

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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NOV 7 2012

S E N A T E

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COMMITTEE REPORT NO. 463

Submitted jointly by the Committees on Justice and Human Rights *and* Youth, Women and Family Relations on NOV 07 2012

Re: Senate Bill No. 3324

Recommending its approval in substitution of S. Nos. 43, 2403 and 2488, taking into consideration P.S.Res. Nos. 404 and 748.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights *and* Youth, Women and Family Relations to which were referred S. No. 43, introduced by Senator Vicente C. Sotto, III, entitled:

**“AN ACT
TO LOWER THE AGE OF EXEMPTION FROM CRIMINAL RESPONSIBILITY
AMENDING SECTIONS 6, 20, 22, 23, 58 AND 64 OF R.A. 9344 OTHERWISE
KNOWN AS THE “JUVENILE JUSTICE AND WELFARE ACT OF 2006” AND
FOR OTHER PURPOSES.”**

S. No. 2403, introduced by Senator Ramon “Bong” Revilla, Jr., entitled:

**“AN ACT
AMENDING SECTIONS 6, 8, 20, 22, 33 AND 57 OF REPUBLIC ACT NO. 9344,
OTHERWISE KNOWN AS “JUVENILE JUSTICE AND WELFARE ACT OF
2006.”**

And S. No. 2488, introduced by Senator Francis N. Pangilinan, entitled:

**“AN ACT
AMENDING REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS “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. ”**

Taking into consideration, P.S.Res.No. 404, introduced by Senator Manny Villar.,
entitled:

**“RESOLUTION
URGING THE SENATE COMMITTEES ON CONSTITUTIONAL
AMENDMENTS, REVISION OF CODES AND LAWS; YOUTH, WOMEN AND
FAMILY RELATIONS TO REVISIT, IN AID OF LEGISLATION, REPUBLIC
ACT NO. 9344 OTHERWISE KNOWN AS JUVENILE JUSTICE AND
WELFARE ACT OF 2006, WITH THE END IN VIEW OF STRENGTHENING
AND ENSURING THE EFFECTIVENESS OF THE MEASURE TO FULLY
ACHIEVE THE NOBLE OBJECTIVES OF THE LAW.”**

And P.S. Res. No. 748, introduced by Senator Miriam Defensor-Santiago, entitled:

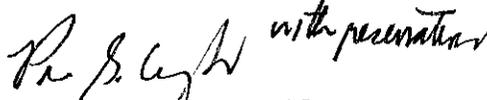
**“RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO CONDUCT AN
OVERSIGHT ASSESSMENT OF THE JUVENILE JUSTICE ACT AND
CONSIDER POSSIBLE AMENDMENTS TO THE LAW SPECIFICALLY ON
THE IMPOSITION OF CRIMINAL LIABILITY ON CHILDREN ABOVE 12
YEARS OLD IF PROVEN THAT THEY ACTED WITH DISCERNMENT.”**

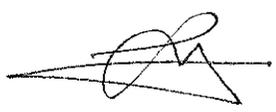
have considered the same and have the honor to report them back to the Senate with the
recommendation that the attached Senate Bill No. 3324, prepared by
the Committees, entitled:

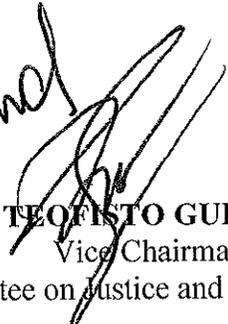
**“AN ACT
AMENDING REPUBLIC ACT NO. 9344 OTHERWISE KNOWN AS THE
“JUVENILE JUSTICE AND WELFARE ACT OF 2006” AND APPROPRIATING
FUNDS THEREFOR”**

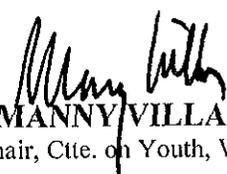
be approved in substitution of S. Nos. 43, 2403, and 2488, taking into consideration P.S. Res. Nos. 404 and 748, with Senators Sotto, Revilla, Pangilinan, Villar, Defensor-Santiago, Escudero, and Cayetano, P. as authors thereof.

Respectfully submitted:


SEN. PIA S. CAYETANO
Chairperson,
Committee on Youth, Women, and
Family Relations

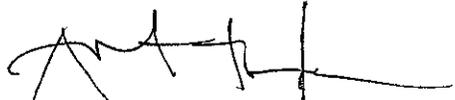

SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Justice and Human Rights

will amend

SEN. TEOFISTO GUINGONA III
Vice Chairman,
Committee on Justice and Human Rights


SEN. MANNY VILLAR
Vice Chair, Cttee. on Youth, Women & Family Relations

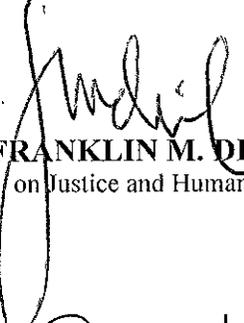
SEN. LOREN B. LEGARDA
Vice Chair, Cttee. on Youth, Women, Family Rel.
Member, Cttee. on Justice and Human Rights

MEMBERS:

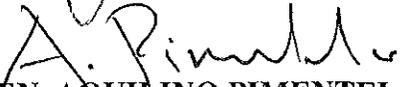

SEN. ANTONIO F. TRILLANES IV
Cttees. on Justice and Human Rights
& Youth, Women & Family Relations


SEN. RAMON "Bong" REVILLA, JR.
Cttee. on Justice and Human Rights


SEN. SERGIO R. OSMEÑA III
Cttee. on Justice and Human Rights


SEN. FRANKLIN M. DRILON
Comttee on Justice and Human Rights

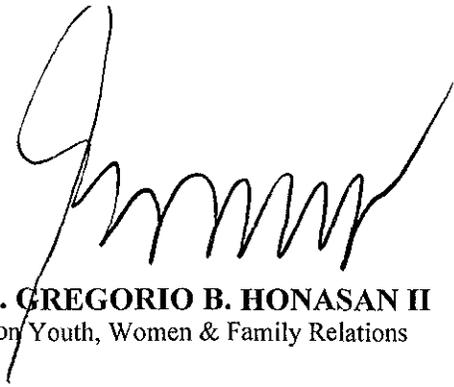

SEN. JOKER P. ARROYO
Cttee. on Justice and Human Rights


SEN. AQUILINO PIMENTEL III
Cttees. on Justice and Human Rights and
Youth, Women and Family Relations

may amend



SEN. MANUEL M. LAPID
Ctte. on Youth, Women & Family Relations



SEN. GREGORIO B. HONASAN II
Ctte. on Youth, Women & Family Relations

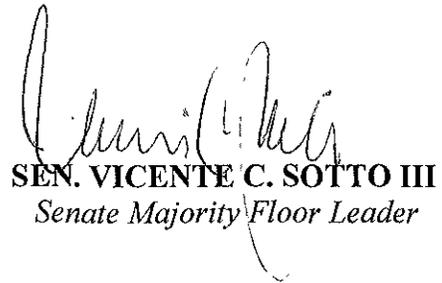
Exp. 1 May w/ amendments
SEN. EDGARDO J. ANGARA
Ctte. on Youth, Women & Family Relations



SEN. FERDINAND R. MARCOS, JR.
Ctte. on Youth, Women & Family Relations

Ex-Officio Members:

Transcriptions w/ amendments
Indagullata
SEN. ALAN PETER CAYETANO
Senate Minority Floor Leader



SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader



SEN. JINGGOY EJERCITO-ESTRADA
Senate President Pro-Tempore

HON. JUAN PONCE ENRILE
Senate President

**SALIENT FEATURES OF THE AMENDMENTS TO RA 9344,
THE JUVENILE JUSTICE AND WELFARE ACT OF 2006**

The amendments seek to address the concerns raised in public hearings and the technical working group meeting conducted by the Committee on Justice and Human Rights, as well as those expressed in other venues, on perceived gaps in RA 9344. The amendments do not seek to change the substance of the RA 9344, but rather to improve it so that it can be better implemented.

The salient features of the proposed amendments to RA 9344 are:

1. The Juvenile Justice and Welfare Council is now completely under the Department of Social Welfare and Development, with both the Chairperson and the Secretariat under the DSWD. This addresses the difficulties posed by having the chairperson and the secretariat under different departments, i.e., the DSWD and the DOJ, respectively.
2. It clarifies the meaning of “fifteen years of age,” the age of criminal responsibility, which has often been misconstrued leading to the release of children who should otherwise be subject to formal proceedings.
3. It requires the JJWC to consult the different leagues of local officials in developing policies to implement RA 9344.
4. The JJWC is required to conduct a periodic study on the age of discernment, which can provide basis for a legislative review.
5. It provides for what shall be done to children who are criminally exempt in order to ensure that they undergo the appropriate intervention programs, including commitment to a residential facility where appropriate. Particular attention is given to those who are repeat offenders and those who have committed specific violent offenses, i.e., heinous crimes.
6. It provides the maximum penalty for those who exploit children for the commission of criminal offenses.
7. It provides for assistance to victims of crimes committed by children.
8. It provides for a mechanism to determine if a child had acted with discernment.
9. It requires that discernment be alleged in the information in a criminal case where the accused is a child.
10. It provides for the proper application of curfew ordinances as measures to protect children.