

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

12 MAR 19 12:48

SENATE
P. S. R. No. 748

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MAR 19 12:48

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO CONDUCT AN OVERSIGHT ASSESSMENT OF THE JUVENILE JUSTICE ACT AND CONSIDER POSSIBLE AMENDMENTS TO THE LAW SPECIFICALLY ON THE IMPOSITION OF CRIMINAL LIABILITY ON CHILDREN ABOVE 12 YEARS OLD IF PROVEN THAT THEY ACTED WITH DISCERNMENT

WHEREAS, the Constitution, Article 2, Section 13 provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being";

WHEREAS, Section 6 of Republic Act No. 9344 also known as the Juvenile Justice Act, states that:

"A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act;

"A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act";

WHEREAS, based on a 12 March 2012 article in *The Philippine Star*, seven-year-old Clariza Pizara was allegedly raped by two minors, 17 and 11 years old respectively;

WHEREAS, the victim was brought to an open field where the two boys took turns in raping her; when they could not penetrate her genitals because it was bleeding, they sodomized her;

WHEREAS, it reported since the girl kept crying the boys drowned her in the creek in order to silence her;

WHEREAS, the report states that according to Senior Superintendent Billy Beltran, the suspects did not resist arrest and even admitted the complex crime of rape resulting to murder; the suspects were allegedly under the influence of shabu (methamphetamine hydrochloride) when they committed the crime;

WHEREAS, it was also reported that according to Chief Inspector Ferjen Torred, the suspects would be charged but not jailed pursuant to the provision of R.A. No. 9344 since they are minors;

WHEREAS, there is therefore a need to review the provisions in the Juvenile Justice Act and study whether it would be beneficial for society to impose charges on some children in conflict with the law and make them criminally responsible for the crimes that they perpetrated with discernment;

WHEREAS, aside from civil liability, it should be studied whether the parents and guardians of such minors should also be held criminally liable for neglect or failure to control their children or wards;

WHEREAS, the Juvenile Justice Act should address the liability of minors who have committed crimes under the influence of drugs or alcohol;

WHEREAS, it is imperative, however, that in order to uphold the corrective principle of penal laws, minors who are held criminally liable shall be separated from adult criminals and shall be clustered with their corresponding age groups;

WHEREAS, the government should therefore study the need to create better correctional facilities for minors, and the programs to be implemented in order to correct and punish their criminal acts;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the need to conduct an oversight assessment of the Juvenile Justice Act and consider possible amendment to the law specifically on the imposition of criminal liability on children above 12 years old if proven that they acted with discernment.

Adopted, .

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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/dpm