



# Congressional Record

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No. 45

### CALL TO ORDER

*At 3:01 p.m., Deputy Speaker Sharon S. Garin called the session to order.*

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is now called to order.

### NATIONAL ANTHEM

THE DEPUTY SPEAKER (Rep. Garin, S.). Everybody will please rise to sing the Philippine National Anthem.

*Everybody rose to sing the Philippine National Anthem.*

### PRAYER

THE DEPUTY SPEAKER (Rep. Garin, S.). Everybody will please remain standing for a minute of silent prayer and meditation.

*Everybody remained standing for the silent prayer.*

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you.

The Majority Leader is recognized.

### SUSPENSION OF SESSION

REP. NOEL. Mme. Speaker, I move that we suspend the session for a few minutes.

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is suspended.

*It was 3:03 p.m.*

### RESUMPTION OF SESSION

*At 3:28 p.m., the session was resumed with Deputy Speaker Mylene J. Garcia-Albano presiding.*

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is resumed.

The Majority Leader is recognized.

### ROLL CALL

REP. NOEL. Mme. Speaker, I move that we call the roll of Members.

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

The Secretary General will please call the roll.

*The Secretary General called the roll, and the result is reflected in Journal No. 45, dated January 28, 2019.\**

THE SECRETARY GENERAL. Mme. Speaker, the roll call shows that 193 Members responded to the call.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With 193 Members responding to the roll call, the Chair declares the presence of a quorum.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Majority Leader is recognized.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Majority Leader, please.

REP. ATIENZA. Majority Leader.

REP. CASTRO (F.H.). Mme. Speaker, we move to recognize Cong. Jose "Lito" L. Atienza Jr.

REP. ATIENZA. Thank you, Mr. Majority Leader.

\* See ANNEX (printed separately)

THE DEPUTY SPEAKER (Rep. Garcia-Albano.).  
The honorable Congressman Atienza is recognized.

REP. ATIENZA. Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano.).  
Please proceed.

REP. ATIENZA. Again, we would like to state for the record an impartial count that we do ourselves. There are only 168 Members on the floor, definitely not 190. Just for the record, because we will be voting shortly and you cannot base your count on the 190 because it is a made-up number; 168 is what we have.

Thank you.

THE DEPUTY SPEAKER (Rep. Garcia-Albano.).  
The Majority Leader is recognized.

REP. CASTRO (F.H.). Mme. Speaker, unless the distinguished Gentleman from Manila shows the basis as to why he is trying to impugn the roll call conducted by the House, his motion has no basis.

REP. ATIENZA. Mr. Majority Leader, Mme. Speaker, we continue to be vigilant about the processes that we follow here, because we make up numbers of those Members present and we have proven that time and again, and we are out to prove it again.

Thank you.

REP. CASTRO (F.H.). I thank Congressman Atienza for his vigilance, but this Representation reiterates the position of the House that, unless he shows a basis for trying to impugn on the validity and regularity of the result of the roll call being conducted by the House, the observation as well as the motion of the Gentleman from Manila is without basis, Mme. Speaker.

REP. ATIENZA. Mme. Speaker, we have not filed any motion but we have merely manifested that there are no 190 Members on the floor.

REP. CASTRO (F.H.). If the Gentleman...

REP. ATIENZA. Whether you like or not, ...

REP. CASTRO (F.H.). ... has not filed any motion, ...

REP. ATIENZA. ... we are stating a fact...

REP. CASTRO (F.H.). ...let it be recorded, Mme. Speaker, that the manifestation has no basis, though

this Representation commends the vigilance of the Gentleman, Mme. Speaker,

REP. ATIENZA. You can insist on your numbers, but we shall insist on the truth.

Thank you.

THE DEPUTY SPEAKER (Rep. Garcia-Albano).  
Thank you. The manifestation is noted.  
The Majority Leader will kindly proceed.

REP. NOEL. Mme. Speaker, with leave of the House, I move that we take up bills on Third Reading.

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

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 8844  
ON THIRD READING

REP. NOEL. Mme. Speaker, I move that we vote on Third Reading on House Bill No. 8844 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mme. Speaker.

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

*Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on January 24, 2019, pursuant to Section 58, Rule X of the House Rules.*

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 Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading\* on the aforesaid measure is reflected in Journal No. 45, dated January 28, 2019.*

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

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With

\* See ANNEX (printed separately)

183 affirmative votes, no negative vote and no abstention, House Bill No. 8844 is approved on Third Reading. The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 8857  
ON THIRD READING

REP. NOEL. Mme. Speaker, I move that we vote on Third Reading on House Bill No. 8857 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so moved, Mme. Speaker.

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

*Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on January 24, 2019, pursuant to Section 58, Rule X of the House Rules.*

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

*The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading\* on the aforesaid measure is reflected in Journal No. 45, dated January 28, 2019.*

APPROVAL OF H.B. NO. 8857  
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With 185 affirmative votes, no negative vote and no abstention, House Bill No. 8857 is approved on Third Reading. The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 8858  
ON THIRD READING

REP. NOEL. Mme. Speaker, I move that we vote on Third Reading on House Bill No. 8858 and direct the Secretary General to read the title of the measure, and to call the roll for nominal voting.

I so move, Mme. Speaker.

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

*Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on January 24, 2019, pursuant to Section 58, Rule X of the House Rules.*

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

*The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading\* on the aforesaid measure is reflected in Journal No. 45, dated January 28, 2019.*

REP. ATIENZA. We vote “No” and we would like to explain our vote after the count.

REP. BELMONTE (J.). Mme. Speaker, I vote “No” and I request the right to explain my vote after the count.

REP. BORDADO. Mme. Speaker, I am voting “No” and kindly allow me to explain my vote later.

REP. BROSAS. Mme. Speaker, ang Kinatawan pong ito ng Gabriela Women’s Party-List ay bumoboto ng matindi at maring “No” sa panukala na ibaba ang edad ng criminal responsibility ng mga bata at nais ko pong makapagpaliwanag mamaya.

REP. CAGAS. Mme. Speaker, my vote is “Yes” and may I please explain my vote later. Thank you.

REP. CHIPECO. Mr. Speaker, my vote is “Yes” and may I be allowed to explain my vote later.

REP. DE JESUS. Para sa Representasyong ito, kailanman ay hindi katanggap-tanggap ang panukalang batas na ito kaya isang malakas na “No” ang boto ko.

REP. ELAGO. This Representation votes “No” and I reserve my right to explain my vote later. Thank you.

REP. ERICE. For my grandchildren, I vote “No.”

\* See ANNEX (printed separately)

REP. FORTUN. Mme. Speaker, my vote is “No” and may I be allowed to explain my vote later.

REP. GO (M.). Mme. Speaker, my vote is “No” and I will explain later.

REP. LAGMAN. Mme. Speaker, my vote is “No” and I reserve my right to file a written explanation of my negative vote.\*

REP. LIMKAICHONG. Mme. Speaker, my vote is “No” and allow me to explain my vote later.

REP. SALON. Mme. Speaker, I vote “No” and may I be allowed to explain my vote later.

REP. TEVES. I vote “Yes” and I would like to explain my vote later.

REP. TINIO. Mme. Speaker, I vote “No” and I will submit a written explanation of my vote.

REP. VERGARA. Mme. Speaker, I vote “No” and I would like to explain my vote later.

REP. VILLARIN. Mme. Speaker, I vote “No” and may I reserve my right to explain my vote later.

REP. ZARATE. Mme. Speaker, my vote is “No” and I reserve my right to explain my vote later or in the alternative, to submit a written explanation of my “No” vote. Thank you, Mme. Speaker.

REP. ZUBIRI. Mme. Speaker, our children should be nurtured, not tortured mentally nor physically. My vote is “No,” no need to explain as the statement says it all. Thank you.

REP. CASILAO. Mme. Speaker, in any way, I will not be a part of an enabling act criminalizing our children. My vote is “No” and I will submit my explanation of vote later.

REP. CASTRO (F.L.). Mme. Speaker, my vote is a resounding “No” and I will explain my vote in writing later.

#### RESULT OF THE VOTING

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With 144 affirmative votes, 34 negative votes and no abstention, House Bill No. 8858 is approved on Third Reading.

We will now recognize the Members who will explain their votes as called by the Secretary General.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Jose “Lito” L. Atienza Jr. is recognized. The Gentleman has three minutes.

#### REP. ATIENZA EXPLAINS HIS VOTE

REP. ATIENZA. Thank you, Mme. Speaker.

Indeed, I have to state for the record that this is a very sad day for our country and a doubly sad day for the Filipino family. Kami po ay nagtataka kung bakit ninyo ipinipilit sirain ang kinabukasan ng mga bata. Sa mga batang nagkakamali ng landas, may paraan upang sila ay ilagay sa tamang direksiyon ng buhay subalit nais ninyong gawing kriminal ang mga batang 12 taong gulang. Mayroon tayong binuong batas noong mga nakaraang taon na 15 taon ang minimum age ng criminal liability ng sinumang bata. Hindi pa nasusubukan ang batas na ito, hindi pa nagkakabisa ang batas na ito, hindi pa man nagkakaugat ang batas na ito, subalit minabuti ninyong baguhin na at habulin ang mga bata. Alam ko, pagkatapos nito, kapag pumalpak na naman ang ating peace and order condition, gagawin ninyong siyam na taon. Kailan kayo titigil na alisan ng kinabukasan ang mga batang Pilipino?

Kung mayroon yaman ang bansa natin, ito ay ang maraming bata na isinisilang. Ang sabi nga ni Mother Saint Teresa na basta may batang ipinanganganak, may pag-asa pa ang mundo. Sa bansa natin, kabaligtaran ang nais nating pairalin, ang mga bata ang problema. Nagkakamali po tayo, Mme. Speaker, and I stand solidly on the side of the proper appreciation of the children of our country.

Ang araw na ito ay matatala sa kasaysayan ng Pilipinas na ang Kongresong ito ay hindi tiningnan ang kabuuan ng ating kapalaran. Biniyayaan tayo ng Panginoong Diyos ng yaman sa kalikasan nang sobra-sobra kung ihahambing natin sa ibang bansa, subalit hindi natin ginagamit ang mga ito ng tama. Ang sisisihin natin ngayon ay iyong mga batang pinagsasamantalahan ng mga kriminal, mga kriminal na sindikato, mga kriminal na pulis, mga kriminal na miyembro ng ating lipunan na sinasamantala ang kawalan ng muwang ng isang batang Pilipino.

I voted “No” with emphasis that this piece of disjointed, distorted and malevolent piece of legislation will go down in our history as one of those we have passed in Congress na hindi talaga dapat tinalakay at all. Gaya ng sinabi ko, gumawa tayo ng batas para sa 15 taong gulang pero hindi pa man nasusubukan, binago at ginawang 12 anyos naman. Ito ay hindi pa nasusubukan, hindi pa nagbabago ang ating kalagayan sa ating bansa at sa lipunan, pero gagawin ninyong siyam na taon muli. Ang ating nakikita ngayon, we have witnessed, once again, the pushing of this piece

of legislation without the proper and correct procedures being followed.

You declared 190 Members as being present on the floor in the beginning of the count, but you did not count, you did not announce, you did not ask, you did not call 190 names. Nasaan iyong iba?—iyan ang tanong ko. So, the way we questioned the presence of the quorum at the beginning of this session, we are again putting that on record, this vote is irregular to say the least, sapagkat hindi tama ang bilang ninyo at sunud-sunod na katunayang ginagawa-gawa lang natin ang boto. Ito ay isang demokratikong pamamaraan na hindi dapat ginagamit sa ganito. Hinihingan ko kayo ng pag-alala sa ating kinabukasan.

If we do not fight for our rights now as Members of this Congress, we should forever give up democracy because this is not democracy. This is “democracy” at its worst. Ngayon, binabati ko ang mga kasama natin dito, kung sila man ay tumugon sa roll call noong 190 ang idineklara ninyo, pero 135 lang ang bumoto. Binago ninyo ang bilang pero iyong 54 na nawala sa sesyon, binabati ko kayo sapagkat ibig sabihin nakapag-isip-isip kayo at hindi kayo bumoto dahil alam ninyong mali itong isinusulong ng Mayorya.

Uulitin ko lamang ang aking dasal—patawarin tayo ng Panginoon.

REP. ALEJANO. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Gary C. Alejano is recognized. The Gentleman has three minutes to explain his vote.

#### REP. ALEJANO EXPLAINS HIS VOTE

REP. ALEJANO. Thank you, Mme. Speaker.

My dear colleagues, I voted “No” on House Bill No. 8858 which seeks to lower the minimum age of criminal liability from the current 15 years of age to the proposed 12 years of age. House Bill No. 8858 is a short-sighted solution which conveniently puts the blame on our children because we inconveniently and miserably have failed to provide them the support and protection that they need. More than the syndicates, these children are victims of our government’s inefficiency. If we really want to protect them from exploitation, then we must provide them with adequate education, health services, food and nutrition, and other social services to improve their families’ and their community’s socio-economic conditions.

Lowering the minimum age of criminal responsibility will not deter syndicates from using children. They would instead be encouraged to victimize children younger than 12 years old at kapag nangyari iyon, ibababa ba natin ang edad ulit sa mas mababa sa 12 years old? Instead of going after our children, let us

strengthen and effectively implement laws that would go after and eliminate organized crimes.

Sapat na suporta at tulong at tamang pagpapatupad ng ating mga batas ang tamang tugon upang maiwasan na mabiktima ang ating mga kabataan, at hindi kulungan.

Maraming salamat po, Mme. Speaker.

REP. BELMONTE (J.). Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Jose Christopher Y. Belmonte is recognized. The Gentleman has three minutes to explain his vote.

#### REP. BELMONTE (J.) EXPLAINS HIS VOTE

REP. BELMONTE (J.). Mme. Speaker, my colleagues, magandang hapon po. On behalf of my constituents from the Sixth District of Quezon City, I voted “No” on the proposal to bring the presumption of discernment for crimes with punitive penalties from 15 years old down to 12 years old. One, R.A. No. 9344 has not been fully implemented. Hindi pa man ganap na implemented ang Juvenile Justice and Welfare Act ay mayroon nang panukala na i-amend ito. Lumalabas na 60 lamang sa dapat 180 na Bahay Pag-asa ang naitayo natin simula noong 2006. Higit dito, kulang at hindi maayos ang estado ng mga Bahay Pag-asa na ito. Two, it is not impossible to implement R.A. No. 9344, as it is. Isang inspirasyon ko po sa pagboto ng “No” sa proposal na ito ay ang pag-aaruga ng mga children in conflict with the law ng mga officials sa Barangay Culiati.

Culiati was awarded “Best in Case Management” by the Human Legal Assistance Foundation and the UNICEF because here, barangay officials are working together so that a proper referral system for minors in conflict with the law is in place. Ang Culiati ay isang barangay sa ika-Anim na Distrito kung saan ako ay naglilingkod. There, art is an integral part of reformation and restoration. Sa pagsali ng CICL sa community activities kagaya ng Anak Teatro, ay napaparamdam sa mga bata na sa kabila ng kanilang mga pagkakamali, may pag-asa sila na magbago at tatanggapin natin sila. Kaya sumasang-ayon ako sa sinabi ni Kagawad Nanay Bebang ng Culiati. Sabi niya, “We should give love to these children because that is what they need—love” and not mark them as criminals.

Let us not pass laws at the expense of our children, Mme. Speaker. Let us go back to basics. Bilang mga Mambabatas ay tanungin natin: Para kanino ba ang panukalang ito? House Bill No. 8858 is not for the benefit of our children. Pagtibayin natin ang R.A. No. 9344 para sa mga kabataan, ang pag-asa ng ating bayan.

Again, I vote “No” on House Bill No. 8858. Thank you, Mme. Speaker.

REP. BORDADO. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Gabriel H. Bordado Jr. is recognized. The Gentleman has three minutes to explain his vote.

REP. BORDADO EXPLAINS HIS VOTE

REP. BORDADO. Thank you, Mme. Speaker.

Republic Act No. 9344 of 2006 must be fully implemented to address the concerns and problems of reforming and rehabilitating the children in conflict with the law. Scientific studies, on the other hand, point out that persons reach maturity at the age of 16. Moreover, Mme. Speaker, as expressed by the United Nations International Children's Emergency Fund or the UNICEF, children in conflict with the law in the Philippines must be given a strong support program and access to social services and a child-sensitive justice system.

I am therefore voting "No" on House Bill No. 8858, Mme. Speaker.

REP. BROSAS. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Arlene D. Brosas is recognized. The Lady has three minutes to explain her vote.

REP. BROSAS EXPLAINS HER VOTE

REP. BROSAS. Thank you, Mme. Speaker.

This proposal defies all logic, science and statistics for children in conflict with the law and child's development. We stand with scientists, experts and child rights advocates that lowering the age of criminal responsibility will be detrimental to the growth and development of a child, and will not end the culture of impunity in the country today. The proponents during the Committee hearings and plenary debates argue that this move was due to the increase in drug cases involving minors, ngunit ang mga datos mismo ng PNP at DSWD ang nagpapatunay na wala itong katotohanan, na 37 porsiyento ang ibinaba ng dami ng mga CICL sa edad nine hanggang at 15 at 52 porsiyento naman sa edad nine hanggang 11. Patuloy ang administrasyon at mga kaalyado nito na may nuwebe, 12 o 15 taong gulang ang nanggahasa o pumatay, ngunit hindi man lang hinapag ang mga kasong ito sa kahit saang hearing or debate para mahimay ang mga sitwasyon sa mga kasong sinasabi.

Ang kakulangan sa pasilidad para sa mga CICL sa existing na batas at kakulangan sa budget na binibigay ng estado para sa mga pasilidad na ito, kasama ng budget cuts sa edukasyon, health care at basic services, ay isang naghuhumiyaw na basehan

para sabihin na ang kailangan ay i-review ang nagawa ng gobyerno sa inatas ng Juvenile Justice and Welfare Act at hindi ang pagrepaso ng batas na ito. Gusto nating baguhin ang isang batas na hindi man lang natin natingnan kung tama o sapat na ba ang nagawa natin sa inatas ng batas na ito. Ang GABRIELA ay nagpasa ng Resolusyon, halos dalawang taon na ang nakalipas, upang siyasin at tingnan ang mga sitwasyon ng mga Bahay Pag-asa sa bansa at ano ang epekto ng kakulangan sa budget sa pagtatayo at sa maintenance ng facilities na ito.

Ang pagpapalaki at pagsisigurado na may maganda at maayos na kinabukasan ang bawat batang Filipino ay hindi lamang responsibilidad ng mga magulang. May mahalagang papel din ang gobyerno at lipunan. Anong klaseng kinabukasan ang nilatag natin para sa ating mga anak kung tayo mismo ang puputol sa kanilang pag-asa sa pamamagitan ng pagkulong at paglayo sa kanila mula sa kanilang mga magulang?

Tulungan natin ang mga bata patungo sa tamang landas. Huwag natin silang itulak papuntang karahasan at kulungan. Not nine, not 12, because children are not criminals.

Maraming salamat, Mme. Speaker.

REP. CAGAS. Mme. Speaker, my vote is "Yes" and may I explain my vote.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Mercedes "Didi" C. Cagas is recognized. The Lady has three minutes to explain her vote.

REP. CAGAS EXPLAINS HER VOTE

REP. CAGAS. Most people think that House Bill No. 8858 is a cruel punishment for children, but as one of its authors, let me tell you that this Bill is not about punishment. It is about helping children to be reintegrated back into the community, after they have committed offensive acts, through rehabilitation, intervention and diversion programs. Mme. Speaker, I encourage my colleagues or everyone to take time to read the provisions of the Bill and enlighten themselves that this Bill is not about putting children behind bars, but about instilling the essence of responsibility in their minds and ensuring that they will get the protection and intervention that are right for them, not just for their good, but also for the welfare of the whole country.

Thank you, Mme. Speaker.

REP. CAYETANO. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Pia S. Cayetano is recognized. The Lady has three minutes to explain her vote.

## REP. CAYETANO EXPLAINS HER VOTE

REP. CAYETANO. Thank you, Mme. Speaker.

Local government officials and law enforcers are faced with this daily reality that many minors have been preyed upon and dragged into a life of criminality by syndicates which take advantage of their vulnerability, lack of proper guidance, supervision and support from their families and communities.

Section 20 of Republic Act No. 9344 requires that any apprehended minor must be returned to his family or relatives and thus, the hands of the law enforcers are tied. This has resulted in an environment where children in conflict with the law do not have any sense of accountability whatsoever because they are simply released to their homes or communities where they continue to live and sleep on the streets. To be accurate, the law provides for intermediary measures such as community or center-based interventions but the truth is, the intermediary programs envisioned by the law do not exist in many communities. We have not spent enough for these facilities and programs. Also, neither the law nor the proposed Bill recognizes the alternative of foster care. Pursuant to R.A. No. 10165 or the Foster Care Act which I sponsored in 2012, the State recognizes that a child will benefit more from foster care than institutional care.

Yes, there are children who commit acts defined as crimes by our laws, but it is too early to give up on them and treat them as criminals, and this is where my crusade begins. In line with this, I humbly submit these proposals. We should hold minors accountable for their actions. Hindi porke bata sila ay walang accountability. Just like in our own homes where we, as loving parents, have commensurate repercussions for wrongdoings, so the same should also be for children in conflict with the law regardless of their age, but each case should be based on the circumstances of each child. It is equally important that a sufficient budget be included to ensure that the structures and programs to help these children are in place. We must invest in support programs for parents and programs for social welfare graduates. The reality is that our social workers, just like our teachers and including our health professionals, are pirated by other countries. We do not have enough qualified personnel to process the cases of the children in dire need of intervention and support.

I am hopeful that we can still envision centers being built and appropriate systems set into motion to make these children in conflict with the law accountable but still be given proper guidance. I am still hopeful that my concerns can be addressed during the Bicam. Should my amendments be carried, I will be able to support this Bill.

Thank you, Mme. Speaker.

REP. ELAGO. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Sarah Jane I. Elago is recognized. The Lady has three minutes to explain her vote.

## REP. ELAGO EXPLAINS HER VOTE

REP. ELAGO. Ang House Bill No. 8858 ay matinding atake sa karapatan at porma ng abuso sa mga bata. Ito ay hindi lamang naglalagay sa mga bata sa higit na panganib, pero ito rin ay malaking hadlang sa pagpapanibagong-buhay at pagkaiit ng magandang bukas sa kanila. How dare we ignore all the evidence and statistics pointing to the negative consequences of criminalizing and targeting children. How dare we neglect the socio-economic reforms that would genuinely address the circumstances of poverty and hunger which make children more vulnerable as victims to the use and abuse of syndicates to evade criminal liability.

Let us go after these syndicates and not after their victims—our children. They need to be rescued and protected, not punished, tortured and criminalized. Magtago man ang House Bill No. 8858 sa likod ng magagandang salita, hindi tayo magpapalinlang at lubusang tututulan ang lahat ng hakbang na naglalagay sa panganib ng mga bata. Ang panganib sa mga bata, na ating kinabukasan, ay panganib sa kinabukasan ng ating bayan. The administration has created an ominous atmosphere in which the people and our children are constantly living in fear, one which fosters a culture of impunity, thus, making it unsafe for our children to chase after their dreams and realize their potential as the hope of our nation.

Ang Representasyon ng KABATAAN Party-List ay lubusan na tumututol sa House Bill No. 8858.

Maraming salamat, Mme. Speaker.

REP. FORTUN. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Lawrence H. Fortun is recognized to explain his vote. He has three minutes.

## REP. FORTUN EXPLAINS HIS VOTE

REP. FORTUN. Thank you, Mme. Speaker.

Mme. Speaker, it is fundamental and incumbent upon us that when we craft laws consistent with our mandate, we consult statistics, data and views of experts in order to come up with legislation that are anchored on sufficient factual basis and scientific research and study. I believe that we are all in agreement that, on the issue of rehabilitation, reformation and restoration of an erring child, more particularly in the area of juvenile delinquency, the intervention of experts and professionals, such as social workers and psychologists, are not only critical but also indispensable.

Mme. Speaker, the Psychological Association of the Philippines, the Accredited Integrated Professional Organization of Psychometricians and Psychologists registered with the Professional Regulation Commission, have come out with a unified position, backed by experts and scientific research, against all the six original bills and the substitute Bill that we have just voted on Third Reading, emphasizing issues such as the decision-making capacity of children, their vulnerability to undue influence and coercion, and the typical profile of a Filipino child in conflict with the law, including the social and economic circumstances of children.

Likewise, Mme. Speaker, in the case of social workers, the Philippine Association of Social Workers came out with a strong position against lowering the age of criminal responsibility, a position also backed by scientific research and premised on social work principles and actual experience in the frontline rehabilitation and restorative justice work. Also, recently, Mme. Speaker, the Philippine Pediatric Society also came out with their own position against the lowering of the minimum age of criminal responsibility. That is as far as the experts are concerned. On the issue of data, Mme. Speaker, we know that only two percent of the total number of crimes in the country is committed by children, and of the two percent, 92 percent is petty in nature while eight percent is serious. In other words, if we apply that to 12 years old, there is hardly none for every 1,000 of such age and so, it appears that there is no sufficient factual basis in arriving at this age of 12.

Lastly, Mme. Speaker, we cannot dismiss juvenile delinquency largely as a law enforcement issue. Adopting that view places us in an erroneous perspective in that we would look at the child as an imminent threat to society and so, we have to come up with policies and laws that give law enforcement a tool to impute criminal responsibility and ensure his or her detention. On the contrary, Mme. Speaker, we should take into serious consideration the evils of the society that pose real and imminent threats to the child.

For these reasons, Mme. Speaker, my vote is “No.”

REP. GO (M.). Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Mark O. Go is recognized to explain his vote. He has three minutes.

REP. GO (M.) EXPLAINS HIS VOTE

REP. GO (M.). Mme. Speaker, my honorable colleagues, the laudable intent of the proponents of this Bill in curbing criminality among the youth in our country has been truly evident throughout the debates. This, however, is this Representation’s position as

to why he respectfully voted “No” on the proposed measure. This Representation finds no adequate, sufficient and satisfactory arguments to warrant the lowering of the age of criminal liability to 12 years old, particularly in the light of the glaring fact that merely 1.76 percent of reported crimes are committed by children. There is neither any validated study presented to support the proposal of setting the age in contention at 12 years. The social and psychological development of these victims of abuse, poverty and organized crimes should be the subject of more comprehensive studies that would enable us to make more informed and better decisions.

This Representation, however, submits that reforms are indeed necessary in the current state of our juvenile delinquent justice system. However, it is my firm belief that such reforms lie not in the lowering of the age of liability, but in the strengthening of the mechanisms in place to ensure the proper rehabilitation of children in conflict with the law and concurrently, on its implementation by responsible government units.

Finally, this Representation recognizes the wisdom in many of the amendments introduced in the current Bill, particularly the involvement of the Department of Social Welfare and Development and the reduction of the prescribed penalties for offenses committed by children. While my reservation with regard to the lowering of the age of criminal liability calls for my opposition to the current Bill, it is my hope that we can once again review some of these proposals at an opportune time and forum. May this Body reconsider what slippery slope this proposal entails when the shared intention of all its Members is only for the good of the Filipino youth.

For these reasons, Mme. Speaker, my distinguished colleagues, I voted “No” on House Bill No. 8858.

REP. LIMKAICHONG. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Jocelyn Sy Limkaichong is recognized to explain her vote. She has three minutes.

REP. LIMKAICHONG EXPLAINS HER VOTE

REP. LIMKAICHONG. Mme. Speaker, why vote “No” on House Bill No. 8858? To lower the age of criminal responsibility is to commit grave injustice to our children. This proposal is not only bereft of empirical support but it is also against the very letter and spirit of children’s rights. Even if we assume that children at the age of 12 can discern what is right and wrong, there is no compelling evidence that suggests, at that developmental stage, they can already fully grasp the consequences of their actions. We must also be reminded that the felonies committed



by these children are not wholly attributable to their personal discernment. Their actions are the products of their social circumstances: their poverty, lack of education and the negative influences in their very own households and communities. These are the reasons we must address as they are the root causes of juvenile delinquency.

Furthermore, criminalizing children will not deter adult offenders from abusing them to commit crimes. Given the problematic implementation of juvenile justice in the Philippines, there is no guarantee that inside the Bahay Pag-asa, the rights of the children will be fully protected. There is no certainty that they will be safe from hardened criminals and fully safeguarded from violence and exploitation. So instead of criminalizing them, let us strengthen our existing mechanism that supports the reformation of juvenile offenders. Let us save our children from the life-long sentence of poverty, abuse and condemnation.

Tulong, hindi kulong! Thank you.

REP. SALON. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Orestes T. Salon is recognized to explain his vote. He has three minutes.

#### REP. SALON EXPLAINS HIS VOTE

REP. SALON. Mme. Speaker, colleagues, a child, as they say, learns from his environment and from adults that surround him. At the age of 12, a child is still discovering his sense of self and is still dependent on the adults and influenced by his environment. The children involved in petty crimes are victims of circumstances that they are born into. We all need to recognize that poverty is one of the root causes of these criminalities. These children are the most vulnerable parties here and thus, are in need of our utmost support.

It is the government's responsibility to nurture our children by providing them accessible and quality education, adequate and decent homes and most especially, opportunities for their families to live a dignified life. It is our duty as legislators to ensure that these social rights are given and provided to the children of this nation. It is but cruel that, instead of nurturing our children, we opted to condemn them. Putting these children in jail or confinements will not stop criminality. Jail manipulators who use these children to commit crimes should be jailed. The government should instead focus in addressing poverty and other issues that force our children to be in conflict with the law.

Our country lacks child-caring institutions where the supposed criminal children will be rehabilitated or confined, putting our children at risk by being detained in crowded detentions centers. This measure violates

the fundamental principles of child protection and welfare. Let us be reminded that our law should protect the children's well-being and development.

For the people and for the nation, I vote "No" in jeopardizing the rights and the future of the hope of our nation.

REP. TEVES. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Arnolfo "Arnie" A. Teves Jr. is recognized to explain his vote. He has three minutes.

#### REP. TEVES EXPLAINS HIS VOTE

REP. TEVES. Good afternoon to everybody.

Ang dami or, you know, so many people say that ages 9 to 12 ay wala pang discernment. Ano ang ibig sabihin ng wala pang discernment? Hindi nila alam ang tama o mali. Majority of Filipinos are Catholics, kaya ang tanong ko ngayon, ilang taon pinapag-first holy communion ang isang Katoliko? If I remember it right, I think it is between the ages of eight and nine. Bago mag-first communion ang bata, ang nakalagay sa Wikipedia at tingnan natin iyong history, "you are already at the age of reason when you are asked to take you first holy communion." Paano ka hihingi ng patawad or make a confession kung hindi mo alam ang tama o mali? Ang tanong ko ngayon, mayroon na bang age of discernment ang mga bata na nasa edad eight to nine years old? If not, then kailangan baguhin iyong requirement para mag-first holy communion.

If they say na mayroon nang discernment, di dapat walang umaangal sa 12 years old na age of criminal responsibility. For me, I voted "Yes." At age of 12, I am sure the children already have discernment and reason. Hindi ko lang maintindihan kung bakit may double standard, hindi ba? Kung sinasabi na sa first holy communion ay may discernment, may rason na sila, pero sa criminal responsibility ay wala pang discernment—which is which now? I would like to float that question. Still, for me, I really believe na sa ganoong edad, alam na nila ang tama o mali. That is why I voted "Yes" that we should lower the age of criminal responsibility to 12.

Thank you very much.

REP. VERGARA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Rosanna "Ria" Vergara is recognized to explain her vote. She has three minutes.

#### REP. VERGARA EXPLAINS HER VOTE

REP. VERGARA. Mme. Speaker, as legislators, we

propose laws that do not serve ourselves, but the next generation. Laws that will make our country better, greater and stronger, but House Bill No. 8858 does not accomplish these tasks, rather, it goes against the basic Filipino core value system—pagmamahal sa Diyos at sa pamilya, pakikipagkapwa tao, respeto sa nakakatanda at pag-iintindi sa mga inaapi. Our decisions must be science-based and reflect the economic and social realities of our country. Scientific data have proven that a child below 16 is not yet psychologically and mentally mature. He has limited capacity to fully distinguish right from wrong.

Our poverty level is still high, our health care programs are inadequate, and education is still not accessible to all. Despite our country's record GDP growth, we are still unable to provide adequate livelihood and employment opportunities for our people. Filipinos seek employment abroad to provide a better future for their children and this is the sad reality. The Philippines is one of the largest labor exporters in the world, together with India and China. However, in India and China, the minimum age of criminal responsibility is 18 and 16, respectively, way above the 12 years of age that this Bill proposes. It seems they are aware that single family homes contribute to child delinquencies. In these countries, there is a discernable recognition that the commission of offenses by children cannot be severed from the economic context. Our focus should be on laws that will punish adults who knowingly take advantage of our children to undertake illegal activities. These malevolent syndicates should be our target not our children whom they abuse.

This Bill we voted on today is punitive and unjust, and attacks the most vulnerable sector of our country—our youth. Mme. Speaker, the words from this 90s hit song says simply why I vote as I do. (Music streaming)

As a legislator and because I am a mother, I vote "No" emphatically.

REP. VILLARIN. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Tomasito "Tom" S. Villarín is recognized. He has three minutes.

#### REP. VILLARIN EXPLAINS HIS VOTE

REP. VILLARIN. Thank you, Mme. Speaker. The Bill lowering the minimum age of criminal responsibility to 12 years old is highly unconscionable and goes against the best interests of the child principle. It is a complete reversal of whatever gains we had under the Juvenile Justice and Welfare Act or R.A. No. 9344 which, even until now, remains to be unimplemented. Children are not little adults. Children's brains do not

fully develop until their early 20s, according to neuro-scientific research. They are too young to vote, get married or get a driver's license but now, we are saying that they are not too young to be jailed and charged with a crime.

Putting children under our much-flawed criminal justice system condemns them to a life of crime and punishment. From arrest, arraignment and prosecution, the children will be put in detention regardless if the Bill says otherwise, as children are no longer separated from adults under our criminal justice system. Instead of having a welfare system that would not stigmatize and is not punitive in approach, we now imprint on the minds of these children that society now sees them as criminals. Children are now presumed to be criminals unless they show proof that they lack discernment, and it does away with the doctrine of *doli incapax* or incapable of wrong based on lack of discernment among children.

Mme. Speaker, I am also aghast at the process in which we passed this legislative measure, as glaring procedural shortcuts were highly evident when the House leadership bamboozled through this new measure lowering the minimum age of criminal responsibility and treating it as a mere number, not the real lives of our children. It sends shivers down my spine.

I vote "No" on this regressive and anti-child measure. Thank you, Mme. Speaker.

REP. ZARATE. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Rep. Carlos Isagani T. Zarate is recognized to explain his vote. He has three minutes.

#### REP. ZARATE EXPLAINS HIS VOTE

REP. ZARATE. Mme. Speaker, "No" ang boto ng BAYAN MUNA sa panukalang pababain ang age of criminal responsibility sa edad na 12 anyos. Ang panukalang ito, Mme. Speaker, ay kontra sa mga bata, at dapat tutulan ng lahat ng mamamayang naninindigan para mabigyan ng magandang kinabukasan ang ating mga musmos. Ang panukalang batas na ito, Mme. Speaker, ay lubhang lumalabag sa karapatan ng mga bata, at ibinabaon ng panukalang ito ang tunay na dahilan kung bakit ang ating mga kabataan, ang mga musmos, ay nasasadlak sa mga anti-sosyal na gawain para lamang mabuhay.

Ang totoong dahilan, Mme. Speaker, kung bakit ang mga bata ay tumataliwas sa mga hangganan ng batas ay ang matinding kahirapan sa ating bayan na lalong pinapalala ng kakulangan ng serbisyo publiko, ng maliit na budget para sa ating edukasyon at iba pang serbisyong panlipunan, at sa patuloy na tumataas ng halagang kailangan upang mabuhay ng disente sa ating bayan sa kasalukuyan.

Ang pagpapababa nito, sa edad nuwebe man o 12 anyos, ay ang pagkabigo natin na mga may sapat na gulang upang proteksiyunan ang ating mga bata sa pagsasamantala. Nabigo tayong bigyan sila ng kamusmusan na ang laman ay pag-aaruga, pagkakatuto at pagmamahal. Nabigo tayong pawiin ang kahirapan na nagsasadlak sa maraming mga bata sa busabos na pamumuhay sa ating bayan sa kasalukuyan, sa mga bata na kumakapit sa patalim upang makakain at gumawa ng hindi mabuti upang mabuhay lamang. Mme. Speaker, ang kriminalidad ay hindi kasalanan ng mga musmos. Hindi sila dapat ikinukulong. Kaya malakas na “No” po ang boto ng Kinatawang ito sa panukalang batas na nagpapababa sa edad ng kriminal na responsibilidad.

Salamat, Mme. Speaker.

APPROVAL OF H.B. NO. 8858  
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Secretariat has brought to my attention that there is a slight change in the number of votes. So, in fact, the correct number is 146 affirmative votes, 34 negative votes and no abstention.

House Bill No. 8858 is approved on Third Reading.

The Majority Leader is recognized.

REP. ATIENZA. Mme. Speaker, I continued counting the Members on the floor and per my count, we only have about 40. We would like to work but we cannot continue approving bills with only 40 Members

participating, and the announced results do not reflect this.

We question the presence of a quorum.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is suspended.

*It was 5:22 p.m.*

RESUMPTION OF SESSION

*At 5:27 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is resumed.

The Majority Leader is recognized.

ADJOURNMENT OF SESSION

REP. NOEL. Mme. Speaker, we join the Hon. Lito Atienza in his motion to adjourn the session until tomorrow, January 29, at three o'clock in the afternoon.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is adjourned until tomorrow, January 29, at three o'clock in the afternoon.

*It was 5:27 p.m.*