


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

'04 JUN 30 P11:08

SENATE

S. No. 797

RECEIVED BY: 

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Presidential Decree No. 1179 amended the Child and Youth Welfare Code by requiring a youth offender to apply for suspension of his sentence. Under said amendment the suspension of sentence is discretionary upon the court if it finds that the best interest of the offender as well as the public will be served thereby.

The said amendment is inconsistent with the spirit of the Child and Youth Welfare Code which provides that every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.

Being a minor, a youth offender may not be able to apply for the suspension of his sentence, due to the absence of a guardian or to faulty discretion, which will eventually have repercussions on his future.

This bill proposes to amend Section 2 of PD No. 1179 by providing for the automatic suspension of sentence once a youth offender is found to have committed the charges against him. In consonance, this bill also repeals section 193 of PD No. 1179.

It also proposes to change the age range of a youth offender to nine years old to eighteen years old, instead of nine years old to twenty one years old, since the age of majority under existing laws has been changed from twenty one years old to eighteen years old.

Furthermore, this measure aims to amend Section 5 of PD No. 1179 which considers the records of the dismissed case as privileged and prohibits its disclosure. To protect the youth offender and his future, it is but just to require the destruction of the records of the dismissed case.

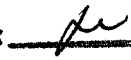
In view of the foregoing, immediate passage of this bill is earnestly sought.


MANUEL B. VILLAR, JR.

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**AN ACT
AMENDING SECTIONS 2 AND 5 OF PRESIDENTIAL DECREE NO. 1179,
ENTITLED "AN ACT AMENDING CERTAIN PROVISIONS OF CHAPTER
THREE, TITLE EIGHT OF PRESIDENTIAL DECREE NUMBERED SIX
HUNDRED AND THREE OTHERWISE KNOWN AS THE CHILD AND YOUTH
WELFARE CODE AND FOR OTHER PURPOSES**

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

SECTION 1. Section 2 of Presidential Decree No. 1179 is hereby amended to read as follows.

"SEC.2 Article[s] 192 [and 193] of the same Decree is hereby amended as follows:

"ART. 192. Suspension of Sentence and Commitment of Youthful Offender. - If after hearing the evidence in the proper proceedings, the court should find that the youthful offender has committed the act charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court SHALL [upon application of the youthful offender and if it finds that the best interest of the public as well as that of the offender will be served thereby, may] suspend all further proceedings and commit such minor to the custody or care of the Department of Social Welfare and Development, or to any training institution operated by the government or any other responsible person until they shall have reached EIGHTEEN [twenty-one] years of age, or for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the government training institution or responsible person tender whose care he has been committed.

"YOUTHFUL OFFENDER WITHIN THE MEANING OF THIS ARTICLE SHALL REFER TO ONE WHO IS BETWEEN NINE (9) AND EIGHTEEN (18) YEARS OF AGE."

[Upon receipt of the application of the youthful offender for suspension of his sentence, the court may require the Department of Social Welfare to prepare and submit to the court a social case study report over the offender and his family.]

"The youthful offender shall be subject to visitation and supervision by a representative of the

Department of Social Welfare and Development or government training institution as the court may designate subject to such conditions as it may prescribe.

"The benefits of this article shall not apply to a youthful offender who has once enjoyed suspension of sentence under its provisions or to one who is convicted of an offense punishable by death or life, imprisonment."

SECTION 2. Article 193 of the same Decree is repealed.

SECTION 3. Section 5 Article 200 of the same Decree is hereby amended to read as follows:

"Article 200. Records of Proceedings. - Where a youthful offender has been charged before any city or provincial fiscal or before any municipal judge and the charges have been ordered, dropped, all the records of the case shall be DESTROYED IMMEDIATELY THEREAFTER [considered as privileged and may not be disclosed directly or indirectly to anyone for any purpose whatsoever].

"Where a youthful offender has been charged and the court acquits him, or dismisses the case or commits him to an institution and subsequently releases him pursuant to this Chapter, all the records of his case shall BE DESTROYED IMMEDIATELY AFTER SUCH ACQUITTAL, DISMISSAL OR RELEASE, UNLESS THE RECORDS OF HIS CASE ARE NECESSARY (also be considered as privileged and may not be disclosed directly or indirectly to anyone except] to determine if a defendant may have his sentence suspended under Article 192 of this Decree or if he may be granted probation under the provisions of Presidential Decree Numbered Nine Hundred and Sixty-eight or to enforce his civil liability, if said liability has been imposed in the criminal action. The youthful offender concerned shall not be held under any provision of law to be guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him for any purpose.

"Records' within the meaning of this Article shall include those which may be in the files of the National Bureau of Investigation and with any police department, or any other government agency which may have been involved in the case."

SECTION 4. All laws, presidential decrees, executive orders, and issuances inconsistent with this Act are hereby modified or repealed accordingly.

SECTION 5. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,