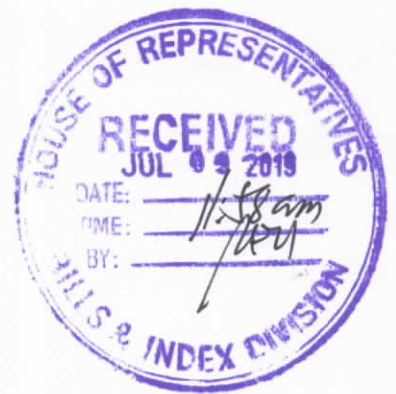


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session



House Resolution No. 42

---

Introduced by

**REP. ARLENE D. BROSAS (Gabriela Women's Party);**  
**REPS. CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE, EUFEMIA C. CULLAMAT (Bayan Muna);**  
**REP. FRANCE L. CASTRO (ACT Teachers Partylist);**  
**and REP. SARAH JANE I. ELAGO (Kabataan Partylist)**

---

**RESOLUTION OPPOSING RENEWED INITIATIVES TO LOWER THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY AND URGING THE HOUSE COMMITTEE ON JUSTICE AND COMMITTEE ON APPROPRIATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION ON THE IMPLEMENTATION OF REPUBLIC ACT 10630 OR AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM**

**WHEREAS**, the Republic Act 10630 (RA 10630) was signed into law last October 3, 2013, and has effectively amended the landmark legislation protecting Children in Conflict with the Law (CICL), the Republic Act 9344 or otherwise known as the Juvenile Justice and Welfare Act of 2006;

**WHEREAS**, among the key features of RA 10630 was the establishment of the Juvenile Justice and Welfare Council (JJWC), led by the Secretary of the Department of Social Welfare and Development (DSWD), the post was previously held by the Secretary of Justice;

**WHEREAS**, it mandates every province and highly urbanized city in the country to have a twenty-four (24) hour child caring institution, named Bahay Pag-asa (BPA). It shall be established, funded and managed by the local government units (LGUs) and by accredited non-government organizations (NGOs);

**WHEREAS**, it shall provide temporary shelter to CICL between 12 to 18 years of age and shall provide intensive juvenile intervention and support while the minors wait for their disposition or transfer;

**WHEREAS**, the BPAs are expected to have "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."<sup>1</sup>

**WHEREAS**, according to the law, aside from the capital outlay and operational expenses for the BPAs, there should also be a fiscal allocation for the operations of the Intensive Juvenile Intervention and Support Centers (IJISC) within BPA. Furthermore, the LGUs should include in their annual expenditures, the operations of the local juvenile intervention program for children-at-risk and CICL;

**WHEREAS**, the law stipulates that Four hundred million pesos (P4,000,000.00) shall be appropriated for the construction of BPAs in provinces and cities with high incidence of CICL which shall be identified by the JJWC and the DSWD through the Department of Public Works and Highways. Also, *"The LGUs concerned shall make available, from its own resources or assets, their counterpart share equivalent to the national government contribution of Five million pesos (P5,000,000.00) per rehabilitation center"*;

**WHEREAS**, based on the report of the JJWC<sup>ii</sup>, there are only 58 operational BPAs, and not all have been accredited. Some have no IJISC, no BCPC and no intervention programs;

**WHEREAS**, most CICL may have been out of regular prison facilities and separated from adult criminals, but they are sent to BPAs that resemble an adult jail facility and/or detention cell and children are put behind iron bars;

**WHEREAS**, 81 provinces and 33 highly-urbanized cities are obliged to comply with this law and build their own BPA that would necessary to carry out the objectives of rehabilitative and restorative justice as provided by the law, so that the child offenders may be productive members of society later on<sup>iii</sup>;

**WHEREAS**, LGUs without existing BPAs may have locked up youth offenders with adult inmates in regular prison cells and expose them to possible physical and sexual abuse, exploitation, exposure to health hazards and diseases and unsanitary living conditions inside the prison;

**WHEREAS**, the full and proper implementation of RA 10630 may prevent the increase of CICL and that lowering of the MACR is not an option. As stated by the JJWC in their position paper: *"if implemented properly and effectively by duty bearers... will not only help protect and rehabilitate children in conflict with the law and prevent them from reoffending but ensure that they are made accountable through intervention and diversion programs"*;

**WHEREAS**, the House of Representatives rushed the approval of the bill lowering the minimum age of criminal responsibility to 12 years old during the 17th Congress based on President Duterte's wish, in a warped and misplaced attempt to stem criminality;

**WHEREAS**, the bill failed to hurdle the Senate during the 17th Congress due to the strong and successful campaign against the measure under the broad call that "Children are not criminals;"

**WHEREAS**, some members of the 18th Congress, including the Senate President himself, have refiled the measure with the minimum age pegged at ten (10) years old;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE HOUSE OF REPRESENTATIVES OPPOSE RENEWED INITIATIVES TO LOWER THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY AND THAT THE HOUSE COMMITTEE ON JUSTICE AND COMMITTEE ON APPROPRIATIONS CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON IMPLEMENTATION OF RA 10630 OR AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM.**

Adopted,



**ARLENE D. BROSAS**  
Gabriela Women's Party



**CARLOS ISAGANI T. ZARATE**  
Bayan Muna Partylist

**FERDINAND R. GAITE**  
Bayan Muna Partylist

**EUFEMIA C. CULLAMAT**  
Bayan Muna Partylist



**FRANCE L. CASTRO**  
Act Teachers Partylist



**SARAH JANE I. ELAGO**  
Kabataan Partylist

---

<sup>i</sup> Republic Act 10630

<sup>ii</sup> JJWC Position Paper on the Lowering of the Minimum Age of Criminal Responsibility (MACR) to Nine (9) Years Old under House Bill No. 2 or the Minimum Age of Criminal Responsibility Act

<sup>iii</sup> ibid