

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

'04 JUN 30 P10:17

SENATE

RECEIVED BY: 

S. No. 1101

Introduced by Senator Franklin M. Drilon

EXPLANATORY NOTE

It is a declared policy of the State to recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

The complexity of our present society and the curiosity of our youth to experience and savor the alluring comfort the modern world has to offer have made our youth prone to the commission of crimes, petty or serious. Thus, the State has to view these offenders as misguided children whose varied and complex needs require specialized handling.

This bill, therefore, seeks not to exact retribution but to provide for their rehabilitation – aimed at turning them into responsible and productive citizens of our society.


In view of the foregoing, the passage of the Bill is earnestly sought.


FRANKLIN M. DRILON

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

'04 JUN 30 P10:17

SENATE

RECEIVED BY: 

S. No. 1101

Introduced by Senator Franklin M. Drilon

**AN ACT
ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE SYSTEM
AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. *Title and Coverage.* – This Act shall be known as the “Comprehensive Juvenile Justice System.” It shall apply to all youth offenders who are over twelve (12) years but under eighteen (18) years of age at the time of the commission of the offenses punishable under existing penal laws.

A youth offender who is twelve (12) years of age or below at the time of the commission of an offense shall be exempt from criminal liability and shall be committed to the care of his or her father or mother or nearest relative or family friend at the discretion of the juvenile court to be established in this Act and subject to its supervision. The same action shall apply to a youth offender who is over twelve (12) years of age but under fifteen (15) years of age at the time of the commission of an offense, unless he acted with discernment, in which case he shall be proceeded against in accordance with Section 4 of this Act.

SECTION 2. *Declaration of Policy and Purposes.* – It is the policy of the State that youth offenders are just misguided children rather than die-hard criminals, and their varied and complex needs require their specialized handling. The thrust of their treatment is not to exact retribution but towards their rehabilitation aimed at turning them into responsible and productive citizens. In this regard, this Act shall have the following purposes:

- a) Promote the correction and rehabilitation of youth offenders;
- b) Provide opportunities for the reformation of youth offenders; and
- c) Prevent the commission of offenses by the youth.

SECTION 3. *Instrumentalities to be Established.* –

- a) There shall be established in each office of the Philippine National Police (PNP) in the province, city or municipality a Youth Relations Unit which shall be responsible for the handling and investigation of cases of youth offenders. The unit shall be headed by a police officer who

shall have demonstrated ability and training in handling cases involving youth offenders.

The police personnel assigned in the unit shall be provided with regular training by the Philippine Public Safety College which shall include in its training module subjects on management of youth offenders, youth psychology, legal rights of youth, procedure in the handling of cases of youth offenders and similar matters.

- b) There shall be established and maintained by the Department of Interior and Local Government in every city and municipality a secure, clean, adequately equipped and sanitary Youth Detention Center for the custody of youth offenders while awaiting investigation or trial and/or transfer to the youth rehabilitation centers or pending appeal. The detention center shall be headed by a jail officer who shall possess the ability and training required of a public officer assigned in a youth relations unit. The detention center shall be under the supervision and control of juvenile courts.
- c) There shall be organized in the Department of Justice a Special Prosecution Group with the principal function of prosecuting youth offenders. Members of this group shall be assigned in the juvenile courts and shall be especially trained to handle cases involving youth offenders.
- d) There shall be established by the Department of Social Welfare and Development in each region a Youth Rehabilitation Center for youth offenders. Each youth rehabilitation center shall be headed by a center social worker, graduate of a four-year course in social work with masteral units who shall be responsible for the rehabilitation of youth offenders.
- e) There shall be established by the city and municipal government in their respective jurisdictions a Community Youth Welfare Office which shall be responsible for providing follow-up care and services for released youth offenders. It shall be directly under the supervision of the city or municipal mayor. It shall initiate community-based programs and other measures to prevent juvenile delinquency. It shall assist youth offenders released from youth rehabilitation centers to learn and earn by helping them look for opportunities for employment or to engage in economic self-help projects. Personnel assigned in this unit shall be provided with special training to accomplish their functions by the Department of Social Welfare and Development.

SECTION 4. *Investigation of Youth Offenders.* – After the apprehension of a youth offender, he shall be immediately brought to the youth relations unit of the police department concerned established in paragraph (a), Section 3 of this Act for investigation, including the taking of his statements and those of the other parties involved. In these proceedings, great care must be observed to ensure that the rights of the youth offender, including the right to counsel, are not violated, and that he is protected from physical harm and mental intimidation. The investigation report, which shall include detailed information on his personal circumstances, together with the statements taken and other

evidence, shall be submitted for disposition to the special prosecutor provided for in paragraph (c), Section 3 of this Act.

SECTION 5. *Filing of Charges before the Juvenile Court.* – The special prosecutor shall conduct a preliminary investigation taking into consideration the circumstances of the youth offender.

In the proceedings, he shall insure that the legal rights of the youth offender are protected. If the evidence warrants the filing of charges, the special prosecutor shall file the same with the juvenile court.

SECTION 6. *Release on Recognizance.* – Pending investigation or trial, the court, may, in its discretion upon recommendation of the DSWD or other agencies authorized by the Court, release a youth offender on recognizance, to the custody of his parents or other suitable person who shall be responsible for his appearance whenever required.

SECTION 7. *Detention of Youth Offenders.* – A youth offender who is facing trial or has filed an appeal, if unable to post bail, shall from the time of his arrest be committed to the youth detention center established in paragraph (b) of Section 3 of this Act which shall be responsible for his appearance in the juvenile court.

SECTION 8. *Suspension of Sentence and Commitment of Youth Offender.* – Should the juvenile court find, after hearing the evidence in the proper proceedings, that the youth offender has committed the acts charged against him, it shall determine the imposable penalty, including the civil liability, if any. However, instead of pronouncing judgment of conviction, the child and family court shall suspend all further proceedings and commit the youth offender to the Youth Rehabilitation Center established in paragraph (d) section 3 of this Act or to the Department of Social Welfare and Development until he shall have reached twenty one (21) years of age, or for a shorter period as the Child and Family Court may deem proper, after considering the reports and recommendation of the youth rehabilitation center concerned or DSWD. The DSWD shall formulate rehabilitation activities for minors committed to their custody including community service activities to be rendered by the youth offender. The community service activities shall be formulated by the Child Relation Officer of the PNP, the Community Youth Welfare Officer of the DILG and DSWD.

The benefit of this section shall not apply to a youth offender who has once enjoyed suspension of sentence.

SECTION 9. *Report on the Conduct of Youth Offender.* – The DSWD or the Youth Rehabilitation Center shall submit to the juvenile court and to the special prosecutor concerned every four (4) months or oftener as may be required in a special case, a written report on the conduct of the youth offender as well as the intellectual, physical, moral, social and emotional progress made by him.

SECTION 10. *Dismissal of Case.* – If shown to the satisfaction of the court, based on the reports and recommendation of the Youth Rehabilitation Center or DSWD, that the youth offender whose sentence has been suspended, has shown good conduct and his capability to be a useful and responsible

member of the community even before reaching the age of twenty one (21), it shall dismiss the case and order the final discharge of the youth offender. A copy of the order of the dismissal of the case and his release shall be furnished the community youth welfare office of the city or municipality concerned, established under paragraph (e), Section 3 of this Act.

SECTION 11. *Pronouncement of Judgment Against the Youth Offender.* – If the youth offender has remained to be incorrigible or has willfully failed to comply with the conditions of his rehabilitation programs, thereby making his continued stay in youth rehabilitation center inadvisable, he shall be returned to the committing juvenile court for the pronouncement of judgment. When the youth offender has reached the age of twenty-one while in commitment in a Youth Rehabilitation Center, the juvenile court shall determine whether to dismiss the case in accordance with Section 10 of this Act or to pronounce judgment of conviction. In the latter case, the convicted youth offender may apply for probation under the provisions of Presidential Decree No. 968, as amended. In either case, the youth offender shall be credited in the service of his sentence with the full time spent in actual commitment and detention effected under this Act.

SECTION 12. *Civil Liability of the Youth Offender.* – The final release of the youth offender pursuant to the provisions of this Act shall not obliterate his civil liability for damages. Such liability shall devolve upon his father and, in case of his death or incapacity, upon the mother, or in case of her death or incapacity, upon the guardian. Civil liability may be voluntarily assumed by a relative or family friend of the youth offender.

SECTION 13. *Separate Quarters for Sentenced Youth Offender.* – Upon conviction in accordance with the provisions of Section 11, and if at the time of the pronouncement of conviction the youth offender is still under twenty one, he shall be committed to the proper penal institutions to serve the remaining period of his sentence: *Provided,* That the penal institution shall provide him with quarters segregated from those of adult convicts.

SECTION 14. *Confidentiality of Records of Case of Youth Offender.* – All records of the case against a youth offender, which resulted in either his acquittal, dismissal of his case pursuant to Section 10, or conviction pursuant to Section 11 shall be considered as privileged and shall not be disclosed directly or indirectly to anyone without authority from the juvenile court. The records shall include court proceedings and files of the National Bureau of Investigation, any police department or any other government agency.

SECTION 15. *Transfer of Cases of Youth Offender.* – The Secretary of Justice shall cause all cases and proceedings involving youth offenders pending before regional courts and municipal trial courts to be transferred to the juvenile courts.

SECTION 16. *Violation of Confidential Nature of Records of Case of Youth Offender.* – The penalty of imprisonment ranging from six (6) months to six (6) years and a fine ranging from one thousand pesos (P1,000.00) to six thousand pesos (P6,000.00) shall be imposed upon any person who violates Section 14 hereof.

SECTION 17. *Promulgation of Implementing Rules and Regulations.* – The Supreme Court, the Department of Interior and Local Government, the Department of Justice, and the Department of Social Welfare and Development shall jointly promulgate the rules and regulations to implement this Act.

SECTION 18. *Appropriations.* – The amount necessary to organize and operate each of the instrumentalities provided in paragraph (a), (b), (c), and (d) of Section 3 hereof shall be charged to the appropriations of the department under whose jurisdiction it falls under the current General Appropriations Act. Thereafter, such sums as may be needed for the continued operations of these instrumentalities shall be included in the Annual General Appropriations Act. The amount necessary to organize and operate the community welfare offices in the cities and municipalities as provided in paragraph (e) of Section (3) hereof shall be charged to the appropriations for the Department of the Interior and Local Government under the current General Appropriations Act. Thereafter, such sums as may be needed for their continued operation shall be included in the respective annual budgets of cities and municipalities concerned.

SECTION 18. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SECTION 19. *Repealing Clause.* – All laws, decrees, orders, regulations and other issuances or part thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 20. *Effectivity.* – This Act shall take effect two (2) weeks after its publication in two (2) newspapers of general circulation.

Approved.