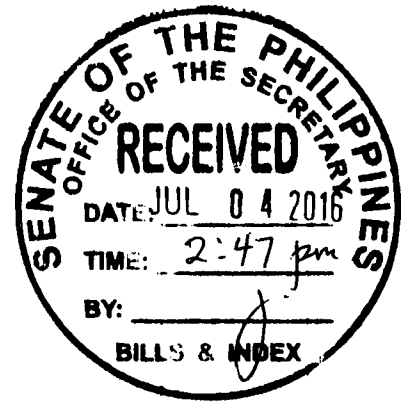


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE
S. B. No. 363

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING THE PROVISIONS OF REPUBLIC ACT NO. 9344, AS AMENDED, ENTITLED "AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES."

EXPLANATORY NOTE


In 2013, Republic Act ("RA") No. 9344 was amended to include a much needed provision that established a comprehensive and juvenile intervention program, including creating intervention and support centers for children under the minimum age of criminal responsibility.

These key enhancements included mandating each province and each highly urbanized city to be responsible for building, funding and operating within their respective jurisdictions its own juvenile center or Bahay Pag-asa, which is defined as a 24-hour child caring institution that serves as a short-term residential care and rehabilitation for children in conflict with the law ("CICL") instead of jails.

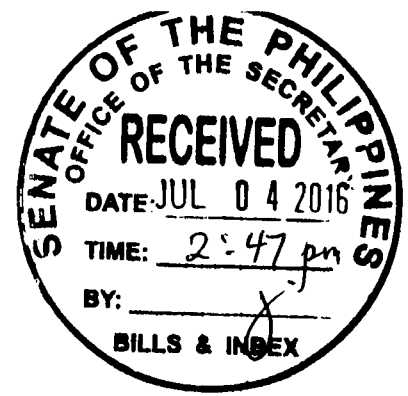
As of 2015, however, the Department of Social Welfare and Development said that only 19 local government units so far have put up Bahay Pag-asa shelters since the signing of the implementing rules and regulations of RA No. 10630 or the "Act Strengthening the Juvenile Justice System" in 2014. Out of these 19 centers, only 13 are operational while two have yet to operate and two have already closed down. Moreover, only Marikina City has set up a Bahay Pag-asa in Metro Manila.

The Philippines is home to over 11,000 CICLs as of 2009, a number which has continued to rise since. These are children who deserve a second chance to become productive members of society through rehabilitation instead of punishment.

In order to give life to our juvenile justice laws and strengthen our country's juvenile intervention programs through the mandatory creation of Bahay Pag-asa, the passage of this bill is earnestly requested.


MARIA LOURDES NANCY S. BINAY

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3 JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND
4 WELFARE COUNCIL UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING
5 FUNDS THEREFOR AND FOR OTHER PURPOSES."
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
8 *assembled:*
9

10 Section 1. Sec. 49 of Republic Act No. 9344, as amended, is hereby further amended to read
11 as follows:
12

13 "SEC. 49. *Establishment of 'Bahay Pag-Asa'*. – Each province and highly-
14 urbanized city (the LGUs) shall be responsible for building, funding and
15 operating a 'Bahay Pag-asa' within their jurisdiction following the standards that
16 will be set by the DSWD and adopted by the JJWC.
17

18 Every 'Bahay Pag-asa' will have a special facility called the IJISC. This Center
19 will be allocated for children in conflict with the law in accordance with Sections
20 20, 20-A and 20-B hereof. These children will be required to undergo a more
21 intensive multi-disciplinary intervention program. The JJWC in partnership
22 with, but not limited to, the DSWD, the DOH, the DepED and the DILG, will
23 develop and set the standards for the implementation of the multi-disciplinary
24 intervention program of the IJISC. Upon institutionalization of the IJISC
25 program, the JJWC will continue to monitor and provide technical assistance to
26 the multi-disciplinary teams operating the said centers.
27

28 FAILURE OF AN LGU TO BUILD AND OPERATE A 'BAHAY PAG-ASA'
29 WITHIN TWO YEARS FROM THE RELEASE OF FUNDS APPROPRIATED
30 FOR THE CONSTRUCTION OF A 'BAHAY PAG-ASA' BY THE DSWD OR
31 THE EFFECTIVITY OF THIS PROVISION, WHICHEVER IS LATER,
32 SHALL SUBJECT THE LOCAL CHIEF EXECUTIVE OF THE LGU
33 CONCERNED AND OTHER RESPONSIBLE OFFICERS OF THE LGU AND
34 DPWH TO SUCH CRIMINAL AND ADMINISTRATIVE PENALTIES AS
35 PROVIDED FOR UNDER SEC. 62 OF THIS ACT AND OTHER
36 APPLICABLE LAWS."
37

1 SECTION 2. Sec. 63 of Republic Act No. 9344, as amended, is hereby further amended to read
2 as follows:
3

4 "SEC. 63. *Appropriations.* – The amount necessary to carry out the provisions
5 of this Act shall be charged against the current year's appropriations of the JJWC
6 under the budget of the Department of Justice. Thereafter, such sums as may be
7 necessary for the continued implementation of this Act shall be included in the
8 budget of the DSWD under the annual General Appropriations
9 Act: *Provided,* That the amount of Four hundred million pesos
10 (P400,000,000.00) shall be appropriated for the construction of 'Bahay Pag-asa'
11 rehabilitation centers in provinces or cities with high incidence of children in
12 conflict with the law to be determined and identified by the DSWD and the JJWC
13 on a priority basis: *Provided, further,* That the said amount shall be coursed
14 through the Department of Public Works and Highways (DPWH) for its proper
15 implementation.
16

17 The LGUs concerned shall make available, from its own resources or assets,
18 their counterpart share equivalent to the national government contribution of
19 Five million pesos (P5,000,000.00) per rehabilitation center. FAILURE TO
20 MAKE AVAILABLE FROM ITS OWN RESOURCES OR ASSETS THE
21 SAID COUNTERPART SHARE OR TO INCLUDE THE LGU'S EXPECTED
22 EXPENDITURES ON THE MAINTENANCE AND OPERATIONS OF ITS
23 'BAHAY PAG-ASA' IN ITS ANNUAL BUDGET SHALL SUBJECT ITS
24 LOCAL CHIEF EXECUTIVE AND OTHER RESPONSIBLE OFFICERS TO
25 SUCH CRIMINAL AND ADMINISTRATIVE PENALTIES AS PROVIDED
26 FOR UNDER SEC. 62 OF THIS ACT AND OTHER APPLICABLE LAWS.
27

28 In addition, the Council may accept donations, grants and contributions from
29 various sources, in cash or in kind, for purposes relevant to its functions, subject
30 to the usual government accounting and auditing rules and regulations."
31

32 SECTION 3. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and
33 regulations and other issuances or parts thereof, inconsistent with the provisions of this Act are
34 hereby repealed or modified accordingly.
35

36 SECTION 4. *Separability Clause.* If, for any reason, any section or provision of this Act is
37 held unconstitutional or invalid, the other sections or provisions hereof shall not be affected
38 thereby.
39

40 SECTION 5. *Effectivity.* This Act shall take effect fifteen (15) days after its complete
41 publication in at least two (2) newspapers of general circulation.
42

43 Approved,