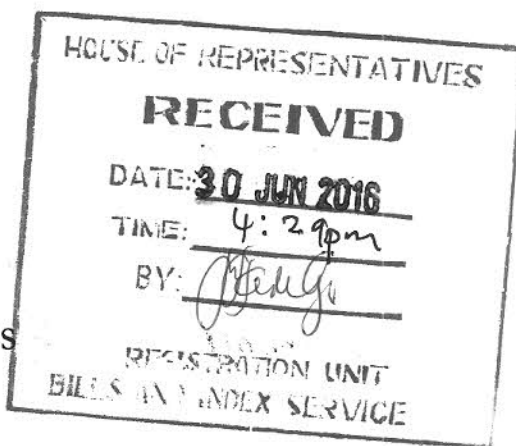


SEVENTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 505



Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

This bill seeks to lower the age of criminal responsibility from fifteen (15) years old to nine (9) years old.

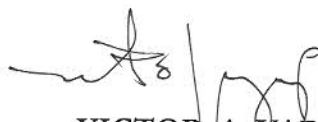
The Revised Penal Code of the Philippines exempted nine year old children from criminal liability. PD 603 the Child and Youth Welfare Code of 1974 stipulated the same age. In England and Wales people of offending age are classed as those aged 10 years or older. In the US, the youngest age for juvenile delinquency is six (6) years old in the State of North Carolina, seven (7) years old in Maryland, Massachusetts and New York and State of Arizona at eight (8) years old.

Children in conflict of law at present grow in number. Sad to say, the minors are getting bolder and braver. These young people has emboldened themselves and criminal syndicates has capitalized on the age 15 as being free for criminal liability. Hence, crimes against property and in some cases rape, murder and prostitution are committed by these young people.

The age of minors involved in crimes is getting younger. They are prey to unscrupulous and ruthless criminal syndicates. This representation believes in the restorative system of justice, thus, lowering the age of criminal responsibility.

More so, it is provided in the Constitution that the state recognizes the vital role of the youth in nation building and thus, shall promote and protect their physical, moral, spiritual, intellectual and social well-being.

Hence, immediate passage of this legislation is urgently sought.



VICTOR A. YAP

Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. __ 505

Introduced by Representative Victor A. Yap

AN ACT

AMENDING SECTION 3 AND 6 OF RA NO. 10630, 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.

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

1 **Section 1.** Section 3 of RA 10630 is hereby amended to read as follows:

2 “SEC. 3. Minimum Age of Criminal Responsibility – A child [fifteen (15)] **NINE (9)**
3 years of age or under at the time of the commission of the offense shall be exempt
4 from criminal liability. However, the child shall be subjected to an intervention
5 program pursuant to Section 20 of this Act.

6
7 “A child is deemed to be [fifteen (15)] **NINE (9)** years of age on the day of the
8 [fifteen] **NINTH** anniversary of his/her birthdate.

9
10 “A child above [fifteen (15)] **NINE (9)** years but below eighteen (18) years of age
11 shall likewise be exempt from criminal liability and be subjected to an intervention
12 program, unless he/she has acted with discernment, in which case, such child shall
13 be subjected to the appropriate proceedings in accordance with this Act.

14
15 “The exemption from criminal liability herein established does not include
16 exemption from civil liability, which shall be enforced in accordance with existing
17 laws.”

18 **Section 2.** Section 20 of the same Act is likewise amended to read as follows:

19 **SEC. 20. Children Below the Age of Criminal Responsibility** – If it has been
20 determined that the child taken into custody is [fifteen (15)] **NINE (9)** years old or
21 below, the authority which will have an initial contact with the child, in consultation
22 with the local social welfare and development officer, has the duty to immediately

1 release the child to the custody of his/her parents or guardian, or in the absence
2 thereof, the child's nearest relative. The child shall be subjected to a community-
3 based intervention program supervised by the local social welfare and development
4 officer, unless the best interest of the child requires the referral of the child to a
5 youth care facility or "Bahay Pag asa" managed by LGUs or licensed and/or
6 accredited NGOs monitored by the DSWD.

7 Xxx

8
9 **Section 3. *Separability Clause.*** – If any provision of this Act is declared invalid or
10 unconstitutional, the other provisions not so declared shall remain in force and effect.

11
12 **Section 4. *Repealing Clause*** – All laws, decrees, orders, rules and regulations or parts thereof
13 inconsistent with this Act are hereby repealed or modified accordingly.

14
15 **Section 5. *Effectivity*** – This Act shall take effect immediately upon its approval.

16
17 **Approved.**