

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Resolution No. 241

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by REP. KAKA BAG-AO, REP. GABRIEL BORDADO,
REP. TOMASITO VILLARIN, REP. JOSE CHRISTOPHER BELMONTE, REP. EDCCEL
LAGMAN, REP. GERALDINE ROMAN, REP. HARRY ROQUE, REP. TEDDY BRAWNER
BAGUILAT, REP. JORGE BANAL and REP. HENEDINA ABAD

A RESOLUTION DIRECTING THE CONGRESSIONAL COMMITTEE ON THE WELFARE OF CHILDREN TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE EFFECTIVENESS OF REPUBLIC ACT 9344 AS AMENDED BY REPUBLIC ACT 10630, OTHERWISE KNOWN AS THE JUVENILE JUSTICE AND WELFARE ACT, AND ITS IMPACT ON CHILDREN IF THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY IS LOWERED.

WHEREAS, *Section 13, Article II* of the *1987 Constitution* recognizes the vital role of the youth in nation-building and *Section 3 of Article XV* affirms the duty of the State to defend the right of children to assistance, including proper care and nutrition, and to special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

WHEREAS, the Philippines adopts several international agreements on the rights of the child such as the *United Nations Convention on the Rights of the Child*, the *UN Standard Minimum Rules for the Administration of Juvenile Justice* and the *UN Guidelines for the Prevention of Juvenile Delinquency*;

WHEREAS, the *United Nations Convention on the Rights of the Child*, signed and ratified by the Republic of the Philippines, 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 the child's sense of dignity and worth, taking into account the child's age and the desirability of promoting his or her reintegration;

WHEREAS, the *UN Committee on the Rights of the Child* in *General Comment No. 10* states that a minimum age of criminal responsibility below the age of 12 years is internationally unacceptable and further recommends the age of 16 years old as a better standard;

WHEREAS, research shows that detaining or incarcerating children is more damaging than beneficial to them. It has a profoundly negative impact on young people's mental and physical well-being (i.e. depression and poor mental health), their education (i.e. learning disabilities not recognized or addressed), and their future employment (i.e. reduces their

ability to remain in the workforce). Detention may also increase the likelihood that young people will recidivate, compromising public safety;¹

WHEREAS, *Republic Act No. 9344* as amended by *Republic Act No. 10630*, or the *Juvenile Justice and Welfare Act (JJWA)*, defines the best interest of the child as the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. This means the least detrimental available alternative for safeguarding the growth and development of the child;

WHEREAS, the JJWA has set the minimum age of criminal responsibility to fifteen (15) years old, such that a child fifteen (15) years old and below who commits a crime shall be exempt from criminal liability but will nevertheless be subject to civil liability and an intervention program pursuant to the provisions of the Act;

WHEREAS, there are many documented cases of success in the implementation of the JJWA, including efforts of local government units in upholding child rights and restorative justice principles. For instance, the Barangay Council of Payatas in Quezon City implemented its 2011 Program for the Protection of Children in accordance with the Comprehensive National Juvenile Intervention Framework under *Republic Act 9344* which resulted in a marked decrease of 78% in the number of children coming into conflict with the law within the same year;

WHEREAS, to date, significant number of provincial government and highly urbanized cities have yet to establish *Bahay Pag-asa* in their jurisdiction; Local Government Units yet to comply with the provisions on allocating percentage of their Internal Revenue Allotment to strengthen Local Council for the Protection of Children; local implementors are not yet fully equipped with necessary skills and orientation in running the intervention and diversion programs, aforementioned features are imperative, absence of such affect the effectivity and efficiency of the law;

WHEREAS, there is a call to lower the minimum age of criminal responsibility which is touted as an urgent legislative measure but which, considering the foregoing, appears to be contrary to the best interests of the child and other state policies;

WHEREAS, the fact that our laws recognize eighteen (18) as the age of adequate discretion and discernment in exercising the right to vote, the right to marry with parental consent, and the right to enter into contracts, among others, must be taken into account when we consider lowering the age of criminal liability;

WHEREAS, there is a need to review the effectiveness and value of the JJWA in light of the current debate, to examine any evidence supporting the proposal to lower the minimum age of criminal responsibility as well as to substantiate claims of successful implementation of the JJWA;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the Congressional Committee on the Welfare of Children and other appropriate committees of the House of Representatives, conduct an inquiry, in aid of legislation, on the effectiveness of *Republic Act 9344* as amended by *Republic Act 10630 (Juvenile Justice and Welfare Act)* and the impact to children if the criminal age is lowered from fifteen (15) years of age to nine (9) years of age.

¹ The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. A Justice Policy Institute Report by Barry Holman and Jason ccZeidenberg.

Adopted,



REP. KAKA BAG-AO
Lone District, Dinagat Islands



REP. GABRIEL BORDADO
3rd District, Camarines Sur



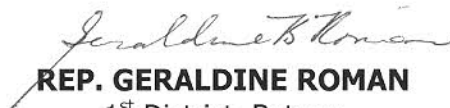
REP. TOMASITO VILLARIN
Akabayan Partylist



REP. JOSE CHRISTOPHER BELMONTE
6th District, Quezon City




REP. EDCCEL LAGMAN
1st District, Albay



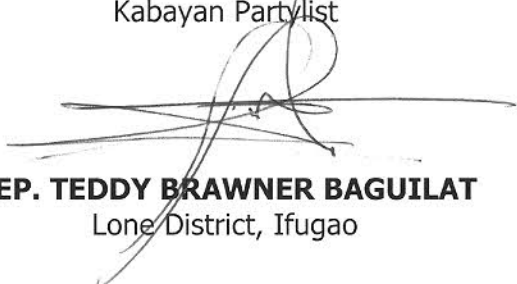
REP. GERALDINE ROMAN
1st District, Bataan



REP. HARRY ROQUE
Kabayan Partylist



REP. HENEDINA ABAD
Lone District, Batanes



REP. TEDDY BRAWNER BAGUILAT
Lone District, Ifugao



REP. JORGE BANAL
3rd District, Quezon City