

JUVENILE JUSTICE AND WELFARE COUNCIL

Department of Justice
DOJ Building, Padre Faura St., Ermita, Manila

COUNCIL RESOLUTION NO. 3

Series of 2006

SUBJECT : GUIDELINES TO IMPLEMENT THE TRANSITORY PROVISIONS OF RA 9344

I. RATIONALE

Republic Act No. 9344, "*An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefor and for Other Purposes*" establishes a comprehensive system to manage children in conflict with the law and children at risk with child-appropriate procedures and comprehensive programs and services such as prevention, intervention, diversion, rehabilitation, re-integration and aftercare programs geared towards their development.

The law also provides for the immediate dismissal of cases of children in conflict with the law (CICL), particularly, Sections 64, 65, 66, 67 and 68 of its Transitory Provisions.

To ensure the effective implementation of the Act, the law has created a Juvenile Justice and Welfare Council (JJWC) and vested it with certain duties and functions such as the formulation of policies and strategies to prevent juvenile delinquency and to enhance the administration of juvenile justice as well as the treatment and rehabilitation of children in conflict with the law.

II. COVERAGE

These guidelines shall cover the following:

1. Children 15 years old and below at the time of the commission of the alleged offense, with pending case, but released on bail or on recognizance
2. Children 15 years old and below at the time of the commission of the alleged offense, with pending case, under detention or suspended sentence
3. Children 15 years old and below at the time of the commission of the offense, convicted and serving sentence
4. Children above 15 but below 18 years old at the time of the commission of the alleged offense, with pending case but released on bail or on recognizance or under detention

5. Children above 15 but below 18 years old and under suspended sentence
6. Children above 15 but below 18 years of age at the time of the commission of the offense, convicted and serving sentence

III. PROCEDURES

These guidelines provide a set of procedures for the appropriate management of CICL.

Step I - Preparatory Activities

1. Within 90 days from effectivity of the law, the Philippine National Police (PNP), the Bureau of Jail Management and Penology (BJMP), Department of Social Welfare and Development (DSWD), Provincial Jails, Bureau of Immigration (BI), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), Bureau of Corrections (BUCOR), Armed Forces of the Philippines (AFP), local government units (LGUs) and other government and non-government organizations (NGOs) shall immediately conduct an inventory of all children in conflict with the law under their custody and submit the same to the JJWC Secretariat as repository of records.

A baseline data on the CICL shall be developed by the JJWC Secretariat to include the ff.:

- Name
 - Sex
 - Age
 - Name/Address of Parents/Guardians (if any)
 - Date of Birth
 - Place of Birth
 - Highest Educational Attainment
 - Date of Commission of Offense
 - Age at the Time of Commission of Offense
 - Case/Offense / Case No.
 - Status of the Case
 - Court
 - Counsel
 - Date and Place of Commitment
 - Remarks (indicating other significant info e.g. disability, etc.)
2. Inventory of Local Resources for CICL
 - Directory/List of LGUs/GOs/NGOs available to provide services such as temporary shelters, educational assistance, livelihood, etc.;
 - Data on the number of local social workers, by area;
 - Inventory of programs and services available (comprehensive listing e.g., livelihood assistance, alternative learning education);
 - Roster of foster families licensed to care for CICL;
 - Directory of PAO lawyers / IBP Chapters.

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3. Roles and Responsibilities of Concerned Agencies

a. **Local Government Units (LGUs)**

- Develop and implement programs and services for the CICL and provide funds thereof;
- Through their local social welfare and development officers (LSWDO) shall:
 - conduct assessment on the family/relatives/guardians of the child to determine readiness to take custody of the child;
 - conduct assessment of the child in jails and detention homes to determine his/her readiness to be returned to the community;
 - provide after care services to the children;
- In Provinces/Cities/Municipalities where there are no LSWDOs, the local chief executive shall immediately appoint a duly licensed social worker as its local social welfare development officer who shall perform the above-mentioned responsibilities;
- Conduct an inventory and mapping of local resources for CICL;
- Provide facilities for temporary shelter of released CICL;
- Monitor the cases of released CICL;
- Recruit prospective foster families.

b. **Department of Social Welfare and Development (DSWD)**

- Conduct assessment of the child in rehabilitation centers / national penitentiary to determine his/her readiness to be returned to the family / community;
- Implement rehabilitation programs for CICL whose sentence are suspended thru the Regional Rehabilitation center for Youth (RRCY) and thru community-based programs for those on release on recognizance and custody supervision;
- Consolidate the inventory of local resources and prepare resource mapping for local and national resources for CICL;
- Implement diversion program for referred cases when appropriate;
- Implement rehabilitation program for CICL not released by the court;
- License foster families;
- Provide technical assistance to the LGUs and NGOs handling CICL.

c. **Department of Justice (DOJ)**

- Supervise the Juvenile Justice and Welfare Council Secretariat;
- Monitor and report on the status of CICL cases;
- Monitor the activities of the Public Attorney's Office, Prosecution Office, Bureau of Corrections and National Bureau of Investigation in the implementation of the Transitory Provisions of RA 9344.

d. **Public Attorneys Office (PAO)**

- Review cases and file motion for release / dismissal of CICL cases.

e. **Department of the Interior and Local Government (DILG)**

- Monitor LGUs in the management of released CICL;
- Monitor the functionality of LCPCs;
- Provide technical assistance to LGUs;
- Submit inventory of CICL in provincial jails.

f. **Philippine National Police (PNP) / Bureau of Jail Management and Penology (BJMP) / Philippine Drug Enforcement Agency (PDEA) / National Bureau of Investigation (NBI) / Bureau of Immigration (BI) / Armed Forces of the Philippines (AFP)**

- Submit inventory of CICL;
- Provide separate quarters for CICL.

g. **Bureau of Corrections (BUCOR)**

- Submit inventory of CICL;
- Provide separate quarters and undertake appropriate rehabilitation and livelihood training program for CICL.

h. **Department of Education (DepEd)**

- Provide formal and/or alternative learning education to CICL in custody or released.

i. **Commission on Human Rights (CHR)**

- Monitor the cases of detained CICL thru jail visits;
- Exercise its visitorial power and extend the appropriate legal assistance to the detainee such as moving for the reduction of sentence, release or application for probation.

j. **National Youth Commission (NYC)**

- Facilitate the involvement of Sangguniang Kabataan in programs for CICL who are released and in custody.

k. **Non-government Organizations (NGOs) serving CICL**

- Provide temporary shelter to CICL as necessary



Step II. Dismissal / Release of CICL

- 1. For 15 years old and below at the time of the commission of the alleged offense, with pending case, but released on bail or on recognizance**
 - Cases of children fifteen (15) years old and below at the time of the commission of the crime shall immediately be dismissed and the child shall be referred to the appropriate local social welfare and development officer. Such officer, upon thorough assessment of the child, shall determine whether to release the child to custody of his/her parents, or refer the child to prevention programs as provided under this Act. (Refer to Supreme Court Guidelines on the matter). The court shall furnish the JJWC copy of the order of dismissal.

- 2. For 15 years old and below at the time of the commission of the alleged offense, with pending case, under detention or suspended sentence**
 - a. Upon dismissal of the case by motion and after hearing, the court shall refer the CICL to the LSWDO. The latter, based on his/her assessment shall release the child to the parents, guardians or nearest relatives. If these cannot be located, the child may be released to the individuals or agencies mentioned in Section 20 of the Act. The court shall furnish the JJWC copy of the order of dismissal.
 - b. If the child is determined by the LSWDO to be abandoned, neglected or abused by his/her parents, the proper petition for involuntary commitment shall be filed by the said LSWDO or the DSWD with the Family Court of the province or city where the child is found.

- 3. For 15 years old and below at the time of the commission of the offense, convicted and serving sentence**
 - Any interested party acting in behalf of the child may file a petition for a writ of habeas corpus before the regular courts.

- 4. For above 15 but below 18 years old at the time of the commission of the alleged offense, with pending case but released on bail or on recognizance or under detention**
 - Trial may proceed for the prosecution to prove discernment.

- 5. For above 15 but below 18 years old and under suspended sentence**
 - The child shall continue the rehabilitation program.

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6. For above 15 but below 18 years of age at the time of the commission of the offense, convicted and serving sentence

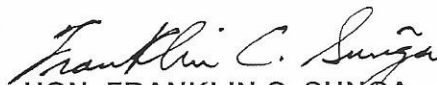
- The CICL shall be entitled to the appropriate dispositions provided under the Act, and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under the Act or other applicable law.

IV. EFFECTIVITY


This Resolution shall take effect immediately.


Adopted and approved this 11th day of July 2006 at Quezon City, Philippines.


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