

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



Senate

Office of the Secretary

SENATE  
S. No. 81

'19 JUL -1 P2:34

Introduced by Senator Richard J. Gordon

RECEIVED

AN ACT  
STRENGTHENING THE YOUTH SOCIAL WELFARE PROGRAMS  
AND EXTENDING THE SCOPE OF REFORMATION AND  
REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW,  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, AS  
AMENDED", AND OTHER RELATED LAWS, APPROPRIATING  
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Section 13 of Article II of the 1987 Constitution provides that 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." Section 3(2) of Article XV mandates the State to defend the "right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."

The best interest of the child is the primordial and paramount concern of the State. They stand at the center of Philippine nation building and are the most important assets of the nation. Yet, our country does not invest enough on their development. There has been a shortage in spending on education and nutrition, a shortage in implementation of our laws. The development of our youth is a collective responsibility of the State, including both national and local governments; parents and family members; the communities; the educational institutions; and the media. At the same time, it is never too early to teach our children accountability, responsibility, respect for the common good, honesty, integrity and service to the nation. We must not wait for the children to be in conflict with the law.

Foregoing considered, the immediate passage of this bill is immediately



RICHARD J. GORDON

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**FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

**SECTION 1.** *Declaration of Policy.* Section 13 of Article II of the 1987 Constitution provides that 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. It mandates the State to inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs. Section 3(2) of Article XV of the 1987 Constitution meanwhile mandates the State to defend that "right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."

Children are the principal citizens of the country. The best interest of the child is the primordial and paramount concern of the State. They stand at the center of Philippine nation building and are the most important assets of the nation. Thus, the Constitution and the laws must be implemented, sufficient budget be allocated, and a holistic program be employed to promote the welfare of the children and enhance their opportunities in life.



1 No child should be at risk of being in conflict with the law. It is therefore the  
2 policy of the State to focus on the fundamental problems facing the youth, namely,  
3 poverty, poor education, lack of proper support and guidance, among others.  
4 Children must be taught the values of responsibility, respect for the common good,  
5 honesty, integrity, diligence and service to the nation.

6 **SEC. 2. *Truancy Officers.*** There shall be, in every barangay, a Truancy Officer  
7 that shall be designated by the Punong Barangay from among the members of the  
8 Sangguniang Barangay. There are shall be one (1) Truancy Officer for every one  
9 thousand (1,000) residents in barangay.

10 Truancy officers shall have the primary responsibility of ensuring that  
11 minors of school age attend school. They shall conduct regular home and school  
12 visits to ensure the child's school attendance and shall submit daily reports  
13 indicating dates of absences, contacts with parents, and other relevant  
14 information, to the Truancy Monitoring Center established in Section 3 of this Act.

15 "Truancy" as here used means absence without cause for more than five (5)  
16 schooldays in a month, not necessarily consecutive. The Truancy Officer shall refer  
17 the child who is considered truant to the Barangay Social Welfare and  
18 Development Officer for placement to any child-caring or child-placing institution  
19 licensed and accredited by the Department of Social Welfare and Development  
20 (DSWD) to implement the foster care program, or to a person registered with the  
21 DSWD who is available to provide foster care.

22 **SEC. 3. *Establishment of a Truancy Operations Center.*** The Department of  
23 Interior and Local Government (DILG) shall establish a Truancy Operations Center  
24 that shall be the centralized information management system regarding the school  
25 attendance of children and the reports of Truancy Officers.

26 The Center shall ensure a recordation of all pertinent information, such as  
27 age, residence, school, and school attendance of all children on a daily basis. The  
28 Center shall coordinate with the Department of Justice for the purpose of filing  
29 criminal cases against parents or guardians who violate Section 59 of the  
30 Presidential Decree No. 603 and other relevant laws.

1       **SEC. 4.** *Increase in the number of guidance counselors in schools.* To ensure  
2 the children's well-being, and academic, behavioral and social growth, there shall  
3 be, in every public and private elementary and high school, at least three (3)  
4 guidance counselors each for every elementary school, including kindergarten..

5       Guidance counselors shall have the primary responsibility of counseling,  
6 assisting, teaching and practicing of guidance and counseling subjects, and other  
7 human development services to children.

8       **SEC. 5.** *Barangay Social Welfare and Development Officer.* There shall be, in  
9 every barangay, a Barangay Social Welfare and Development Officer whose  
10 primary duty includes house-to-house visitations, counseling, child rights  
11 education, and helping the youth, families and the community develop, improve,  
12 maintain or restore their capability for coping with the demands of their  
13 environment, through the use of social work methods and interventions. In the  
14 absence of a duly-registered Social Worker who shall act as Barangay Social  
15 Welfare and Development Officer, persons with training in social work may be  
16 employed. They shall be under the supervision of the local social welfare and  
17 development officer.

18       The Barangay Social Welfare Officers shall be considered employees of the  
19 barangay and shall draw their salaries and other benefits therefrom.

20       **SEC. 6.** *School-Based Feeding Program.* To encourage attendance in schools,  
21 there is hereby established under the Department of Education a Comprehensive  
22 and School-Based National Feeding Program for all day care, kindergarten,  
23 elementary and high schools in the country. The program shall include the  
24 provision of at least one (1) meal per student per day, or two (2) meals per day for  
25 undernourished children, for a period of 208 days per school year.

26       Food donations to schools shall also be considered as donations of  
27 apparently wholesome food for charitable purposes and will be governed in  
28 accordance with the provisions of Republic Act No. 9803.

29       **SEC. 7.** *Schools Dentists and Nurses.* There shall be at least one (1) nurse and  
30 one (1) dentist for every two hundred fifty (250) students in every elementary and



1 high school, whether public or private. The school dentists shall be considered  
2 employees of the city or municipality where the school is situated, and shall draw  
3 their salaries and other benefits therefrom.

4 **SEC. 8. *Child Witness Protection Program.*** The Department of Justice, in  
5 coordination with the DSWD, shall establish a child witness assistance program  
6 that shall support children and their families throughout criminal proceedings.  
7 Guidance counselor and barangay social welfare and development officers shall  
8 also assist children who volunteer as witnesses in crimes they have witnessed or  
9 have information about.

10 **SEC. 9. *Juvenile Reformatory Centers.*** The Department of Social Welfare and  
11 Development, in coordination with the Department of Interior and Local  
12 Government, shall establish, fund, and manage 24-hour child-caring institution  
13 providing residential care for children in conflict with the law who commits  
14 parricide, murder, infanticide, kidnapping and serious illegal detention where the  
15 victim is killed or raped, robbery with homicide or rape, destructive arson, rape,  
16 or carnapping where the driver or occupant is killed or raped or offenses under  
17 Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable  
18 by more than twelve (12) years of imprisonment.

19 Each Juvenile Reformatory Center shall contain facilities such as gyms,  
20 libraries, and vocational-technical training shops.

21 **SEC. 10. *Increased penalties for parental liability.*** Article 60 of Presidential  
22 Decree No. 603 is hereby amended to read as follows:

23 "Article 60. Penalty. - The act mentioned in the preceding article  
24 shall [be punishable with imprisonment from two or six months or a  
25 fine not exceeding five hundred pesos, or both, at the discretion of  
26 the Court, unless a higher penalty is provided for in the Revised Penal  
27 Code or special laws, without prejudice to actions for the involuntary  
28 commitment of the child under Title VIII of this Code] **SUFFER THE**  
29 **PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM PERIOD**  
30 **TO PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD."**

1        **SEC. 11.** Section 20-C of Republic Act No. 9344, as amended, is hereby  
2 further amended to read as follows:

3        "SEC. 20-C. Exploitation of Children for Commission of Crimes. – Any  
4 person, **INCLUDING THE PARENT OF A CHILD**, who, in the  
5 commission of a crime, makes use, takes advantage of, or profits from  
6 the use of children, including any person who abuses his/her  
7 authority over the child or who, with abuse of confidence, takes  
8 advantage of the vulnerabilities of the child and shall induce,  
9 threaten or instigate the commission of the crime, shall be imposed  
10 the penalty [prescribed by law for the crime committed in its  
11 maximum period] **OF RECLUSION PERPETUA, IF THE CRIME**  
12 **COMMITTED IS PUNISHABLE BY IMPRISONMENT OF MORE**  
13 **THAN SIX (6) YEARS, AND RECLUSION TEMPORAL, IF THE CRIME**  
14 **COMMITTED IS PUNISHABLE BY IMPRISONMENT OF SIX (6)**  
15 **YEARS OR LESS. THE FACT THAT THE PERSON WHO EXPLOITED**  
16 **THE CHILD FOR THE COMMISSION OF CRIMES IS A PUBLIC**  
17 **OFFICER SHALL BE CONSIDERED AS A GENERIC AGGRAVATING**  
18 **CIRCUMSTANCE."**

19        **SEC. 12.** *Information Campaign.* Within three (3) months from the effectivity  
20 of this Act, the Department of Social Welfare and Development, in coordination  
21 with the Department of Education, Department of Interior and Local Government,  
22 Department of Justice and the Juvenile Justice and Welfare Council, shall  
23 undertake an extensive information campaign to explain children's rights, as well  
24 as the concomitant duties of parents or guardians, the community, and the  
25 government.

26        **SEC. 13.** Section 49 of Republic Act No. 9344, as amended, is hereby  
27 further amended to read as follows:

28        "SEC. 49. Establishment of 'Bahay Pag-Asa'. – [Each province  
29 and highly-urbanized city (the LGUs)] **THE DSWD** shall be



1 responsible for building, funding and operating a 'Bahay Pag-asa'  
2 [within their jurisdiction] following the standards that will be set by  
3 the DSWD and adopted by the JJWC. **THE ALLOCATIONS**  
4 **NECESSARY FOR BUILDING, FUNDING AND OPERATING THE**  
5 **'BAHAY PAG-ASA' SHALL BE INCLUDED IN THE BUDGET OF THE**  
6 **DSWD IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

7 **EVERY BAHAY PAG-ASA SHALL CONTAIN FACILITIES SUCH**  
8 **AS GYMS, LIBRARIES, AND VOCATIONAL-TECHNICAL TRAINING**  
9 **SHOPS, AND SHALL HAVE PROGRAMS FOR ALTERNATIVE**  
10 **LEARNING OR EDUCATION PROGRAMS GEARED TOWARDS**  
11 **VALUES FORMATION, CULTURAL AWARENESS, READING, AND**  
12 **SKILLS DEVELOPMENT. PROVIDED THAT CHILDREN WHO NO**  
13 **DOT POSE A RISK TO THE COMMUNITY MAY BE ALLOWED TO**  
14 **ATTEND SCHOOLS OUTSIDE THE BAHAY PAG-ASA TO WHICH**  
15 **THE CHILD IS COMMITTED.**

16 **A CHILD COMMITTED TO A BAHAY PAG-ASA MAY BE**  
17 **RELEASED TO THE CHILD'S PARENT, GUARDIAN OR FOSTER**  
18 **PARENT UPON ORDER BY A COURT AND AFTER A**  
19 **COMPREHENSIVE STUDY CONDUCTED BY THE LOCAL SOCIAL**  
20 **WELFARE AND DEVELOPMENT OFFICER OR THE DSWD. IN THE**  
21 **LATTER CASE, THE DEPARTMENT OF SOCIAL WELFARE MAY**  
22 **REFUSE TO DISCHARGE THE CHILD IF, IN ITS OPINION, HIS**  
23 **RELEASE WOULD BE PREJUDICIAL TO HIM OR TO THE**  
24 **COMMUNITY.**

25 [Every 'Bahay Pag-asa' will have a special facility called the  
26 IJISC. This Center will be allocated for children in conflict with the  
27 law in accordance with Sections 20, 20-A and 20-B hereof.  
28 These children will be required to undergo a more intensive multi-  
29 disciplinary intervention program. The JJWC in partnership with,  
30 but not limited to, the DSWD, the DOH, the DepED and the DILG, will

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

6 **SEC. 14.** Section 6 of Republic Act No. 9344, as amended, is hereby further  
7 amended to read as follows:

8 "SEC. 6. Minimum Age of Criminal Responsibility. – A child [fifteen  
9 (15)] **BELOW TWELVE (12)** years of age [or under] at the time of the  
10 commission of the offense shall be exempt from [criminal] liability.  
11 However, the child shall be subjected to an intervention program  
12 pursuant to [Section 20 of] this Act.

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

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

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

25 **SEC. 15.** Section 20 of Republic Act No. 9344, as amended, is hereby  
26 further amended to read as follows:

27 "SEC. 20. Children Below the Age of Criminal Responsibility. - If it has  
28 been determined that the child taken into custody is [fifteen (15)  
29 years old or] below **TWELVE (12) YEARS OLD**, the authority which  
30 will have an initial contact with the child, in consultation with the



1 local social welfare and development officer, has the duty to  
2 immediately release the child to the custody of his/her parents  
3 or guardian, or in the absence thereof, the child's nearest relative.  
4 The child shall be subjected to a community-based intervention  
5 program supervised by the [local] **BARANGAY** social welfare and  
6 development officer, unless the best interest of the child requires the  
7 referral of the child to a [youth care facility or 'Bahay Pag-asa'  
8 managed by LGUs or licensed and/or accredited NGOs monitored by  
9 the DSWD] **ANY CHILD-CARING INSTITUTION LICENSED AND**  
10 **ACCREDITED BY THE DEPARTMENT OF SOCIAL WELFARE AND**  
11 **DEVELOPMENT (DSWD) TO IMPLEMENT THE FOSTER CARE**  
12 **PROGRAM, OR TO A PERSON DULY REGISTERED WITH THE**  
13 **DSWD WHO IS WILLING TO PROVIDE FOSTER CARE.**

14 **NO CHILD UNDER SEVEN YEARS OF AGE SHALL BE**  
15 **SEPARATED FROM THE MOTHER, UNLESS THE LATTER IS**  
16 **UNFIT. GIVING CUSTODY OF THE CHILD TO THE PARENTS,**  
17 **GUARDIANS OR THE NEAREST RELATIVES SHALL BE**  
18 **CONSIDERED NOT TO BE IN THE BEST INTEREST OF THE CHILD**  
19 **IF THE CHILD'S PARENTS, GUARDIANS OR NEAREST RELATIVES:**  
20 **(1) ARE TEMPORARILY OR PERMANENTLY UNABLE OR**  
21 **UNWILLING TO PROVIDE THE CHILD WITH ADEQUATE CARE;**  
22 **(2) ARE ENGAGED IN DRUG ADDICTION OR HABITUAL**  
23 **ALCOHOLISM; (3) TREAT THE CHILD WITH EXCESSIVE**  
24 **HARSHNESS OR CRUELTY; (4) IMPROPERLY EXPLOIT THE**  
25 **CHILD; OR ANY OTHER ANALOGOUS CIRCUMSTANCES.**

26 **THE FOLLOWING CHILDREN MAY ALSO BE PLACED IN**  
27 **FOSTER CARE:**

28 **(A) A CHILD WHO IS ABANDONED, SURRENDERED,**  
29 **NEGLECTED, DEPENDENT OR ORPHANED;**

30 **(B) A CHILD WHO IS A VICTIM OF SEXUAL, PHYSICAL, OR**

1 ANY OTHER FORM OF ABUSE OR EXPLOITATION;

2 (C) A CHILD WITH SPECIAL NEEDS;

3 (D) A CHILD WHOSE FAMILY MEMBERS ARE  
4 TEMPORARILY OR PERMANENTLY UNABLE OR UNWILLING TO  
5 PROVIDE THE CHILD WITH ADEQUATE CARE;

6 (E) A CHILD AWAITING ADOPTIVE PLACEMENT AND WHO  
7 WOULD HAVE TO BE PREPARED FOR FAMILY LIFE;

8 (F) A CHILD WHO NEEDS LONG-TERM CARE AND CLOSE  
9 FAMILY TIES BUT WHO CANNOT BE PLACED FOR DOMESTIC  
10 ADOPTION;

11 (G) A CHILD WHOSE ADOPTION HAS BEEN DISRUPTED;

12 (H) A CHILD WHO IS UNDER SOCIALLY DIFFICULT  
13 CIRCUMSTANCES SUCH AS, BUT NOT LIMITED TO, A STREET  
14 CHILD, A CHILD IN ARMED CONFLICT OR A VICTIM OF CHILD  
15 LABOR OR TRAFFICKING;

16 (I) A CHILD WHO COMMITTED A MINOR OFFENSE BUT IS  
17 RELEASED ON RECOGNIZANCE, OR WHO IS IN CUSTODY  
18 SUPERVISION OR WHOSE CASE IS DISMISSED; AND

19 (J) A CHILD WHO IS IN NEED OF SPECIAL PROTECTION AS  
20 ASSESSED BY A SOCIAL WORKER, AN AGENCY OR THE DSWD.

21 The [local] BARANGAY social welfare and development  
22 officer shall determine the appropriate programs for the child who  
23 has been released, in consultation with the child and the person  
24 having custody over the child. If the parents, guardians or  
25 nearest relatives cannot be located, or if they refuse to take custody,  
26 the child may be released to any of the following:

27 (a) A duly registered nongovernmental or religious  
28 organization;

29 (b) A barangay official or a member of the Barangay Council  
30 for the Protection of Children (BCPC);



1 (c) A local social welfare and development officer; [or, when  
2 and where appropriate, the DSWD.]

3 **(D) A FOSTER PARENT; OR**

4 **(E) WHEN AND WHERE APPROPRIATE, THE DSWD.**

5 If the child has been found by the [local] **BARANGAY** social  
6 welfare and development officer to be dependent, abandoned,  
7 neglected or abused by his/her parents and the best interest of the  
8 child requires that he/she be placed in [a youth care facility or 'Bahay  
9 Pag-asa'] **ANY CHILD-CARING INSTITUTION LICENSED AND**  
10 **ACCREDITED BY THE DSWD TO IMPLEMENT THE FOSTER CARE**  
11 **PROGRAM, OR TO A PERSON DULY REGISTERED WITH THE**  
12 **DSWD WHO IS WILLING TO PROVIDE FOSTER CARE,** the child's  
13 parents or guardians shall execute a written authorization for the  
14 voluntary commitment of the child: Provided, That if the child has no  
15 parents or guardians or if they refuse or fail to execute the written  
16 authorization for voluntary commitment, the proper petition for  
17 involuntary commitment shall be immediately filed by the DSWD or  
18 the Local Social Welfare and Development Office (LSWDO) pursuant  
19 to Presidential Decree No. 603, as amended, otherwise known as 'The  
20 Child and Youth Welfare Code' and the Supreme Court rule on  
21 commitment of children: Provided, further, That the minimum age  
22 for children committed to a youth care facility or 'Bahay Pag-asa'  
23 shall be twelve (12) years old."

24  
25 **SEC. 16.** Section 20-A of Republic Act No. 9344, as amended, is  
26 hereby further amended to read as follows:

27 "SEC. 20-A. Serious Crimes Committed by Children [Who Are  
28 Exempt From Criminal Responsibility. – A child who is above twelve  
29 (12) years of age up to [fifteen (15)] **BELOW EIGHTEEN (18)** years  
30 of age and who commits parricide, murder, infanticide, kidnapping  
31 and serious illegal detention where the victim is killed or raped,

1 robbery with homicide or rape, destructive arson, rape, or  
2 carnapping where the driver or occupant is killed or raped  
3 or offenses under Republic Act No. 9165 (Comprehensive Dangerous  
4 Drugs Act of 2002) punishable by more than twelve (12) years  
5 of imprisonment, shall be deemed a neglected child under  
6 Presidential Decree No. 603, as amended, and shall be mandatorily  
7 placed in a [special facility within the youth care facility or 'Bahay  
8 Pag-asa' called the Intensive Juvenile Intervention and Support  
9 Center (IJISC)] **JUVENILE REFORMATORY CENTER.**

10 In accordance with existing laws, rules, procedures and  
11 guidelines, the proper petition for involuntary commitment and  
12 placement under [the IJISC] **A JUVENILE REFORMATORY CENTER**  
13 shall be filed by the local social welfare and development officer of  
14 the LGU where the offense was committed, or by the DSWD social  
15 worker in the local social welfare and development officer's absence  
16 **OR INABILITY**, within twenty-four (24) hours from the time of the  
17 receipt of a report on the alleged commission of said child. The court,  
18 where the petition for involuntary commitment has been filed shall  
19 decide on the petition within seventy-two (72) hours from the time  
20 the said petition has been filed by the DSWD/LSWDO. The court will  
21 determine the initial period of placement of the child within the  
22 **[IJISC] JUVENILE REFORMATORY CENTER** which shall not be less  
23 than one (1) year. The multi-disciplinary team of the **[IJISC]**  
24 **JUVENILE REFORMATORY CENTER** will submit to the court a case  
25 study and progress report, to include a psychiatric evaluation report  
26 and recommend the reintegration of the child to his/her family or the  
27 extension of the placement under the **[IJISC] JUVENILE**  
28 **REFORMATORY CENTER.** The multi-disciplinary team will also  
29 submit a report to the court on the services extended to the parents  
30 and family of the child and the compliance of the parents in the



1 intervention program. The court will decide whether the child has  
2 successfully completed the center-based intervention program and  
3 is already prepared to be reintegrated with his/her family or if there  
4 is a need for the continuation of the center-based rehabilitation of the  
5 child. The court will determine the next period of assessment or  
6 hearing on the commitment of the child.”

7 **SEC. 17.** Section 20-B of Republic Act No. 9344, as amended, is hereby  
8 further amended to read as follows:

9 “SEC. 20-B. Repetition of Offenses. – A child who is [above twelve (12)  
10 years of age up to fifteen (15)] **BELOW TWELVE (12)** years of age  
11 and who commits an offense for the second time or oftener[:  
12 Provided, That the child was previously subjected to a community-  
13 based intervention program, shall be deemed a neglected child under  
14 Presidential Decree No. 603, as amended, and shall undergo an  
15 intensive intervention program supervised by the local social  
16 welfare and development officer: Provided, further, That, if the best  
17 interest of the child requires that he/she be placed in a youth care  
18 facility or] **SHALL BE PLACED IN A CHILD-CARING INSTITUTION**  
19 **LICENSED AND ACCREDITED BY THE DSWD TO IMPLEMENT THE**  
20 **FOSTER CARE PROGRAM, OR TO A PERSON DULY REGISTERED**  
21 **WITH THE DSWD WHO IS WILLING TO PROVIDE FOSTER CARE.**  
22 **HOWEVER, IF THE CHILD IS ALREADY IN THE CARE OF SUCH**  
23 **CHILD-CARING INSTITUTION OR FOSTER PARENT, THEN THE**  
24 **CHILD SHALL BE TRANSFERRED TO ANOTHER CHILD-CARING**  
25 **INSTITUTION OR FOSTER PARENT. THE CHILD SHALL UNDERGO**  
26 **REGULAR EVALUATIONS BY THE BARANGAY SOCIAL WELFARE**  
27 **AND DEVELOPMENT OFFICER. IF THE LATTER DETERMINES IN**  
28 **A COMPREHENSIVE STUDY THAT THE CHILD’S INTEREST**  
29 **REQUIRED COMMITMENT TO A BAHAY PAG-ASA, THEN THE**  
30 **CHILD SHALL BE SO COMMITTED** [‘Bahay Pag-asa’, the child’s

1 parents or guardians shall execute a written authorization for the  
2 voluntary commitment of the child: Provided, finally, That if the child  
3 has no parents or guardians or if they refuse or fail to execute the  
4 written authorization for voluntary commitment, the proper petition  
5 for involuntary commitment shall be immediately filed by the DSWD  
6 or the LSWDO pursuant to Presidential Decree No. 603, as  
7 amended].”

8 **SEC. 18.** Section 20-D of Republic Act No. 9344, as amended, is further  
9 amended to read, as follows:

10 “SEC. 20-D. Joint Parental Responsibility. – Based on the  
11 recommendation of the multi-disciplinary team of the [IJISC] **BAHAY**  
12 **PAG-ASA**, the LSWDO or the DSWD, the court may require the  
13 parents of a child in conflict with the law to undergo counseling or  
14 any other intervention that, in the opinion of the court, would  
15 advance the welfare and best interest of the child.

16 As used in this Act, ‘parents’ shall mean any of the following:

- 17 (a) Biological parents of the child; or  
18 (b) Adoptive parents of the child; or  
19 (c) Individuals who have custody of the child[.]; **OR**  
20 **(D) A DULY REGISTERED FOSTER PARENT.**

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

24 The parents shall be **PRIMARILY** liable for **CIVIL** damages  
25 **ARISING OUT OF THE ACTIONS OF THE CHILD IN CONFLICT**  
26 **WITH THE LAW** unless they prove, to the satisfaction of the court,  
27 that they were exercising reasonable supervision over the child at  
28 the time the child committed the offense and exerted reasonable  
29 effort and utmost diligence to prevent or discourage the child from  
30 committing another offense.”



1       **SEC. 19.** Section 22 of Republic Act No. 9344, as amended, is hereby further  
2 amended to read as follows:

3       “SEC. 22. Duties During Initial Investigation. – The law enforcement  
4 officer shall, in his/her investigation, determine where the case  
5 involving the child in conflict with the law should be referred.

6       The taking of the statement of the child shall be conducted in the  
7 presence of the following: (1) child’s counsel of choice or in the  
8 absence thereof, a lawyer from the Public Attorney’s Office; (2) the  
9 child’s parents, guardian, or nearest relative, as the case may be; and  
10 (3) the [local] **BARANGAY** social welfare and development officer. In  
11 the absence of the child’s parents, guardian, or nearest relative, and  
12 the local social welfare and development officer, the investigation  
13 shall be conducted in the presence of a representative of an NGO,  
14 religious group, or member of the BCPC.

15       The social worker shall conduct an initial assessment to  
16 determine the appropriate interventions and whether the child acted  
17 with discernment, using the discernment assessment tools  
18 developed by the DSWD. The initial assessment shall be without  
19 prejudice to the preparation of a more comprehensive case study  
20 report. The local social worker shall do either of the following:

21       (a) Proceed in accordance with Section 20 if the child is [fifteen  
22 (15)] **TWELVE (12)** years [or below or above fifteen (15) but below  
23 eighteen (18)] **UP TO BELOW EIGHTEEN (18)** years old, who acted  
24 without discernment; and

25       (b) If the child is above [fifteen (15)] **TWELVE (12)** years old  
26 but below eighteen (18) and who acted with discernment, proceed to  
27 diversion under the following chapter.”

28       **SEC. 20.** Section 43 of Republic Act No. 9344 is hereby amended to read, as  
29 follows:

30       “SEC. 43. Confidentiality of Records and Proceedings. - All records

1 and proceedings involving children in conflict with the law from  
2 initial contact until final disposition of the case shall be considered  
3 privileged and confidential. The public shall be excluded during the  
4 proceedings and the records shall not be disclosed directly or  
5 indirectly to anyone by any of the parties or the participants in the  
6 proceedings for any purpose whatsoever, except to determine if the  
7 child in conflict with the law may have his/her sentence suspended  
8 or if he/she may be granted probation under the Probation Law, or  
9 to enforce the civil liability imposed in the criminal action.

10 The component authorities shall undertake all measures to  
11 protect this confidentiality of proceedings, including non-disclosure  
12 of records to the media, maintaining a separate police blotter for  
13 cases involving children in conflict with the law and adopting a  
14 system of coding to conceal material information which will lead to  
15 the child's identity. [Records] **THE CRIMINAL RECORDS** of a child in  
16 conflict with the law shall, after undergoing a community-based  
17 intervention program, or being committed to a Bahay Pag-Asa or  
18 Juvenile Reformatory Center **SHALL BE EXPUNGED AND** not be  
19 used in subsequent proceedings for cases involving the  
20 same offender as an adult[, except when beneficial for the offender  
21 and upon his/her written consent].

22 A person who has been in conflict with the law as a child shall  
23 not be held under any provision of law, to be guilty of perjury or of  
24 concealment or misrepresentation by reason of his/her failure to  
25 acknowledge the case or recite any fact related thereto in response  
26 to any inquiry made to him/her for any purpose."

27 **SEC. 21.** Section 63 of Republic Act No. 9344, as amended, is hereby further  
28 amended to read, as follows:

29 "SEC. 63. Appropriations. – The amount necessary to carry out the  
30 provisions of this Act shall be charged against the current year's



1 appropriations of the JJWC under the budget of the Department of  
2 Justice. Thereafter, such sums as may be necessary for the continued  
3 implementation of this Act shall be included in the budget of the  
4 DSWD under the annual General Appropriations Act: Provided, That  
5 the amount of Four hundred million pesos (P400,000,000.00) shall  
6 be appropriated for the construction of 'Bahay Pag-asa'  
7 rehabilitation centers in provinces or cities with high incidence of  
8 children in conflict with the law to be determined and identified by  
9 the DSWD and the JJWC on a priority basis: Provided, further, That  
10 the said amount shall be coursed through the Department of Public  
11 Works and Highways (DPWH) for its proper implementation.

12 The LGUs concerned shall make available, from its own  
13 resources or assets, their counterpart share equivalent to the  
14 national government contribution of Five million pesos  
15 (P5,000,000.00) per rehabilitation center.

16 In addition, the Council may accept donations, grants and  
17 contributions from various sources, in cash or in kind, for purposes  
18 relevant to its functions, subject to the usual government accounting  
19 and auditing rules and regulations.

20 **EVERY LOCAL GOVERNMENT UNIT SHALL SET ASIDE FIVE**  
21 **PERCENT (5%) OF ITS SHARE OF THE INTERNAL REVENUE**  
22 **ALLOTMENT TO FUND THE PROGRAMS UNDER THIS ACT AND**  
23 **OTHER RELEVANT LAWS."**

24 **SEC. 22. Congressional Oversight.** There is hereby created a Joint  
25 Congressional Oversight Committee to oversee, monitor, and evaluate the  
26 implementation of this Act and other related laws. The Oversight Committee shall  
27 be composed of five (5) members each from the Senate and from the House of  
28 Representatives, including the Chairpersons of the Senate Committee on Justice  
29 and Human Rights, to act as Chairperson of the Senate Panel, and the House  
30 Committee on Justice, to act as Chairperson of the House Panel. The membership

1 of the Committee for every House shall have at least one (1) minority member.

2 The Oversight Committee shall conduct a mandatory review of this Act  
3 every three (3) years from its approval.

4 The DSWD and the Department of Education are required to report to the  
5 Oversight Committee, copy furnished the Senate President and the Speaker of the  
6 House of Representatives, on a monthly basis relevant data on school enrollment.

7 **SEC. 23. *Separability Clause.*** – If any provision of this Act is declared  
8 unconstitutional, such sections or parts not affected thereby shall remain in full  
9 force and effect.

10 **SEC. 24. *Repealing Clause.*** - All laws, decrees, executive orders, rules and  
11 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
12 repealed or modified accordingly.

13 **SEC. 25. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after  
14 its publication in the Official Gazette or in at least two (2) national newspaper of  
15 general circulation.

*Approved,*