



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

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SENATE

P.S. Res. No. 268

Introduced by SENATOR WIN T. GATCHALIAN

**A RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO  
CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, AS TO  
THE ENFORCEMENT AND PROPER IMPLEMENTATION OF  
REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS  
THE "JUVENILE JUSTICE WELFARE ACT OF 2006", FOR THE  
PURPOSE OF EXAMINING THE EFFECTIVITY OF THE EXISTING  
LAW AND PROPOSING AMENDMENTS TO FURTHER  
STRENGTHEN THE PROVISIONS THAT PROTECT THE RIGHTS OF  
CHILDREN IN CONFLICT WITH THE LAW**

**WHEREAS**, Republic Act No. 9344, as amended, or the Juvenile Justice Welfare Act of 2006, was enacted pursuant to Article 40 of the United Nations Convention on the Rights of the Child, which recognizes the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of his sense of dignity and worth, taking into account his age and the desirability of promoting his reintegration<sup>1</sup>;

<sup>1</sup> Art 40, Paragraph 1 of the CONVENTION ON THE RIGHTS OF THE CHILD.

**WHEREAS**, the law raised the minimum age of criminal liability (MACR) from nine (9) years of age to fifteen (15) years of age<sup>2</sup>, and provided for intervention and rehabilitation programs of children in conflict with the law (CICL);

**WHEREAS**, Republic Act No. 10630 enacted on October 3, 2013, which effectively amended Republic Act No. 9344, for the purpose of strengthening the Juvenile Justice System in the Philippines, was a progressive step towards a more restorative and child-oriented juvenile justice system. Current reports however insist that despite the good intention of these laws, it appears that the number of CICL in the country is continuously rising;

**WHEREAS**, bills<sup>3</sup> now filed before the House of Representatives seek to revert the MACR to nine (9) years of age as originally provided in the Revised Penal Code to impress upon the minds of our legislators that it is the only viable solution to this problem;

**WHEREAS**, contrary to this claim, the problem of CICL is deeply rooted in the social ills of our country such as *poverty* and *other socio-economic factors*, where a typical profile shows the CICL as one coming from a poor family in an urban slum or rural village and usually detained for petty theft, sniffing solvent and vagrancy<sup>4</sup>;

**WHEREAS**, one of the obvious tenets in juvenile delinquency prevention and juvenile justice is that long-term change is brought about not only when symptoms are treated but also when root causes are addressed<sup>5</sup>;

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<sup>2</sup> Section 6 of R.A. 9334.

<sup>3</sup> House Bill No. 002 and House Bill No. 3973.

<sup>4</sup> [https://www.unicef.org/philippines/downloads/Factsheet\\_CICL.pdf](https://www.unicef.org/philippines/downloads/Factsheet_CICL.pdf)

<sup>5</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CriminalJusticeSystem.aspx> No. 41 (E)

**WHEREAS**, rather than focusing on the age of criminal liability, the country should focus on treating the root cause of this problem and undertake programs to prevent children from committing crimes at an early age;

**WHEREAS**, CICL should be subject to a justice system for children that focuses on their rehabilitation and reintegration into society; promotes respect for the child's sense of dignity and worth; prohibits torture and cruel, inhuman and degrading treatment and punishment; and uses detention as a measure of last resort and for the shortest possible time<sup>6</sup>;

**WHEREAS**, a UNICEF-commissioned independent evaluation to assess how the center-based rehabilitation programs and diversion programs contribute to the overall objectives of juvenile justice and welfare administration in the Philippines<sup>7</sup>, revealed that, there are existing programs for rehabilitation and reintegration of CICL but significant gaps still exist in meeting international conventions' rights protection standards due to unsatisfactory diversion programs<sup>8</sup> such as for example, the inhumane and decrepit living environment for CICLs in most Bahay Pag-asa Centers as reported to the Juvenile Justice Welfare Council;

**WHEREAS**, there is an urgent necessity to review R.A. 9344, as amended, to ensure its full implementation and to determine whether appropriate interventions and rehabilitation programs are undertaken for the best interests of the CICL, including defining the extent and culpability of adults who exercise parental authority over children in CICL and those who abuse their moral ascendancy to lead these children into deviancy;

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<sup>6</sup> UN Convention on the Rights of the Child (Art. 37B).

<sup>7</sup> [https://www.unicef.org/evaldatabase/files/Philippines\\_2015-004\\_Final\\_Report.pdf](https://www.unicef.org/evaldatabase/files/Philippines_2015-004_Final_Report.pdf)

<sup>8</sup> *Id*@4.

**WHEREAS**, rather than lowering the MACR, the more feasible solution to the growing number of CICL is the full and proper implementation of Republic Act No. 9344, as amended by Republic Act No. 10630 and the examination of laws accruing to the responsibility of parents and guardians persons in the exercise of moral authority and guardianship for the general welfare of these children;

**NOW THEREFORE, BE IT RESOLVED** by the Senate of the Philippines, to direct the appropriate Senate Committee to conduct an investigation, as to the enforcement and proper implementation of Republic Act No. 9344, as amended, for the purpose of examining the effectivity of the existing law and proposing amendments to further strengthen the provisions that protect the rights of the children in conflict with the law.

*Adopted,*



**WIN T. GATCHALIAN**