

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8858

BY REPRESENTATIVES CASTRO (F.H.), ALVAREZ (P.), YAP (V.), TIANGCO, CAGAS, ACOP, SUANSING (E.), LEACHON, OAMINAL, BATAOIL, Garcia (G.), MERCADO, COSALAN, ANTONIO, GULLAS, FLOIRENDO, TAMBUNTING, VILLARICA, ESPINO, NIETO, LOPEZ (M.L.), VELARDE, HOFER, ORTEGA (V.N.), PALMA, PIMENTEL, ROBES, BAGATSING, PADUANO, ABAYON, CAMPOS, MATUGAS, CUARESMA, LACSON, DATOL, TREÑAS AND MANGAOANG, PER COMMITTEE REPORT NO. 1071

AN ACT

EXPANDING THE SCOPE OF THE REFORMATION AND REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW AND STRENGTHENING THE SOCIAL REINTEGRATION PROGRAMS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006"

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

SECTION 1. Section 4(s) of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", as amended by Republic Act No. 10630, is further amended to read as follows:

"SEC. 4. *Definition of Terms.* The following terms as used in this Act shall be defined as follows:

xxx

xxx

xxx

(s) 'Bahay Pag-asa' – refers to a 24-hour child-caring institution established, funded and managed by [local government units (LGUs)] **THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)** and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are [above fifteen (15)] **TWELVE (12) YEARS OF AGE AND ABOVE** but below eighteen (18) years of age who are **COMMITTED FOR REHABILITATION OR** awaiting court disposition of their cases or transfer to other agencies or jurisdiction."

1 Part of the features of a 'Bahay Pag-asa' is an intensive juvenile
2 intervention and support center. This will cater to children in conflict
3 with the law in accordance with Sections 20, 20-A and 20-B hereof.
4

5 A multi-disciplinary team composed of a social worker, a
6 psychologist/mental health professional, a medical doctor, an
7 educational/guidance counselor and a Barangay Council for the
8 Protection of Children (BCPC) member shall operate the 'Bahay Pag-
9 asa'. The team will work on the individualized intervention plan with
10 the child and the child's family.

11 XXX

XXX

XXX

12
13 SEC. 2. Section 6 of the same Act, as amended, is further amended to read as
14 follows:

15
16 "SEC. 6. *Minimum Age of [Criminal] Responsibility* **OF CHILDREN IN**
17 **CONFLICT WITH THE LAW** – A child [fifteen (15)] **BELOW TWELVE**
18 **(12)** years of age [or under] at the time of the commission of the
19 offense shall be exempt from [criminal] liability. However, the child
20 shall be subjected to an intervention program pursuant to Section 20
21 of this Act.

22
23 A child is deemed to be [fifteen (15)] **TWELVE (12)** years of age on
24 the day of the [fifteenth] **TWELFTH** anniversary of [his/her] **THE**
25 **CHILD'S** birthdate.

26
27 A child [above fifteen (15)] **TWELVE (12)** years **OF AGE AND ABOVE**
28 but below eighteen (18) years of age shall likewise be exempt from
29 [criminal] liability and be subjected to an intervention program, unless
30 [he/she] **THE CHILD** has acted with discernment, in which case, such
31 child shall be subjected to the appropriate **INTERVENTION AND**
32 **DIVERSION** proceedings in accordance with this Act.

33
34 The exemption from [criminal] liability herein established does not
35 include exemption from civil liability, which shall be enforced in
36 accordance with existing laws **AND THIS ACT.**"

37
38 SEC. 3. Section 20 of the same Act, as amended, is further amended to read
39 as follows:

40
41 "SEC. 20. *Children **IN CONFLICT WITH THE LAW** Below the Age of*
42 *[Criminal] Responsibility.* – If it has been determined that the child
43 taken into custody is [fifteen (15) years old or] below **TWELVE (12)**
44 **YEARS OF AGE**, the authority which will have an initial contact with
45 the child, in consultation with the local social welfare and development
46 officer, has the duty to immediately release the child to the custody of
47 his/her parents or guardian, or in the absence thereof, the child's
48 nearest relative. The child shall be subjected to a community-based
49 intervention program supervised by the local social welfare and
50 development officer unless the best interest of the child

1 requires the referral of the child to a youth care facility or 'Bahay Pag-
2 asa' managed by [LGUs or licensed and/or accredited NGOs monitored
3 by] the DSWD.

4
5 The local social welfare and development officer shall determine the
6 appropriate programs for the child who has been released, in
7 consultation with the child and the person having custody over the
8 child. If the parents, guardians or nearest relatives cannot be located,
9 or if they refuse to take custody, the child may be released to any of
10 the following:

11
12 (a) A duly registered nongovernmental or religious organization;

13
14 (b) A barangay official or a member of the Barangay Council for the
15 Protection of Children (BCPC);

16
17 (c) A local social welfare and development officer;

18
19 **(D) A FOSTER PARENT;** or,

20
21 **(E) [w] When and where appropriate, the DSWD.**

22
23 **THE PARENT, GUARDIAN OR FOSTER PARENT WITH CUSTODY**
24 **OVER THE CHILD SHALL LIKEWISE UNDERGO INTERVENTION**
25 **PROGRAMS, INCLUDING PARENTING SEMINARS AND**
26 **COUNSELLING, TO BE SUPERVISED BY THE LOCAL SOCIAL**
27 **WELFARE AND DEVELOPMENT OFFICER IN ORDER TO PROVIDE**
28 **THE PRIMARY SUPPORT IN THE REHABILITATION AND SOCIAL**
29 **REINTEGRATION OF THE CHILD.**

30
31 If [the child has been found by the local social welfare and
32 development officer to be dependent, abandoned, neglected or abused
33 by his/her parents and] the best interest of the child requires that
34 [he/she] **THE CHILD** be placed in a youth care facility or 'Bahay Pag-
35 asa', the child's parents or guardians shall execute a written
36 authorization for the voluntary commitment of the child: *Provided,*
37 That if the child has no parents or guardians or if they refuse or fail to
38 execute the written authorization for voluntary commitment, the
39 proper petition for involuntary commitment shall be immediately filed
40 by the DSWD or the Local Social Welfare and Development Office
41 (LSWDO) pursuant to Presidential Decree No. 603, as amended,
42 otherwise known as 'The Child and Youth Welfare Code' and the
43 Supreme Court rule on commitment of children: *Provided, further,*
44 That the minimum age for children committed to a youth care facility
45 or 'Bahay Pag-asa' shall be twelve (12) years old."

1 SEC. 4. Section 20-A of the same Act, as amended, is further amended to read
2 as follows:

3
4 "SEC. 20-A. *Serious Crimes Committed by Children* **IN CONFLICT**
5 **WITH THE LAW** [*Who Are Exempt From Criminal Responsibility*]. –
6 A child who is above twelve (12) years of age up to [fifteen (15)]
7 **EIGHTEEN (18)** years of age and who commits parricide, murder,
8 infanticide, kidnapping and serious illegal detention where the victim
9 is killed or raped, robbery with homicide or rape, destructive arson,
10 rape, or carnapping where the driver or occupant is killed or raped or
11 offenses under Republic Act No. 9165 (Comprehensive Dangerous
12 Drugs Act of 2002) punishable by more than twelve (12) years of
13 imprisonment, shall be deemed a neglected child under Presidential
14 Decree No. 603, as amended, and shall be mandatorily placed in a
15 special facility within the youth care facility or 'Bahay Pag-asa' called
16 the Intensive Juvenile Intervention and Support Center (IJISC).

17
18 In accordance with existing laws, rules, procedures and guidelines, the
19 proper petition for involuntary commitment and placement under the
20 IJISC shall be filed by the local social welfare and development officer
21 of the LGU where the offense was committed, or by the DSWD social
22 worker in the local social welfare and development officer's absence,
23 within twenty-four (24) hours from the time of the receipt of a report
24 on the alleged commission of said child. The court, where the petition
25 for involuntary commitment has been filed shall decide on the petition
26 within seventy-two (72) hours from the time the said petition has been
27 filed by the DSWD/LSWDO. The court will determine the initial period
28 of placement of the child within the IJISC which shall not be less than
29 one (1) year. The multi-disciplinary team of the IJISC will submit to
30 the court a case study and progress report, to include a psychiatric
31 evaluation report and recommend the reintegration of the child to
32 his/her family or the extension of the placement under the IJISC. The
33 multi-disciplinary team will also submit a report to the court on the
34 services extended to the parents and family of the child and the
35 compliance of the parents in the intervention program. The court will
36 decide whether the child has successfully completed the center-based
37 intervention program and is already prepared to be reintegrated with
38 his/her family or if there is a need for the continuation of the center-
39 based rehabilitation of the child. The court will determine the next
40 period of assessment or hearing on the commitment of the child."

41
42 SEC. 5. Section 20-B of the same Act, as amended, is further amended to read
43 as follows:

44
45 "SEC. 20-B. *Repetition of Offenses*. – A child who is above twelve (12)
46 years of age up to [fifteen (15)] **EIGHTEEN (18)** years of age and
47 who commits an offense for the second time or oftener: *Provided, That*
48 the child was previously subjected to a community-based intervention
49 program, shall be deemed a neglected child under Presidential Decree
50 No. 603, as amended, and shall undergo an intensive intervention

1 program supervised by the local social welfare and development
2 officer: Provided, further, That, if the best interest of the child requires
3 that [he/she] **SUCH CHILD** be placed in a youth care facility or 'Bahay
4 Pag-asa', the child's parents, **FOSTER PARENTS** or guardians shall
5 execute a written authorization for the voluntary commitment of the
6 child: Provided, finally, That if the child has no parents, **FOSTER**
7 **PARENTS** or guardians or if they refuse or fail to execute the written
8 authorization for voluntary commitment, the proper petition for
9 involuntary commitment shall be immediately filed by the DSWD or
10 the LSWDO pursuant to Presidential Decree No. 603, as amended."

11
12 SEC. 6. Section 20-C of the same Act, as amended, is further amended to read
13 as follows:

14
15 "SEC. 20-C. *Exploitation of Children for Commission of Crimes.* – Any
16 person who, in the commission of a crime, makes use, takes advantage
17 of, or profits from the use of [children] **A CHILD**, including any person
18 who abuses his/her authority over the child, or who[, with abuse of
19 confidence, takes advantage of the vulnerabilities of the child and shall
20 induce, threaten or instigate the commission of the crime,]
21 **OTHERWISE INDUCES OR COERCES A CHILD TO COMMIT A**
22 **CRIME**, shall be [imposed the penalty prescribed by law for the crime
23 committed in its maximum period] **PUNISHED BY RECLUSION**
24 **TEMPORAL IF THE CRIME COMMITTED IS PUNISHABLE BY**
25 **IMPRISONMENT OF SIX (6) YEARS OR LESS, AND BY**
26 **RECLUSION PERPETUA IF THE CRIME COMMITTED IS**
27 **PUNISHABLE BY IMPRISONMENT OF MORE THAN SIX (6)**
28 **YEARS."**

29
30 SEC. 7. Section 20-D of the same Act, as amended, is further amended to read
31 as follows:

32
33 "SEC. 20-D. *Joint Parental Responsibility.* – Based on the
34 recommendation of the multi-disciplinary team of the IJISC, the
35 LSWDO or the DSWD, the court may require the parents of a child in
36 conflict with the law to undergo counseling or any other intervention
37 that, in the opinion of the court, would advance the welfare and best
38 interest of the child.

39
40 **PARENTS OF CHILDREN WHO COMMITTED ANY OF THE**
41 **SERIOUS CRIMES UNDER SECTION 20-A OF THIS ACT, AND OF**
42 **CHILDREN WHO ARE REPEAT OFFENDERS UNDER SECTION 20-**
43 **B OF THIS ACT, SHALL UNDERGO MANDATORY INTERVENTION**
44 **PROGRAMS, INCLUDING PARENTING SEMINARS AND**
45 **COUNSELLING. THE FAILURE OF SUCH PARENTS TO UNDERGO**
46 **MANDATORY INTERVENTION, UNLESS PREVENTED BY A**
47 **LAWFUL CAUSE, SHALL BE A GROUND FOR IMPRISONMENT**
48 **FOR AT LEAST THIRTY (30) DAYS BUT NOT MORE THAN SIX (6)**
49 **MONTHS.**

1
2 As used in this Act, 'parents' shall mean any of the following:

3
4 (a) Biological parents of the child; or

5
6 (b) Adoptive parents of the child; or

7
8 (c) Individuals who have custody of the child[.]; **OR**

9
10 **(D) A DULY LICENSED FOSTER PARENT, PURSUANT TO**
11 **REPUBLIC ACT NO. 10165, OTHERWISE KNOWN AS THE**
12 **"FOSTER CARE ACT OF 2012".**

13
14 A court exercising jurisdiction over a child in conflict with the law may
15 require the attendance of one or both parents of the child at the place
16 where the proceedings are to be conducted.

17
18 The parents shall be **PRIMARILY** liable for **CIVIL** damages **ARISING**
19 **OUT OF THE ACTIONS OF THE CHILD IN CONFLICT WITH THE**
20 **LAW** unless they prove, to the satisfaction of the court, that they were
21 exercising reasonable supervision over the child at the time the child
22 committed the offense and exerted reasonable effort and utmost
23 diligence to prevent or discourage the child from committing another
24 offense."

25
26 SEC. 8. Section 22 of the same Act, as amended, is further amended to read as
27 follows:

28
29 "SEC. 22. *Duties During Initial Investigation.* - The law enforcement
30 officer shall, in his/her investigation, determine where the case
31 involving the child in conflict with the law should be referred.

32
33 The taking of the statement of the child shall be conducted in the
34 presence of the following: (1) child's counsel of choice or in the absence
35 thereof, a lawyer from the Public Attorney's Office; (2) the child's
36 parents, **FOSTER PARENT**, guardian, or nearest relative, as the case
37 may be; and (3) the local social welfare and development officer. In
38 the absence of the child's parents, **FOSTER PARENT**, guardian, or
39 nearest relative, and the local social welfare and development officer,
40 the investigation shall be conducted in the presence of a representative
41 of an NGO, religious group, or member of the BCPC.

42
43 The **LOCAL** social [worker] **WELFARE AND DEVELOPMENT**
44 **OFFICER** shall conduct an initial assessment to determine the
45 appropriate interventions and whether the child acted with
46 discernment, using the discernment assessment tools developed by the
47 DSWD. The initial assessment shall be without prejudice to the
48 preparation of a more comprehensive case study report. **THE**
49 **ASSESSMENT SHALL INCLUDE IDENTIFICATION OF PHYSICAL**

1 **AND MENTAL HEALTH ISSUES, SUBSTANCE ABUSE AND FAMILY**
2 **ISSUES.** The local social [worker] **WELFARE AND DEVELOPMENT**
3 **OFFICER** shall do either of the following:
4

5 (a) Proceed in accordance with Section 20 if the child is [fifteen (15)
6 years or] below **TWELVE (12) YEARS OF AGE** or [above fifteen (15)]
7 **TWELVE (12) YEARS OF AGE AND ABOVE** but below eighteen (18)
8 years [old] **OF AGE** who acted without discernment; and
9

10 (b) If the child is [above fifteen (15) years old] **TWELVE (12) YEARS**
11 **OF AGE AND ABOVE** but below eighteen (18) **YEARS OF AGE** and
12 who acted with discernment **OR COMMITTED A SERIOUS OFFENSE**
13 **UNDER SECTION 20-A OF THIS ACT**, proceed to diversion under the
14 following chapter."
15

16 SEC. 9. A new Section 37-A shall be inserted after Section 37 of the same Act,
17 and shall read as follows:
18

19 **SEC. 37-A. REDUCED SENTENCE FOR CHILDREN IN CONFLICT**
20 **WITH THE LAW. - ALL LAWS TO THE CONTRARY**
21 **NOTWITHSTANDING, AND SUBJECT TO OTHER PROVISIONS IN**
22 **THIS ACT RELATIVE TO THE SENTENCING OF CHILDREN IN**
23 **CONFLICT WITH THE LAW, THE COURT SHALL IMPOSE THE**
24 **PENALTY TWO (2) DEGREES LOWER THAN THAT PRESCRIBED**
25 **IN THE LAW FOR CRIMES COMMITTED BY CHILDREN IN**
26 **CONFLICT WITH THE LAW. IN CASES WHERE THE LAW**
27 **PRESCRIBES A FIXED PERIOD OF IMPRISONMENT, THE PERIOD**
28 **SHALL BE REDUCED BY TWO-THIRDS. FOR CRIMES PUNISHABLE**
29 **BY LIFE IMPRISONMENT, THE PENALTY TO BE IMPOSED SHALL**
30 **BE IMPRISONMENT OF UP TO TWELVE (12) YEARS.**
31

32 SEC. 10. Section 40 of the same Act is amended to read as follows:
33

34 "SEC. 40. *Return of the Child in Conflict with the Law to Court.* - If the
35 court finds that the objective of the [disposition] **REFORMATION**
36 **AND REHABILITATION** measures imposed upon the child in conflict
37 with the law have not been fulfilled, or if the child in conflict with the
38 law has willfully failed to comply with the conditions of his/her
39 [disposition] **REFORMATION** or rehabilitation program, the child in
40 conflict with the law shall be brought before the court for execution of
41 judgment.
42

43 If said child in conflict with the law has reached eighteen (18) years of
44 age while under suspended sentence, the court shall determine
45 whether to discharge the child in accordance with this Act, to order
46 execution of sentence, or to extend the [suspended] **SUSPENSION**
47 **OF THE** sentence for a certain specified period or until the child
48 reaches the maximum age of [twenty-one (21)] **TWENTY-FIVE (25)**
49 years."

1
2 SEC. 11. Section 41 of the same Act is amended to read as follows:

3
4 SEC. 41. *Credit in Service of Sentence.* - The child in conflict with the
5 law shall be credited in the services of his/her sentence with the full
6 time spent in actual commitment and detention under this Act. **A**
7 **CHILD WITH GOOD CONDUCT AND BEHAVIOR WHILE**
8 **UNDERGOING DIVERSION, INTERVENTION, REHABILITATION,**
9 **OR DETENTION IN ANY FACILITY UNDER THIS ACT, SHALL BE**
10 **ALLOWED DEDUCTIONS FROM THE PERIOD OF SENTENCE AS**
11 **PROVIDED IN ARTICLE 97 OF THE REVISED PENAL CODE, AS**
12 **AMENDED.**

13
14 SEC. 12. A new Section 43-A is inserted after Section 43 of the same Act, to
15 read as follows:

16
17 **SEC. 43-A. PENALTY FOR VIOLATION OF CONFIDENTIALITY OF**
18 **RECORDS - ANY PERSON WHO HAS BEEN FOUND GUILTY OF**
19 **DIVULGING, WILFULLY OR THROUGH GROSS INEXCUSABLE**
20 **NEGLIGENCE, THE RECORDS OR ANY INFORMATION RELATING**
21 **TO THE PROCEEDINGS INVOLVING CHILDREN IN CONFLICT**
22 **WITH THE LAW, SHALL SUFFER THE PENALTIES IMPOSED IN**
23 **TITLE VII, CHAPTER 3 OF THIS ACT.**

24
25 SEC. 13. Section 49 of the same Act, as amended, is further amended to
26 read as follows:

27
28 "SEC. 49. *Establishment of 'Bahay Pag-Asa'.* - [Each province and
29 highly-urbanized city (the LGUs)] **THE DSWD** shall be responsible for
30 building, funding and operating a 'Bahay Pag-asa' [within their
31 jurisdiction] **IN PROVINCES AND CITIES TO BE IDENTIFIED BY**
32 **THE JJWC**, following the standards that will be set by the DSWD and
33 adopted by the JJWC.

34
35 **ALL 'BAHAY PAG-ASA' THAT ARE CURRENTLY OPERATED AND**
36 **MAINTAINED BY LGUS SHALL CONTINUE TO BE OPERATED,**
37 **MAINTAINED AND FUNDED BY THE RESPECTIVE LGUS UNTIL**
38 **SUCH TIME THAT THE OPERATIONS AND MANAGEMENT OF THE**
39 **BAHAY PAG-ASA SHALL HAVE BEEN TRANSFERRED TO THE**
40 **DSWD. THEREAFTER, THE FUNDING NECESSARY FOR THE**
41 **ESTABLISHMENT AND CONTINUED OPERATION OF 'BAHAY**
42 **PAG-ASA' SHALL BE INCLUDED IN THE BUDGET OF THE DSWD**
43 **IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

44
45 Every 'Bahay Pag-asa' will have a special facility called the IJISC. This
46 Center will be allocated for children in conflict with the law in
47 accordance with Sections 20, 20-A and 20-B hereof. These children
48 will be required to undergo a more intensive multi-disciplinary
49 intervention program. The JJWC in partnership with, but not limited to,
50 the DSWD, the DOH, the DepED and the DILG, will develop and set

1 the standards for the implementation of the multi-disciplinary
2 intervention program of the IJISC. Upon institutionalization of the
3 IJISC program, the JJWC will continue to monitor and provide technical
4 assistance to the multi-disciplinary teams operating the said centers."
5

6 SEC. 14. Section 51 of the same Act is amended to read as follows:
7

8 "SEC. 51. *Confinement of Convicted Children in Agricultural [Camps]*
9 *and [other] TECHNICAL Training Facilities.* - A child in conflict with
10 the law [may] **SHALL**, after conviction and upon order of the court, be
11 made to serve his/her sentence, in lieu of confinement in a regular
12 penal institution, in an agricultural [camp and other] **OR TECHNICAL**
13 training **FACILITY** [facilities] that [may] **SHALL** be established,
14 maintained, supervised and controlled by the **DSWD [BuCor]**, in
15 [coordination] **PARTNERSHIP** with the [DSWD] **BUCOR AND THE**
16 **TECHNICAL EDUCATION AND SKILLS DEVELOPMENT**
17 **AUTHORITY (TESDA).**
18

19 **THE DSWD, IN PARTNERSHIP WITH THE BUCOR, SHALL**
20 **ESTABLISH AT LEAST TWO (2) AGRICULTURAL TRAINING**
21 **FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THE**
22 **DSWD, IN PARTNERSHIP WITH TESDA, SHALL LIKEWISE**
23 **ESTABLISH AT LEAST TWO (2) TECHNICAL TRAINING**
24 **FACILITIES EACH IN LUZON, VISAYAS AND MINDANAO. THERE**
25 **SHALL BE SEPARATE FACILITIES FOR MALE AND FEMALE**
26 **CHILDREN IN EVERY AGRICULTURAL CAMP AND TRAINING**
27 **FACILITY.**
28

29 **THE DSWD, IN COORDINATION WITH THE BUCOR AND TESDA,**
30 **SHALL DESIGN AND IMPLEMENT THE REHABILITATION AND**
31 **INTERVENTION PROGRAMS IN THESE SPECIALIZED**
32 **FACILITIES IN ORDER TO PREPARE THE RESIDENTS THEREIN**
33 **FOR SUCCESSFUL REINTEGRATION INTO THEIR FAMILIES AND**
34 **COMMUNITIES UPON DISCHARGE AND RELEASE.**
35

36 **THE AMOUNT NECESSARY FOR THE ESATBLISHMENT,**
37 **OPERATION AND MAINTENANCE OF AGRICULTURAL AND**
38 **TECHNICAL TRAINING FACILITIES SHALL BE INCLUDED IN THE**
39 **BUDGET OF THE DSWD IN THE ANNUAL GENERAL**
40 **APPROPRIATIONS ACT."**
41

42 SEC. 15. Section 52 of the same Act is amended to read as follows:
43

44 "SEC. 52. *Rehabilitation of Children in Conflict with the Law.* - Children
45 in conflict with the law, whose sentences are suspended may, upon
46 order of the court, undergo any or a combination of disposition
47 measures best suited to the rehabilitation and welfare of the child as
48 provided in the Supreme Court Rule on Juveniles in Conflict with the
49 Law.

1 If the community-based rehabilitation is availed of by a child in conflict
2 with the law, he/she shall be released to parents, guardians, relatives,
3 **ACCREDITED FOSTER PARENTS** or any other responsible person in
4 the community. Under the supervision and guidance of the local social
5 welfare and development officer, and in coordination with his/her
6 parents/guardian, the child in conflict with the law shall participate in
7 community-based programs, which shall include, but not limited to:

8
9 xxx

xxx

xxx"

10
11 SEC. 16. Section 64 of the same Act, as amended, is further amended to read
12 as follows:
13

14 SEC. 64. *Children in Conflict with the Law [Fifteen (15) Years Old and]*
15 below **TWELVE (12) YEARS OF AGE**. - Upon effectivity of this Act,
16 cases [of children fifteen (15) years old and] **INVOLVING CHILDREN**
17 **IN CONFLICT WITH THE LAW** below **TWELVE (12) YEARS OF AGE**
18 at the time of the commission of the crime shall immediately be
19 dismissed and the child shall be referred to the appropriate local social
20 welfare and development officer. Such officer, upon thorough
21 assessment of the child, shall determine whether to release the child
22 to the custody of his/her parents, or refer the child to prevention
23 programs as provided under this Act. Those with suspended sentences
24 and undergoing rehabilitation at the youth rehabilitation center shall
25 likewise be released, unless it is contrary to the best interest of the
26 child.
27

28 SEC. 17. *Implementing Rules and Regulations*. - The JJWC shall promulgate the
29 necessary rules and regulations for the effective implementation of this Act
30 within ninety (90) days from the effectivity of this Act.
31

32 SEC. 18. *Separability Clause*. - If any provision of this Act is held to be
33 unconstitutional, other provisions not affected thereby shall remain valid and
34 binding.
35

36 SEC. 19. *Repealing Clause*. - Republic Act No. 9344, as amended by Republic
37 Act No. 10630, is hereby amended accordingly. All laws, decrees, ordinances
38 and rules inconsistent with the provisions of this Act are hereby modified or
39 repealed accordingly.
40

41 SEC. 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its
42 publication in the *Official Gazette* or in a newspaper of general circulation.
43
44

45 Adopted,