
Introduced by **SENATOR IMEE R. MARCOS**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE
IMPLEMENTATION OF THE JUVENILE JUSTICE AND WELFARE ACT AND
OTHER LEGISLATIONS RELATIVE TO THE PROTECTION AND PROMOTION
OF THE RIGHTS AND WELFARE OF CHILDREN

WHEREAS, Article XV, Section 3, par. 2 of the 1987 Constitution provides that,
"The State shall 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;"

WHEREAS, Section 13, Article II of the Constitution also 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 shall
inculcate in the youth patriotism and nationalism, and encourage their involvement in
public and civic affairs."

WHEREAS, Article 40 of the United Nation Convention on the Rights of the
Child states that "a child in conflict with the law has the right to treatment that
promotes the child's sense of dignity and worth, takes the child's age into account and
aims at his or her defense. Judicial proceedings and institutional placements shall be
avoided whenever possible;"

WHEREAS, pursuant to the aforesaid constitutional mandates and to our
commitment to international laws, Congress has enacted the Republic Act No. 9344

otherwise known as the as "Juvenile Justice and Welfare Act of 2006" establishing the "Juvenile Justice and Welfare System" that deals with children at risk and children in conflict with the law, and provides child-appropriate proceeding, including programs and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development;

WHEREAS, Republic Act No. 9344 also increased the age of absolute criminal irresponsibility from nine (9) years of age to fifteen (15) years of age and the conditional responsibility from the age of between nine (9) to fifteen (15) years of age to above fifteen (15) years of age up to below eighteen (18) years of age;

WHEREAS, Republic Act No. 10630 was passed into law on October 3, 2013 strengthening the juvenile justice system which includes the establishment of "Bahay Pag-asa, a 24-hour child –caring institution established, funded and managed by local government units (LGU's) and licensed and/or accredited non-government organizations (NGO's) providing short-term residential care for children in conflict with the law who are above fifteen (15) years but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction;

WHEREAS, reports of increasing numbers of children in conflict with the law and/or children abused and exploited by syndicates for malevolent activities have, in recent years, fueled the call for legislation to lower the minimum age of criminal responsibility from fifteen (15) years of age to twelve (12) years of age;

WHEREAS, the United Nations Children's Fund (UNICEF) has manifested its opposition to the effort to lower the minimum age of criminal responsibility and instead urged the government to implement the juvenile justice law fully and effectively;

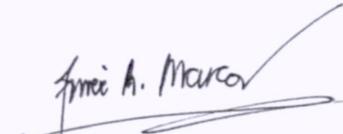
WHEREAS, UNICEF representative to the Philippines Lotta Sylwander, during a senate hearing on bills lowering the minimum age of criminal responsibility, declared that "*the present juvenile justice law is a very solid law but the problem lies in its*

implementation." She was further quoted as saying that "there seems to be no accountability to actually implement it from LGU's (local government units), from DSWD (Department of Social Welfare and Development), and other agencies";

WHEREAS, in furtherance of our common goal to promote the total well-being of children and to create an environment conducive to their normal development, there is a need to review the implementation of the Juvenile Justice and Welfare Act and other legislations aimed at protecting and promoting the rights and welfare of children;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the status of the implementation of the Juvenile Justice and Welfare Act and other legislations relative to the protection and promotion of the rights and welfare of children.

Adopted,


IMEE R. MARCOS