

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



14 JUL 28 P 1:40

SENATE
S. No. 2329

NO. 1111111111

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING THE COMMITTEE ON SCHOOL DISCIPLINE POLICY IN THE
JUVENILE JUSTICE AND WELFARE COUNCIL

EXPLANATORY NOTE

Republic Act No. 9344, aka “Juvenile Justice and Welfare Act of 2006”, Section 2
states:

SEC. 2. *Declaration of State Policy.* – The following State policies shall be observed at all times:

(a) The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. . .

(b) The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party. Proceedings before any authority shall be conducted in the best interest of the child and in a manner which allows the child to participate and to express himself/herself freely. The participation of children in the program and policy formulation and implementation related to juvenile justice and welfare shall be ensured by the concerned government agency.

(c) The State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.

(d) Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the State recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, taking into account the child’s age and desirability of promoting his/her reintegration. Whenever appropriate and desirable, the State shall adopt measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. It shall ensure that children are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of

disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

Under the Juvenile Justice and Welfare Act, Section 9, as amended, the Juvenile Justice and Welfare Council (JJWC) shall have the following duties, among others:

1. To oversee the implementation of the Act;
2. To advise the President on all matters and policies relating to juvenile justice and welfare;
3. To consult with the various leagues of local government officials in the formulation and recommendation of policies and strategies for the prevention of juvenile delinquency and the promotion of juvenile justice and welfare;
4. To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law;
5. To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare.
6. To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program;

This bill seeks to establish the Committee on School Discipline Policy within the JJWC in order to reduce the number of juveniles who are incarcerated and develop a criminal record based on activity that occurs while the juvenile is at school.

The proposed measure authorizes a grant program for local government units to invest in reforming their policies and procedures. Applicants to the grant program will be given credit for taking initial steps to reform their juvenile justice measures.


It also provides a funding source for schools to help build the capacity of teachers and other personnel to implement prevention and mitigation strategies to guarantee that minor disciplinary issues do not transform into criminal justice issues.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed by Mr. Cedric Richmond in the U.S. House of Representatives (H.R. 3153; 113th Congress, First Session).

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SENATE
S. No. 2329

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Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 ESTABLISHING THE COMMITTEE ON SCHOOL DISCIPLINE POLICY WITHIN
3 THE JUVENILE JUSTICE AND WELFARE COUNCIL

4 SECTION 1. *Short Title.* – This Act shall be known as the “Student Disciplinary
5 Fairness Act”.

6 SECTION 2. *Establishment of Committee.* – There is hereby established within
7 the Juvenile Justice and Welfare Council (JJWC) the Committee on School and
8 Discipline Policy (here referred to as the “Committee”), headed by a Director appointed
9 by the head of the JJWC. The Committee shall:

10 (1) collect and publish data, in collaboration with the Department of Education,
11 relating to the arrest and incarceration of juvenile students for violations of school rules
12 or policies;

13 (2) work with local government units and non-governmental organizations in order
14 to expand the use of alternatives to detention and incarceration programming in schools
15 in order to reduce the number of juvenile students who are arrested and incarcerated for
16 violating school rules or policies; and

17 (3) collect and publish data relating to the relationship between the presence of a
18 school officer at a school and the rate of juvenile students who are arrested and
19 incarcerated for violations of school rules or policies.

1 SECTION 3. *School Discipline Policy Grant Program.* –

2 (a) *Grants Authorized.* – The Director may make grants to local government units
3 in order to reduce the number of juveniles who are incarcerated and develop a criminal
4 record based on activity that occurs while the juvenile is at school.

5 (b) *Application.* – A local government unit seeking a grant under this section shall
6 submit an application to the Director at such time, in such manner, and containing such
7 information as the Director may reasonably require.

8 (c) *Preference.* – The Director shall give preference in awarding grants to an
9 applicant that demonstrates that it has, at the time of submitting an application, begun to
10 take steps to further the purpose stated in paragraph (a).

11 (d) *Uses of Funds.* – A local government unit that receives a grant under this Act
12 shall use such funds for programs that reduce the rate of juvenile students who are
13 arrested and incarcerated for violations of school rules or policies, and any other activity
14 that the Director determines will further the purpose stated in paragraph (a).

15 SECTION 4. *Department of Education Grant Program.* –

16 (a) *Program Authorized.* – From the amount appropriated to carry out this Act, the
17 Secretary of Education shall make grants to eligible entities to fund training for school
18 personnel in elementary and secondary schools on de-escalation techniques to teach the
19 personnel procedures and tactics to mitigate delinquent student behavior which may
20 avoid a referral to law enforcement officials.

21 (b) *Application.* – To receive a grant under this section, an eligible entity shall
22 submit an application to the Secretary of Education at such time, in such manner, and
23 containing such information as the Secretary may require, including information that
24 demonstrates that the eligible entity –

25 (1) is fully compliant with all applicable government school discipline data
26 reporting requirements; and

1 (2) has provided complete information to all applicable data surveys of
2 Department of Education,.

3 SECTION 5. *Authorization of Appropriations.* – There are authorized to be
4 appropriated such sums as may be necessary for fiscal years 2014 and 2015 to carry out
5 this Act.

6 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid
7 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
8 remain valid and subsisting.

9 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance,
10 executive order, letter of instruction, administrative order, rule or regulation contrary to
11 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
12 accordingly.

13 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
14 its publication in at least two (2) newspapers of general circulation.

Approved,

/fldp23july2014