

TWELFTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

S E N A T E

S. No. 482

Introduced by Senator Osmeña III

EXPLANATORY NOTE

The future belongs to the youth. In the spirit of compassion to them, Article 192 of Presidential Decree No. 603 otherwise known as the Child and Youth Welfare Code, provides for the suspension of sentence and commitment of youthful offenders. However, the last paragraph of Article 192 removes from its coverage youthful offenders who are convicted of offenses punishable by death or life imprisonment or those who are convicted for an offense by the military tribunals.

Because of this provision, an 11-year old boy named Cornelio Celestino Jr. languishes at the New Bilibid Prison together with hardened criminals. He was convicted by the Bulacan Regional Trial Court for raping his six-year-old playmate in August 1997, and sentenced to the indeterminate penalty of 8 years and one day to 10 years of *Prision Mayor* as minimum to 12 years and 1 day to 14 years and 8 months of *Reclusion Temporal* as maximum. While his case remains pending with the Court of appeals, his manifestation that he be allowed to serve his sentence at the Regional Youth Rehabilitation Center of the Department of Social Welfare and Development in Ayala, Magalang, Pampanga was denied on the basis of the last paragraph of Article 192.

This bill proposes to amend the Child and Youth Welfare Code so that the benefits meant for youthful offenders will also apply to those convicted of offenses punishable by death or life imprisonment, thereby tempering justice with compassion and kindness especially for juvenile cases.

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

S. Osmeña III
SERGIO OSMEÑA III
Senator

SENATE

S. No. 482

Introduced by Senator Osmeña III

AN ACT
AMENDING ARTICLE 192 OF THE CHILD AND YOUTH WELFARE CODE SO AS
TO EXTEND ITS BENEFITS TO YOUTHFUL OFFENDERS CONVICTED OF
OFFENSES PUNISHABLE BY DEATH OR LIFE IMPRISONMENT OR
CONVICTED BY MILITARY TRIBUNALS

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

1 **SECTION 1.** Article 192 of Presidential Decree No. 603, as amended,
2 otherwise known as the Child and Youth Welfare Code is hereby further
3 amended to read as follows:

4 "Art. 192. ***Suspension of Sentence and Commitment of***
5 ***Youthful Offender.*** - If after hearing the evidence in the proper
6 proceedings, the Court should find that the youthful offender has
7 committed the acts charged against him, the court shall determine the
8 imposable penalty, including any civil liability chargeable against him.
9 However, instead of pronouncing judgment of conviction, the court upon
10 application of the youthful offender and if it finds that the best interest of
11 the public as well as that of the offender will be served thereby, may
12 suspend all further proceedings and commit such minor to the custody or
13 care of the Department of Social Welfare and Development, or to any
14 training institution operated by the government or any other responsible
15 person until he shall have reached twenty-one years of age, or for a
16 shorter period as the Court may deem proper, after considering the

1 reports and recommendations of the Department of Social Welfare and
2 Development of the government training institution or responsible person
3 under whose care he has been committed.

4 "Upon receipt of the application of the youthful offender for
5 suspension of his sentence, the court may require the Department of
6 Social Welfare and Development to prepare and submit to the court a
7 social case study report over the offender and his family.

8 "They youthful offender shall be subject to visitation and
9 supervision by a representative of the Department of Social Welfare and
10 Development or government training institution as the Court may
11 designate subject to such conditions as it may prescribe.

12 "The benefits of this article shall not apply to a youthful offender
13 who has once enjoyed suspension of sentence under its provisions [or to
14 one who is convicted of an offense punishable by death or life
15 imprisonment or to one who is convicted by the military tribunals.]"

16 **SEC. 4. Effectivity.** This Act shall take effect immediately upon
17 approval.

Approved,