

[REPUBLIC ACT NO. 10630, October 03, 2013]

AN ACT STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006" AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Title of Republic Act No. 9344 is hereby amended to read as follows: "An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile justice and Welfare Council under the Department of Social Welfare and Development, Appropriating Funds Therefor, and for Other Purposes."

SEC. 2. Section 4 of Republic Act No. 9344 is hereby amended to read as follows:

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

"x x x

"(s) 'Bahay Pag-asa' – refers to a 24-hour child-caring institution established, funded and managed by local government units (LGUs) 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) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

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

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

"x x x."

SEC. 3. Section 6 of Republic Act No. 9344 is hereby amended to read as follows:

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

"A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.

"A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

"The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws."

SEC. 4. Section 8 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 8. *Juvenile Justice and Welfare Council (JJWC)* . – A Juvenile Justice and Welfare Council (JJWC) is hereby created and attached to the Department of Social Welfare and Development and placed under its administrative supervision. The JJWC shall be chaired by an Undersecretary of the Department of Social Welfare and Development. It shall ensure the effective implementation of this Act and coordination among the following agencies:

"(a) Department of Justice (DOJ);

"(b) Council for the Welfare of Children (CWC);

"(c) Department of Education (DepED);

"(d) Department of the Interior and Local Government (DILG);

"(e) Public Attorney's Office (PAO);

"(f) Bureau of Corrections (BUCOR);

"(g) Parole and Probation Administration (PPA);

"(h) National Bureau of Investigation (NBI);

"(i) Philippine National Police (PNP);

"(j) Bureau of Jail Management and Penology (BJMP);

"(k) Commission on Human Rights (CHR);

"(l) Technical Education and Skills Development Authority (TESDA);

"(m) National Youth Commission (NYC); and

"(n) Other institutions focused on juvenile justice and intervention programs.

"The JJWC shall be composed of representatives, whose ranks shall not be lower than director, to be designated by the concerned heads of the following departments or agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

"(1) Department of Justice (DOJ);

"(2) Department of Social Welfare and Development (DSWD);

"(3) Council for the Welfare of Children (CWC);

“(4) Department of Education (DepED);

“(5) Department of the Interior and Local Government (DILG);

“(6) Commission on Human Rights (CHR);

“(7) National Youth Commission (NYC);

“(8) Two (2) representatives from NGOs, to be designated by the Secretary of Social Welfare and Development, to be selected based on the criteria established by the Council;

“(9) Department of Health (DOH); and

“(10) One (1) representative each from the League of Provinces, League of Cities, League of Municipalities and League of Barangays.

“There shall be a Regional Juvenile Justice and Welfare Committee (RJJWC) in each region. The RJJWCs will be under the administration and supervision of the JJWC. The RJJWC shall be chaired by the director of the regional office of the DSWD. It shall ensure the effective implementation of this Act at the regional and LGU levels and the coordination among its member agencies.

“The RJJWC will be composed of permanent representatives who shall have a rank not lower than an assistant regional director or its equivalent to be designated by the concerned department heads from the following agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

“(i) Department of Justice (DOJ);

“(ii) Department of Social Welfare and Development (DSWD);

“(iii) Department of Education (DepED);

“(iv) Department of the Interior and Local Government (DILG);

“(v) Commission on Human Rights (CHR);

“(vi) Department of Health (DOH);

“(vii) Two (2) representatives from NGOs operating within the region selected by the RJJWC based on the criteria established by the JJWC;

“(viii) One (1) sectoral representative from the children or youth sector within the region; and

“(ix) One (1) representative from the League of Provinces/ Cities/ Municipalities/ Barangays of the Philippines.

“The JJWC shall convene within fifteen (15) days from the effectivity of this Act. The Secretary of Social Welfare and Development shall determine the organizational structure and staffing pattern of the JJWC national secretariat and the RJJWC secretariat.

“In the implementation of this Act, the JJWC shall consult with the various leagues of local government officials.

"The JJWC shall coordinate with the Office of the Court Administrator and the Philippine Judicial Academy to ensure the realization of its mandate and the proper discharge of its duties and functions, as herein provided."

SEC.5. Section 9 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 9. *Duties and Functions of the JJWC* . – The JJWC shall have the following duties and functions:

"(a) To oversee the implementation of this Act;

"(b) To advise the President on all matters and policies relating to juvenile justice and welfare;

"(c) To assist the concerned agencies in the review and redrafting of existing policies/regulations or in the formulation of new ones in line with the provisions of this Act;

"(d) To periodically develop a comprehensive 3 to 5-year national juvenile intervention program, with the participation of government agencies concerned, NGOs and youth organizations;

"(e) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities which may have an important bearing on the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the JJWC;

"(f) 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;

"(g) 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;

"(h) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as, but not limited to:

"(1) The performance and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;

"(2) The periodic trends, problems and causes of juvenile delinquency and crimes; and

"(3) The particular needs of children in conflict with the law in custody.

"The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.

"The JJWC shall submit an annual report to Congress on the implementation of the provisions of this Act.

"The JJWC shall set up a mechanism to ensure that children are involved in research and policy development.

"(i) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary recommendations to appropriate agencies;

"(j) 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;

"(k) To submit an annual report to the President on the implementation of this Act; and

"(l) To perform such other functions as may be necessary to implement the provisions of this Act."

"SEC. 9-A. *Duties and Functions of the RJJWC.* – The RJJWC shall have the following duties and functions:

"(a) To oversee and ensure the effective implementation of this Act at the regional level and at the level of the LGUs;

"(b) To assist the concerned agencies in the implementation and in compliance with the JJWC's adopted policies/regulations or provide substantial inputs to the JJWC in the formulation of new ones in line with the provisions of this Act;

"(c) To assist in the development of the comprehensive 3 to 5-year local juvenile intervention program, with the participation of concerned LGUs, NGOs and youth organizations within the region and monitor its implementation;

"(d) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities within the region;

"(e) To oversee the programs and operation of the intensive juvenile intervention and support center established within the region;

"(f) To collect relevant regional information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare within the region, such as, but not limited to:

"(1) Performance and results achieved by juvenile intervention programs and by activities of the LGUs and other government agencies within the region;

"(2) The periodic trends, problems and causes of juvenile delinquency and crimes from the LGU level to the regional level; and

"(3) The particular needs of children in conflict with the law in custody within their regional jurisdiction.

"The data gathered shall be forwarded by the RJJWC to the JJWC on an annual basis and as may be deemed necessary by the JJWC.