responsibility from nine years to 15 years, ang ipinapakita ng mga statistika mula sa PNP ay tumaas ang krimen. Tama ho ba iyong pagkakuha ko sa nasabi kanina, Mr. Sponsor, Mr. Speaker?

REP. LEACHON. That is partly contributory to the surge of the criminal offenses involving CICL, Mr. Speaker.

REP. ZARATE. Will the good Sponsor, just for the record again, cite the statistics where the Committee based its judgment that, indeed, there is a need to lower the age of criminal responsibility to nine years of age because this is what the empirical data at present is saying?

REP. LEACHON. Yes, as I said earlier, we actually have a comparison of the records of the offenses being committed by children in conflict with the law even prior to the enactment of the amendatory law in 2006 which was coined as Republic Act No. 9344 and for the record, I am reiterating that, more or less 1,000 to 1,700 on the average for the five years prior to the enactment in 2006. Now, after the passage of the 2006 amendatory law, which raised the minimum age of criminal responsibility to 15, again, I am reiterating for the record that, from 2006 to 2009, more or less, it rose a little higher with an average of, more or less, 2,000 to 3,000 offenses involving children in conflict with the law, and that there was a surge in 2010 with almost 5,000. In 2011, it became 6,000. In 2012, there was a decrease of about 200, so that became 5,800. Then it rose to 8,400 criminal offenses involving children in conflict with the law in 2013, and the highest was in 2014 at 15,000 criminal offenses involving minors aged 15 and below. By 2015, it was 12,000 and in 2016, about 13,000. Meaning, from the time there was the enactment of the new law in 2006, there was actually,

more or less, almost 70,000 criminal offenses that had been committed in the more than 10 years since the inception of R.A. No. 9344, Mr. Speaker.

REP. ZARATE. Thank you, Mr. Sponsor, Mr. Speaker. The good Sponsor is saying that, based on his statistics after the passage of the Juvenile Justice and Welfare Act, mayroon ngang pagtaas sa istatistika ng krimen. Can the good Sponsor also state, base sa binanggit ninyo na istatistika ng mga krimen kung saan ang nasangkot ang mga kabataan o iyong CICL natin, ano naman po ang porsiyento nito sa kabuuang krimen na naganap sa ating bansa noong mga panahong iyon, Mr. Sponsor, Mr. Speaker?

REP. LEACHON. Wala po akong datos tungkol sa sinasabi po ninyo kung ikumpara sa pangkalahatang krimen na nangyari sa Pilipinas. Ang akin lang po na inilahad dito, I clearly identified that there was actually a surge or substantial increase between the two periods prior to and after 2006. In fact, it is very clear here na tumaas din po iyong bilang ng serious cases like, for example, in 2013, at ang pinakamataas po natin ay noong 2015. Ang murder po, ito ay being committed by 15 years old and below. Kulang-kulang sa 2,000 ang nakapatay na mga bata o murder at iyong involved sa rape. Itong report po ay pinirmahan ng PNP na isinumite sa atin.

REP. ZARATE. Salamat po, Mr. Sponsor, Mr. Speaker.

REP. LEACHON. Thank you.

REP. ZARATE. Siyempre po, sa pana-panahon ay hindi naman natin puwedeng tingnan lang ito na isang bahagi at sa katunayan, iyong mga nabanggit nating mga taon ay, siyempre, may pagtaas din ng numero ng ating populasyon. Kung pareho ang istatistika na ating tinitingnan na nagmumula sa Philippine National Police, malinaw po, halimbawa, during the period 2012 to 2015, ang naitalang rekord ng Philippine National Police na mga kaso ng mga CICL natin ay nasa 27,823. Inuulit ko po, ito ay 2012 to 2015. Dito sa numerong ito, sinasabi ng datos mula sa PNP na 49 percent of those cases were theft and 22 percent for physical injuries. May I repeat—49 percent for theft and 22 percent for physical injuries, at may usapin pa na robbery at 9 percent. Pagkatapos po noong tatlong serious crimes—theft, physical injuries and robbery—iyong other cases, kasama na dito ang acts of lasciviousness, murder, grave threat, malicious mischief, et cetera. Kaya ko po tinanong kanina na kung ikumpara naman ang numerong ito doon sa pangkabuuang numero ng krimen na naitala ng PNP, lumalabas sa isang pag-aaral ng isang PNP on the annual comparative statistics during the

period January 2002 to December 2012, halos dalawang porsiyento lang ng lahat ng krimen sa buong bansa ang puwede nating ma-attribute sa children in conflict with the law or CICL.

Kanina po ay inamin naman ng Sponsor na karamihan sa mga batang ito, kaya kailangan nating i-address ang sinasabing surge dito sa usapin ng krimen, ay dahil ginagamit sila ng mga sindikato. Kaya iyon po ang aking katanungan—kung ang sinasabing paglabag sa batas ng ating mga kabataan or ng CICL constitutes only two percent of the entire crime volume committed in our country and 98 percent ay ginawa ng mga adults, bakit po pagdidiskitahan natin ang ating mga kabataan? Bakit sila ang ating pinagtutuunan ng pansin ngayon sa halip na i-focus natin ang ating atensiyon doon sa mga matatanda na siya namang naging dahilan bakit mayroon kabataang gumawa ng pagkakamali. Heto ngayon, mas gusto pa nating ibaba iyong age of criminal responsibility mula sa 15 taon papuntang siyam na taon, Mr. Sponsor, Mr. Speaker?

REP. LEACHON. Mr. Speaker, I would like to respect the argument of our good colleague, Congressman Zarate, with regard to the recitation of statistics. I would not argue with that—na 27,000 lang, na mas marami iyong krimen ng matatanda kaya bakit daw pagdidiskitahan ang mga bata? Ang sa atin nga po dito, babaguhin natin sila in order for them not to become hardened criminals. Ito pong statistics from 2011 to 2015, kulang-kulang sa 2,000 na babae ang nagahasa ng menor de edad kaya 2,000 rin ang nasirang babae rito. Kung ang tingin na ang 2,000 ay kakaunti, wala naman po akong magagawa roon but the fact remains that there is a need for reformation. It is not the number of victims. Kung ang tingin sa 2,000 ay mahina, okay lang iyon, but the fact remains that 2,000 women were raped by minors, and I think this should not be left unnoticed.

REP. ZARATE. We certainly...

REP. LEACHON. Mr. Speaker, I still have the floor, with all due respect to the Gentleman. Again, I would like to emphasize that we are doing this not to punish children, but to correct them. We are doing this to reform them. We are doing this to rehabilitate them. Of course, naiintindihan ko po at nauunawaan ng buo kong pag-iisip ang istatistikang sinabi sa akin at ginagalang ko po iyon. Hindi na po natin kailangang pagdebatehan iyon. Ang akin lang sinasabi, mayroon ding istatistika rito na may mga bagay na kailangang baguhin at kailangan ng reporma, kailangan ng patnubay at kailangan ng pangangalaga.

REP. ZARATE. Salamat po, Mr. Sponsor, Mr. Speaker.

REP. LEACHON. Thank you, Mr. Speaker.

REP. ZARATE. Kaya po natin binanggit ang istatistika dahil ang punto ng Kinatawang ito, dapat nga nating palakasin pa ang kasalukuyang batas na umiiral ngayon, sa halip na pahinain ito dahil sa tingin ko, ito ay isang pag-usad ng batas na ipinasa noong 2006. Ito ay pag-usad doon sa usapin na kailangan nating pangalagaan at proteksiyunan ang ating mga kabataan. Hindi ko po minamaliit na mayroong 2,000 na sinabi ninyong ginahasa, 2,000 na biktima ng panggagahasa. Ang tanong ko po diyan, ilan ba sa 2,000 na iyan ang ginahasa ng siyam na taong gulang na bata? Bakit kailangang parusahan natin ang mga siyam na taong gulang? Bakit po napaka-sweeping na ibalik natin sa edad na siyam na taong gulang? I understand kung mayroon kayong istatistika na 2,000 ay ginahasa, and I think it is being addressed now by the present law at kailangan nga, kagaya ng sinabi ko kanina, ay palakasin pa natin ang batas na ito. Hindi po natin puwedeng isawalang bahala na doon sa sinabi kong istatistika kanina ng mga krimen na ginawa ng mga CICL natin, eight percent lang doon ang masasabi nating talagang sinabi ninyong serious crimes, but 92 percent were categorized as non-serious crimes. In the proposed amendments now, even for non-serious crimes, dahil pinababa na sa siyam na taon, ang isang Grade 3 o Grade 4, ay puwede na tawagin na isang criminal, sa halip na sila nga ay exempted sa responsibilidad sa kasalukuyang batas. Iyon po ang gusto nating ipunto rito, G. Ispiker, G. Ispikador.

Sa halip na i-abante natin ang proteksiyon sa mga karapatan ng kabataan, katulad po sa paninindigan na nilatag namin dito gaya noong panahon na pinagdebatehan natin kung ibabalik ba ang parusang kamatayan sa bansa, sa tingin din namin ay hindi po ito ang deterrent sa usapin ng mga serious na krimen, at ito rin po ang aming paninindigan ngayon. Hindi mapapababa ang bilang ng krimen kung ating ibaba sa edad na siyam na taon ang responsibilidad kriminal, bagkus, sa tingin ng Kinatawang ito, Mr. Sponsor, Mr. Speaker, kung papayagan ang batas na ito, ang mangyayari lang ay ang ating facilities, na kulang na kulang naman, ay mapupuno ng mga kabataan sa halip na sila ay mapapangalagaan at mapo-proteksiyunan ang kanilang interes.

Gusto ko pong pumunta sa iba pang punto kanina. Nabanggit na rin ng ating kagalang-galang na Sponsor na ang isang objective ng susog sa batas na ito ay pangalagaan ang mga kabataan na nasangkot sa krimen through intervention and diversion. For the record po uli, sa kasalukuyang batas, may requirement na kailangan magpatayo tayo ng mga Bahay Pag-asa. Ilan na po ba ang naitayong Bahay Pag-asa sa kasalukuyan, at kung itutuloy natin o papayagan ang panukalang susog na

batas na ito, ano sa tingin ninyo ang dapat gawin para masagot ang kakulangan ng mga pasilidad na ito?

REP. LEACHON. Mr. Speaker, gaya po ng nabanggit namin kanina, we have about 63 provincial Bahay Pag-asa facilities that have been established across the country, with about five still inoperative.

Thank you, Mr. Speaker.

REP. ZARATE. Kung pababain po natin ang age of criminal responsibility to nine years, sasapat ba ang mga kasalukuyang pasilidad, Mr. Sponsor, Mr. Speaker?

REP. LEACHON. That is actually included in the version of this Bill, that it will be funded by this Bill. Once this Bill has been acted upon by Congress, we will provide for all the necessities that may be included once this facility is in operation. We will see to it that this will be provided for, including the officers of the multidisciplinary team enumerated in the provision. As I said, I would like to candidly admit that there would be a transition needed to effectuate all the provisions of this Bill.

If this Bill would just be given a chance, then we will be able to complete all the facilities, we will be able to finance all that is needed, including the establishment of alternative learning schools inside Bahay Pag-asa, and the promotion of some other activities that would enhance the child's formation as a fully developed individual, emotionally and psychologically. In fact, under the provisions stated in the new Bill, it is mandated that they are allowed only one year to stay at the youth care facility and that thereafter, a progress report has to be made and submitted by the Multi-Disciplinary Committee to the courts of Justice handling the case—definitely, a Juvenile Court for that matter. If ever the judge would be satisfied, upon proper determination of the evidence, that the proper intervention has been made and all implementations have been complied with, together also with the reformation of the family, including the parents, there is actually an assurance, as provided for in the Bill, that the child will be given the chance to be reintegrated into his family and be brought back to the community where he or she belongs and again, to become an effective vital partner of the community.

Thank you.

REP. ZARATE. Thank you, Mr. Sponsor, Mr. Speaker. Indeed, those matters that our Sponsor mentioned ay napapaloob na po diyan at sa kasalukuyang batas din natin. Ang sadya ng kasalukuyang batas natin noong ito ay binago sa taong 2006 ay hindi naman para pabayaang lang iyong mga kabataan. In fact, the purpose of that law is not only to help the CICL, but also to make them accountable if there is a need to make them

accountable. Inamin na rin ninyo kanina na hanggang sa kasalukuyan, ang pinag-uusapan natin ay statistical. Ang isang malaking usapin dito ay ang batas na ginawa natin in 2006 ay hindi fully implemented hanggang sa ngayon dahil sa mga kakulangan ng pasilidad. Of course, nakapaloob dito sa panukalang susog or amendatory Bill na ito ay popondohan, but there is no assurance. Mayroon ring sinasabi na kakulangan sa kasalukuyang batas at ang solusyon nito ay ibaba natin ang age of criminal responsibility dahil, anyway, ito naman ay popondohan. There is no assurance na ang mga kakulangan sa kasalukuyang panahon ay matutugunan nga. Ang malinaw na naging kahinaan ng kasalukuyang batas is actually the lack of support and funding, not only from the national government, but also from the local government units.

Ito po ang tinitingnan natin na isang malaking isyu rito, Mr. Sponsor, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Zarate, your time has expired.

REP. ZARATE. Just one question.

THE DEPUTY SPEAKER (Rep. Abueg). Please proceed.

REP. ZARATE. Dito po ba sa panukalang batas na pinag-uusapan natin, Mr. Sponsor, Mr. Speaker, theoretically, kung ang isang nine-year old ba ay naka-commit ng serious crime, ano po ang mangyayari sa kanya? After trial po, will he be placed in jail?

REP. LEACHON. No, Mr. Speaker. A perusal of the provisions set forth in the new Bill, he will be transferred to the agricultural training centers, supervised by the Bureau of Corrections and the TESDA. The TESDA will be providing the skills and knowledge to him, so that when he goes out after he has served his sentence, he will then be beneficial to the society upon his reintegration with his family. Ilalagay po doon na ito po ay training center at hindi po ito bilangguan, hindi niya makakasama ang regular inmates, hindi kulungan. Maliwanag po that this will be established pa lang doon sa batas na ito.

REP. ZARATE. So, ang mga pasilidad na ito ay wala pa.

REP. LEACHON. Wala pa.

REP. ZARATE. Okay.

REP. LEACHON. Iyon ho ang ipagagawa natin.

REP. ZARATE. Gagawin pa lang, pero sa facility na ito na kung saan dadalhin ang isang CICL, this is an

enclosed facility and he cannot just go out if he wishes to dahil nga naka-confine siya doon.

REP. LEACHON. Hindi po. Gusto rin po nating maliwanagan dito that if ever a child in conflict with the law is found to be guilty of the offense during the time that the judgment was made and he was a minor, it is very clear here that there will be a suspension of judgment because the State acknowledges the importance of children and it will not impose penalties on them. But then, we are also mindful of the fact that a crime has been committed and if the child was found to have committed it beyond reasonable doubt, and in the event that the child is still a minor, then he will be confined at the Bahay Pag-asa. If ever he would attain the age of majority, of course, the time that he stayed at the Bahay Pag-asa would be credited, and if there is a need for the execution of judgment, he shall be transferred to the agricultural center as provided here in the law. Regardless of whether the child is confined or not, the important thing here is that there is no cruelty being done to the child because, as we would now realize, the execution of judgment shall be made only when the child in conflict with the law reaches the age of majority, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Final statement, Honorable Zarate.

REP. ZARATE. Thank you, Mr. Sponsor, Mr. Speaker. Para sa Kinatawag ito po, despite the explanation of our good Sponsor, hindi ko pa rin po rin maintindihan ang mensaheng gustong iparating ng panukalang batas na ito, na ang sinasabi ay gustong maproteksiyunan ang ating mga kabataan. Kung gusto nga natin na proteksiyunan ang ating mga kabataan, dapat nating pagtuunan natin ng pansin kung bakit ba mayroong mga CICL or children in conflict with the law. Bakit ba sinasabing ginagamit sila ng mga sindikato?

Kanina ay nabanggit ng ating kasama, si Congressman Erice, na gumawa siya ng isang pag-aaral sa kanilang lugar sa Caloocan City at lumalabas doon sa kanyang pag-aaral—at ito, sa tingin ko, ay totoo rin na nangyayari sa ibang bahagi ng bansa— na isang malaking usapin dito ay ang kahirapan. Ang kahirapan na ito ang sinasamantala, halimbawa, ng mga sindikato para gamitin ang ating mga kabataan. Kaya sa halip na tutukan ang sinasabing laganap ang droga sa ating bayan ngayon, na tuloy-tuloy namang pumapasok iyong droga, pumapasok pa nga sa ating Bureau of Customs, bakit ang ating mga kabataan ang ating napagdidiskitahan? Sa tingin po ng Kinatawag ito, ang panukalang batas na ito ay hindi para sa interes ng kabataan. Ang mga karapatan ng ating mga kabataan ay lalong mapapagsamantalahan sa halip na maproteksiyunan.

Maraming salamat, Mr. Speaker.

REP. LEACHON. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. PIMENTEL. Mr. Speaker, I move that we recognize Rep. Rozzano Rufino B. Biazon.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Biazon is recognized for 20 minutes.

REP. BIAZON. Thank you, Mr. Speaker. Will the distinguished Sponsor yield to some clarificatory questions?

REP. LEACHON. Very gladly, Mr. Speaker.

REP. BIAZON. Mr. Speaker, yes, it was mentioned earlier, many times, that the age of nine was really the cut-off age of criminal responsibility prior to the passage of R.A. No. 9344. So, may I ask the distinguished Sponsor, based on the study of the Committee which it is presenting to support this current Bill, what was the reason the age of criminal responsibility was raised from nine to 15 through Republic Act No. 9344?

REP. LEACHON. Well, of course, the action of Congress may vary from time to time and the thoughts of those in Congress during that time may vary from the thoughts of those at the present time. During the time it was enacted in 2006, the thrust was basically grounded on reformatory justice. That is why they were able to gain the majority of the votes for the enactment of this Bill or this law, terminating altogether the established and conditional minimum age requirement or minimum age of criminal responsibility sought for by the Revised Penal Code as established on December 8 of 1930. So, if you will ask me, the good Gentleman from Muntinlupa, the cited objective was grounded on reformatory justice.

REP. BIAZON. What does reformatory justice mean?

REP. LEACHON. The basic notion of that one would be, well, it is their view during that time, and that is why if I would tell you right now, I think there was a lapse in declaring the exemption up to the age of 15. That is my own personal opinion, Mr. Speaker, our good Congressman. In fact, one of the authors of this Bill cited this—there are about six authors, but I am tasked as Chairman of the Committee on Justice, as a sponsoring Chairman, to defend this one. Clearly in my mind, if there are amendments as to the minimum age requirement, as I said, it will always be a welcome move but then, deep inside my heart, I feel that it is

a right move to revert to the original after so many considerations.

Number one, iyong 14, 13, 12 and even 11 years old, may pag-iisip na po iyan sila. It will be up to the majority of the Members here to declare the minimum age, but as of now, it is pegged at nine. Pero tama po kayo—hindi ako sumasang-ayon sa pagbabago noong 2006 at napakarami ko na hong nakausap na miyembro ng hudikatura, pati ng mga piskal, with all due respect, na mali that this was raised to 15 years of age. Many crimes definitely—our eyes have been opened in that many offenses now have actually been perpetrated by the CICL or children in conflict with the law. I think this is the appropriate time, of course, with the blessing of the majority, if ever this Bill will pass into law.

REP. BIAZON. So, judging from the reply of the distinguished Gentleman, it gave me the impression that during the consideration of this Bill in the Committee, there was not much discussion on the reason the age of criminal responsibility was raised from nine to 15.

REP. LEACHON. Yes, I would like to admit that because all of the authors were very clear with their position—all of the six authors proposed the age of nine. So, meaning, even if only one would disagree, then there would still be in fact a debate. Considering that all six of them actually proposed a single age and that is nine years old, and considering the fact also that it was in the law in operation in the Philippines for about 80 years prior to 2006, I must admit that, and to tell you, honestly, there was not much debate on that as it was a consensus on the part of the authors to revert to the age of nine, Mr. Speaker.

REP. BIAZON. Well, the move from increasing it from the age of nine to 15 was indeed a major policy shift for the country, and it just makes me wonder why the proposal to bring it back to nine did not include adequate discussion on the first move that was done by Congress back in 2006 as it was a major policy move. So, forgive me if I would have this impression that there was no complete information as to the history, in all the discussions, on the age of criminal responsibility because, as the distinguished Sponsor was saying, the authors themselves did not go into a good discussion as to why, in the first place, it was moved from nine to 15.

If I may move on to our next point.

REP. LEACHON. Yes, Mr. Speaker.

REP. BIAZON. If that is the case, what do the authors and the Sponsor think is the flaw of the current law that is being implemented?

REP. LEACHON. Number one is raising it to 15, dahil ang 15-years old na bata ay may alam na, can even be a father already, with complete mental faculties that will allow them to discern what is right and wrong. Many crimes have been committed which involve them and in fact, they have been exploited, and that is actually the flaw of, with all due respect, the old or the existing law which placed them in such situation. Second, there were gaps that were unforeseen, that leaving it to the care—well, of course, all LGUs definitely have good intentions in making the old or existing law become possible. But considering the realities at hand, most of them are incapable of even sustaining their basic operations as a provincial government, in maintaining a provincial hospital, or a provincial jail especially so if you have a vast land area. Of course, as I said, I was a former local chief executive, I was a former city mayor so I know how local governments operate. Leaving it on the hands of the provincial governments for its operation was definitely unforeseen and for that reason, especially so if it is not the priority of the existing governor, it would be left unattended like the provision of personnel and even the provision of meals. Probably, some Bahay Pag-asa have not been furnished with good facilities.

Now, with this proposed law, number one, it will be provided with facilities and trained personnel, with the assured funding included herein. In fact, the Bill provides for a Multi-Disciplinary Committee for the full protection of the children, complete with a social welfare worker, a doctor, a nurse, a guidance counselor and, of course, a psychologist, in order to assist the full rehabilitation and reformation of children in conflict with the law. Second, the new law would like to emphasize one of the salient features and that is to punish the criminals rather than the children. In fact, if later on the CICL would be found to be guilty as charged, the penalties would be two degrees lower if the penalties would be divisible by two as provided for in law, the Revised Penal Code, or under special laws.

Well, under special laws, there is only one indivisible penalty which is life imprisonment. It is also provided for under the present undertaking that if the penalty is life imprisonment, the maximum that would be meted out shall only be 12 years. Second, another important salient feature of this Bill is that there is no imprisonment at all, contrary to the notion of everybody that there would definitely be detention and they will be mixed, ang tawag noong iba, sa mga naka kalaboso. Dapat mabasa po iyong Bill sa kabuuan and to reiterate and in doing so, being endlessly repetitive about it.

At the first instance, ang unang safeguard or safety net natin, if we may call it, if the CICL committed a crime, the judge still has to determine, based on evidence, if the CICL acted with discernment. If there was no discernment during the time of the alleged commission of offense, the CICL will be discharged

accordingly; second, if ever it was with discernment and the offense charged is actually a petty offense, he will be also discharged accordingly—no, not discharged but he shall not be confined in a youth care facility but will be mandated to undergo the intervention program of the Social Welfare Department.

The issue of confinement would only come into play in three instances, as I said: number one, if the child who has committed the offense has no parents or family where he can be reintegrated into and so, he will be considered a neglected child under the Child and Youth Welfare Code and, of course, it is better for him to be confined rather than be thrown back to the streets, thereby allowing the possible commission of another offense. The second point wherein confinement can be voluntary or mandatory, as the law would provide, is the fact that when the child in conflict with the law would commit a petty offense and yet, he becomes a recidivist later on. Meaning, after the commission of this one, for example, as what I said before, the 11-year old, for the 17th time, stole a cellphone, then he will be considered a recidivist and in which case, he shall be thrown back or confined to Bahay Pag-asa. Lastly is the commission of serious offenses by the CICL.

Other salient features provided for, gusto po natin na i-fill up ang kakulangan ng nakaraan, ang pina-punish po natin dito ngayon ay kriminal pero noon ay hindi natin nakita na puwede palang abusuhin ito ng mga kriminal, kung saan gagamitin ang mga bata ng criminal syndicates. Now, here, for those who will be found to have used, exploited or abused our children in conflict with the law, these people, these criminals or syndicates, if found guilty to have exploited such children, shall be penalized with the maximum penalty of *reclusion perpetua*. This is very clear under the present Bill.

Next, the confidentiality of records. Hindi po dapat ipalabas ito and the one divulging will be penalized, at siguro po, iyong another salient feature is the transfer to the national government. Kasi po, dahil nga sa walang kakayahan po ang mga pamahalaang lokal ay ina-assure po ng Kongresong ito na kapag ito ay naipasa ay ipapagawa po iyong mga facilities para po maisaayos at masiguro iyong kaligtasan at kapakanan ng emotional, psychological at spiritual na pangangailangan ng bata, so that, sabi ko nga, after a year of showing good conduct and the court is satisfied, makakalabas din naman po iyong mga CICL sa confinement ng Bahay Pag-asa after a year, if they are found to have complied with all the intervention programs provided by the government, Mr. Speaker.

REP. BIAZON. Mr. Speaker, distinguished Sponsor, my question was, what was the flaw in the present law which ...

REP. LEACHON. Yes.

REP. BIAZON. ... drove us to propose these amendments to fix what is wrong?

One of the principal reasons being presented as to the justification of amending the law was that there was an increase in the crimes committed by children of certain age. So, if I fine-tune my question, it would be, what is it specifically in the current law which the authors or the Sponsor believe contributes directly to the increase in the number of children in conflict with the law? As I counted, the proposed amendments touch on about 15 or 16 sections or provisions of the current law.

The current law is very extensive, it has so many sections and provisions. So, this Representation just merely wanted to know which of these specific provisions is flawed to the effect that it contributes to the increase in the number of children in conflict with the law. So, may we get an answer as to which of these provisions contribute to that specific problem, which is the justification that we are using in amending the law?

REP. LEACHON. Yes, I get it, Mr. Speaker, and thank you to our good Congressman from Muntinlupa. Apart from all the provisions that I uttered, I would like to put it very bluntly that fixing the minimum age of criminal responsibility now is one way of reducing the number because that would, more or less, deter the exploitation of these children by criminal offenders or even syndicates, knowing that they are no longer exempt from criminal liability. This is one way, as the Sponsors or, in fact, the authors foresee, apart from the provision providing maximum penalty for those persons exploiting and abusing these children. In fact, iyon ang pangalawa na importante that would assure, more or less, the question being asked para mabawasan ulit po ang bilang ng mga krimen na ito.

REP. BIAZON. Sa pagkaintindi ko doon sa nasabi po, Mr. Speaker, inaasahan natin na ang mga criminal syndicates ay hindi na makagamit ng mga bata na nine-years old kasi kasama na sila sa age of criminal responsibility. Tama ba iyong pagka-unawa namin doon sa dahilan na binibigay ng ating kasamahan?

REP. LEACHON. Yes. To put it within a different context, I meant the surge of offenses being perpetrated by children in conflict of law has been increasing precisely because some of the children are being exploited by some other individuals. In fact, kaya din dumadami, even without inducement by and exploitation of syndicates, in their own mind, of course, by lowering it—nasabi ko iyong mga age natin na mga mabababa na may proper na pag-iisip na at sinabi ko nga, they can even father a child and commit—in fact, the data here are actually apparent and very clear on this matter

that not only discernment but with intent to commit rape—and more than 2,000 women were raped—and to commit murder. So, kapag ni-lower mo ito, this will, in fact, deter them from committing such crime because they know for a fact that they are not exempt anymore from criminal liability, Mr. Speaker.

REP. BIAZON. Mr. Speaker, mayroon pong provision sa ating kasalukuyang batas, Title III at ang sinasabi po ay Prevention of Juvenile Delinquency and it has several sections prescribing policies aimed at the prevention of juvenile delinquency. Earlier, tinanong po natin ang ating distinguished Sponsor kung anong probisyon ng kasalukuyang batas ang flawed o may diperensiya, na nagdulot ng pagtaas ng bilang ng mga bata na nasasangkot sa krimen. Ito po ang sinasabi nitong Title III na ito, the Prevention of Juvenile Delinquency. If we will follow the argument or if we will accept the proposition that there is an increase in the number of children in conflict with the law because of a flaw in the current law, we would just like to know why was this provision not touched? Definitely, if we go by that proposition, this provision of law was a complete failure. Its title is Prevention of Juvenile Delinquency and yet, we leave it untouched while at the same time, we make a judgment that the law is flawed.

May we be enlightened on this, Your Honor?

#### SUSPENSION OF SESSION

REP. LEACHON. Can I ask for a one-minute suspension of session, Mr. Speaker?

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 7:24 p.m.*

#### RESUMPTION OF SESSION

*At 7:27 p.m., the session was resumed with Deputy Speaker Fredenil “Fred” H. Castro presiding.*

THE DEPUTY SPEAKER (Rep. Castro, F.H.). The session is resumed.

The Sponsor is recognized.

REP. LEACHON. Thank you, Mr. Speaker. As regards the last question of the good Gentleman from Muntinlupa, in perusing through the provisions under Title III of Republic Act No. 9344, I would like to agree with him, but with certain reservations also. Well, definitely, some provisions have been failures in terms of implementation but like this one on the creation of the local council for the protection of children, I must admit that in some localities, probably, the council would

just meet once a year and this has not been properly monitored. There is the question of compliance and implementation because all of these provisions have been delegated to the understaffed and overworked LGUs. So, to some extent, I would like to agree with the good Congressman that there were gaps and failures with regard to the implementation of the existing law.

*At this juncture, Deputy Speaker Castro (F.H.) relinquished the Chair to Deputy Speaker Frederick “Erick” F. Abueg.*

REP. BIAZON. Well, Mr. Speaker...

THE DEPUTY SPEAKER (Rep. Abueg). Final statement, please.

REP. BIAZON. Mr. Speaker, we thank the distinguished Sponsor for his candor in admitting that there may have been some lapses with regard to making a judgment on whether the existing law is flawed or not because there are many other provisions in the law which have been left untouched by the proposed Bill.

This Representation has several other questions but owing to the interest of time, this Representation would end the interpellation, and we hope that it would also be acknowledged, later on, that the approach that was done with regard to amending this proposed law still has some gaps and there is a lot of room for improvement before we approve this Bill into law. Just a last word, Mr. Speaker—this Representation was part of the Congress which passed the original law and, in fact, this Representation was one of the coauthors of that law.

Thank you very much, Mr. Speaker. Thank you very much, distinguished Sponsor.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF H.B. NO. 8858

REP. ORTEGA (V.). Mr. Speaker, I move that we suspend the consideration of House Bill No. 8858.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The consideration of House Bill No. 8858 is hereby suspended.

#### SUSPENSION OF SESSION

REP. ORTEGA (V.). Mr. Speaker, I move for a few minutes suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 7:31 p.m.*

#### RESUMPTION OF SESSION

*At 7:31 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Abueg). The session is resumed.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 8858

*Continuation*

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. ORTEGA (V.). Mr. Speaker, I move that we resume the consideration of House Bill No. 8858 and call on the Hon. Orestes T. Salon of AGRI Party-List for his manifestation.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Salon is recognized for his interpellation. He has 20 minutes.

REP. SALON. Thank you, Majority Leader. Thank you, Mr. Speaker. This will just be a very short manifestation. Mr. Speaker, honorable Sponsor, allow me to just make a manifestation or a few reflections in the course of deliberating on the Bill.

This Bill is replete with good intentions, among others—recognizing the increasing criminality perpetuated by the young members of our society and reforming the justice system, especially on the reformative aspect of the existing law. Also, this is a matter of responding to the needs of children in conflict with the law or CICL, and one is that if they are sentenced, the sentence is suspended and they are not imprisoned but are confined in an institution. These are all very, very good intentions of the Bill.

On the ground, may I just manifest that this is not what is happening to the CICL because the institutions which are mandated to reform these members of our society, especially the young offenders—they are not really reformed because the facilities are not fully equipped, they are not presently available in all areas of our country and in fact, these are supposed to be managed by the LGUs. We know for a fact that more than the physical infrastructure, the people who are mandated to institute the reforms and address the reform concerns of our children are not psychologically equipped o hindi po mapagkalinga ang kultura ng mga

taong mandated to address this problem. And, you know, even confining these children to institutions, na bibigyan sila ng training ng TESDA—my God!—nine years old, 10 years old, and even 11 up to 12 years old, they are just learning the rudiments of reading, writing and arithmetic in schools, pagkatapos, tuturuan sila ng life skills, ng livelihood, pero naglalaro pa po ang mga batang ito.

I think this is an indictment of our society na tayo iyong first offender. We have not provided our children, who are the future of this country, with a conducive environment para po ma-develop sila. You know, this is a societal problem and being very, you know, surgical about it by amending the law and lowering the age of criminal responsibility or liability from 15 to nine years old, I think we are not addressing the problem. Mas malaki po ang problema ng lipunan. Bakit hindi po sila na aalagaan ng kanilang mga magulang such that they are being exploited by unscrupulous people in our society? Dapat po i-address natin iyong malaking problema which is poverty. Kung ang mga magulang po ng mga batang ito ay employed and are able to send them to schools, sa tingin ko po, ay hindi po sila magpapagala-gala sa ating lansangan at nai-exploit po ng mga masasamang loob sa ating lipunan. So, this is just a manifestation, Mr. Speaker, honorable Sponsor. You may respond to it.

Thank you very much.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the Hon. Jocelyn Sy Limkaichong of the First District of Negros Oriental for her interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Hon. Jocelyn Limkaichong is recognized to interpellate for 20 minutes.

REP. LIMKAICHONG. Thank you, Mr. Speaker, and I hope the sponsoring Gentleman still has the energy to answer some clarificatory questions.

REP. LEACHON. With all energy, Mr. Speaker, I will be glad to accept any question or inquiry from the Lady.

REP. LIMKAICHONG. In my observation, one or the most common point raised by the proponents is that children who commit crimes are being let go and allowed to go back to the streets to commit more crimes. Under the existing law, have they considered that the poor implementation of the existing law is the root of the problem and not the fact that the children are branded as criminals?



REP. LEACHON. Partly, yes, Mr. Speaker.

REP. LIMKAICHONG. I also would like to reiterate, and this is also confirmed by our Sponsor, that although Republic Act No. 9344 mandates that the LGU is the one responsible to maintain the Bahay Pag-asa, the status right now, as admitted by our Sponsor, is that only 58 out of 114 Bahay Pag-asa units are operational. Is that correct?

REP. LEACHON. As to the number of 58, yes.

REP. LIMKAICHONG. So, if that is the case, and if this measure is going to be passed, where will we put the children, or where are we going to confine them?

REP. LEACHON. As I said, Mr. Speaker, we will complete all the facilities first before the full implementation of this proposed law and definitely, there would be a transitory provision because it is just like putting the cart before the horse and so, there should be completed facilities first prior to the full implementation of this law. We want to create—of course, magkakagulo na naman iyan dahil ganoon pa rin iyong problema at wala namang, ano, natapos dahil mayroon kang sinasabi na intervention program pero saan mo gagawin kung wala namang infrastructure?

So, I must admit, in fact, as I said, there can be transitory provisions and so, this Representation is very much amenable. In fact—this is my view—before the full implementation of this law, there should be full infrastructure programs implemented, also training of personnel, and probably, under the present Congress, after a year or two, which we can implement fully the provisions of the existing Bill.

REP. LIMKAICHONG. Thank you, Mr. Speaker, Mr. Sponsor. Aside from the infrastructure, according to the 2012 JJWC policy paper, the cost of care for a child in an institution in our country is P224.09 per day. The policy paper also suggested that a CICL could spend an average of 3.28 years in institutional care from the time of arrest and so, in total, that would be approximately P268,000 per child. Putting children in an institution is costlier than implementing local government intervention programs. So, how do you propose to fund the additional number of children in this institution if the Bill is passed?

REP. LEACHON. Well, of course, if the Bill is passed—in fact, we have been in coordination already with the Department of Social Welfare and Development so that the complete requirements to finance this program under the new Bill will be submitted to Congress and those shall be allocated through our budget process for the general appropriations for next year or the following

year. There is actually assurance that this will be funded and that is why we are abdicating this in favor of the national government, transferring the maintenance and operations of the Bahay Pag-asa from the local government units to the national government.

Thank you, Mr. Speaker.

REP. LIMKAICHONG. Mr. Speaker, Mr. Sponsor, right now, we are also having problems with our jails, the prisoners in the jails. They are only getting P30 a day for food subsistence. So, how can you now say that this—the P224 per day per child—can be funded if right now, we still have problems with the budget for our adult prisoners in jail?

REP. LEACHON. It is actually premature to deal with that, considering that we do not have data submitted to Congress regarding the allocation of a specific budget for that matter. As of now, I think that would be cheaper, considering that there are already existing Bahay Pag-asa. With the assurance, as studied, and per communication with the Department of Social Welfare and Development, by the Committee during their integration with the technical working group, during the time that it was being formulated into a Bill, there was an assurance, so with the DBM, on the present concern. If we will not do this, what will happen? Definitely, if there is a will, there is a way, and it is the will of Congress to pass this Bill that will make it happen, and it is assured by this Representation that we will be funding all of these, definitely. Of course, this is the mandate of the law and we have no recourse but to implement fully the will, the objective, the motivation of the Bill that is easy to pass at this present time.

REP. LIMKAICHONG. Mr. Speaker, you still have to convince me of that. Anyway, let us move on to the next question. What measure or how will this proposed law deter syndicates from using children as pawns? At best, they are merely switching to younger-aged children. Do we also lower the minimum age again in the future if crime rates do not decrease?

REP. LEACHON. I do not think so because this is, in fact, the ultimate that we perceive or what the authors perceive to be the deterrent against the further commission of law offenses involving the exploitation of children in conflict with the law.

REP. LIMKAICHONG. Mr. Speaker, honorable Sponsor, according to DSWD Usec Ancheta-Templa last February, PNP data showed that, from 2002 to 2015, the percentage of offenses committed by children against the total number of crimes recorded is very much negligible. So, how does this measure address

our problem with crime when police statistics showed crimes committed by children to be less than two percent and majority of these probably were children between 15 to 18 years old?

REP. LEACHON. I beg to disagree, Mr. Speaker, because they may have their own perception to the highest heavens, but then to me, 60,000 crimes committed involving children in conflict with the law are, the data is not actually negligible. With more than 2,000 women being raped, with about 66,000 crimes being committed, I beg to disagree and I would like to contradict the findings of the PNP that these numbers are negligible. I am sorry but then, if those are their findings and their perceptions, I would respect that, but they also have to respect the opinion of this Representation because that, to me, is not negligible.

Thank you, Mr. Speaker.

REP. LIMKAICHONG. So, what is the position of the government agencies and other relevant stakeholders involved during the deliberation lowering the minimum age of criminal responsibility from 15 to nine? May I ask the honorable Sponsor which agencies stated their position? For example, the DOJ, JJWC, PNP, CLRDC, are they for or against lowering the age to nine years old?

REP. LEACHON. Yes. Of course, during the deliberations, we invited guests from the private sector, also from government agencies, and to be honest about it, out of the seven government agencies, three agencies voted in the negative and four agencies voted in the positive. Number one, well, of course, as expected for the Commission on Human Rights, it was a “no,” but for the DOJ, it was a “yes.” For the UP Law Center, it was a “yes”; for the NBI, it was a “yes”; for the Public Attorney’s Office, it was a “yes”; but for the DSWD, it was a “no.” In fact, we are not mandated to divulge this but then with due deference to the good Congresswoman, we are telling this to the public. But then again, this is a democratic process and a decision has been reached and that is why when it was presented before the Committee on Justice, it was approved. Now, this is a democratic state where, always, the rule of the majority prevails. Now, it is being presented on the floor and, of course, it will be up to the conscience of each Member to approve it or not. I think that will satisfy the question with regard to the agencies that participated in the deliberations regarding the lowering of the minimum age of criminal responsibility. It is quite clear here, per records of the House Committee on Justice, that this was the position of the government agencies involved.

Thank you, Mr. Speaker.

REP. LIMKAICHONG. So, assuming this Bill

would be passed, what will be the implication as regards our compliance with the Convention on the Rights of the Child, to which we are a signatory?

REP. LEACHON. You mean, Mr. Speaker, the treaty that we signed?

REP. LIMKAICHONG. Yes, since we are a signatory to the Convention on the Rights of the Child.

REP. LEACHON. Yes. Of course, to some extent, there will be influence but the only thing that we signed and we consented to, well, the fact is that the country is actually required to set a minimum age of criminal responsibility.

REP. LIMKAICHONG. Well, this is my last question. UNICEF Philippines describes this Bill as an act of violence against children. Why are we punishing children who themselves are victims of poverty, exploitation and neglect? As they will already incur criminal liability for committing crimes upon coercion by criminal syndicates, are we not doing a greater injustice to them by giving them a criminal record instead of respectively reforming their lives through better health and education related policies? So, Mr. Sponsor, what can you say about that?

REP. LEACHON. Again, Mr. Speaker, I beg to disagree with the findings of the UNICEF, as to their opinion which I would like to respect from this day on until the end of time. But then if we have to believe the statement of the innocent, I think the Filipino people also deserve to know what is in the best interests of this country. I have cited all the important provisions of this Bill. Number one, they are saying there is violence. I beg to disagree. How can there be violence if there will be no imprisonment? How can there be violence if your purpose is only for formation and rehabilitation? In fact, the proceedings that we will hear will be confidential. How can there be violence if you are giving hope that after being entangled, after being in conflict with the law, the government is still hoping and creating the best for the children, creating interventions wherein proper education, proper counselling, proper psychological treatment will be done, and that they will be monitored by a multidisciplinary committee? Afterwards, if the parents would also be included, they will have a joint obligation in the intervention program so that, as I said, if these programs have been fully implemented and, to the satisfaction of the court, after so many issues have been resolved and it has been proven that the child has been reformed and rehabilitated together with his or her parents, then they can be more effective if unified as a family once again.

The Bill seeks to, of course, number one, as I said, respect the family as a basic social unit of society. If the family will be reformed and unified again, and be reintegrated after being reformed into the community, where is the violence in there? There is no violence if you are not mixed with the inmates in ordinary detention cells. If the child will be provided with proper facilities, where is the violence there? Where is the violence if there will be an execution of judgment on him only upon the age of majority? Where is the violence if his penalty will be actually two degrees lower? I would like to address even the concern kung paano mo ba tuturuan ng skills iyong 11 years old? I beg again to disagree. Why? Because the execution of judgment and his placement in an agricultural training center will only be upon reaching the age of majority, not even at 11 years old. Where is the violence if you are trying to correct him? There is even a famous statement by a certain philosopher, "It is easier to build strong children than to repair broken men." So, it is high time for us right now to repair and rehabilitate these children as long as they are young so that when they grow old, they can become effective members of our society rather than letting them be hardened criminals. They will be hard to repair later on because they will be considered broken men. So, my position here or this Representation's position is quite very clear, Mr. Speaker, that I disagree with the statement of the UNICEF as intimated by the good Congresswoman, Mr. Speaker.

REP. LIMKAICHONG. Well, Mr. Speaker, I would like to thank the Sponsor for enduring the long line of interpellators tonight and I would like to end this interpellation.

REP. LEACHON. Thank you, Mr. Speaker, and thank you to Congresswoman Limkaichong.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. ORTEGA (V.). Mr. Speaker, I move that we recognize the honorable Rep. Sarah Jane I. Elago of the KABATAAN Party-List for her interpellation.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Elago is recognized to interpellate for 20 minutes.

REP. ELAGO. Thank you, Mr. Speaker. Will the distinguished Sponsor yield to interpellation? If yes, then, let me proceed, Mr. Speaker.

REP. LEACHON. Yes, Mr. Speaker.

REP. ELAGO. Most of my questions were already raised by my colleagues but I still have a few left.

REP. LEACHON. I would gladly accommodate the concerns, especially so since the Representative is representing KABATAAN.

REP. ELAGO. Mr. Speaker, nais ko lang banggitin, batay doon sa pinakahuling punto na ginawa ng distinguished Sponsor, na ang hakbang na ito na pagpapababa ng minimum age of criminal responsibility ay para hindi na muling maging offender ang mga bata, nang sa gayon sila ay magkaroon ng mas malinaw na path tungo sa isang mas magandang bukas, mas magandang buhay. Hindi po ganoon ang sinasabi ng mga pag-aaral, lalung-lalo na po batay sa Psychological Association of the Philippines. Let me cite this, Mr. Speaker, and I quote:

Exposure to the criminal justice system, where the child will be labeled a criminal and where he or she is exposed to criminal models, will more likely establish the "criminal identity" of the young person.

It also states that studies have shown that encounters with the justice system do not deter but rather result in greater subsequent crime for the young person. Isa po ito na hindi tugma sa sinasabi ng ating distinguished Sponsor. Ang katotohanan, ito po ay nanggaling sa pag-aaral ng iba't-ibang children's rights advocates. The detention of children in jails or prison-like facilities, especially if they are very young, exposes them to criminal elements which may lead them to become hardened offenders. Kaya po ang Representasyon na ito ay hindi naniniwala doon sa sinasabi ng ating distinguished Sponsor na ito ay isang hakbang para bigyan ng pag-asa ang ating mga bata at mga kabataan na magbagong buhay.

Let me proceed to my questions, Mr. Speaker. Ang katanungan ko po, and also for the information and benefit of young people who just tuned in now at nanonood po ng ating interpelasyon ngayong gabi, what is the Sponsor's primary reason for pushing this Bill? Ano po ang ating primerang rason, the topmost reason, we are taking this time or period to pass this measure?

REP. LEACHON. There are actually, Your Honor, Mr. Speaker, if I may say so, several utmost reasons we are doing this. Number one, as I said, this will cater to the best interests of the children. Number two, well, this will prevent them from being exploited by people who use them to perpetuate criminal offenses. Number three, this will correct some issues and concerns which the existing law inadvertently failed to implement. With

all due respect to the distinguished Congresswoman, nasabi ko ho, unang-una, let us correct the terminologies here because sinasabi na hindi raw makakatulong kapag ma-expose sila sa detention at sa jail. For the endless time, I say that there will be no detention. In fact, ang sabi ay stigma daw kapag tinawag silang criminal at sasabihin ninyo lang na terminology ito, pero they are not criminals but are called children in conflict with the law. In fact, in so many provisions, if it is for the best interest of the child, bakit ayaw ho ba natin? Ano ba ang gusto natin gawin kapag iyong bata, halimbawa ho, malinaw naman sa isip natin na mayroon namang krimen na na-commit ang batang ito, pero hahayaan na lang natin sila rather than us taking care of them?

So, for so many reasons, I think I have already cited so many in order to justify why we need—it is not only about lowering, that is not the main issue here but it is about enhancing, expanding and strengthening the juvenile system in the country and in fact, I have stated earlier that we are even open to amendments, kung ano ang puwede nating mas mainam na magawa. But I, for one, deep in my heart, believe that at 15—actually, I do not agree to it at pasensiya na lang po kung hindi po ito tanggap namin dahil hindi po iyon ang aming paniniwala. At the end of the day, we are all brothers here. We have given so many reasons in our discussion and it will be up for the individual appreciation of each Member, according to the conscience of each Member of this Congress, whether to pass this Bill or not, and the reasons that I have cited, we maintain that those are the reasons for this Bill, Mr. Speaker.

REP. ELAGO. Mr. Speaker, ang distinguished Sponsor na mismo ang umamin na ang pagpapababa ng minimum age ng criminal responsibility is not the main issue here. Ang isyu na dapat natin unahin at gawin na priority ay kung paano pa palalaksin ang ating juvenile and justice welfare system. Ang lubos na bumabagabag sa Representasyon po na ito ay ang kalagayan ng mga kabataan. What makes this Bill more important than the measures on socio-economic reforms that will address the reasons there are children in conflict with the law, lalung-lalo na po iyong mga bata na nagiging biktima ng kanilang kahirapan? What makes this Bill very urgent and necessary than addressing price hikes, killings of farmers, joblessness, homelessness, hunger, the flood control project scam worth billions and other pressing issues that continue to plague the Filipino people?

Bakit po napakabagal pagdating doon sa mga hakbang na tutugon doon sa mga matatagal nang mga isyu ng mamamayang Pilipino, ng ating lipunan na kung saan ang pinaka nagiging biktima ay iyong mga bata at iyong mga wala pang malay, at nandoon pa sila sa punto ng buhay kung saan sila ay naghahanap ng mga positibong halimbawa kung saan sila makakakuha ng

aral para magabayan sila sa kanilang mga desisyon kung ano ang pipiliin nilang buhay. Ano po ang masasabi dito ng distinguished Sponsor, Mr. Speaker? Bakit ito naging very urgent? Bakit natin binibigyan ng ganitong oras ito para lang paspasan at iratsada ang hakbang na ito? Bagamat ang maaari nating gawin ay pag-usapan ang laganap na kahirapan at korapsyon dito sa ating bayan na nagnanakaw ng magandang buhay para sa ating mga bata at sa ating mga kabataan.

REP. LEACHON. Thank you, Mr. Speaker. Thank you, Your Honor. With all due respect, hindi po ratsada ito. Ito po ay naging bunga noong mga na-file na mga panukala po noong 2016 pa. Dalawang taon na ho ang nakaraan at marami hong naging hearing dito—one, two, three, four, five, six, seven, eight, nine— since 2016. Kung umabot...

REP. ELAGO. Mr. Speaker.

REP. LEACHON. ...ho tayo dito sa pagkakataong ito, ito po ay patunay na hindi ito ratsada at ito po ay dumaan sa proseso, nagkaroon po ng mga Committee hearings, dumaan po sa technical working group. Alam ho natin kung paano ang prosesong dinadaan ng isang panukalang batas. Nagkataon lang sigurong nagpangkita tayo sa ganitong panahon at ako—pambihirang pagkakataon ho na ako ay nakatayo dito ng maglilimang oras na. Pambihira rin itong pagkakataon at ikinagagalak kong nagkita tayo sa ganitong panahon, pero ang panahong ito ay magpapatunay na hindi ito pagmamabilis, dahil nagkataong dumating ang pagkakataong ito, iyong pagkakataong dapat pag-usapan ito, dahil ito ay nahinog na matapos ang dalawang taon na pagsasaliksik at pagkakaroon ng mga Committee hearings at pag-aaral ng technical working group. Kaya po sana ay magdahan-dahan ito—this Bill is not a product of haste, but is actually a product of a process where Committee hearings were undertaken with different individuals as invited guests, and of hard work put in by the technical working group. It just so happens that we are meeting on this today to justify this to the Plenary because it is high time that we have to discuss this. Kung maa-approve ho, rule pa rin ito ng majority, Mr. Speaker, na isang pagpapatunay na tayo ay nagmamahal sa proseso.

REP. ELAGO. Mr. Speaker, wala na ba tayong ibang kayang gawin? Wala na ba tayong ibang magagawa kung hindi itratong kriminal ang mga bata? Ang punto po ng Representasyon na ito, Mr. Speaker, ang hakbang na lowering the minimum age of criminal responsibility, hindi po iyan nagpahinga at nahinog sa nakaraan na halos tatlong taon. Iyan po ay napigil ng malawakan na paglaban, hindi lang po ng kabataan kundi ng iba't ibang sektor na may pakialam

sa interes ng mga bata at ng sambayanang Pilipino, na nanawagan ng “No” to lowering the minimum age of criminal responsibility.

Lubos-lubos na nananawagan kami na ang children are not criminals at hindi dapat ituring na kriminal ang mga bata. Ang dapat ay lubusin ang mga hakbang upang sila ay masagip pero ito ay isang hakbang na hindi nagsasagip kundi magpapahamak sa kapakanan ng ating mga bata, lalung-lalo na at kasabay ng mga patakaran na nagtutuloy-tuloy pa rin ang mga pamamaslang sa ilalim ng giyera kontra droga ng administrasyon na ito.

Hindi ba ang mas urgent, at ang mas kinakailangan nating matugunan ngayon, ay kung bakit sa mga siyudad sa buong bansa, halos tatlo o apat ang napapaslang kada araw sa ilalim ng giyera kontra droga at hindi natin alam na sa daan-daan, sa libo-libo na iyan, kung ilan ang napaslang nang walang kalaban-laban, at ang karamihan diyan ay mahihirap at higit sa lahat, Mr. Speaker, sila ay ang mga inosente, mga walang sala. Kaya hindi ninyo po masisisi ang Representasyon na ito kung bakit ang hakbang na ito ay tinitingnan namin bilang isa lang sa mga hakbang upang lalo pang paigtingin ang paghahari ng pananakot dito sa ating bayan.

Nananawagan muli ang KABATAAN Party List at magpapatuloy ang aming paglaban at ang aming paninindigan na children are not criminals at dapat tutulan ang lowering ng minimum age of criminal responsibility.

Maraming salamat, Mr. Speaker, distinguished Sponsor.

REP. LEACHON. Thank you, Mr. Speaker, Your Honor. I would like to congratulate the passion of the good Congresswoman but for the record, gusto ko lang malinaw na hindi po natin ginagawang kriminal sila. In fact, una, ang tawag sa kanila ay children in conflict with the law. Pangalawa, we love to state that they enjoy the constitutional presumption of innocence. Pangatlo, if they do not act with discernment, they are now children in conflict with the law, and I think it is very clear na hindi natin sila ginagawang kriminal.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. LEACHON. Thank you.

REP. ELAGO. Mr. Speaker, pahabol lang po, bago po tayo magsara sa interpelasyon po ng Representasyon na ito. Kung tunay ang ating hangarin na protektahan ang interes ng mga bata at kabataan, dinggin po natin ang mga panukalang resolusyon na nais maimbestigahan ang bawat isang kaso ng pagpaslang o pagkamatay ng mga bata, ng mga kabataan, at lahat po ng sinasabing mga nanlaban at nasangkot sa giyera kontra droga.

Maraming salamat, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF H.B. NO. 8858

REP. HOFER. Mr. Speaker, I move that we suspend the consideration of House Bill No. 8858.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

#### DESIGNATION OF MEMBERS TO THE CONF. CTTEES.

REP. HOFER. Mr. Speaker, I move that we designate the following as additional Members to the Conference Committee on the disagreeing votes on House Bill No. 8169, on the 2019 General Appropriations Bill: Reps. Florida “Rida” P. Robes, Vicente “Ching” S. E. Veloso, Raul V. Del Mar, and Joey Sarte Salceda.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The named Members are so designated.

REP. HOFER. Mr. Speaker, I move that we designate the following as members to the Conference Committee on the disagreeing provisions of House Bill No. 172 and Senate Bill No. 1629, exempting new graduates from paying government fees for employment requirements: Reps. Luisa Lloren Cuaresma, Randolph S. Ting, Jericho Jonas B. Nograles, Linabelle Ruth R. Villarica, Estrellita B. Suansing, Victoria Isabel G. Noel, and Aniceto “John” D. Bertiz III.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The mentioned Members are so designated.

REP. HOFER. Mr. Speaker, I move that we designate the following as members to the Conference Committee on the disagreeing provisions of House Bill No. 8784 and Senate Bill No. 1299, maximizing the benefits of covered workers from service charges: Reps. Luisa Lloren Cuaresma, Randolph S. Ting, Dennis C. Laogan, Lorna C. Silverio, Sherwin N. Tugna, Luis Raymund F. Villafuerte Jr., Tomasito “Tom” S. Villarin and Aniceto “John” D. Bertiz III.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The said Members are so designated.

REP. HOFER. Mr. Speaker, I move that we designate the following as members to the Conference Committee on the disagreeing provisions of House Bill No. 8795 and Senate Bill No. 1529, strengthening the National Museum of the Philippines: Reps. Ramon “Red” H. Durano VI, Pia S. Cayetano, Rozzano Rufino B. Biazon, Christopher V. P. de Venecia, Vini Nola A. Ortega, and Julieta R. Cortuna.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Members so named are designated.

#### CONSIDERATION OF H.B. NO. 8858

*Continuation*

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. HOFER. Mr. Speaker, I move that we resume the consideration of House Bill No. 8858, and that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Abueg). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is hereby directed to read only the title of the measure.

THE SECRETARY GENERAL. House Bill No. 8858, entitled: AN ACT EXPANDING THE SCOPE OF THE JUVENILE JUSTICE AND WELFARE SYSTEM AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS FOR CHILDREN IN CONFLICT WITH THE LAW, AMENDING FOR THE PURPOSE REPUBLIC ACT NO 9344, AS AMENDED, OTHERWISE KNOWN AS THE “JUVENILE JUSTICE AND WELFARE ACT OF 2006.”

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, I move that we recognize for his interpellation Rep. Ariel “Ka Ayik” B. Casilao of the ANAKPAWIS Party-List.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Casilao is recognized for 20 minutes.

REP. CASILAO. Thank you, Mr. Speaker. Is the distinguished Sponsor willing to answer some remaining questions?

REP. LEACHON. Yes, Mr. Speaker.

REP. CASILAO. Does the Sponsor believe that a nine-year child is already capable of discernment?

REP. LEACHON. Yes.

REP. CASILAO. May I be given a concrete scientific study or excerpts thereof by a competent psycho-social professor or institution that buttress your position.

REP. LEACHON. In an article entitled “Nine-year old Child Development Milestones” written by psychotherapist Amy Morin, it has been said thereat that at nine, children are better able to handle conflict with their growing independence. At nine, the children are already capable of taking wider range of chores and responsibilities. The only requirement provided for under the law is the capacity of discernment, to distinguish the right from wrong. I would like to re-emphasize again, Mr. Speaker, again, I would like to repeat, I am a father of three children, at malinaw naman ho iyong safety net. There is actually a safety net provided for under the amendatory Bill and that is, if there was no discernment and that is proven, there will be no offense.

REP. CASILAO. Naitanong ko lang po, G. Sponsor, Mr. Speaker, dahil ang nabasa ko pong artikulo mula sa UNICEF na mayroon na pong batayang siyentipiko na nagsasaad na ang mga nasa edad na ganyan ay hindi pa fully developed. However, since it is the exclusive jurisdiction of the court or the judge to determine whether the commission is borne out of the discernment, it remains to be seen. However, Mr. Sponsor, I am just very alarmed on the provisions of the proposed Bill. One, nais ko pong maliwanagan doon sa usapin na kapag ang siyam, 10 o 11 na taong gulang na bata ay nakagawa ng isang kamalian na hindi naman or that does not fall under heinous crimes or the very serious crimes like rape and kidnapping, as stated in the proposed Bill, sila po ay dadaan pa rin sa proseso, the usual court process, am I correct, under the existing juvenile justice and welfare system?

REP. LEACHON. First and foremost, there should be determination of discernment. If there will be finding of non-discernment, the case will be dismissed. Now, if, I said, for non-petty offenses, there will be no longer confinement at the Bahay Pag-asa.

They will be undergoing interventions and in fact, for petty offenses, usually the penalty is less than six years imprisonment. At nine years old, or if ever there will be a sufficient finding that the crime had been proven to be true beyond reasonable doubt and the penalty is six years, hindi na aabot iyon sa execution of judgment. The proceedings will be kept confidential and dahil hindi ito ordinary judicial proceedings, this will be handled principally by a special class of courts and in this case, the juvenile courts. There is also a guarantee under the amendatory Bill that the proceedings will be kept confidential and in fact, divulging such information will be a crime and the one divulging it will be penalized.

REP. CASILAO. Now, ang problema po ng Kinatawang ito, G. Sponsor, malala po ang problema ng ating kabuuang sistemang hudikatura.

REP. LEACHON. Yes, I would like to understand your predicament.

REP. CASILAO. Yes. Let me finish my premise.

REP. LEACHON. Yes, you may.

REP. CASILAO. Ang gusto ko pong igiit, dahil nag-a-amyenda tayo ng isang kasalukuyang batas na pumapaloob sa pangkalahatang sistema ng ating hudikatura, ngayon, ang gusto ko pong idiin dito, malinaw naman po na bagamat sinasabi na sa mata ng batas ay walang mahirap, walang mayaman, pero iyong mga mahihirap na mga mamamayan, bata man o matatanda, kapag napasok sa isang kalagayan o sitwasyon na may kaukulang legal consequence, ang unang tanong diyan ay kung may kakayanan ba sila na tugunan ang kanilang pangangailangang ligal para depensahan ang kanilang sarili. Siyempre, sinasagot naman ng batas na mayroon naman po tayong Public Attorney's Office that can provide free legal assistance to represent you in your court battles. However, alam po naman natin na lugmok po sa napakaraming kaso ang bawat PAO lawyer, 300 o 400, na hindi na niya kayang i-discern kung ang kaso bang hina-handle niya ay kailangan niyang pagtuunan ng buong-buo para depensahan ang kanyang kliyente. Now, what I am trying to drive at, Mr. Sponsor, ay papasok pa rin ang petty crimes or petty offenses sa proseso and the nine-year-old or a 10-year-old will be subjected to the same processes even if there was an exclusive or a special juvenile court that will handle the case.

Dadagdag po iyan sa batayang problema. Kung ang nakagawa ng kasalanan ay isang mahirap, dadagdag po iyan sa problema. Papaano niya itataguyod ang kanyang sarili, ang kanyang ina, ang kanyang mga magulang? Iyong batang nalalagay sa isang sitwasyon, na nakagawa

ng isang kasalanan allegedly, kinakailangan pa rin po iyan ng dagdag na usaping ligal para maitaguyod niya ang kanyang sarili sa ganyang sitwasyon. Will it not worsen, distinguished Sponsor, Mr. Speaker, the already problematic judicial system that we have? For sure, alam po natin ang kalakaran at nangyayari on the ground. Iyon pong lumang sinasabi na ng mga nakatatanda na marami pong nabibilanggo diyan sa ating mga bilangguan na walang kasalanan dahil wala silang kakayanan na idepensa ang kanilang mga sarili. It will not be different, Mr. Sponsor, Mr. Speaker, even in this proposed Bill. Pangalawa po, doon po sa nag-commit ng heinous crimes o ng mga serious offenses na nabanggit at isinaysay dito sa panukalang batas, there will be confinement. Am I correct?

Now, please distinguish confinement and detention. I know for a fact that the distinguished Sponsor is a lawyer, so please provide a very common definition for the purpose of this Representation, a distinction between confinement and detention, Mr. Sponsor.

REP. LEACHON. Is that a question or ...

REP. CASILAO. Yes.

REP. LEACHON. ... do I need to answer the first question? Anyway, going to that one first, in fact during the Committee hearing yesterday—and in fact, I am open to amendments—as I have said before, there was that issue of special counsel and that shall be provided for. Pangalawa po, iyong sinasabi ninyong present situation, kaya nga ho inaayos natin ngayon, pero mahirap pong mag-assume ng hindi pa nangyayari. And to differentiate confinement from detention, pareho pong hindi makakalabas iyong bata, totoo po iyon but, of course, magkaiba ang sitwasyon kapag kasama mo iyong mga adult inmates at iba rin doon kapag ikaw ay nasa reformation, na iyong youth care facility mo ay may paaralan kaya ikaw ay makakapag-aral din; at mayroong counseling na gagawin para sa mga bata. Iba rin na ang kasama mo ang magulang mo sa reformation sa loob ng youth care facility because that is also provided for, na binubuo ang pangarap mo na baguhin iyong mga pagkakamali mo dahil binibigyan ka ng pagkakataon—I think it is very clear here.

With all due respect, let us not be trapped between and among words or terminologies. Napakalinaw naman dito na hindi sila ikukulong at sila nga ay aalagaan. Hindi ko sinasabi naman na masama ang sitwasyon noong mga nandoon sa detention, and I think this is not actually our concern but if you are asking me here, let us not be trapped by terminologies because, definitely, it is quite clear here that confinement, as provided for in this law, is to seek the rehabilitation and reformation of children rather than treat them as criminals, and who are, in fact, only children in conflict with the law. That

is why they are being provided with, contrary to the situation of other detention centers—here, you have your personal doctor, your personal nurse, your personal psychologist, your particular social welfare officer, your particular guidance counselor, and you will be given enough time to reform yourself. In fact, if it is detention in the strictest sense, why should the amendatory Bill seek to provide for a period of one year in which the court can decide and after being satisfied, that those being reformed and rehabilitated can be reintegrated with his family later on?

I think it is very clear here that this is more caring of the children rather than, as we would like to presume, that despite the efforts of the Bill to have more convenience, to have more comfort, to give more chance for reformation, ay iyon ang ikukulong natin sa salita—hindi ka makakalabas. Ikaw ba naman na pumatay ng tao, ikaw ba naman ang nanggahasa, ewan ko kung papalayain pa natin sila pero dadaan pa rin sila sa proseso. Iyong confinement na sinasabi rito ay limitado lamang sa ilang bagay, kagaya ng paulit-ulit ko nang sinasabi na, in fact, there is no mandatory confinement for petty offenses at the youth care facility. Iyong confinement na sinasabi rito will just come into place under three circumstances:

1. If you are a neglected child, you do not have any parents, at least it is better for him to be confined in a youth care facility than to be thrown back to the streets and live somewhere there.

2. If the child in conflict with the law has committed any of the 10 exclusive offenses enumerated in the Bill. Ikaw ba naman ang nanunog ng bahay, ikaw ba naman ang nagnakaw at pagkatapos gumahasa ka, palalayain ka? Maganda pa nga dito at babaguhin ang buhay mo at hindi ka ihahalo sa detention na sinasabi natin.

3. Katulad nang sinabi ko kanina, it is actually a very good case, an 11-year old, in less than two years, committed 11 counts of stealing of cellphones, hindi mo ba siya iko-confine?

So, I think I am quite clear that the point that you are driving at is to differentiate terminologies, of confinement and detention, na parehas lang ito pero alam naman natin, sa puso natin, na magkaiba ito, Mr. Speaker.

REP. CASILAO. Do not get me wrong, Mr. Sponsor. What I am trying to drive at, ang sabi ng batas, is the right to avail of temporary liberty even in a case wherein a heinous crime is involved, necessitates a very heavy determination of probability of cause. Now in this particular case, for example, an alleged situation wherein a nine or a 10-year-old was accused of raping or killing, then it falls under this situation or this condition that there will be a mandatory confinement. Now, will the child avail of this right to temporary liberty during the period when there is no ruling yet by the court? Tatakbo po iyan ng

panahon, hindi naman po matatapos iyan sa isang linggo o sa isang buwan, and there is a prescription under the proposed Bill, but in the duration prior to the ruling of the court, can the child avail of a temporary liberty in situations like that, Mr. Sponsor?

REP. LEACHON. The law is quite clear on the process, on what to make of those remedies—that they will be confined upon the evidence provided, especially if the evidence of guilt is strong, and this will be up to the determination of the judge.

Thank you.

REP. CASILAO. Kaya nga po, Mr. Sponsor, ako po ay nababahala na mali po ang tinatahak nating landas kung papaano natin i-address ang mga reported incidents involving 9-year-olds, 10-year-olds, or 11-year-olds. Sa tingin po ng Kinatawang ito, distinguished Sponsor, malaki pa po ang kulang sa kasalukuyang batas, ngunit sa punto de vista po ng Representasyong ito, with all due respect to the Sponsors, mali po ang solusyon na nilalapat natin para amyendahan ang Republic Act No. 9344. Marami na pong nagbanggit kanina, doon sa Bahay Pag-asa na tinatawag ng ating Sponsor, ay aalagaan siya diyan, hindi siya ikukulong diyan, pero sa tunay na karanasan, marami pong Bahay Pag-asa, out of 114 supposedly required by the law, let us say 60 was constructed, 85 percent of the 60 Bahay Pag-asa does not meet the strict requirements stipulated under the law. The worst inhuman conditions were reported existing in Bahay Pag-asa.

Kaya huwag po tayong madala sa masasarap na pananalita ng pangako na babaguhin ang edad dahil nangyayari ito. Totoo pong nangyayari iyan. I am not debating that there are 9-year-olds, 10-year-olds, 11-year-olds committing such crimes or are in conflict with the law, pero mas malaki pa po ang problema at paulit-ulit na pong binabanggit ng ating mga kasamahan, if the proposed Bill aims to cure the rising problem and the increasing, if not decreasing, incidents of minors being in conflict with the law, we are giving a wrong pill. Mali po ang gamot na ibibigay natin. I am sorry to say, Mr. Sponsor, Mr. Speaker, maganda po iyong pagpapakete at presentasyon ng ating kagalang-galang na Sponsor sa mga probisyong nito pero malala po at mas malaki pa po ang problemang idudulot ng panukalang batas na ito.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

REP. HOFER. Mr. Speaker, I move that we recognize Rep. Antonio L. Tinio from the ACT TEACHERS Party-List.

I so move, Mr. Speaker.



THE DEPUTY SPEAKER (Rep. Abueg). The Honorable Tinio is recognized to interpellate for 20 minutes.

REP. TINIO. Maraming salamat, Mr. Speaker. Mr. Speaker, malinaw po ang paninindigan ng Kinatawagang ito, at mawalang-galang na po sa Sponsor pero para sa akin, isang malinaw na karumal-dumal na panukala na tratuhin ang mga batang musmos na siyam na taong gulang bilang mga kriminal. Napakahalaga po na ang pinag-uusapan natin dito ay ang kinabukasan ng mga kabataang Pilipino, at partikular, huwag na tayong magpaliguy-ligoy, ang tinutukoy natin dito ay mga batang maralita dahil alam naman natin na ang pangunahing maaapektuhan at tatamaan kung sakaling maisabatas ito ay ang mga anak ng maralita. Para sa akin, dahil po napakahalaga ng pinag-uusapan natin dito, at sa palagay ko, ito ay obligasyon ng bawat Miyembro ng Kamarang ito, na sa minimum ay maging present man lamang habang tinatalakay natin ang kinabukasan ng mga kabataang Pilipino.

Ngayon, Mr. Speaker, malinaw naman sa rules natin, the House shall not transact business without a quorum, and it is very clear that there are barely 20 Members on the floor at the moment. Mr. Speaker, yaman din lamang na walang quorum, I move to adjourn the session, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Abueg). The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. CASTRO (F.H.). Mr. Speaker, I move for a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended.

*It was 8:39 p.m.*

#### RESUMPTION OF SESSION

*At 8:45 p.m., the session was resumed with Speaker Gloria Macapagal-Arroyo presiding.*

THE SPEAKER. The session is resumed. The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF H.B. NO. 8858

REP. CASTRO (F.H.). Mme. Speaker, I move that we suspend the consideration of House Bill No. 8858.

Mme. Speaker, last January 21, 2019, the Hon. Randolph S. Ting from the Third District of Cagayan

was elected as Deputy Speaker. I move that we allow the Deputy Speaker-elect to take his oath after the Speaker shall have acted on the motion to suspend the consideration of House Bill No. 8858 on Second Reading.

I so move, Mme. Speaker.

THE SPEAKER. Is there any objection to suspend the consideration of House Bill No. 8858? (*Silence*) The Chair hears none; the motion is approved.

Is there any objection to the motion to proceed to the oath-taking of the new Deputy Speaker? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is directed to call the Hon. Randolph S. Ting to take his oath of office before this Body. May we request the Deputy Speaker-elect, Rep. Randolph S. Ting, together with his family and friends, to proceed to the rostrum for his oath-taking.

May I request that all the Members of the House of Representatives and all our guests in the gallery to please rise to witness the oath-taking of our new Deputy Speaker.

*At this juncture, Representative Ting, accompanied by the members of his family, ascended the rostrum and took his oath of office as Deputy Speaker in the House of Representatives before the Speaker.*

#### OATH-TAKING

THE SPEAKER. Please raise your right hand and read the oath of office.

“I, Randolph S. Ting, of the Third District of Cagayan, having been elected as Deputy Speaker, House of Representatives, hereby solemnly swear that I will well and faithfully discharge to the best of my ability the duties of my present position and of all others I may hereafter hold under the Republic of the Philippines; that I will support and defend the Constitution of the Philippines; that I will bear true faith and allegiance to the same; and that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion.

So help me God.”

THE SPEAKER. Congratulations. (*Applause*) The Majority Leader is recognized.

#### SUSPENSION OF SESSION

REP. CASTRO (F.H.). Mme. Speaker, in order to allow our Members to meet and extend

their greetings to Deputy Speaker Randolph S. Ting, I move that we suspend our session for few minutes.

THE SPEAKER. The session is suspended.

*It was 8:50 p.m.*

RESUMPTION OF SESSION

*At 8:52 p.m., the session was resumed with Deputy Speaker Frederick "Erick" F. Abueg presiding.*

THE DEPUTY SPEAKER (Rep. Abueg). The

session is resumed.

The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. CASTRO (F.H.). Mr. Speaker, I move to suspend the session until tomorrow, January 23, at three o'clock in the afternoon.

THE DEPUTY SPEAKER (Rep. Abueg). The session is suspended until tomorrow, January 23, at three o'clock in the afternoon.

*It was 8:52 p.m.*