

1 **JUVENILE JUSTICE AND WELFARE COUNCIL**
2 **56 Matimtiman St., Teachers Village East,**
3 **Quezon City**

4
5 **COUNCIL RESOLUTION NO. 2**
6 **Series of 2014**

7 **SUBJECT: Revised Rules and Regulations Implementing Republic Act No.**
8 **9344, as amended by R.A. 10630**

9 The Juvenile Justice and Welfare Council, pursuant to Section 69 of Republic Act No.
10 9344, the Juvenile Justice and Welfare Act of 2006 and Section 14 of Republic Act
11 10630 or “An Act Strengthening The Juvenile Justice System in the Philippines,
12 Amending for the Purpose Republic Act No. 9344,” promulgates the following
13 implementing rules and regulations:

14 **PART I. GENERAL PROVISIONS**

15 **RULE 1. Title**

16 These Rules shall be known and cited as the “**Revised Rules and Regulations**
17 **Implementing Republic Act No. 9344, as amended by R.A. 10630**” (the “Rules”).
18 These Rules are promulgated to prescribe the procedures and guidelines for the
19 implementation of the Act.

20 **RULE 2. Definition of Terms**

21 As used in these Rules, the term/s:

- 22 (1) “Act” refers to Republic Act No. 9344, as amended by Republic Act No.
23 10630.
24 (2) “Bahay Pag-asa” – refers to a 24-hour child-caring institution established,
25 funded and managed by local government units (LGUs) and licensed and/or
26 accredited non-government organizations (NGOs), providing short-term
27 residential care for children in conflict with the law, who are above fifteen (15)
28 but below eighteen (18) years of age, and who are awaiting court disposition
29 of their cases or transfer to other agencies or jurisdiction.

30 Part of the features of a “Bahay Pag-asa” is an Intensive Juvenile Intervention
31 and Support Center. This will cater to children in conflict with the law in
32 accordance with Sections 20, 20-A and 20-B of the Act.

33 A Multi-Disciplinary Team (MDT) composed of a Social Worker, a
34 psychologist/mental health professional, a medical doctor, an
35 educational/guidance counselor and a member of the Barangay Council for
36 the Protection of Children (BCPC), shall operate the “Bahay Pag-asa.” The
37 MDT will work on the individualized intervention plan with the child and the
38 child’s family.

- 39 (3) “Bail” refers to the security given for the release of the person in custody of
40 the law, furnished by a bondsman or a bonding company, to guarantee the
41 appearance of the person before any Court.
42 (4) “Best interest of the child” refers to the totality of circumstances and
43 conditions that are most beneficial for the survival, protection and feelings of
44 security of the child, and most likely to promote the child’s physical,
45 psychological and emotional development. It also means the least detrimental

- 1 available alternative for safeguarding the growth and development of the
2 child.
- 3 (5) "Child" refers to a person under the age of eighteen (18) years.
4 (6) "Child who is above twelve (12) years of age" refers to a child who is at least
5 twelve (12) years and one (1) day old.
6 (7) "Child who is above fifteen (15) years of age" refers to a child who is at least
7 fifteen (15) years and one (1) day old.
8 (8) "Children-at-risk" or "CAR" refers to children who are vulnerable or at-risk of
9 behaving in a way that can harm themselves or others, or vulnerable and at
10 risk of being pushed and exploited to come into conflict with the law because
11 of personal, family and social circumstances, such as, but not limited to, the
12 following:
- 13 a. being abused by any person through sexual, physical, psychological,
14 mental, economic or any other means, and the parents or guardians
15 refuse, are unwilling, or unable to provide protection for the child;
 - 16 b. being exploited sexually or economically;
 - 17 c. being abandoned or neglected, and after diligent search and inquiry, the
18 parents or guardians cannot be found;
 - 19 d. coming from a dysfunctional or broken family or being without a parent
20 or guardian;
 - 21 e. being out of school;
 - 22 f. being a street child;
 - 23 g. being a member of a gang;
 - 24 h. living in a community with a high level of criminality or drug abuse; and
25 i. living in situations of armed conflict.

26 Children-at-Risk also includes those children who violate the ordinances
27 enacted by local governments, concerning juvenile status offenses
28 enumerated in Section 57-A of the Act, such as, but not limited to, curfew
29 violations, truancy, parental disobedience, anti-smoking and anti-drinking
30 laws, as well as light offenses and misdemeanors against public order or
31 safety such as, but not limited to, disorderly conduct, public scandal,
32 harassment, drunkenness, public intoxication, criminal nuisance, vandalism,
33 gambling, mendicancy, littering, public urination, and trespassing. The
34 enactment of ordinances providing for juvenile status offenses by local
35 government units (LGUs) shall primarily promote greater protection for
36 children, by identifying children-at-risk, and not for purposes of employing
37 enforcement or punitive action.

38 Children-at-Risk also includes those who commit any of the following:

- 39 (1) Status offenses under Section 57 of the Act;
- 40 (2) Prostitution under Section 202 of the Revised Penal Code, as
41 amended;
- 42 (3) Mendicancy under Presidential Decree No. 1563; and
- 43 (4) Sniffing of rugby under Presidential Decree No. 1619.

44 The JJWC shall, from time to time, issue resolutions identifying other
45 offenses for which a child shall be considered as a child-at-risk and not a
46 child in conflict with the law.

- 47 (9) "Child in conflict with the law" or "CICL" refers to a child who is alleged as,
48 accused of, or adjudged as, having committed an offense under Philippine
49 laws.
- 50 (10) "Community-based programs" refers to the programs provided in a
51 community setting, developed for purposes of intervention, diversion, and

- 1 rehabilitation of the child in conflict with the law, which are intended for the
2 purpose of reintegrating the child into the family and/or community.
- 3 (11) “Court” refers to a Family Court, or in places where there are no Family
4 Courts, any Regional Trial Court.
- 5 (12) “Deprivation of liberty” refers to any form of detention or imprisonment,
6 or to the placement of a child in conflict with the law in a public or private
7 custodial setting, from which the child in conflict with the law is not permitted
8 to leave at will, by order of any judicial or administrative authority.
- 9 (13) “Diversion” refers to an alternative, child-appropriate process of
10 determining the responsibility and treatment of a child in conflict with the law,
11 on the basis of the child’s social, cultural, economic, psychological or
12 educational background, without resorting to formal court proceedings
- 13 (14) “Diversion Program” refers to the program that the child in conflict with
14 the law is required to undergo after being found responsible for an offense,
15 without resorting to formal court proceedings.
- 16 (15) “Duty-bearer” shall refer to persons who are responsible for providing
17 care, addressing the needs and protecting the rights of a child within the
18 juvenile justice and welfare system.
- 19 (16) “Initial contact with the child” refers to the apprehension or taking into
20 custody of a child in conflict with the law by law enforcement officers or
21 private citizens. It includes the time when the child alleged to be in conflict
22 with the law receives a subpoena under Section 3(b) of Rule 112 of the
23 Revised Rules of Criminal Procedure or summons under Section 6(a) or
24 Section 9(b) of the same Rule, in cases that do not require preliminary
25 investigation or where there is no necessity to place the child alleged to be in
26 conflict with the law under immediate custody.
- 27 (17) “Intensive Juvenile Intervention and Support Center” or “IJISC” refers to
28 a special program or unit within the “Bahay Pag-asa” or any child-caring
29 facility of the DSWD or licensed and accredited NGOs, to address the needs
30 of the CICL for intensive intervention programs and services.
- 31 (18) “Intervention” generally refers to programmatic approaches or
32 systematic social protection programs for children that are designed and
33 intended to:
- 34 a. Promote the physical and social well-being of the children;
35 b. Avert or prevent juvenile delinquency from occurring; and
36 c. Stop or prevent children from re-offending.
- 37 (19) “Juvenile Justice and Welfare System” refers to a system of dealing
38 with children-at-risk and children in conflict with the law, which provides child-
39 appropriate proceedings, including programs and services for prevention,
40 diversion, rehabilitation, reintegration and after-care to ensure the child’s
41 normal growth and development.
- 42 (20) “Offense” refers to any act or omission punishable under special penal
43 laws or the Revised Penal Code. For purposes of providing appropriate
44 services for children, the term ‘offense’ shall include violations of ordinances
45 of local government units.
- 46 (21) “Probation” refers to a disposition under which a defendant, after
47 conviction and sentence, is released, subject to the conditions imposed by the
48 Court and the person is placed under the supervision of a probation officer.
- 49 (22) “Recognizance” refers to an undertaking, in lieu of a bail bond, assumed
50 by a parent or custodian, who shall be responsible for ensuring the
51 appearance in Court of the child in conflict with the law, whenever required.
- 52 (23) “Referral” shall refer to a process where a duty-bearer, within the
53 juvenile justice and welfare system, endorses the CICL to the appropriate
54 service provider for appropriate care or intervention. ‘Referral’ includes the
55 endorsement of the victim for appropriate assistance and intervention.

1 (24) "Victimless Crimes" refers to offenses where there is no private
2 offended party.

3 **RULE 3. Construction**

4 In case of doubt, the provisions of the Act and these Rules shall be construed liberally in
5 favor of the child in conflict with the law.

6 A liberal construction in favor of the child means that the interpretation is consistent with
7 the principle of the best interest and welfare of the child, the declared State Policy
8 embodied in Section 2 of the Act, the rights of the child in conflict with the law, and the
9 principles of restorative justice.

10 **RULE 4. Declaration of State Policies**

11 The following State policies shall be observed at all times:

- 12 (1) The State recognizes the vital role of children and youth in nation-building and
13 shall promote and protect their physical, moral, spiritual, intellectual and social
14 well-being. It shall inculcate in the youth patriotism and nationalism, and
15 encourage their involvement in public and civic affairs.
- 16 (2) The State shall protect the best interests of the child, through measures that will
17 ensure the observance of international standards of child protection, especially
18 those to which the Philippines is a Party. The conduct of all proceedings before
19 any authority shall be consistent with the best interest of the child, and shall allow
20 the child to participate and to express himself or herself freely. The concerned
21 government agency shall ensure the participation of children in the program,
22 policy formulation and implementation related to juvenile justice and welfare.
- 23 (3) The State likewise recognizes the right of children to assistance, including proper
24 care and nutrition, and special protection from all forms of neglect, abuse, cruelty
25 and exploitation, and other conditions prejudicial to their normal development.
- 26 (4) Pursuant to Article 40 of the United Nations Convention on the Rights of the Child,
27 the State recognizes the right of every child alleged as, accused of, adjudged, or
28 recognized as having infringed the penal law to be treated in a manner consistent
29 with the promotion of the child's sense of dignity and worth, taking into account
30 the child's age and desirability of promoting the child's reintegration. Whenever
31 appropriate and desirable, the State shall adopt measures for dealing with such
32 children without resorting to judicial proceedings, and guarantee that human
33 rights and legal safeguards are fully respected. It shall ensure that children are
34 dealt with in a manner appropriate to their well-being, by providing for, among
35 others, a variety of disposition measures such as care, guidance and supervision
36 orders, counseling, probation, foster care, education and vocational training
37 programs and other alternatives to institutional care.
- 38 (5) The administration of the juvenile justice and welfare system shall take into
39 consideration the cultural and religious perspectives of the Filipino people,
40 particularly the indigenous peoples and the Muslims, consistent with the
41 protection of the rights of children belonging to these communities.
- 42 (6) The State shall apply and operationalize the principles of restorative justice in all
43 its laws, policies and programs applicable to children in conflict with the law.
- 44 (7) Institutionalizing a child is a measure of last resort. It is only allowed if it is for the
45 best interest of the child, and should only be done for the shortest possible period
46 of time.
- 47 (8) The "Bahay Pag-Asa" or Youth Rehabilitation Centers shall always be gender-
48 sensitive and child-friendly in its design, space and programs.

1 **RULE 5. Application of the Principle of Restorative Justice**

2 In repairing the harm done by a CICAL, the agencies shall exert all efforts to apply the
3 Principle of Restorative Justice.

4 Restorative justice refers to a principle that requires a process of resolving conflicts with
5 the maximum involvement of the victim, the offender, their families and the community.
6 Among others, it seeks to achieve the following goals:

- 7 (1) Reparation for the victim;
- 8 (2) Reconciliation of the offender, the offended and the community;
- 9 (3) Reassurance to the offender that he or she can be reintegrated into society; and
- 10 (4) Enhancement of public safety by activating the offender, the victim and the
11 community in prevention strategies and programs.

12 Implementers and duty-bearers shall ensure that the victims and their families are
13 properly cared for and their needs are properly addressed. The assistance shall not be
14 limited to legal assistance and psycho-social intervention by the appropriate agencies.

15 The JJWC, through the concerned agencies, shall issue the appropriate guidelines for
16 the provision of assistance and intervention to victims and their families, as well as for
17 their proper referral.

18 **RULE 6. Children of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)**

19 Consistent with Section 15 of Republic Act No. 8371, or "The Indigenous Peoples'
20 Rights Act of 1997," ICCs/IPs shall, in dealing with children in conflict with the law, have
21 the right to use their own commonly-accepted justice systems, conflict resolution
22 institutions, peace-building processes or mechanisms, and other customary laws and
23 practices, within their respective communities, as may be compatible with the national
24 legal system and with internationally-recognized human rights.

25 **RULE 7. CONFIDENTIALITY AND PRIVACY**

26 **Rule 7.a. Right to Confidentiality and Privacy**

27 The right to privacy of a child in conflict with the law shall be respected at all stages of
28 the proceedings. As such, all records and proceedings involving children in conflict with
29 the law, from initial contact until the final disposition of the case, shall be considered
30 privileged and confidential.

31 The public shall be excluded during the proceedings, and the records shall not be
32 disclosed directly or indirectly to anyone, by any of the parties or the participants in the
33 proceedings, for any purpose whatsoever, except to determine the application of a
34 suspended sentence, the grant of probation under the Probation Law, or to enforce the
35 civil liability imposed in the criminal action.

36 All concerned duty-bearers shall undertake all measures to protect the identity of the
37 child, and to uphold the confidentiality of the proceedings, including non-disclosure of
38 the records to the media, maintaining a separate police blotter for cases involving
39 children in conflict with the law, and adopting a system of coding to conceal material
40 information which will lead to the child's identity. Records of a child in conflict with the
41 law shall not be used in subsequent proceedings for cases involving the same offender
42 as an adult, except when beneficial to the offender and upon the offender's written
43 consent.

44 All duty-bearers shall enjoin the media practitioners to observe the guidelines and
45 protocols related to reporting and coverage of cases involving children, particularly the

1 Guide for Media Practitioners on the Reporting and Coverage of Case Involving
2 Children, as promulgated by the Committee for the Special Protection of Children.

3 **Rule 7.b. Medical Examination Results**

4 The results of the medical examination of the child in conflict with the law taken prior, or
5 during the trial, shall be kept confidential, unless otherwise ordered by the Family Court.

6 **Rule 7.c. When Records May be Disclosed**

7 The disclosure of confidential records may only be done upon Order of the Court. The
8 records of the child in conflict with the law may only be disclosed to persons specifically
9 enumerated in the Order of the Court permitting such disclosure, and subject to such
10 conditions as the Court may impose.

11 **Rule 7.d. Use of Records in Subsequent Proceedings**

12 As provided in Section 43 of the Act, the records of a child in conflict with the law shall
13 not be used in subsequent proceedings, whether criminal, civil or administrative, for
14 cases involving the same offender as an adult, except when beneficial to the offender
15 and upon the offender's written consent.

16 **Rule 7.e. Exemption from Perjury and Liability for Concealment or Misrepresentation**

17 A person who has been in conflict with the law as a child shall not be held, under any
18 provision of law, to be guilty of perjury or of concealment or misrepresentation by
19 reason of failure to acknowledge the case, or recite any fact related thereto, in response
20 to any inquiry directed to the person for any purpose, pursuant to Section 43 of the Act.

21 No person shall also be denied privileges and opportunities, discriminated against,
22 punished or in any manner held liable or responsible for non-disclosure of any fact
23 relating to their record as a child in conflict with the law.

24 **PART II. RIGHTS OF A CHILD IN CONFLICT WITH THE LAW**

25 **RULE 8. Rights of the Child in Conflict with the Law**

26 Every child in conflict with the law shall have the following rights, including but not
27 limited to:

- 28 (a) The right not to be subjected to torture or other cruel, inhuman or degrading
29 treatment or punishment;
- 30 (b) The right not to be imposed upon a sentence of capital punishment or life
31 imprisonment, without the possibility of release;
- 32 (c) The right not to be deprived, unlawfully or arbitrarily of his or her liberty;
33 detention or imprisonment being a disposition of last resort, and which shall
34 be for the shortest appropriate period of time;
- 35 (d) The right to be treated with humanity and respect for the inherent dignity of
36 the person, and in a manner which takes into account the needs of a person
37 appropriate to their age. In particular, a child deprived of liberty shall be
38 separated from adult offenders at all times. No child shall be detained
39 together with adult offenders. The CICL shall be conveyed separately to or
40 from court. The CICL shall await hearing of his or her own case in a
41 separate holding area. A child in conflict with the law shall have the right to
42 maintain contact with his or her family through correspondence and visits,
43 save in exceptional circumstances;

- 1 (e) The right to prompt access to legal and other appropriate assistance, as well
2 as the right to challenge the legality of the deprivation of liberty before a
3 Court or other competent, independent and impartial authority, and the right
4 to a prompt decision in such action;
- 5 (f) The right to bail and recognizance, in appropriate cases;
- 6 (g) The right to testify as a witness for his or her own behalf, under the Supreme
7 Court Rule on the Examination of a Child Witness;
- 8 (h) The right to privacy to be fully respected and protected at all stages of the
9 proceedings;
- 10 (i) The right to diversion, if the child is qualified and voluntarily avails of the
11 same;
- 12 (j) The right to receive judgment, where the penalty is proportionate to the
13 gravity of the offense, and where the CICL's best interest, the rights of the
14 victim and the needs of society, are all taken into consideration by the Court,
15 consistent with the principle of restorative justice;
- 16 (k) The right to have restrictions on personal liberty limited to a minimum, and
17 where discretion is given by law to the Judge to determine whether to
18 impose a fine or a term of imprisonment, the imposition of a fine shall be
19 preferred as the more appropriate penalty;
- 20 (l) In general, the right to automatic suspension of sentence;
- 21 (m) The right to probation as an alternative to imprisonment, if qualified under the
22 Probation Law;
- 23 (n) The right to be free from liability for perjury, concealment or
24 misrepresentation; and
- 25 (o) Other rights, as provided for under existing laws, rules and regulations.

26 The State further adopts the provisions of the United Nations Standard Minimum Rules
27 for the Administration of Juvenile Justice or the "Beijing Rules," the United Nations
28 Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines," and
29 the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

30 These rights of children in conflict with the law shall serve as guiding principles in the
31 administration of the Juvenile Justice and Welfare System.

32 **PART III. JUVENILE JUSTICE AND WELFARE COUNCIL**

33 **RULE 9. Composition of the Council**

34 **Rule 9.a. Chair and Member Agencies**

35 Pursuant to Section 8 of the Act, the Juvenile Justice and Welfare Council (JJWC) is
36 created as an attached agency of the Department of Social Welfare and Development
37 (DSWD). It is chaired by the Undersecretary of the Department of Social Welfare and
38 Development and shall be composed of representatives whose ranks shall not be lower
39 than a Director from the following departments or agencies:

- 40 (a) Department of Justice (DOJ);
- 41 (b) Department of Education (DepEd);
- 42 (c) Department of the Interior and Local Government (DILG);
- 43 (d) Council for the Welfare of Children (CWC);
- 44 (e) Commission on Human Rights (CHR);
- 45 (f) National Youth Commission (NYC);
- 46 (g) Department of Health (DOH);
- 47 (h) One (1) representative each from the League of Provinces of the Philippines,
48 League of Cities of the Philippines, League of Municipalities of the
49 Philippines and Liga ng mga Barangay; and

- 1 (i) Two (2) representatives from non-government organizations (NGOs), to be
2 designated by the Secretary of Social Welfare and Development.

3 **Rule 9.b. Emoluments**

4 The designated representatives shall receive emoluments, as may be determined by
5 the Council, in accordance with existing laws, Civil Service rules and applicable
6 regulations on government budgeting and accounting.

7 **RULE 10. Administration**

8 **Rule 10.a. Responsibilities of the JJWC Chairperson**

9 The Chairperson shall:

- 10 (1) Oversee the operation of JJWC and ensure that it is managed effectively,
11 efficiently and economically;
12 (2) Call and preside over all regular and special meetings of the JJWC, represent the
13 JJWC in conferences, meetings and other programs and sign communications
14 for the JJWC;
15 (3) Provide general guidance to the National Secretariat of the JJWC and the
16 RJJWC Secretariat;
17 (4) Require the JJWC and its member agencies to submit periodic reports, such as
18 those reflecting the progress of its programs and projects;
19 (5) Ensure policy and program coordination between the DSWD and the JJWC; and
20 (6) Perform such other functions which the Council may deem necessary to
21 implement the objectives of the Act, as amended, and these Rules.

22 **Rule 10.b. Creation and Composition of the JJWC National Secretariat**

23 The JJWC National Secretariat shall be composed of an Executive Director, a Deputy
24 Executive Director and four (4) Division Chiefs who shall lead the following divisions,
25 namely: Policy and Research; Advocacy and Communications; National Coordination,
26 Monitoring and Information Management to include coordination with the RJJWC
27 Secretariat; and Finance and Administration.

28 **Rule 10.c. Functions of the JJWC National Secretariat**

29 The Secretary of Social Welfare and Development shall appoint the officers and staff of
30 the JJWC National Secretariat; provided, that the existing officers and staff of the JJWC
31 shall be given the option to remain with the National Secretariat created by the JJWC
32 without diminution in status, position, rank and without incurring any gap in their length
33 of service.

34 The JJWC National Secretariat shall:

- 35 (1) Support the JJWC in performing its mandate, duties and functions pursuant to the
36 provisions of the Act and these Rules;
37 (2) Provide key technical support in the formulation of policies and strategies for the
38 prevention of juvenile delinquency and the administration of justice, as well as, for
39 the treatment and rehabilitation of children in conflict with the law and for children-at-
40 risk;
41 (3) Provide technical assistance in the formulation of agency plans, policies, research
42 agenda and programs on juvenile justice and welfare;
43 (4) Conduct research and support evaluations and studies on all matters relating to
44 juvenile justice and welfare;

- 1 (5) Undertake advocacy and social marketing activities to educate and raise the
2 awareness and understanding of all the stakeholders, duty-bearers and the general
3 public on program and policy reforms, global best practices, trends and directions in
4 juvenile justice and welfare;
- 5 (6) Develop, implement and maintain a centralized database system on juvenile justice
6 and welfare and to provide technical support to the regional and local users of the
7 system;
- 8 (7) Provide technical assistance and support in the area of policy and program
9 development, monitoring, capacity-building, communications and advocacy at the
10 regional level and at the level of the LGUs;
- 11 (8) Prepare and implement an effective financial plan to support JJWC's programs,
12 activities and projects aimed at achieving the objectives of the Act, as amended,
13 these Rules, and its desired outcome and mandate;
- 14 (9) Provide administrative and logistical support to the JJWC and the RJJWC;
- 15 (10) Prepare the financial and procurement plans, and monitor its implementation;
- 16 (11) Facilitate and prepare all disbursement, liquidation and accounting reports;
- 17 (12) Prepare the Periodic and Annual Reports for the JJWC;
- 18 (13) Prepare the Work and Financial Plan (WFP) of the JJWC
- 19 (14) Review, evaluate and integrate the WFP of the RJJWC, prior to approval of the
20 JJWC WFP by the Chairperson;
- 21 (15) Perform other functions and tasks, as may be determined by the JJWC.

22 **RULE 11. Duties and Functions of the JJWC**

23 The JJWC is a policy-making, coordinating and monitoring body tasked with the
24 implementation of the Juvenile Justice and Welfare Act, as amended, through its
25 member and coordinating agencies.

26 **Rule 11.a. Implementation of the Act**

27 The JJWC shall:

- 28 (1) Oversee and drive the implementation of the Act and these Rules;
- 29 (2) Coordinate the implementation of the juvenile intervention programs and
30 activities by national government agencies and other partner agencies, which
31 support and promote the success of the entire national juvenile intervention
32 program. All programs relating to juvenile justice and welfare shall be adopted in
33 consultation with the member agencies of the JJWC; and
- 34 (3) Consult with the various leagues of local government officials in the
35 recommendation, formulation and implementation of policies and strategies for
36 the prevention of juvenile delinquency, the promotion of juvenile justice and
37 welfare, and the institutionalization of the principles of restorative justice.

38 The JJWC shall also perform such other functions, as may be necessary, beneficial
39 and desirable to implement the provisions of the Act, as amended.

40 The JJWC shall regularly conduct meetings and submit an Annual Report to the
41 President and to Congress on the implementation of the Act. The Annual Report shall
42 reflect the salient accomplishments in the implementation of the law and shall include,
43 among others:

- 44 (1) Identification of the strengths, weaknesses, gaps and opportunities in the
45 implementation of the Act;
- 46 (2) Pertinent data and statistics on CICLs, CAR, inventory of interventions provided,
47 trends and other similar information;

- 1 (3) Evaluation of the policies and programs implemented by the national
- 2 government agencies, local government units and partner NGOs, in relation to
- 3 their duties and responsibilities under the Act;
- 4 (4) Recommendations on how to improve the implementation of the Act, and the
- 5 administration of the juvenile justice and welfare system; and
- 6 (5) Such other information as may be required.

7 The JJWC shall prescribe a common Reporting Form for all the member agencies
8 under RULE 9, to facilitate the collection of data and the preparation of the Annual
9 Report.

10 **Rule 11.b. Advisory Function**

11 The JJWC shall advise the President on all matters and policies relating to juvenile
12 justice and welfare. It shall bring to the attention of the President the gaps in existing
13 policies or other policy measures that should be addressed. Whenever appropriate, the
14 JJWC shall recommend to Congress the appropriate remedial legislation in regard to
15 juvenile justice and welfare administration, juvenile intervention, delinquency prevention,
16 and the mainstreaming and institutionalization of the principles of restorative justice.

17 **Rule 11.c. Policy Formulation and Program Development**

18 The JJWC shall periodically develop, update and enhance a three to five-year
19 Comprehensive National Juvenile Intervention Program, as provided in RULE 22 herein.

20 It shall formulate and recommend policies and strategies, in consultation with children
21 and other stakeholders for the prevention of juvenile delinquency and the administration
22 of restorative justice, as well as for the treatment and rehabilitation of the children in
23 conflict with the law.

24 The JJWC shall also set the criteria that LGUs must meet in establishing their
25 respective community-based programs for the rehabilitation and reintegration of children
26 in conflict with the law and such appropriate interventions for children-at-risk.

27 **Rule 11.d. Research, Monitoring and Evaluation**

28 The JJWC shall collect relevant information and conduct continuing research and
29 support evaluations and studies, on all matters relating to juvenile justice and welfare,
30 such as, but not limited to the:

- 31 (1) Performance, effective performance metrics and results achieved by juvenile
- 32 intervention programs and by activities of the local government units and other
- 33 government agencies;
- 34 (2) Periodic trends, problems and causes of juvenile delinquency and crimes; and
- 35 (3) Particular needs of children-at-risk and children in conflict with the law who are in
- 36 custody.

37 The JJWC shall set up a mechanism to ensure that children are engaged and involved
38 in research and policy development.

39 A data banking system for all data needed in the evaluation and improvement of the
40 administration of juvenile justice and welfare system shall be developed and maintained
41 by the JJWC.

42 The data gathered shall be used by the JJWC in the improvement of the administration
43 of juvenile justice and welfare system.

1 **Rule 11.e. Inspection**

2 The JJWC, through its member agencies, shall conduct regular inspections of jails,
3 detention centers, youth homes that house or hold CICL, child-caring institutions and all
4 other institutions that provide temporary care including, but not limited to “Bahay Pag-
5 asa” and youth rehabilitation facilities. It shall also undertake spot inspections, on its
6 own initiative, in order to check compliance with the standards provided in the Act and
7 the Rules, and to make the necessary recommendations and initiate proper actions, in
8 coordination with, and through, the appropriate agencies.

9 **Rule 11.f. Assistance to Other Government Agencies**

10 The JJWC, through its member agencies, shall, pursuant to Section 10 of the Act, assist
11 other government agencies in:

- 12 (1) Reviewing and enhancing existing policies or regulations in order to harmonize
13 them with the provisions of the Act and the Rules; and
14 (2) Formulating and implementing their respective policies, programs and
15 procedures, which comply and are consistent with the standards set in the Act
16 and the Rules.

17 The JJWC shall also initiate and coordinate the conduct of trainings for the officials and
18 personnel of the agencies that are involved in the administration of the juvenile justice
19 and welfare system.

20 **Rule 11.g. Coordination with the Court**

21 To ensure the realization of its mandate and the proper discharge of its duties and
22 functions, the JJWC shall coordinate with the Office of the Court Administrator (OCA),
23 and request cooperation through the submission of periodic reports on information
24 related to CICL cases being handled by the Courts. The Philippine Judicial Academy
25 (PhilJA) may, upon invitation, send resource persons during the consultations, meetings
26 and other related activities.

27 **Rule 11.h. Coordination with NGOs**

28 The JJWC, through the NGO members of the Council, shall coordinate with other NGOs
29 working with CARs and CICLs for the proper implementation and the achievement of
30 the objectives of the Act and these Rules.

31 **Rule 11.i. Maintenance of a Centralized Information Management System on CICL and CAR**

32 The JJWC, in coordination with its member and coordinating agencies, and other
33 government instrumentalities, shall establish a centralized information management
34 system on CICL and CAR. The system shall include information on the children who
35 undergo intervention, diversion and rehabilitation programs and after-care support
36 services.

37 Any information identifying the CICL shall not be shared or transferred, unless the
38 identifying information is necessary for referral or for purposes of enabling the child to
39 avail of the services or assistance and the appropriate consent is given.

1 **PART IV. REGIONAL JUVENILE JUSTICE AND WELFARE COMMITTEE**

2 **RULE 12. Composition of RJJWC**

3 **Rule 12.a. Composition**

4 The RJJWC will be composed of permanent representatives from the:

- 5 (a) Regional State Prosecutor's Office;
- 6 (b) Regional Public Attorney's Office;
- 7 (c) DSWD Field Office;
- 8 (d) Regional Office of the DepED;
- 9 (e) Regional Office of the DILG;
- 10 (f) Regional Office of the CHR;
- 11 (g) Regional Office of the DOH;
- 12
- 13 (h) One (1) representative from the children sector within the region;
- 14 (i) One (1) representative from the youth sector within the region; and
- 15 (j) One (1) representative each from the League of Provinces/Cities/
16 Municipalities/Barangays of the Philippines; and
- 17 (k) One representative from each of the two (2) NGOs working with children-at-risk
18 and children in conflict with the law, or engaged in children's rights advocacy and
19 operating within the Region.

20 **Rule 12.b. Designation of Representatives to the RJJWC**

21 The concerned office heads shall designate their representatives to the RJJWC.

22 The heads of the concerned offices shall name a permanent and an alternate
23 representative, with ranks of at least Regional Director and Assistant Regional Director,
24 respectively, or equivalent positions. The League of Provinces of the Philippines,
25 League of Cities of the Philippines, League of Municipalities of the Philippines and
26 League of Barangays shall also name from their sets of officers, one permanent and
27 one alternate representative.

28 **Rule 12.c. Designation of Representative from Children and Youth Sector**

29 The JJWC, through the CWC and NYC, shall set the selection process in the
30 designation of the representatives from the children and youth sector. The
31 representative from the children sector shall be identified and recommended by the
32 Council for the Welfare of Children. The representative from the youth sector shall be
33 identified and recommended by the National Youth Commission. Both representatives
34 shall be designated by the RJJWC.

35 **Rule 12.d. Emoluments**

36 The designated representatives shall receive emoluments, as may be determined by
37 the Council, in accordance with existing laws, Civil Service rules and applicable
38 regulations on government budgeting and accounting.

39 **RULE 13. Creation and Administration of Regional Juvenile Justice and Welfare Committee**

40 **Rule 13.a. Supervision by the JJWC**

41 There shall be a Regional Juvenile Justice and Welfare Committee (RJJWC) in each
42 Region.

1 The JJWC shall exercise administrative supervision over the RJJWC. The JJWC shall
2 issue the necessary implementing guidelines for the exercise of its authority over the
3 RJJWC as its subnational extension.

4 **Rule 13.b. Chairperson of the RJJWC**

5 The RJJWC shall be chaired by the Regional Director of the DSWD.

6 **Rule 13.c. Organizational Structure and Staffing Pattern of the Permanent Secretariat of the**
7 **RJJWC**

8 As provided in Section 8 of the Act, the RJJWC shall have a Permanent Secretariat, the
9 organizational structure and staffing pattern of which shall be determined by the
10 Secretary of Social Welfare and Development. The Regional Director of the DSWD
11 shall have the direct control and supervision of the RJJWC Permanent Secretariat.

12 **Rule 13.d. Functions of RJJWC Secretariat**

13

14 The RJJWC Permanent Secretariat shall:

- 15 (1) Support the RJJWC in performing its mandate, duties and functions, in
16 accordance with the Act and these Rules;
17 (2) Prepare the Periodic and Annual Reports for the RJJWC to be submitted to the
18 JJWC National Secretariat;
19 (3) Prepare the proposed budget and the Work and Financial Plan of the RJJWC to
20 be submitted to the JJWC National Secretariat;
21 (4) Regularly coordinate and consult with the National Secretariat; and
22 (5) Perform such other functions and tasks, as may be determined by the RJJWC
23 and the JJWC.

24 The Regional Director of the DSWD shall appoint the officers and staff of the RJJWC
25 Permanent Secretariat.

26 **RULE 14. Duties and Functions of the RJJWC**

27 The RJJWC shall ensure the effective implementation of this Act, as amended, and
28 these Rules, at the regional and at the level of the LGUs, and ensure the coordination
29 among its members. It shall rationalize the collective and integrated efforts between the
30 national government and the LGUs. It shall monitor, oversee and provide the necessary
31 technical assistance to the LGUs and the LCPCs to ensure policy implementation and
32 effective performance of their functions under the Act and the Rules.

33 The RJJWC shall have the following duties and functions:

- 34 (a) To oversee and ensure the effective implementation of this Act, as amended,
35 and these Rules, at the regional level and at the level of the LGUs;
- 36 (b) To assist the concerned agencies in the implementation and in compliance
37 with the JJWC's adopted policies or regulations and provide substantial inputs
38 to the JJWC in the formulation of new ones, in line with the provisions of the
39 Act, as amended, and these Rules;
- 40 (c) To assist in the development of the comprehensive 3 to 5-year local juvenile
41 intervention program, with the participation of the concerned LGUs, NGOs
42 and youth organizations within the region, and monitor its implementation;

- 1 (d) To coordinate the implementation of the juvenile intervention programs and
2 activities by national government agencies and other related activities within
3 the region;
- 4 (e) To oversee the programs and operation of the intensive juvenile intervention
5 and support centers established within the region;
- 6 (f) To collect the relevant regional information and conduct continuing research
7 and support evaluations and studies on all matters relating to juvenile justice
8 and welfare within the region, such as, but not limited to:
- 9 (1) Performance and results achieved by juvenile intervention programs and
10 by activities of the LGUs and other government agencies within the region;
- 11 (2) The periodic trends, problems and causes of juvenile delinquency and
12 crimes from the LGU level to the regional level; and
- 13 (3) The particular needs of children in conflict with the law in custody and
14 children-at-risk, within their regional jurisdiction.
- 15 The data gathered shall be forwarded by the RJJWC to the JJWC on an
16 annual basis, and as may be deemed necessary by the JJWC.
- 17 (g) Through duly-designated persons, and with the assistance of the agencies
18 enumerated in the preceding section, to conduct regular inspections in the
19 detention and rehabilitation facilities within the region, and to undertake spot
20 inspections, on their own initiative, in order to check the compliance with the
21 standards provided herein, and to make the necessary reports and
22 recommendations to appropriate agencies and to the JJWC;
- 23 (h) To initiate and coordinate the conduct of trainings for the officials and
24 personnel of the agencies involved in the administration of the juvenile justice
25 and welfare system and the juvenile intervention program within the region;
- 26 (i) To submit an Annual Report to the JJWC on the implementation of this Act,
27 as amended; and
- 28 (j) To perform such other functions as may be determined by the JJWC to
29 implement the provisions of this Act, as amended, and these Rules.

30 **PART V. ROLE OF DIFFERENT SECTORS**

31 **RULE 15. Family**

32 As provided in Section 12 of the Act, the family shall be responsible for the primary
33 nurturing and rearing of children, which are critical in delinquency prevention. As far as
34 practicable, and in accordance with the procedures of the Act, as amended, a child in
35 conflict with the law shall stay and be maintained with the child's family.

36 **RULE 16. Educational System**

37 By way of contributing to juvenile intervention and delinquency prevention, educational
38 institutions shall, consistent with Section 13 of the Act:

- 39 (1) Work together with families, community organizations and agencies in the
40 prevention of juvenile delinquency, and in the rehabilitation and reintegration of
41 children in conflict with the law.

- 1 (2) Provide adequate, necessary and individualized educational schemes for children
2 who are manifesting difficult behavior, children-at-risk and children in conflict with
3 the law.
- 4 (3) In cases where children in conflict with the law are taken into custody or placed in
5 a “Bahay Pag-asa” and youth rehabilitation centers, provide the opportunity to
6 continue their learning under an alternative learning system with basic literacy
7 program or non-formal education accreditation equivalency system.

8 All government and private educational institutions, which accept children as pupils or
9 students, shall:

- 10 (1) Establish a committee which shall handle cases involving CICL;
- 11 (2) Develop primary and secondary intervention programs for CAR;
- 12 (3) Participate in the implementation of tertiary intervention programs for CICL; and
- 13 (4) Train school personnel with regard to juvenile and restorative justice.

14 The DepEd and the CHED shall issue the appropriate guidelines for the proper
15 implementation of this rule.

16 **RULE 17. Mass Media**

17 The mass media shall play an active role in the promotion of child rights, and
18 delinquency prevention by relaying consistent messages through a balanced approach.
19 Media practitioners shall maintain the highest professional standards in reporting and
20 covering cases of children in conflict with the law, consistent with the Guidelines for
21 Media Practitioners on the Reporting and Coverage of Cases Involving Children, issued
22 by the Committee for the Special Protection of Children.

23 In all news and publicity materials concerning children, the best interest of the child and
24 the child’s right to privacy and confidentiality should be the primordial, paramount and
25 overriding consideration. Any undue, inappropriate and sensationalized publicity of any
26 case involving a child in conflict with the law or a child-at-risk is hereby declared a
27 violation of the child’s rights. Media practitioners shall not disclose any information that
28 may reasonably identify the child or will lead to the identification of the child.

29 The mass media shall also be encouraged to:

- 30 (1) Portray the positive contribution of children to society;
- 31 (2) Provide children with age-appropriate information and material for their
32 development; and
- 33 (3) Disseminate information on the existence and the procedures for availing of
34 services, facilities and opportunities for children in society.

35 **RULE 18. Local Councils for the Protection of Children**

36 **Rule 18.a. Duties and Responsibilities of the LCPC**

37 All LCPCs shall:

- 38 (1) Serve as the coordinating body that will support the concerned LGU for the
39 adoption, implementation, assessment, monitoring and evaluation of the
40 Comprehensive Juvenile Intervention Program, as provided in Rule 23.b herein;
- 41 (2) Coordinate with, and assist, the Sangguniang Kabataan (SK) and youth
42 organizations, in the formulation and implementation of juvenile intervention and
43 diversion programs in the community, in accordance with the Youth-to-Youth
44 Guidelines promulgated by the NYC and approved by the JJWC;

- 1 (3) Provide coordinative linkages with other agencies and institutions in the planning,
2 monitoring and evaluation of juvenile intervention and diversion programs in the
3 community;
- 4 (4) Assist the Punong Barangay in conducting diversion proceedings in cases
5 provided under Section 23(a) of the Act and RULE 47 herein;
- 6 (5) Support the Local Social Welfare and Development Officer (LSWDO) in the
7 development of the appropriate diversion programs, as provided under Section
8 23(b) of the Act;
- 9 (6) Initiate, in collaboration with the schools, youth organizations and other
10 concerned agencies, the community-based programs on juvenile justice and
11 welfare, in accordance with the Youth-to-Youth Guidelines promulgated by the
12 NYC and approved by the JJWC;
- 13 (7) Conduct capability-building programs to enhance the knowledge and skills of
14 LCPC members in handling children's programs; and
- 15 (8) Document best practices on juvenile intervention and delinquency prevention.

16 **Rule 18.b. Funding for LCPCs**

17 Each barangay, municipality, and city shall appropriate, in its annual budget, one
18 percent (1%) of its annual internal revenue allotment (IRA) for the strengthening and
19 implementation of the programs of the LCPC, as provided in Section 15 of the Act.

20 The LGU concerned shall be responsible for the disbursement of the fund, as provided
21 by existing laws.

22 Funds disbursed by the LGUs on current programs of the LCPC shall be deemed as
23 appropriate disbursements, under Section 15 of the Act.

24 The details of such appropriations and disbursements shall be included in the Annual
25 Report of the LGUs to be submitted to the RJJWC.

26 **RULE 19. Appointment of Local Social Welfare and Development Officer**

27 In accordance with Section 16 of the Act, all LGUs, particularly at the provincial, city and
28 municipal level, shall appoint a duly-licensed Social Worker as its Local Social Welfare
29 and Development Officer (LSWDO), who shall be tasked to assist CAR and CICL.

30 **RULE 20. Children and Youth Sector**

31 The Sangguniang Kabataan (SK) shall coordinate with the LCPC, in the formulation and
32 implementation of juvenile intervention and diversion programs in the community.

33 The children and the youth sector, through other children and youth organizations, shall
34 participate in the formulation and implementation of juvenile intervention and diversion
35 programs in the community.

36 **PART VI. INTERVENTION PROGRAMS**

37 **RULE 21. Definition of Intervention**

38 "Intervention" generally refers to programmatic approaches or systematic social
39 protection programs for children that are designed to:

- 1 (1) Promote the physical and social well-being of children;
- 2 (2) Avert or prevent juvenile delinquency from occurring; and
- 3 (3) Stop or prevent children from re-offending.

4 “Intervention,” as used in these Rules, has three levels:

- 5 (1) Primary Intervention includes general measures to promote social justice and
6 equal opportunity, which tackle the perceived root causes of offending. These
7 shall include programs on advocacy, and socio-economic, health and nutrition,
8 training and education services.
- 9 (2) Secondary Intervention includes measures to assist children-at-risk, i.e., protective
10 services for children; and
- 11 (3) Tertiary Intervention includes measures to avoid unnecessary contact with the
12 formal justice system, and other measures to prevent re-offending, i.e., diversion
13 programs, rehabilitation, reintegration and after-care services, which shall be
14 further defined in PART IX, PART X and PART XIII of these Rules.

16 Intervention can be implemented in different settings, which may include, but not limited
17 to, the community, the school or the youth care facility.

18 Intervention shall include psycho-social intervention, which may be delivered through
19 center-based or community-based interventions.

20 All interventions shall include intervention undertaken with the family of the child.

21 **RULE 22. Community-Based Intervention**

22 **Rule 22.a. Primary Mode of Intervention**

23 It is hereby made a policy that in preventing juvenile delinquency and addressing the
24 harm done by CICL, community-based programs shall be the primary mode of
25 intervention.

26 **Rule 22.b. Community Based Programs in the LGU**

27 As provided for in Section 19 of the Act, the community-based programs for juvenile
28 intervention and delinquency prevention shall respond to the special needs, problems,
29 interests and concerns of children, and offer appropriate counseling and guidance to
30 them and their families.

31 All community-based programs to be designed by LGUs shall consist of the three levels,
32 as provided under Rule 23.

33 **RULE 23. Comprehensive National Juvenile Intervention Program**

34 **Rule 23.a. Development, Review and Enhancement of the CNJIP**

35 The JJWC shall, in accordance with Section 18 of the Act, develop a three (3) to five
36 (5)-year Comprehensive National Juvenile Intervention Program (CNJIP), embodying
37 the detailed strategy to realize the objectives of the Act on juvenile intervention and
38 delinquency prevention.

39 The JJWC shall develop the CNJIP, within six (6) months from the effectivity of the Act,
40 as amended. Thereafter, the Comprehensive National Juvenile Intervention Program
41 shall be reviewed and enhanced periodically, as provided in the Act, as amended.

42 The CNJIP shall be developed, enhanced and reviewed with the participation of:

- 1 (1) Government agencies concerned, including member agencies and the
- 2 coordinating agencies;
- 3 (2) Non-government organizations;
- 4 (3) Child and youth organizations; and
- 5 (4) The League of Provinces of the Philippines, League of Cities of the Philippines,
- 6 League of Municipalities of the Philippines and the Liga ng mga Barangay.

7 **Rule 23.b. CNJIP Framework**

8 The Comprehensive National Juvenile Intervention Program shall serve as a guide to all
9 government agencies, LGUs and NGOs in the formulation and implementation of their
10 respective juvenile intervention programs and policies relating to juvenile justice and
11 welfare.

12 **RULE 24. Comprehensive Local Juvenile Intervention Program (CLJIP)**

13 **Rule 24.a. Development, Review and Enhancement of the CLJIP**

14 The provinces, cities and municipalities, through their Local Social Welfare and
15 Development Office and their Local Planning and Development Office, shall develop
16 their Comprehensive Local Juvenile Intervention Program (CLJIP).

17 The CLJIP shall be guided by the principles set forth in the CNJIP, but shall be
18 designed to be particularly responsive to the assessed local situation. The DILG shall
19 issue the appropriate guidelines on the development of the CLJIP.

20 The CLJIP shall be submitted to the RJJWC, through the DILG, before the start of its
21 implementation or on the date to be determined by the DILG.

22 The LGUs, in coordination with their respective LCPCs, shall convene all the sectors
23 concerned, particularly the child-focused institutions, NGOs, people's organizations,
24 educational institutions and government agencies involved in delinquency prevention, to
25 participate in the planning process and implementation of the CLJIP.

26 The existing programs of the LGUs dealing with children shall be deemed part of LCPC
27 program.

28 The LGUs shall endeavor to align the appropriate programs of the national government
29 with their local programs and services as part of the CLJIP.

30 The CLJIP shall be integrated in the Local Development Plan of the LGU, provided that
31 all the requirements provided herein are complied with.

32 **Rule 24.b. Implementation of the CLJIP**

33 The LCPC shall serve as the coordinating body that will support the LGU concerned for
34 the adoption, implementation, monitoring and evaluation of the CLJIP.

35 The LGUs may, through appropriate ordinances, group themselves, consolidate their
36 programs and services, and pool their resources, for purposes of designing and
37 implementing their CLJIP, pursuant to Section 33 of the Local Government Code.

38 **Rule 24.c. Budget Allocation for the CLJIP**

39 The budget for the development and implementation of the CLJIP shall be sourced from
40 the 1% Internal Revenue Allotment (IRA) allocated for the strengthening and
41 implementation of the programs of the LCPCs for CAR and CIGL. As provided for by

1 Section 18 of the Act, the LGUs shall also allocate an amount necessary to implement
2 their respective CLJIP in their Annual Budget.

3 The LGUs are also enjoined to allocate additional funding for the implementation of the
4 CLJIP.

5 The LGUs are also encouraged to outsource funds or to engage in partnership with
6 other private organizations, establishments and entities that provide financial assistance
7 for the implementation of programs and services for CAR and CICL.

8 For highly-urbanized cities and provinces, this amount shall also be separate from the
9 expenses for the construction and maintenance of the “Bahay Pag-asa” as provided in
10 the Act and the Rules.

11 **Rule 24.d. Annual Assessment**

12 The implementation of the CLJIP shall be reviewed and assessed annually by the
13 LGUs, in coordination with their respective LCPCs. The report on the assessment shall
14 be submitted by the LGUs to the RJJWC, not later than March 30 of every year, for
15 review and integration into the RJJWC report.

16 **Rule 24.e. Monitoring and Technical Assistance**

17 The DILG shall monitor the compliance of the LGU with this Rule, and shall issue the
18 necessary guidelines for the LGUs in the development, budget allocation,
19 implementation, monitoring and evaluation of their CLJIP.

20 The members of the RJJWC shall provide technical assistance to the LGUs in
21 formulating the CLJIP.

22 **Rule 24.f. Local Referral System**

23 Each LGU, based on their respective CLJIP, shall institute a Local Referral System.
24 This system shall tap the available internal and external resources of the LGU
25 concerned, and shall follow the standard procedures and processes in handling cases
26 of CAR and CICL, as provided in the Act, as amended, and under these Rules.

27 The LGUs shall support the programs and activities of, private and non-government
28 organizations providing services for children-at-risk and children in conflict with the law.

29

30 **PART VII. INITIAL CONTACT WITH THE CHILD**

31 **RULE 25. Initial Contact with the Child**

32 **Rule 25.a. Protection Upon Initial Contact**

33 The CICL shall enjoy the rights laid down in the Act and these Rules, and shall enjoy
34 the protection of the other laws, whenever applicable from the first time that the child
35 comes in contact with the Juvenile Justice and Welfare System.

1 **Rule 25.b. Taking Custody of a Child Without a Warrant**

2 The law enforcement officer or a private person taking into custody a child in conflict with the law without
3 a warrant shall observe the provisions in Sections 5, 8 and 9 of Rule 113 of the Revised Rules of Criminal
4 Procedure, and shall forthwith deliver the child to the nearest police station. The child shall be proceeded
5 against, in accordance with Section 7 of Rule 112 of the Rules of Criminal Procedure.

6 **RULE 26. Procedure for Taking Child Into Custody**

7 From the moment the child is taken into custody, the law enforcement officer shall
8 faithfully observe the following procedures, as provided in Section 21 of the Act:

- 9 (1) Properly identify oneself and present proper identification to the child.
10 (2) Immediately notify the child's parents or guardians, the Local Social Welfare and
11 Development Officer (LSWDO), and the Public Attorney's Office (PAO) of the
12 child's apprehension. The notification shall be made not later than eight (8)
13 hours after apprehension.
14 (3) Explain to the child, in simple language and in a language or dialect, which the
15 child can understand:
16 a. The reason for placing the child under custody;
17 b. The offense allegedly committed; and
18 c. The child's constitutional rights and the child's rights under Republic Act
19 7438 or An Act Defining Certain Rights of Person Arrested, Detained or
20 Under Custodial Investigation as well as the Duties of the Arresting,
21 Detaining and Investigating Officers, and Providing Penalties for Violations
22 Thereof [R.A. 7438].

23 If the child cannot understand the language or local dialect or suffers from
24 disability, an interpreter or a mental health professional shall be provided.

- 25 (4) Determine the age of the child, in accordance with the guidelines provided in Rule
26 37.b herein.
27 (5) Take the child immediately to the proper medical or health officer for a thorough
28 physical and mental examination. Whenever medical treatment is required,
29 steps shall be immediately undertaken to provide the same.
30 (6) Immediately but not later than eight (8) hours after apprehension, turn over the
31 custody of the child to the Local Social Welfare and Development Office or other
32 accredited NGOs. However, in cases where the child is fifteen (15) years old or
33 below, the law enforcement officer shall immediately release the child to the
34 custody of the child's parents or guardian, or in their absence, the child's nearest
35 relative, upon assessment and recommendation of the Local Social Welfare
36 Development Officer, in accordance with Rule 36.a herein.

37 The above procedure must be followed, in strict observance of the prohibitions provided
38 in Section 21 of the Act and in RULE 32 herein, while the child is in the custody of a law
39 enforcement officer.

40 A child in conflict with the law shall only be searched by a law enforcement officer of the
41 same gender, as prescribed in Section 21 of the Act.

42 It is the duty of the enforcement officer to refer the child to the LSWDO for the
43 determination of discernment as provided under Rule 38.

44 **RULE 27. Initial Investigation**

45 The initial investigation is the stage after initial contact, when the law enforcement
46 officer gather relevant evidence including the testimonies of witnesses, documents,

1 object evidence, local knowledge and review of scenes when a crime allegedly involving
2 a child is reported.

3 The conduct of the initial investigation shall be guided by the principle of the best
4 interest of the child and consideration for the concerns and needs of the victim.

5 It is the duty of the law enforcement officer to refer the child to the LSWDO for the
6 determination of discernment as provided under Rule 38.

7 **Rule 27.a. Duty of Law Enforcement Officer When Interviewing the Child**

8 The law enforcement officer may interview a child for the purpose of determining the
9 child's personal circumstance including among others, his or her name, name of his or
10 her parents, the child's date of birth, and home address.

11 No law enforcement officer shall compel any child to make any statement or provide
12 any information that might incriminate the child. The law enforcement officer shall
13 have the duty to inform the child of his or her rights under the Constitution and under RA
14 7438.

15 Any statement or information made by the child referring to the crime shall require the
16 presence of the following persons provided in Section 22 of the Act:

17 (1.) The child's counsel of choice or in the absence thereof, a lawyer from the
18 Public Attorney's Office;

19 (2) The child's parents, guardian, or nearest relative, as the case may be; and

20 (3) The LSWDO.

21 The law enforcement officer from the Women and Child Protection Desk shall conduct
22 the interview of the child.

23 **Rule 27.b. Requirements Where a Child Gives a Statement**

24 As provided in Section 21(m) of the Act, the law enforcement officer from the Women
25 and Child Protection Desk shall ensure that all statements signed or thumb marked by
26 the child during the investigation shall be witnessed by the child's parents or guardian,
27 the LSWDO, and counsel in attendance, who shall affix their signatures to the said
28 statement.

29 **Rule 27.c. Report on the Initial Investigation**

30 After the initial investigation, the law enforcement officer conducting the same shall
31 prepare a report, which contains the following information:

32 (1) Whether handcuffs or other instruments of restraint were used, and if so, the
33 reason for such use;

34 (2) The fact that the parents or guardian of a child, the DSWD or the LSWDO, and
35 the PAO have been duly-informed of the apprehension and the details thereof;

36 (3) The exhaustion of measures to determine the age of a child;

37 (4) The basis for the determination of the age of the child;

38 (5) The precise details of the physical and medical examination or the failure to
39 submit a child to such examination;

40 (6) To whom the child was released and the basis for the release;

- 1 (7) Whether or not the child is exploited in the commission of the crime, as provided
2 in Section 20-C;
- 3 (8) If the child is above fifteen, the assessment of the Social Worker whether the
4 child acted with or without discernment;
- 5 (9) Where the case shall be referred, as provided in the RULE 30 and the basis for
6 such disposition, i.e., the nature of the offense allegedly committed by the child,
7 the corresponding imposable penalty for the commission of the alleged offense,
8 and the assessment of discernment, as provided in RULE 38.

9 **RULE 28. Where the Case Shall be Referred**

10 After the initial investigation, the law enforcement officer shall determine if the case of
11 the child shall be referred to:

12 (1) The LSWDO for intervention in accordance with Sections 20, 20-A and 20-B of
13 the Act and PART IX of these Rules if the child is:

14 (a) Fifteen (15) years old or below; or

15 (b) Above 15 but below 18 years of age and acted without discernment.

16 (2) Diversion, in accordance with Section 23 of the Act and PART X of these Rules,
17 to be administered by the:

18 (a) Law enforcement officer, if the child is above 15 but below 18 years of
19 age, acted with discernment, and allegedly committed an offense with an
20 imposable penalty of not more than six (6) years of imprisonment; or

21 (b) LSWDO, if the child is above 15 but below 18 years of age, acted with
22 discernment, and allegedly committed a victimless offense with an
23 imposable penalty of not more than six (6) years of imprisonment.

24 (3) The Prosecutor or Judge, if the child is above fifteen (15) but below 18 years of
25 age, acted with discernment, and allegedly committed an offense with an
26 imposable penalty of more than six (6) years of imprisonment.

27 The report on the initial investigation, as required under RULE 27, shall state where the
28 case shall be referred to, and the basis for such disposition, which shall include the
29 following information:

30 (1) The nature of the offense allegedly committed by the child;

31 (2) The corresponding imposable penalty for the commission of the offense; and

32 (3) Where the case of the child shall be referred in the event of an assessment that
33 the child acted with discernment, as provided in RULE 38.

34 **RULE 29. Turn Over of Custody**

35 In all cases, the law enforcement officer shall turn over the physical custody of the child
36 to the LSWDO within eight (8) hours from apprehension, as required under Section 21(i)
37 of the Act. The physical custody of the child shall be transferred to the LSWDO, even if
38 the law enforcement officer has not yet exhausted all measures to determine the age of
39 the child under Rule 35.b and even if the initial investigation under RULE 27 has not yet
40 been terminated.

41 After the physical custody of the child is turned over, the LSWDO shall then explain to
42 the child and the child's parents or guardians, the consequences of the child's act with a
43 view towards providing counseling and rehabilitation; diversion from the criminal justice

1 system; and whenever appropriate, obtaining reparation for the victim or victims; as
2 required by Section 21(i) of the Act.

3 In the event that a child whose custody is turned over by the law enforcement officer is
4 fifteen (15) years old or below, the LSWDO shall take all measures to release the child
5 to the parents or guardians, or to any of the persons or organizations provided in Rule
6 38.b herein, and proceed with the development of appropriate diversion programs, as
7 provided under Part VII of these Rules, except in cases covered under Section 20,
8 Section 20-A and Section 20-B of the Act.

9 **RULE 30. Pending Turn Over of Custody**

10 Pending the turn over of the custody of the child to the parents, guardians or the
11 LSWDO, in cases when the child is apprehended at night time or during weekends, the
12 law enforcement officers shall ensure that the child shall be temporarily secured in an
13 area separate from that of the opposite sex and adult offenders, and shall not be placed
14 inside the detention cell or jail. The temporary physical custody of child in such cases
15 may also be given to an NGO that is licensed and accredited by the DSWD, a faith-
16 based organization, a foster parent, or a member of the BCPC who is selected based
17 on the criteria set by the DILG.

18 The LGUs shall ensure that the Local Social Welfare and Development Office is
19 available to receive referrals of CICL cases, twenty-four hours a day and seven days a
20 week.

21 **RULE 31. Duty to Maintain Strict Confidentiality and Privacy**

22 From the time of taking custody of the child in conflict with the law, the law enforcement
23 officer and all duty-bearers shall handle the case of the child with utmost confidentiality,
24 as provided under Rule 7.a.

25 **RULE 32. Prohibited Acts When the Child is in Custody**

26 **Rule 32.a. Display and Use of Instruments of Force or Restraint**

27 The law enforcement officer shall refrain from subjecting the child in conflict with the law
28 to greater restraint than is necessary for apprehension.

29 If handcuffs or other instruments of restraint are employed on the child, the law
30 enforcement officer shall record such fact in the report on the initial investigation, as
31 required under Section 21(l) of the Act and Rule 27.a herein, and the reason for the use
32 of such instruments of restraint.

33 As required under Section 21(e) of the Act, the law enforcement officer, from the time of
34 initial contact with the child, shall also avoid displaying or using any firearm, weapon,
35 handcuffs or other instruments of force or restraint, unless absolutely necessary and
36 only after all other methods of control have been exhausted and have failed.

37 **Rule 32.b. Use of Violence or Unnecessary Force**

38 As prescribed by Section 21(g) of the Act, the law enforcement officer shall not use
39 violence or unnecessary force on the child in conflict with the law.

40 **Rule 32.c. Detention**

41 A child in conflict with the law shall never be locked up in a detention cell, such as the
42 barangay lock-up, police station lock-up, jails managed by BJMP, provincial jails and

1 other similar facilities, but shall only be placed in a “Bahay Pag-asa” or youth care
2 facility.

3 **Rule 32.d. Body Search by an Officer of the Opposite Sex**

4 A child in conflict with the law who is in custody shall not be searched by a law
5 enforcement officer of the opposite sex.

6 **Rule 32.e. Contact with Adult Offenders and Offenders of Opposite Sex**

7 Should the detention of the child in conflict with the law be necessary pending turnover
8 to the LSWDO or the other persons who may take custody of the child, in accordance
9 with Section 21(i) of the Act and Rule 36.b herein, the child shall be secured in quarters
10 separate from that of the opposite sex and adult offenders.

11 **Rule 32.f. Vulgar Language**

12 All duty-bearers shall not use vulgar or profane words against, or in the presence of, the
13 child in conflict with the law.

14 **Rule 32.g. Harassment and Abuse**

15 All duty-bearers shall not sexually harass or abuse, or make sexual advances on the
16 child in conflict with the law.

17 **Rule 32.h. Prohibitions are Applicable to Other Duty-Bearers**

18 Other duty-bearers, including but not limited to persons to whom the custody of the child
19 is turned over, in accordance with Section 21(i) of the Act and Rule 36.b herein, and all
20 persons having contact with the child in conflict with the law, are bound by the same
21 obligations and shall strictly observe all the prohibitions under this Rule.

22 **PART VIII. LIABILITY OF A CHILD IN CONFLICT WITH THE LAW**

23 **RULE 33. Exemption from Criminal Liability**

24 **Rule 33.a. Who are Exempt**

25 As provided in Section 6 of the Act, the following shall be exempt from criminal liability:

26 (1) A child fifteen (15) years of age or under at the time of the commission of the
27 offense; and

28 (2) A child above fifteen (15) years but below eighteen (18) years of age, who acted
29 without discernment, at the time of the commission of the offense.

30 **Rule 33.b. Treatment of Children Exempt from Criminal Responsibility**

31 Children who are exempt from criminal liability, as referred to in this Rule, shall be
32 subjected to an intervention program, pursuant to Sections 20, 20-A and 20-B of the Act
33 and PART IX of these Rules.

34 **Rule 33.c. Non-Exemption from Civil Liability**

35 As provided in Section 6 of the Act, the exemption from criminal liability of children
36 under this Rule does not include exemption from civil liability, which shall be enforced in
37 accordance with existing laws.

1 **RULE 34. Civil Liability of Parents**

2 Parents shall be jointly liable for the civil liability of the child.

3 The parents shall be liable for damages unless they prove, to the satisfaction of the
4 Court, that they were exercising reasonable supervision over the child at the time the
5 child committed the offense, and exerted reasonable efforts and utmost diligence to
6 prevent or discourage the child from committing an offense.

7 For purposes of this Rule, “parents” shall mean any of the following persons:

- 8 (1) Biological parents of the child; or
- 9 (2) Adoptive parents of the child; or
- 10 (3) Individuals who have custody of the child.

11 **RULE 35. Age of the Child**

12 **Rule 35.a. When a Child is Deemed to be Fifteen (15) Years of Age**

13 A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary
14 of the child’s date of birth.

15 **Rule 35.b. Determination of the Age of the Child**

16 Consistent with Section 7 of the Act, the following measures may be used to ascertain
17 the age of the child:

- 18 (1) Obtain documents that show proof of the child’s age, such as:
 - 19 a. Child’s birth certificate;
 - 20 b. Child’s baptismal certificate; or
 - 21 c. Any other pertinent documents, such as but not limited to, the child’s
 - 22 school records, dental records, travel papers, etc.
- 23 (2) The law enforcement officer may obtain the above documents from any of the
24 following:
 - 25 a. Parents, guardian or relatives of the child (for copies of any of the above
 - 26 documents);
 - 27 b. Local Civil Registrar or the National Statistics Office (for a copy of the birth
 - 28 certificate);
 - 29 c. School where the child attends (for school records, dental records, birth
 - 30 certificate or baptismal certificate, when required by the school);
 - 31 d. Local Health Officer (for medical records); and
 - 32 e. Church (for baptismal records).

33 If the above documents cannot be obtained or pending receipt of such documents, the
34 law enforcement officer shall exhaust other measures to determine the age of the child
35 by:

- 36 (1) Interviewing the child and obtaining information that indicate age (e.g., date of
- 37 birth, grade level in school);
- 38 (2) Interviewing persons who may have knowledge of the age of the child (e.g.,
- 39 relatives, neighbors, teachers, classmates);
- 40 (3) Evaluating the physical appearance (e.g., height, built) of the child; and
- 41 (4) Obtaining other relevant evidence of age.

42 **Rule 35.c. Presumption of Age of Minority In Case of Doubt**

43 In case of doubt as to the age of the child, after all the measures are exhausted to
44 determine it, the doubt shall be resolved in favor of the child’s minority.

1 As provided in Section 7 of the Act, the child in conflict with the law shall enjoy the
2 presumption of minority. The child shall enjoy all the rights of a child in conflict with the
3 law, until the child is proven to be eighteen (18) years old or older, at the time of the
4 commission of the crime.

5 **Rule 35.d. If the Child's Age is Contested**

6 As provided in Section 7 of the Act, any person contesting the age of the child in conflict
7 with the law, prior to the filing of the information in any appropriate Court, may file a
8 case in a summary proceeding for the determination of the child's age before the Family
9 Court, which shall decide the case within twenty-four (24) hours from the receipt of the
10 appropriate pleadings of all interested parties.

11 If a case has been filed against the child in conflict with the law and is pending in the
12 appropriate Court, a person may file a motion to determine the age of the child in the
13 same Court where the case is pending. Pending the hearing on the said motion, the
14 proceedings on the main case shall be suspended.

15 In all proceedings, law enforcement officers, prosecutors, judges and other government
16 officials concerned, shall exert all efforts to determine the age of the child in conflict with
17 the law.

18 **RULE 36. When the Child is Below the Age of Criminal Responsibility**

19 **Rule 36.a. Immediate Release of the Child**

20 As provided in Section 20 of the Act, if it has been determined that the child taken into
21 custody is fifteen (15) years old or below, the law enforcement officer having initial
22 contact with the child, has the duty to immediately release the child to the custody of the
23 parents or guardians, or in their absence, the child's nearest relative, upon assessment
24 and recommendation of the Local Social Welfare Development Officer, except as
25 provided in Section 20 last paragraph, Section 20-A and Section 20-B.

26 Immediately after being notified of the apprehension of a child who is fifteen (15) years
27 old or below as required by Rule 31 of these Rules and Section 21(i) of the Act, the
28 LSWDO shall conduct an initial assessment to determine the appropriate intervention
29 and prevention programs, in consultation with the child and the person having custody
30 over the child.

31 The initial assessment shall be without prejudice to the preparation of a more
32 comprehensive Social Case Study Report.

33 **Rule 36.b. Custody of the Child Below Age of Criminal Responsibility**

34 If the parents, guardians or nearest relatives cannot be located, or if they refuse to take
35 custody of the child, the child may be released by the authority having initial contact with
36 the child to any of the following:

- 37 (1) Duly-registered non-governmental or religious organization;
- 38 (2) Barangay Official;
- 39 (3) Member of the BCPC;
- 40 (4) LSWDO; or
- 41 (5) DSWD, when and where appropriate.

1 If the parents, guardians or relatives are unable to take custody of the child due to
2 incarceration or a mental or physical incapacity, the child shall be referred to alternative
3 placements such as foster homes, in addition to what has been provided in the Act, as
4 amended.

5 **Rule 36.c. Petition for Involuntary Commitment**

6 The LSWDO shall determine if the child is dependent, abandoned, neglected or abused
7 by the parents for purposes of filing a Petition for Involuntary Commitment, whenever
8 necessary and appropriate.

9 If the community-based placement of the child shall put the safety of the child in danger,
10 in view of the alleged commission of the offense, the LSWDO shall encourage the
11 parent or guardian of the child to request for temporary placement of the child with the
12 DSWD or licensed and accredited NGOs.

13 In the event that a parent or guardian does not agree with the temporary custody of the
14 child, the LSWDO shall carefully review the case of the child and file a Petition for
15 Involuntary Commitment when sanctioned by law, in accordance with P.D. 603 and the
16 Supreme Court Rule on the Commitment of Children.

17 A Petition for Involuntary Commitment shall be filed by the LSWDO, or in his or her
18 absence, by the DSWD if:

19 (a) The child in conflict with the law who is at least twelve (12) years old is
20 determined by the LSWDO to be dependent, abandoned, neglected or abused by
21 the parents, and the best interest of the child requires that the child be placed in
22 a youth care facility or “Bahay Pag-asa,” pursuant to Section 20 of the Act; or

23 (b) The child, who is above twelve (12) years of age up to fifteen (15) years of age,
24 commits a serious crime covered by Section 20-A of the Act; or

25 (c) The child, who is above twelve (12) years of age up to fifteen (15) years of age,
26 commits an offense for the second time or oftener, and if the best interest of the
27 child requires that the child be placed in a youth care facility or “Bahay Pag-asa,”
28 pursuant to Section 20-B.

29 A child in conflict with the law is considered:

30 (a) “Dependent” when the child is without a parent, guardian or custodian; or one
31 whose parents, guardian or other custodian for good cause desires to be relieved
32 of the child’s care and custody; and is dependent upon the public for support, as
33 provided in Art. 141(1), Title VIII of P.D. 603;

34 (b) “Abandoned” when the child has no proper parental care or guardianship or
35 when the child’s parents or guardians have deserted the child for a period of at
36 least six (6) continuous months, as provided in Art. 141(2), Title VIII of P.D. 603;

37 (c) “Neglected” when the child’s basic needs have been deliberately unattended or
38 inadequately provided, as provided in Art. 141(3) of P.D. 603; or

39 (d) “Abused” when upon the evaluation of the LSWDO, the child is determined to be
40 maltreated, whether habitual or not, as defined in Section 3(b) of Republic Act
41 No. 7610, or the “Special Protection of Children Against Abuse, Exploitation and
42 Discrimination Act” [“R.A. 7610”].

43 The filing of the Petition for Involuntary Commitment shall be done in accordance with
44 the provisions of Title VIII, Chapter 1 of P.D. 603 and the Supreme Court Rule on the
45 Commitment of Children.

1 The filing of the Petition for Involuntary Commitment must be for the purpose of
2 rehabilitating the child, and not to terminate parental authority, unless termination of
3 parental authority is absolutely necessary and appropriate for the best interest and
4 welfare of the child.

5 **RULE 37. Age of Criminal Responsibility**

6 **Rule 37.a. Children Who Acted Without Discernment**

7 The child in conflict with the law who is above fifteen (15) but below eighteen (18) years
8 of age shall be exempt from criminal responsibility, unless the child acted with
9 discernment. Being exempt, the child shall be dealt with in the same manner as a child
10 who is below the age of criminal responsibility, as provided in RULE 36 herein and
11 PART IX of these Rules.

12 **Rule 37.b. Children Who Acted With Discernment**

13 If the child in conflict with the law is above fifteen (15) years old but below eighteen (18)
14 years of age acted with discernment, the child shall proceed to diversion under Chapter
15 2 of the Act, as amended, and PART X of these Rules.

16 **RULE 38. Discernment**

17 **Rule 38.a. Definition**

18 Discernment is the capacity to understand the difference between right and wrong, and
19 its consequences.

20 **Rule 38.b. Initial Assessment of Discernment**

21 The LSWDO, after the law enforcement officer refers the child who is above fifteen (15)
22 years but below eighteen (18) years of age, and the child's records, as provided in rule
23 28 herein, shall prepare a report indicating an assessment on whether the child acted
24 with discernment within seven (7) working days, for purposes of determining whether to
25 proceed with the intervention under Section 20 of the Act (PART IX of these Rules) or
26 with the diversion under Chapter 2 of the Act (PART X of these Rules).

27 **Rule 38.c. Basis for Assessment of Discernment**

28 In making an assessment of discernment, the LSWDO shall use the Discernment
29 Assessment Tool developed by the DSWD.

30 The DSWD shall issue the necessary guidelines and develop the standard tools to help
31 the LSWDOs in the assessment of discernment. The DSWD shall regularly review and
32 enhance the tool and its guidelines.

33 **Rule 38.d. Report on the Assessment of Discernment**

34 After making an assessment, the LSWDO shall prepare a report showing the basis for
35 the assessment of whether the child acted with or without discernment. This report
36 shall be submitted to the law enforcement officer handling the case of the child. After
37 receipt of the report by the LSWDO, the law enforcement officer shall conclude the
38 initial investigation, and refer the case of the child for intervention, diversion or
39 preliminary investigation, whichever is appropriate under the obtaining circumstances of
40 case.

1 **PART IX. INTERVENTION FOR CHILDREN EXEMPT FROM CRIMINAL LIABILITY**

2 **RULE 39. Intervention Programs for Children in Conflict with the Law Who are Exempt from**
3 **Criminal Liability**

4 The following children, who are exempt from criminal liability, shall be provided with the
5 appropriate Tertiary Intervention Programs:

- 6 (a) Those taken into custody who are fifteen (15) years old or below; and
- 7 (b) Those above fifteen (15) but below eighteen (18) years old and determined to
8 have acted without discernment.

9 The DSWD shall issue the necessary guidelines to aid the Local Social Welfare and
10 Development Officer in the formulation, implementation and monitoring of appropriate
11 and effective intervention programs for children who are exempt from criminal liability.

12 **RULE 40. Monitoring Compliance**

13 The LSWDO shall implement and monitor the intervention program with the child in
14 coordination with the BCPC, the school, SK Council or youth organizations, other
15 existing support organizations and community volunteers. Specifically, the LSWDO
16 shall monitor the effectiveness of the intervention program; and the compliance by the
17 child and the parents or guardians, with the terms and conditions of the intervention
18 program.

19 **RULE 41. Management of Cases of Children Who Commit Serious Crimes Under Section 20-A**

20 **Rule 41.a. Crimes Covered; Intensive Intervention**

21 A CICL, above 12 years up to 15 years of age who committed either or a combination of
22 the following offenses:

- 23 (1) Parricide;
- 24 (2) Murder;
- 25 (3) Infanticide;
- 26 (4) Kidnapping and serious illegal detention where the victim is killed or raped;
- 27 (5) Robbery with homicide or rape;
- 28 (6) Destructive arson;
- 29 (7) Rape;
- 30 (8) Carnapping where the driver or occupant is killed or raped; or
- 31 (9) Offenses under Republic Act No. 9165 punishable by more than twelve (12)
32 years of imprisonment

33 is still exempted from criminal liability but the child shall be deemed a “neglected child”
34 under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a
35 special facility within the youth care facility or “Bahay Pag-asa,” which shall be called
36 the Intensive Juvenile Intervention and Support Center (IJISC).

37 In accordance with existing laws, rules, procedures and guidelines, the Local Social
38 Welfare and Development Officer (LSWDO) of the LGU where the offense was
39 committed; or in the absence of the LSWDO, by the DSWD Social Worker; shall file the
40 proper Petition for Involuntary Commitment and Placement of the CICL under the IJISC,
41 within twenty-four (24) hours from the time of the receipt of a report on the alleged
42 commission of said child.

1 The Court, where the Petition for Involuntary Commitment has been filed shall decide
2 on the Petition within seventy-two (72) hours from the time the said petition has been
3 filed by the DSWD or the LSWDO.

4 The Court will determine the initial period of placement of the child within the IJISC,
5 which shall not be less than one (1) year.

6 The Multi-Disciplinary Team shall develop individual case management plans with
7 offense-specific interventions.

8 **Rule 41.b. Reports to be Submitted by the Multi-Disciplinary Team of the IJISC**

9 The Multi-Disciplinary Team of the IJISC will submit to the Court a Case Study and
10 Progress Report, to include a Psychiatric Evaluation Report, and whenever appropriate,
11 to recommend the reintegration of the child to the family or the extension of the
12 placement under the IJISC. The Multi-Disciplinary Team will also submit a report to the
13 Court on the services extended to the parents and family of the child and the
14 participation and compliance of the parents in the intervention programs.

15 **Rule 41.c. Completion of the Center-Based Intervention Program**

16 The Court will decide whether the child has successfully completed the center-based
17 intervention program, and whether the child is prepared to be reintegrated with the
18 family or if there is a need for the continuation of the center-based rehabilitation of the
19 child. The Court will determine the next period of assessment or hearing on the
20 commitment of the child.

21 **RULE 42. Management of Cases of Children Who Committed an Offense for the Second Time**
22 **or Oftener Under Section 20-B**

23 **Rule 42.a. Community-Based Intensive Intervention Program**

24 A CICL, above 12 years up to 15 years of age and is exempt from criminal liability, who
25 committed an offense for the second time or oftener, and who was previously subjected
26 to a community-based intervention program, shall be deemed to be a “neglected child”
27 under Presidential Decree No. 603, as amended, and shall undergo an intensive
28 community-based intervention program, based on individual case management plans to
29 be supervised by the Local Social Welfare and Development Officer.

30 **Rule 42.b. Center-Based Intensive Intervention Program under the “Bahay Pag-asa”**

31 If the best interest and welfare of the CICL requires placement in a Youth Care Facility
32 or “Bahay Pag-asa,” the child’s parents or guardians shall execute a written
33 authorization for the voluntary commitment of the child.

34 If the CICL has no parents or guardians or if they refuse or fail to execute the written
35 authorization for voluntary commitment, the proper Petition for Involuntary Commitment
36 shall be immediately filed by the DSWD or the LSWDO pursuant to Presidential Decree
37 No. 603, as amended.

38 The CICL shall undergo a center-based intensive intervention program, based on
39 individualized case management plan to be supervised by the Local Social Welfare and
40 Development Officer.

1

PART X. DIVERSION FOR CHILDREN WHO ACTED WITH DISCERNMENT

2 **RULE 43. Principles of Diversion**

3 Diversion refers to an alternative, child-appropriate process of determining the
4 responsibility and treatment of a child in conflict with the law, on the basis of the child's
5 social, cultural, economic, psychological or educational background, without resorting to
6 formal Court proceedings.

7 Diversion process shall be centered on the restorative approach, and as far as
8 applicable, shall use restorative justice processes, which may include but not limited to:
9 (a) victim offender mediation; (b) community and family group conferencing; (c) circle
10 sentencing; (d) peacemaking circles; (e) reparative probation and community boards
11 and panels and (f) existing community accepted justice practices that embody
12 restorative justice.

13 In formulating and implementing a diversion program, the following principles shall be
14 considered:

- 15 (a) Application of restorative justice principles in accordance with Rule 7
- 16 (b) Use of positive measures;
- 17 (c) Full mobilization of all possible resources, which include the family, volunteers,
18 schools and other community institutions;
- 19 (d) Effective, fair and humane dealing with the child; and
- 20 (e) Promotion of the well-being of the child.

21 **RULE 44. Who Shall Undergo Diversion**

22 Pursuant to Section 23 of the Act, the child in conflict with the law shall undergo
23 diversion proceedings if he or she:

- 24 (a) Is above fifteen (15) years but below eighteen (18) years of age;
- 25 (b) Acted with discernment; and
- 26 (c) Allegedly committed an offense with an imposable penalty of not more than six
27 (6) years of imprisonment if diversion is conducted at the barangay, police or
28 prosecutor's level; and not more than twelve (12) years of imprisonment, if
29 diversion is resorted to by the Court.

30 **RULE 45. Where Diversion May be Implemented**

31 As provided for under Section 24 of the Act, if the imposable penalty for the offense
32 committed is not more than six (6) years of imprisonment, diversion may be
33 implemented at the:

- 34 (a) Katarungang Pambarangay level, before the Punong Barangay, as provided in
35 RULE 47 herein;
- 36 (b) Police investigation stage, before the law enforcement officer, as provided in
37 RULE 48 herein; or
- 38 (c) Preliminary Investigation stage, before the Prosecutor, as provided in RULE 50
39 herein.

1 If the offense with the imposable penalty of not more than six (6) years imprisonment is
2 a victimless crime, the diversion proceedings shall be managed by the LSWDO, in
3 coordination with the BCPC.

4 If the imposable penalty for the offense committed exceeds six (6) years of
5 imprisonment but not more than twelve (12) years of imprisonment, diversion may be
6 resorted to only by the Court.

7 **RULE 46. Organization of a Diversion Committee**

8 Upon receipt of the case, the authority handling the diversion shall constitute a
9 Diversion Committee, which shall be responsible in convening the dialogue between the
10 CICL, the parents or guardians, and the victim(s) and the latter's parents or guardians.

11 The Committee shall assist the authority implementing the diversion in identifying the
12 appropriate programs for the CICL and the family.

13 **RULE 47. At the Katarungang Pambarangay Level**

14 **Rule 47.a. Diversion Prior to Entry into the Criminal Justice System**

15 A child in conflict with law may undergo diversion proceedings outside of the Criminal
16 Justice System when the case is referred to the Barangay through the Lupong
17 Tagapamayapa.

18 **Rule 47.b. Who Handles the Diversion**

19 The Diversion at the Katarungang Pambarangay level shall be managed by a Diversion
20 Committee chaired by the Punong Barangay, as the Chair of the Lupong
21 Tagapamayapa. The members of the Diversion Committee may include, but not be
22 limited to the following:

- 23 (1) Local Social Welfare and Development Officer (LSWDO);
- 24 (2) Barangay Kagawad (Chairperson of the Committee on Children, Women and
25 Family)
- 26 (3) Member of the Lupong Tagapamayapa;
- 27 (4) Member of the Barangay Council for the Protection of Children;
- 28 (5) Chief Tanod;
- 29 (6) Member of Task Force on Child and Youth Development in the Barangay;
- 30 (7) NGO Representative;
- 31 (8) PTA President; and
- 32 (9) Representative of a faith-based organization.

33 **Rule 47.c. Formulation and Supervision of the Diversion Program at the Barangay Level**

34 The diversion program at the Katarungang Pambarangay level shall be formulated by
35 the Diversion Committee. The supervision of the Diversion Program at this level shall
36 be done by the Punong Barangay, with the assistance of the BCPC.

37 As a form of monitoring, the members of the BCPC and the community volunteers to be
38 designated by the BCPC, may conduct house visits with the child and the parents or
39 guardians, in order to monitor the child's progress in the Diversion Program and ensure
40 compliance with the Contract of Diversion. This may be done in consultation and in
41 collaboration with the LSWDO.

1 **Rule 47.d. Duty of Punong Barangay When There is No Diversion**

2 Pursuant to Section 27 of the Act, the Punong Barangay handling the case shall, within
3 three (3) days from determination of the absence of jurisdiction or termination of the
4 diversion proceedings as provided below, forward the records of the case to the:

5 (1) Law enforcement officer or Prosecutor – when the child or the child’s parents or
6 guardian do not consent to a diversion. Upon the issuance of the corresponding
7 document, certifying to the fact that no agreement has been reached by the
8 parties, the case shall be filed according to the regular process.

9 (2) Prosecutor or the Court – when the case involves an offense with an imposable
10 penalty of more than six (6) years imprisonment.

11 **RULE 48. At the Law Enforcement Level**

12 **Rule 48.a. Diversion Proceedings at the Law Enforcement Level**

13 Diversion shall be conducted at the law enforcement level when:

14 (1) After the conduct of diversion proceedings at the Katarungang Pambarangay
15 level, the child or the child’s parents or guardian do not consent to a diversion,
16 and the Punong Barangay forwards the case of the child as provided under Rule
17 47.d herein; or

18 (2) After the conduct of the initial investigation, the law enforcement officer
19 determines that the child is above 15 but below 18 years of age, acted with
20 discernment and allegedly committed an offense, that is not a victimless crime,
21 with an imposable penalty of not more than six (6) years of imprisonment, as
22 provided under RULE 28 (2)(a) herein.

23 **Rule 48.b. Who Handles the Diversion**

24 Diversion at the police investigation stage shall be handled by a Diversion Committee
25 that is chaired by a law enforcement officer from the Women and Children Protection
26 Desk. The members of the Diversion Committee may include, but not be limited to the
27 following:

- 28 (1) Local Social Welfare and Development Officer;
29 (2) Member of the Barangay Council for the Protection of Children;
30 (3) Member of Task Force on Child and Youth Development in Barangay;
31 (4) NGO Representative;
32 (5) Representative of a faith-based organization;
33 (6) Representative of a people’s organization; and
34 (7) Lawyer from the Public Attorney’s Office.

35 **Rule 48.c. Duty of the Law Enforcement Officer When There is No Diversion**

36 Pursuant to Section 23 of the Act, the law enforcement officer handling the case shall
37 forward the records to the Prosecutor or Judge, when the case involves an offense with
38 an imposable penalty of more than six (6) years imprisonment; or the child or the child’s
39 parents or guardians do not consent to a diversion. The case records shall be
40 forwarded within three (3) days from determination of the absence of jurisdiction or the
41 termination of the Diversion Proceedings as stated above.

42 Upon receipt of the referral, the Prosecutor or Judge shall then conduct the Preliminary
43 Investigation and determine whether or not the child should remain in custody and
44 correspondingly charged in Court.

1 **RULE 49. At the Level of the LSWDO in Cases of Victimless Crimes**

2 **Rule 49.a. Diversion at the LSWDO level**

3 Diversion shall be handled at the level of the LSWDO, where after the conduct of initial
4 investigation, the law enforcement officer determines that the child is above 15 but
5 below 18 years of age, acted with discernment and allegedly committed a victimless
6 crime where the imposable penalty is not more than six (6) years of imprisonment, as
7 provided under RULE 28 (2)(b) herein.

8 **RULE 50. At the Level of the Prosecutor**

9 In cases where no consent or agreement to a diversion was reached at the level of the
10 law enforcement officer or LSWDO conducting the Diversion Proceedings, the
11 Prosecutor shall still endeavor to arrive at an agreement to a diversion program.

12 **Rule 50.a. Diversion Committee**

13 Diversion at the Preliminary Investigation stage shall be conducted by a Diversion
14 Committee chaired by a Prosecutor. The members of the diversion committee may
15 include but not be limited to the following:

- 16 (1) Local Social Welfare and Development Officer;
- 17 (2) Member of the Barangay Council for the Protection of Children;
- 18 (3) NGO Representative;
- 19 (4) Representative of a faith-based organization;
- 20 (5) Representative of a people's organization; and
- 21 (6) Lawyer from the Public Attorney's Office.

22 **RULE 51. Diversion Proceedings**

23 **Rule 51.a. Duties of the Authority Handling the Diversion Proceedings**

24 The authority handling the Diversion Proceedings shall:

- 25 (1) Explain to the child and the child's family the objective of the Diversion
26 Proceedings, the value of diversion, and the consequence of not undergoing
27 diversion.
- 28 (2) Ask the child about the circumstances of the offense, the motives or purpose
29 behind the offense and the factors that led the child to commit the offense.
- 30 (3) Ask the child about some personal circumstances, including details of the child's
31 parents and family, peers and educational status.
- 32 (4) Make the child in conflict with the law understand the consequences of the child's
33 actions and the corresponding responsibilities.
- 34 (5) Ensure that the child understands and realizes his or her accountability; make
35 the child feel remorse for his or her actions; and guide the child to take
36 responsibility for repairing the harm done, in lieu of the filing a formal case in the
37 Court.

38 The authority handling the Diversion Proceedings shall also determine if diversion is
39 appropriate and desirable, based on the factors provided in the next Rule. Upon a
40 finding that diversion is not applicable or desirable, the authority handling the Diversion
41 Proceedings shall issue the corresponding document certifying to such fact, and shall
42 proceed with the case according to the regular process.

1 **Rule 51.b. Factors in Determining Whether Diversion is Appropriate**

2 In determining whether diversion is appropriate and desirable, the following factors shall
3 be taken into consideration by the authority handling the Diversion Proceedings:

- 4 (1) Nature and circumstances of the offense charged;
- 5 (2) Frequency and the severity of the act;
- 6 (3) Personal circumstances of the child (e.g. age, maturity, intelligence, educational
7 attainment, etc.);
- 8 (4) Influence of the family and environment on the growth of the child;
- 9 (5) Reparation for the injury to the victim;
- 10 (6) Weight of the evidence against the child;
- 11 (7) Safety of the community; and
- 12 (8) Best interest and welfare of the child.

13 Whenever applicable, the recommendation of the LSWDO shall be considered in the
14 determination of appropriateness and desirability of diversion.

15 **Rule 51.c. Conduct of Diversion Proceedings**

16 The authority conducting the diversion proceedings shall ensure that the proceedings
17 are child-friendly and sensitive to the needs, welfare and the protection of the rights of
18 the child in conflict with the law. The authority shall use language that is simple and
19 understandable to the child in conflict with the law.

20 Diversion Proceedings shall be conducted in a place where the identities of the child
21 and the parties concerned are kept confidential. There should be enough privacy to
22 avoid unnecessary interruptions, distractions and/or participation from non-parties that
23 could humiliate or make the child feel uncomfortable.

24 The DSWD, in consultation with the LGUs, particularly the LCPCs, shall formulate rules
25 and guidelines that should be followed during the conduct of the Diversion Proceedings,
26 in order to protect the child from coercion, intimidation, harm, abuse, or other actions
27 detrimental to the child's normal development. Such guidelines shall ensure that the
28 child understands the Diversion Proceedings where he or she is involved.

29 **Rule 51.d. Custody Pending Diversion Proceedings**

30 Pending the conduct of the diversion proceedings, the custody of the child shall be
31 given to the parents, guardians, relatives or any other responsible person in the
32 community, taking into consideration the best interest of the child in conflict with the law.

33 **Rule 51.e. Consents Required for the Contract of Diversion**

34 The consent of the child and of the parents or guardians of the child shall be required
35 for the validity of a Contract of Diversion. When the consent of either cannot be obtained,
36 the Diversion Proceedings shall be terminated, and the case of the child shall be filed
37 and proceed through the regular process, in accordance with Rule 47.d herein.

38 **Rule 51.f. Duration and Termination of the Diversion Proceedings**

39 The diversion proceedings, at any level, shall be completed within forty-five (45) days.

1 Diversion proceedings are deemed terminated when:

- 2 (1) A Contract of Diversion has been entered into;
- 3 (2) The forty-five day period expires without any agreement reached;
- 4 (3) The child or the parents or guardian do not consent to a diversion;
- 5 (4) The authority conducting the diversion finds that diversion is not applicable based
- 6 on the factors enumerated in the immediately preceding Rule.

7 **RULE 52. Contract of Diversion**

8 **Rule 52.a. When a Contract of Diversion May Be Entered and Nature of Voluntary Admission**

9 A Contract of Diversion may be entered during the Diversion Proceedings when the
10 child voluntarily admits the commission of the offense, as provided in Section 26 of the
11 Act. The voluntary admission of the child during the diversion proceedings shall be only
12 deemed as a consent to undergo the Diversion Program, and shall not be considered
13 an admission of guilt.

14 **Rule 52.b. Admission May Not be Used Against the Child**

15 Any admission of the child shall not be used against the child in any subsequent judicial,
16 quasi-judicial or administrative proceedings. Neither shall the admission be used
17 against the child through denial of privileges and opportunities, discrimination in
18 treatment, or imposition of any form of liability or punishment by reason of such
19 admission.

20 **Rule 52.c. Acceptance of Diversion Contract and Its Form and Content**

21 The Contract of Diversion containing the Diversion Program shall be effective and
22 binding, if accepted by the child and the parents or guardian of the child. The contract
23 shall be in writing and signed by the:

- 24 (1) Child;
- 25 (2) Parents or guardian of the child;
- 26 (3) Authority that conducted the Diversion Proceedings (the Punong Barangay, the
27 law enforcement officer or the Prosecutor);
- 28 (4) Member of the BCPC assisting the Punong Barangay, in cases of Diversion
29 Proceedings at the Katarungang Pambarangay level; and
- 30 (5) LSWDO, in cases of Diversion Proceedings by the law enforcement officer or by
31 the Prosecutor.

32 The Contract of Diversion shall contain the individualized diversion program, and shall
33 stipulate the rights, responsibilities or accountabilities of the child, the parents or
34 guardian and the offended party, when applicable.

35 The Contract of Diversion places the responsibility or accountability upon the child to
36 restore the harm done, in view of the offense committed. As such, the authority
37 conducting the Diversion Proceedings shall endeavor to obtain the agreement of the
38 offended party in the formulation of the individualized diversion program contained in
39 the Contract of Diversion by:

- 40 (1) Explaining to the offended party the benefits of forgiveness and diversion, and
41 the need to reform the CICL within the auspices of the community, instead of
42 detention homes or rehabilitation centers, once the CICL expresses remorse and
43 a willingness to ask for forgiveness from the offended party; and

1 (2) Assuring the offended party that the LSWDO, together with the local government
2 and the community, will be responsible for reforming and monitoring the CICL
3 through various diversion programs.

4 However, the acceptance of the offended party is not required for a Contract of
5 Diversion to be valid.

6 **RULE 53. Formulation of the Diversion Program**

7 **Rule 53.a. Factors Considered in the Formulation**

8 The Diversion Program shall be formulated during the Diversion Proceedings. In the
9 formulation of the Diversion Program, the individual characteristics and the peculiar
10 circumstances of the child in conflict with the law, including but not limited to the
11 cultural, social, economic and religious circumstances of the child, shall be used to
12 formulate an individualized treatment.

13 Consistent with Section 30 of the Act, the following factors shall be considered in
14 formulating a Diversion Program for the child:

- 15 (1) Child's feelings of remorse for the offense committed;
- 16 (2) Parents' or legal guardians' ability to guide and supervise the child;
- 17 (3) Victim's view about the propriety of the measures to be imposed;
- 18 (4) Availability of community-based programs for the rehabilitation and reintegration
19 of the child; and
- 20 (5) Record of prior offenses, if any.

21 The Diversion Program shall include adequate socio-cultural and psychological
22 interventions and services for the child.

23 **Rule 53.b. Kinds of Diversion Programs**

24 As provided in Section 31 of the Act, at the different stages where diversion may be
25 resorted to, the Diversion Programs may be agreed upon, such as, but not limited to:

- 26 (1) At the level of the Punong Barangay:
 - 27 (a) Restitution of property;
 - 28 (b) Reparation of the damage caused;
 - 29 (c) Indemnification for consequential damages;
 - 30 (d) Written or oral apology;
 - 31 (e) Care, guidance and supervision orders;
 - 32 (f) Counseling for the child in conflict with the law and the child's family;
 - 33 (g) Attendance in trainings, seminars and lectures on:
 - 34 (i) anger management skills;
 - 35 (ii) problem solving and/or conflict resolution skills;
 - 36 (iii) values formation; and
 - 37 (iv) other skills which will aid the child in dealing with situations which
38 can lead to the repetition of the offense;

- 1 (h) Participation in available community-based programs, including
2 community service; or
- 3 (i) Participation in education, vocation and life skills programs.
- 4 (2) At the level of the law enforcement officer and the Prosecutor:
- 5 (a) Diversion programs specified under paragraphs (1)(a) to (1)(i) above; and
6 (b) Confiscation and forfeiture of the proceeds or instruments of the crime.
- 7 (3) At the level of the appropriate Court:
- 8 (a) Diversion programs specified under paragraphs (a) and (b) above;
9 (b) Written or oral reprimand or citation;
10 (c) Fine;
11 (d) Payment of the cost of the proceedings; or
12 (e) Institutional care and custody.

13 **RULE 54. Compliance with Diversion**

14 **Rule 54.a. Reporting Obligations**

15 The child, together with the parents or guardians, shall present themselves to the
16 competent authorities that imposed the Diversion Program, at least once a month for
17 reporting and evaluation of the effectiveness of the program.

18 **Rule 54.b. Supervision and Monitoring**

19 The conduct of the Diversion Program at the law enforcement or Prosecutor level shall
20 be supervised by the LSWDO. The LSWDO shall devise a monitoring and follow-up
21 mechanism to ensure compliance with the Contract of Diversion, particularly of the child
22 and his or her parents or guardian, and to determine the progress of the rehabilitation,
23 reintegration and the entire Diversion Program.

24 **Rule 54.c. Failure to Comply with the Contract of Diversion**

25 Failure to comply with the terms and conditions of the Contract of Diversion, as certified
26 by the LSWDO, shall give the offended party the option to institute the appropriate legal
27 action.

28 In cases where there is failure of diversion at the Barangay level, the Punong Barangay
29 that conducted the Diversion Proceedings, upon a finding of failure to comply, may refer
30 the case of the child to the law enforcement officer or Prosecutor, as if there is no
31 consent to the diversion, or that diversion is not appropriate and desirable for the child,
32 as provided in Section 29 of the Act.

33 In cases where the offense committed is a victimless crime, the LSWDO that conducted
34 the diversion proceedings, upon a finding of failure to comply, may refer the case of the
35 child to the Prosecutor, as if there is no consent to the diversion or that diversion is not
36 appropriate and desirable for the child, as provided in Section 29 of the Act.

1 **RULE 55. Suspension of Prescriptive Period of the Offense**

2 **Rule 55.a. During Diversion Proceedings**

3 The period of prescription of the offense shall be suspended until the completion of the
4 Diversion Proceedings, but shall not exceed a period of forty-five (45) days.

5 **Rule 55.b. During Diversion Program**

6 The period of prescription of the offense shall be suspended during the effectivity of the
7 Diversion Program, but shall not exceed a period of two (2) years.

8 **RULE 56. Diversion At the Court Level**

9 Where the imposable penalty for the crime committed exceeds six (6) years
10 imprisonment, diversion measures may be resorted to only by the Court, and will
11 proceed in accordance with the Supreme Court Rule on Juveniles in Conflict with the
12 Law.

13 **PART XI. PROSECUTION**

14 **RULE 57. Preliminary Investigation and Filing of Information**

15 The Prosecutor shall conduct a preliminary investigation only in the following cases: (a)
16 when the child in conflict with the law does not qualify for diversion; (b) when the child,
17 his/her parents or guardian does not agree to diversion, as specified in Sections 27 and
18 28; and (c) when considering the assessment and recommendation of the Social
19 Worker, the Prosecutor determines that diversion is not appropriate for the child in
20 conflict with the law.

21 Upon serving the *subpoena* and the Affidavit of Complaint, the Prosecutor shall notify
22 the counsel of choice or in his or her absence, the Public Attorney's Office of such
23 service, as well as the personal information, and place of custody of the child in conflict
24 with the law.

25 **RULE 58. Allegation of Torture or Ill-treatment**

26 If there is an allegation of torture or ill-treatment of a child in conflict with the law, during
27 the arrest or detention or a violation of the prohibited acts, pursuant to the Act, and
28 these Rules, it shall be the duty of the Prosecutor to investigate the same and initiate
29 the corresponding legal action, whenever necessary.

30 **RULE 59. Notice to the Counsel of Choice or the Public Attorney's Office (PAO)**

31 As provided in Section 33 of the Act, upon serving the *subpoena* and the Affidavit of
32 Complaint, the Prosecutor shall notify the counsel of choice or the Public Attorney's
33 Office of such service, as well as the personal information, and place of custody of the
34 child in conflict with the law.

35 **RULE 60. Upon Determination of Probable Cause**

36 Upon determination of probable cause by the Prosecutor, the Information against the
37 child shall be filed before the Family Court, within forty-five (45) days from the start of
38 the Preliminary Investigation.

39 The Information must allege that the child acted with discernment, based on the initial
40 assessment of the LSWDO.

1 **RULE 61. When the Child is Deprived of Liberty**

2 If the child in conflict with the law is deprived of liberty at the time the Prosecutor
3 assumes jurisdiction of the case, the counsel of choice or the PAO, as the case may be,
4 shall manifest to the Court such fact, with the objective of obtaining an immediate Order
5 of Release from the Court.

6 **RULE 62. Special Training of the Prosecutor**

7 There shall be a specially-trained Prosecutor to conduct the Preliminary Investigation,
8 diversion and prosecution of cases involving a child in conflict with the law. The DOJ
9 shall issue an administrative order identifying specially-trained Prosecutors assigned to
10 every Family Court or RTC.

11 The Prosecutors assigned to handle cases of children in conflict with the law shall be
12 given child-sensitivity and gender-sensitivity trainings, and other appropriate trainings,
13 by the DOJ, with the assistance of the DSWD.

14 **PART XII. COURT PROCEEDINGS**

15 **RULE 63. Diversion Measures**

16 Where the child in conflict with the law is at least fifteen (15) years and one (1) day old
17 but below eighteen (18) years of age, at the time of the commission of the offense, had
18 acted with discernment, and the maximum penalty imposed by law for the offense with
19 which the child in conflict with the law is charged is imprisonment of not more than
20 twelve (12) years, regardless of the fine, or fine alone regardless of the amount, and
21 before arraignment of the child in conflict with the law, the Court shall, pursuant to the
22 Supreme Court Revised Rule on Children in Conflict with the Law, determine whether or
23 not diversion is appropriate.

24 **RULE 64. Custody of CICL Pending Trial**

25 Where a child is detained, the Court shall order the following:

- 26 (1) Release of the minor on recognizance to his or her parents, and other suitable
27 persons;
28 (2) Release of the child in conflict with the law on bail; or
29 (3) Transfer of the minor to a Youth Detention Home or a Youth Rehabilitation Center.

30 **Rule 64.a. No Detention in a Jail Pending Trial**

31 Pursuant to Section 35 of the Act, the Court shall not order the detention of a child in a
32 jail, pending trial or hearing of the case.

33 Whenever commitment is necessary, a child shall be committed to the “Bahay Pag-asa”
34 in the province, city or municipality, where the child resides.

35 In the absence of a “Bahay Pag-asa,” the child in conflict with the law may be committed
36 to the care of the DSWD or a licensed and/or accredited NGOs, within the jurisdiction of
37 the Court. The center or agency concerned shall be responsible for the child’s
38 appearance in Court, whenever required.

39 A CICL who reaches the age of eighteen (18) years while in the custody of an institution
40 for the youth, during the pendency of the criminal case, shall not be transferred to a jail
41 for adults.

1 **Rule 64.b. Release on Recognizance Pending Trial**

2 Children who are detained pending trial may be released on recognizance, as provided
3 for under Section 35 of the Act.

4 In all other cases and whenever possible, detention pending trial may be replaced by
5 alternative measures, such as close supervision, intensive care or placement with a
6 foster or therapeutic family, or in an educational setting or home.

7 Pursuant to Republic Act No. 10389, or An Act Institutionalizing Recognizance as a
8 Mode of Granting the Release of an Indigent Person in Custody as an Accused in a
9 Criminal Case and for Other Purposes [R.A. 10389], the release on recognizance of a
10 CICL in custody or detention for the commission of an offense shall be a matter of right,
11 when the offense is not punishable by death, reclusion perpetua, or life imprisonment;
12 Provided, that the CICL or any person acting on behalf of the CICL, files the application
13 for such release on recognizance before the Courts.

14 **Rule 64.c. Bail and the Mitigating Circumstance of Minority**

15 For purposes of setting the amount of bail, the Court shall always consider the
16 privileged mitigating circumstance of minority.

17 **Rule 64.d. Service of Possible Maximum Period of Imprisonment**

18 Pursuant to Art. 29 of the Revised Penal Code, as amended by RA 10592, whenever a
19 CICL has undergone preventive imprisonment, detention or commitment for a period
20 equal to the maximum possible period of imprisonment for the offense charged to which
21 the child may be sentenced, and the case is not yet terminated, the child shall be
22 released immediately, without prejudice to the continuation of the trial thereof, or the
23 proceeding on appeal, if the case is under review.

24 Any form of physical restraint imposed upon the child in conflict with the law, including
25 community service, and commitment to an institution for the youth, shall be considered
26 preventive imprisonment.

27 **RULE 65. Parents to Undergo Intervention Programs**

28 Based on the recommendation of the Multi-Disciplinary Team of the IJISC, the LSWDO
29 or the DSWD, the Court may require the parents of a child in conflict with the law to
30 undergo counselling or any other intervention that, in the opinion of the Court, would
31 advance the best interest and welfare of the child.

32 **RULE 66. Attendance of Parents in Proceedings**

33 A Court exercising jurisdiction over a child in conflict with the law may require the
34 attendance of one or both parents of the child at the place where the proceedings are to
35 be held.

36 **RULE 67. Automatic Suspension of Sentence**

37 If the CICL was under eighteen (18) years of age at the time of the commission of the
38 offense, and was found guilty of the offense charged, the Court shall determine and
39 ascertain any civil liability of the parents, which may have resulted from the offense
40 committed.

41 However, instead of pronouncing the judgment of conviction, the Court shall place the
42 child in conflict with the law under a suspended sentence, without need of application;

1 *Provided, however,* That suspension of sentence shall still be applied or shall still be
2 available, even if the CICL is already eighteen years (18) of age, until the CICL reaches
3 twenty-one (21) years of age at the time of the pronouncement of guilt.

4 **RULE 68. Disposition Measures**

5 Upon the suspension of the sentence, and after considering the various circumstances
6 of the child, the Court shall impose the appropriate disposition measures, as provided in
7 the Supreme Court Revised Rule on Children in Conflict with the Law.

8 **RULE 69. Discharge of the Child in Conflict with the Law**

9 Upon the recommendation of the Social Worker who has custody of the child, the Court
10 shall dismiss the case against the child whose sentence has been suspended and
11 against whom disposition measures have been issued, and shall order the final
12 discharge of the child, if it finds that the objective of the disposition measures have been
13 fulfilled.

14 The discharge of the child in conflict with the law shall not affect the civil liability
15 resulting from the commission of the offense, which shall be enforced in accordance
16 with law.

17 **RULE 70. Return of the Child in Conflict with the Law to the Court**

18 If the Court finds that the objective of the disposition measures imposed upon the child
19 in conflict with the law has not been fulfilled, or if the child in conflict with the law has
20 willfully failed to comply with the conditions of the disposition or rehabilitation program,
21 the child in conflict with the law shall be brought before the Court for the Execution of
22 Judgment.

23 If the said child in conflict with the law has reached eighteen (18) years of age, while
24 under suspended sentence, the Court shall determine whether to discharge the child in
25 accordance with this Act, to order the Execution of Sentence, or to extend the
26 suspended sentence for a certain specified period, or until the child reaches the
27 maximum age of twenty-one (21) years.

28 **RULE 71. Credit in the Service of Sentence**

29 The child in conflict with the law shall be credited in the service of his or her sentence,
30 with the full time spent in actual commitment and detention under this Act.

31 Any form of physical restraint imposed on the child in conflict with the law, including
32 community service, the implementation of the Diversion Contract, and commitment to
33 an institution for the youth, shall be considered as preventive imprisonment for purposes
34 of crediting the service of sentence.

35 **RULE 72. Probation as an Alternative to Imprisonment**

36 As provided in Section 42 of the Act, the Court may place the child on probation, after it
37 shall have convicted and sentenced a child in conflict with the law, and upon the child's
38 application at any time, in lieu of service of sentence, taking into account the best
39 interest of the child. For this purpose, Section 4 of Presidential Decree No. 968,
40 otherwise known as the "Probation Law of 1976," is amended accordingly.

1 **PART XIII. REHABILITATION AND REINTEGRATION**

2 **RULE 73. Rehabilitation and Reintegration Defined**

3 Rehabilitation is the process of rectifying or modifying a child's negative attitude and
4 behavior. It enables the child to change his or her negative behavior into something
5 positive and acceptable to the community.

6 Rehabilitation can be implemented in the community or in a youth rehabilitation facility.

7 Reintegration is the process, which promotes or facilitates the acceptance of the child
8 back into the family and the community. Reintegration aims to heal the victim's and the
9 community's wounds that was inflicted upon them by the offense committed by the child
10 in conflict with the law.

11 Rehabilitation is integral to the process of reintegration.

12 **RULE 74. Objectives of Rehabilitation and Reintegration**

13 As provided in Section 44 of the Act, the objective of rehabilitation and reintegration of
14 children in conflict with the law is to provide them with interventions, approaches and
15 strategies that will enable them to improve their social functioning, with the end goal of
16 their reintegration as productive members of their families and their communities.

17 As provided in Section 54 of the Act, the objectives of community-based programs are
18 as follows:

19 (1) Prevent the separation of the child in conflict with the law from the parents or
20 guardians, to maintain the support system fostered by their relationship, and to
21 create greater awareness of their mutual and reciprocal responsibilities;

22 (2) Prevent disruption in the education or means of livelihood of the child in conflict
23 with the law in case the child is studying, working or attending vocational learning
24 institutions;

25 (3) Facilitate the rehabilitation and mainstreaming of the child in conflict with the law
26 and encourage community support and involvement; and

27 (4) Minimize the stigma attached to the child in conflict with the law by preventing jail
28 detention.

29 The objective of residential rehabilitation is to provide children in conflict with the law
30 with care, protection, education and vocational skills under a structured therapeutic
31 environment, with the end view of reintegrating them into their families and
32 communities.

33 Rehabilitation and reintegration programs should include appropriate interventions for
34 the family of the child.

35 **RULE 75. Rehabilitation of Children in Conflict with the Law**

36 Children in conflict with the law, whose sentences are suspended, may, upon order of
37 the Court, undergo any or a combination of disposition measures, which are best suited
38 to the rehabilitation and welfare of the child, as provided in the Supreme Court Revised
39 Rule on Children in Conflict with the Law.

40 If the community-based rehabilitation program is availed of by a child in conflict with the
41 law, the child shall be released to the parents, guardians, relatives or any other
42 responsible person in the community.

1 **RULE 76. Community-Based Programs for Rehabilitation**

2 **Rule 76.a. Criteria in the Development of Programs for Community-Based Rehabilitation**

3 Every LGU shall establish community-based programs that will focus on the
4 rehabilitation and reintegration of the child in conflict with the law. All community-based
5 programs must comply with the criteria to be established by the JJWC, which shall take
6 into account the following:

7 (1) The purpose of the program, which is to promote the rights and welfare of the
8 child in conflict with the law;

9 (2) The need for the consent of the child and his or her parents or legal guardians, to
10 ensure the effectiveness of the program and the participation and involvement of
11 the family; and

12 (3) The maximum participation of the DSWD accredited child-centered agencies
13 located in the community where the child in conflict with the law resides or is
14 presently located, whether public or private.

15 The community-based programs that will specifically focus on the reintegration of
16 children in conflict with the law may include, but should not be limited to, the existing or
17 retained package of community-based programs, being implemented by the LGU. The
18 institutionalization of new, innovative and offense-specific strategies and approaches
19 shall likewise be encouraged.

20 **Rule 76.b. Implementation of Community-Based Rehabilitation Programs**

21 Under the supervision and guidance of the LSWDO and/or NGO social workers, and in
22 coordination with the parents or guardian, the child in conflict with the law shall
23 participate in community-based rehabilitation programs, which shall include, but are not
24 limited to:

25 (a) Psycho-social interventions;

26 (b) Competency and life skills development;

27 (c) Socio-cultural and recreational activities;

28 (d) Community volunteer projects;

29 (e) Leadership training;

30 (f) Social services;

31 (g) Health services;

32 (h) Spiritual enrichment;

33 (i) Family welfare services;

34 (j) Community services; and

35 (k) Continuing education programs.

36 Based on the progress of the CICL in the community, a Final Report will be forwarded
37 by the Local Social Welfare and Development Officer to the Court for the final
38 disposition of the case.

1 **RULE 77. Residential Rehabilitation**

2 **Rule 77.a. Where a Child May be Committed for Rehabilitation**

3 In the event the Court finds that community-based rehabilitation is inappropriate and
4 deprivation of liberty through residential rehabilitation is required, the child in conflict
5 with the law may be committed to one of the following:

- 6 (1) Bahay Pag-asa, as provided in RULE 80 herein;
- 7 (2) Youth Rehabilitation Center, as provided in RULE 81 herein; and
- 8 (3) Other licensed and/or accredited NGO-managed residential, rehabilitation and
9 training facilities.

10 **Rule 77.b. When a Child May be Placed in Residential Rehabilitation**

11 As provided in Section 45 of the Act, no child shall be admitted in any rehabilitation or
12 training facility, without a valid Order issued by the Court, after a Hearing held for that
13 purpose.

14 The LSWDO and/or the NGO Social Worker shall prepare a Social Case Study Report
15 on the child in conflict with the law, and shall forward this Report to the rehabilitation
16 facility that shall admit the child. This Report shall include the psychological evaluation,
17 medical records, birth certificate, school records, and other documents necessary for
18 planning the rehabilitation of the child.

19 **RULE 78. Treatment of Children in Residential Rehabilitation**

20 **Rule 78.a. Provision of a Home Environment**

21 As provided in Section 46 of the Act, the rehabilitation or training facility for children in
22 conflict with the law shall provide a home environment, where the child can be provided
23 with quality counseling and treatment services.

24 In keeping with the best interest and welfare of the child in conflict with the law, the
25 parents or guardians shall have a right of access to the facility where the child was
26 admitted.

27 **Rule 78.b. Treatment of Female Children in Conflict with the Law**

28 As provided in Section 47 of the Act, female children in conflict with the law, who are
29 placed in an institution, shall be given special attention as regards their personal needs
30 and problems. In consideration of their gender needs, female children in conflict with the
31 law shall be handled only by female doctors, correction officers and social workers.
32 They shall be accommodated separately from the male children in conflict with the law.

33 They shall by no means receive less care, protection, assistance, treatment and training
34 than what the male children in conflict with the law are receiving. The fair and equal
35 treatment of female children in conflict with the law shall be ensured and promoted.

36 In areas where there are few female children in conflict with the law, temporary homes
37 or shelters shall be set up, subsidized and managed by the DSWD, LGUs and/or NGOs.

38 **Rule 78.c. Gender-Sensitive Handling of CICL**

39 No personnel of rehabilitation and training facilities shall handle children in conflict with
40 the law, without having undergone gender-sensitivity training.

1 The LGU, in coordination with the DSWD, shall provide gender-sensitivity training and
2 other appropriate training courses, relative to the treatment and rehabilitation of children
3 in conflict with the law.

4 **RULE 79. After-Care Support Services**

5 **Rule 79.a. Duration of Providing After-Care Support Services**

6 After-care support services shall be given to CICL:

7 (1) Who had been discharged from an institution for the youth; or

8 (2) Whose cases had been dismissed by the proper Court because of good
9 behavior, according to the recommendation of the DSWD Social Worker, the
10 LGU, and/or any accredited NGO Youth Rehabilitation Center.

11 After-care support services for children in conflict with the law shall be given for a period
12 of at least six (6) months.

13 **Rule 79.b. Nature and Objectives of After-Care Support Services**

14 After-care support services, which include counseling and other community-based
15 services, are designed to facilitate social reintegration, prevent re-offending and make
16 the children productive members of the community.

17 These services may include but should not be limited to seminars or workshops, life
18 skills development, sports clinics activities, skill and livelihood programs for future
19 employment, and membership to existing youth organizations that enhance and teach
20 life skills and positive lifestyle, and other preventive programs.

21 **Rule 79.c. Development and Provision of the After-Care Support Services**

22 The after-care support services under this Rule shall be provided by the LSWDO in the
23 LGU where the child will reside after his or her discharge from the center or facility. The
24 development of these services shall comply with the criteria set by the JJWC, as
25 provided in the Act and these Rules.

26 The after-care support services shall engage the active participation of the child and his
27 or her parents or guardians.

28 Licensed and accredited NGOs may be mobilized by the LSWDO in the provision of
29 after-care support services.

30 **Rule 79.d. Duty to Notify the LCPC**

31 The LSWDO and/or the institution for the CICL concerned shall notify, the LCPC of the
32 LGU where the CICL resides, of the discharge of the child or the dismissal of the case
33 of the child, and of the fact that the CICL is undergoing after-care services.

34 **Rule 79.e. Guidelines on After-Care Support Services**

35 The DSWD shall issue the guidelines on the proper implementation of after-care
36 support services.

1 **PART XIV. RESIDENTIAL CARE FACILITIES FOR CHILDREN IN CONFLICT WITH THE LAW**

2 **RULE 80. BAHAY PAG-ASA**

3 **Rule 80.a. Description of the “Bahay Pag-asa”**

4 A “Bahay Pag-asa” is a 24-hour child-caring institution established, funded and
5 managed by accredited local government units (LGUs) and licensed and/or accredited
6 non-government organizations (NGOs) that are providing short-term residential care for
7 children in conflict with the law, who are above fifteen (15) but below eighteen (18)
8 years of age, and who are awaiting court disposition of their cases or transfer to other
9 agencies or jurisdiction.

10 Part of the features of a “Bahay Pag-asa” is an Intensive Juvenile Intervention and
11 Support Center. This will cater to children in conflict with the law, in accordance with
12 Sections 20, 20-A and 20-B of the Act.

13 **Rule 80.b. Establishment of Bahay Pag-asa by LGUs**

14 Pursuant to Section 49 of the Act, each province and highly-urbanized city (the LGUs)
15 shall build, operate and fund a “Bahay Pag-asa,” following the standards to be set by
16 the DSWD and adopted by the JJWC. The DSWD and DPWH shall promulgate
17 guidelines for the construction of “Bahay Pag-asa.”

18 A “Bahay Pag-asa” may also be established by private and non-government
19 organizations licensed and/or accredited by the DSWD. The privately-run “Bahay Pag-
20 asa” shall follow the standards set forth by the DSWD.

21 The LGUs may enter into a Public-Private Partnership (PPP) with non-government
22 organizations for the construction, operation and maintenance of a “Bahay Pag-asa,”
23 pursuant to existing laws.

24 The DILG shall monitor the establishment of “Bahay Pag-asa” in the LGUs, as well as
25 the annual allocation of budget for its maintenance and operations.

26 The DSWD, in coordination with the DPWH, shall monitor the compliance of the LGUs
27 with the national standards on construction, management and maintenance of the
28 “Bahay Pag-asa.”

29 **Rule 80.c. Multi-Disciplinary Team (MDT)**

30 In every “Bahay Pag-asa,” there shall be a Multi-Disciplinary Team, composed of
31 persons with different expertise related to the management of cases of children in
32 conflict with the law.

33 The Multi-Disciplinary Team shall be composed of, but not limited to, the following
34 experts:

- 35 (1) Licensed Social Worker with permanent position;
- 36 (2) Psychologist or mental health professional with permanent position;
- 37 (3) Medical Doctor, who may be on retainer;
- 38 (4) Educational or Guidance Counselor;
- 39 (5) Member of the Barangay Council for the Protection of Children (BCPC);

40 The Team will work together to provide the appropriate individualized intervention plan
41 for the child and the child’s family.

1 **Rule 80.d. Standards for the “Bahay Pag-asa”**

2 The DSWD, in consultation with the concerned agencies, shall develop, review and
3 enhance the standards for the “Bahay Pag-asa” to ensure efficiency, effectiveness and
4 accountability in the delivery of quality programs and services for children in conflict with
5 the law.

6 Every “Bahay Pag-asa” shall comply with the standards set forth by the DSWD. It shall
7 operate in a secure manner that ensures the safety and protection of children in conflict
8 with the law, staff and the community where it is located. It shall engage the CICL in a
9 helping relationship with a Team of various disciplines in a home-like environment.

10 Every “Bahay Pag-asa” shall have its own Child Protection Policy and Code of Conduct
11 for child protection.

12 **Rule 80.e. Intensive Juvenile Intervention and Support Center (IJISC)**

13 Every “Bahay Pag-asa” shall have a special program or unit called the Intensive
14 Juvenile Intervention and Support Center (IJISC). This unit or facility shall address the
15 different levels of needs of children, regardless of age and offense committed.

16 The IJISC shall address the needs of the CICL who are exempted from criminal liability,
17 but who commit serious crimes, as referred to in Section 20-A of the Act.

18 **Rule 80.f. Technical Assistance to the IJISC**

19 Upon institutionalization of the IJISC program, the JJWC through the RJJWC, shall
20 continue to monitor and provide technical assistance to the Multi-Disciplinary Teams
21 (MDTs) operating the said centers.

22 **Rule 80.g. Registration, Licensing and Accreditation of “Bahay Pag-asa”**

23 No “Bahay Pag-asa” shall operate without a valid registration, license and accreditation
24 certificate from DSWD; Provided that, a “Bahay Pag-asa” managed by the LGUs, shall
25 be exempt from registration and licensing, but it shall be required to be accredited by
26 the DSWD.

27 Failure to comply with the registration, licensing and accreditation requirements shall be
28 dealt with in accordance with Section 62 of the Act and RULE 91 herein. Other DSWD
29 rules and regulations for the registration, licensing and accreditation shall also be
30 applicable, unless otherwise specified in these Rules.

31 **Rule 80.h. When and Where to apply for Registration, Licensing and Accreditation**

32 Applications for registration and license shall be filed with the DSWD Field Office where
33 the “Bahay Pag-asa” is located, except those managed by private and non-government
34 organizations operating in more than one region, in which case, applications shall be
35 filed with the DSWD Standards Bureau, Central Office. All applications for accreditation
36 shall likewise be filed with the DSWD Standards Bureau, Central Office.

37 **Rule 80.i. Monitoring of “Bahay Pag-asa”**

38 The JJWC, through the DSWD, shall monitor the compliance of the LGUs with the
39 operational guidelines of the “Bahay Pag-asa”.

40 The JJWC, through the CHR, shall monitor the compliance of the “Bahay Pag-asa” with
41 International Human Rights Law.

1 **Rule 80.j. Construction of “Bahay Pag-asa”**

2 The amount of four hundred million pesos (Php 400,000,000.00) shall be appropriated
3 for the construction of “Bahay Pag-asa” in provinces or cities with high incidence of
4 CICL. The said amount shall be coursed through the Department of Public Works and
5 Highways (DPWH) for its proper implementation.

6 The DSWD and JJWC shall issue a guideline to determine and identify the provinces
7 and cities with high incidence of children in conflict with the law, for purposes of
8 prioritizing the building of their respective facilities of “Bahay Pag-asa.”

9 The concerned LGUs shall make available, from its own resources or assets, their
10 counterpart share of at least equivalent to the national government contribution of Five
11 million pesos (Php 5,000,000.00) per rehabilitation center.

12 If the LGU concerned has an available building, which can be used as a “Bahay Pag-
13 asa,” the same may be used as a partial or full counterpart of the LGU for the
14 construction of the “Bahay Pag-asa.”

15 The DSWD and JJWC, in consultation with the DPWH, shall issue the appropriate
16 guidelines in the proper implementation of this Rule.

17 **Rule 80.k. Funding and Operation of the “Bahay Pag-asa”**

18 The LGU’s expected expenditures on the maintenance and operation of the “Bahay
19 Pag-asa” shall be included in the LGU’s annual budget. Highly-urbanized cities and
20 provincial governments should include a separate budget for the construction and
21 maintenance of the “Bahay Pag-asa,” including the operation of the IJISC within the
22 “Bahay Pag-asa.”

23 **RULE 81. Youth Rehabilitation Center**

24 **Rule 81.a. Youth Rehabilitation Center and Its Services**

25 A Youth Rehabilitation Center (or “Youth Center”) refers to a 24-hour residential care
26 facility that provides children in conflict with the law with protection, care, treatment and
27 rehabilitation services, under the guidance of a trained staff, where children in conflict
28 with the law on suspended sentence, or “residents,” are cared for under a structured
29 therapeutic environment, with the end view of re-integrating them into their families and
30 communities, as socially-functioning and productive individuals.

31 A Youth Center is managed by the DSWD, LGUs, or licensed and/or accredited NGOs
32 monitored by the DSWD, and the preceding rules on registration, licensing and
33 accreditation shall apply.

34 **Rule 81.b. Progress of the Child in the Center**

35 A Quarterly Report shall be submitted by the Youth Center to the proper Court on the
36 progress of the children in conflict with the law. Based on the progress of the children in
37 the Center, a Final Report will be forwarded to the Court for final disposition of the case.

38 **Rule 81.c. Establishment of Youth Centers**

39 The DSWD shall establish Youth Centers in each region of the country. The local
40 government and other private and non-government entities and organizations shall
41 collaborate with DSWD, and contribute to the establishment, management and
42 maintenance of these facilities.

1 Existing Regional Rehabilitation Centers for Youth (RRCY) established by the DSWD in
2 each region, shall be considered as Youth Centers. In regions where the Youth Centers
3 are not yet established, the DSWD shall immediately establish a Youth Center within
4 one (1) year from the effectivity of the Act.

5 **Rule 81.d. Registration, Licensing and Accreditation of LGU and NGO-Managed Centers**

6 The Rules on registration, licensing and accreditation of “Bahay Pag-asa,” as provided
7 in Part XIV, Rule 80.g and Rule 80.h shall apply to Youth Centers managed by LGUs
8 and NGOs.

9 **Rule 81.e. Establishment and Maintenance of Youth Rehabilitation Centers**

10 The DSWD shall include in its budget plan the appropriation for the establishment,
11 management and maintenance of Youth Rehabilitation Centers in each Region of the
12 country.

13 **RULE 82. Expenses for Care and Maintenance of the Child**

14 **Rule 82.a. Who Assumes the Expenses**

15 The expenses for the care and maintenance of a child in conflict with the law under
16 institutional care shall be borne by his or her parents, or those persons liable to support
17 the child: Provided, That in case the parents or those persons liable to support the child
18 cannot pay all or part of said expenses, the municipality where the offense was
19 committed shall pay one-third (1/3) of the said expenses or part thereof; the province to
20 which the municipality belongs shall pay one-third (1/3) and the remaining one-third
21 (1/3) shall be borne by the national government.

22 Chartered cities shall pay two-thirds (2/3) of said expenses; and in case a chartered city
23 cannot pay said expenses, part of the internal revenue allotments applicable to the
24 unpaid portion, shall be withheld and applied to the settlement of said obligations:
25 Provided, further, That in the event that the child in conflict with the law is not a resident
26 of the municipality or city where the offense was committed, the Court, upon its
27 determination, may require the city or municipality where the child in conflict with the law
28 resides to pay for the cost and expenses for the care and maintenance of a child in
29 conflict with the law.

30 **Rule 82.b. Determination of the Standard Cost of Care and Maintenance**

31 The costs and maintenance of a child under institutional care shall be in accordance
32 with the guidelines set forth by the DSWD, in consultation with LGUs, private and
33 licensed and/or accredited NGOs. These guidelines shall be updated at least every five
34 (5) years, in consideration of the prevailing prices of commodities and the cost of living
35 in the locality where the facility operates.

36 **Rule 82.c. Notification and Payment of Cost of Care and Maintenance**

37 The DSWD, LGUs or NGOs having custody of the child either in a “Bahay Pag-asa” or
38 Youth Centers, shall notify the parents and the concerned LGUs, where the offense was
39 committed or where the child resides, as the case may be, within two (2) weeks after
40 admission, indicating the corresponding amount needed for the care and maintenance
41 of the child for the duration of his or her stay in the Home or Center. Specific
42 instructions on the payment modes shall also be given to facilitate the payment.

43 If no payment is made to the receiving institutions after three (3) notices, Rule 82.d and
44 Rule 82.e shall apply.

1 **Rule 82.d. If the Child is Not a Resident of the LGU Where the Offense was Committed**

2 In the event that the child in conflict with the law is not a resident of the municipality or
3 city where the offense was committed, the Court, upon its determination, may require
4 the city or municipality where the child in conflict with the law is a resident to shoulder
5 the cost of the child's care and maintenance.

6 **Rule 82.e. Determination of Capacity to Pay**

7 In all cases, the capacity of the child's parents or those persons liable to support the
8 child, to pay all or part of the expenses for the child's care and maintenance, shall be
9 determined by the LSWDO of the city or municipality where the said child resides.

10 **RULE 83. Agricultural Camps**

11 The Bureau of Corrections (BUCOR), in coordination with the DSWD, may establish,
12 maintain, supervise and control agricultural camps and other training facilities, where a
13 child in conflict with the law may, after conviction and upon order of the Court, be made
14 to serve his or her sentence, in lieu of confinement in a regular penal institution.

15 **PART XV. EXEMPTING PROVISIONS**

16 **RULE 84. Status Offenses, When Not Punishable**

17 As provided in Section 57 of the Act, any conduct not considered an offense or not
18 penalized if committed by an adult, shall not be considered as an offense, and shall not
19 be punished, if committed by a child.

20 In the event a child is apprehended for, or accused of, committing status offenses, law
21 enforcement officers have the obligation to immediately release the child to the parents,
22 without prejudice to intervention programs conducted by the LSWDO.

23 **RULE 85. Exemption from Punishment from Local Ordinances**

24 No penalty shall be imposed on children for violation of the following ordinances:

- 25 (1) Juvenile status offenses such as, but not limited to:
26 (a) Curfew violations,
27 (b) Truancy,
28 (c) Parental disobedience,
29 (d) Anti-smoking, and
30 (e) Anti-drinking
31 (2) Light offenses and misdemeanors against public order or safety such as, but not
32 limited to:
33 (a) Disorderly conduct,
34 (b) Public scandal,
35 (c) Harassment,
36 (d) Drunkenness,
37 (e) Public intoxication,
38 (f) Criminal nuisance,
39 (g) Vandalism,
40 (h) Gambling,
41 (i) Mendicancy,
42 (j) Littering,
43 (k) Public urination, and
44 (l) Trespassing.
45

1 All ordinances inconsistent with the provisions of Section 57-A of the Act are hereby
2 modified.

3 The LGUs shall immediately amend their existing ordinances to make them consistent
4 with the Act.

5 In amending or enacting Ordinances for the Protection of Children, the LGUs concerned
6 shall make sure that Secondary Intervention Programs are included in the Ordinance,
7 for purposes of implementing Section 57-A of the Act, as amended, and this Rule.

8 **RULE 86. Offenses Not Applicable to Children**

9 **Rule 86.a. Exemption from Prosecution**

10 As provided in Section 58 of the Act, all children shall be exempt from prosecution for
11 the following offenses, being inconsistent with the United Nations Convention on the
12 Rights of the Child:

13 (a) Prostitution under Article 202 of the Revised Penal Code, as amended;

14 (b) Mendicancy under Presidential Decree No. 1563; and

15 (c) Sniffing of rugby under Presidential Decree No. 1619.

16 **RULE 87. Exemption from the Application of the Death Penalty**

17 As provided in Section 59 of the Act, the provisions of the Revised Penal Code, as
18 amended, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous
19 Drugs Act of 2002, and other special laws notwithstanding, no death penalty shall be
20 imposed upon children in conflict with the law.

21 **PART XVI. PROHIBITED ACTS AND PENAL PROVISION**

22 **RULE 88. Labelling and Shaming**

23 As mandated by Section 60 of the Act, in the conduct of the proceedings from the initial
24 contact with the child, the competent authorities must refrain from branding or labelling
25 children as young criminals, juvenile delinquents, deviants, prostitutes, vagrants or other
26 similar derogatory labels, and attaching to them, in any manner, any other derogatory
27 names.

28 “Competent authorities” under this Rule refers to persons having contact with the child
29 in conflict with the law, including but not limited to:

30 (a) Law enforcement officers;

31 (b) Barangay officials and employees, including members of the LCPCs;

32 (c) LSWDOs;

33 (d) Prosecutors;

34 (e) PAO lawyers;

35 (f) Judges;

36 (g) Court Social Workers;

- 1 (h) Personnel of “Bahay Pag-asa” and youth rehabilitation centers;
- 2 (i) Personnel of agricultural camps and other training facilities maintained,
3 supervised and controlled by the BUCOR; and
- 4 (j) All persons having authority to implement community-based programs for
5 intervention, diversion and rehabilitation.

6 **RULE 89. Acts of Discrimination**

7 As provided in Section 60 of the Act, no discriminatory remarks and practices shall be
8 allowed, particularly with respect to the child’s class, including but not limited to gender,
9 economic or social status, physical condition, or ethnic origin.

10 **RULE 90. Acts Prejudicial and Detrimental to the Development of the Child**

11 As provided in Section 61 of the Act, the following and any other similar acts shall be
12 considered prejudicial and detrimental to the psychological, emotional, social, spiritual,
13 moral and physical health, development and well-being of the child in conflict with the
14 law, and therefore, prohibited:

- 15 (a) Employment of threats of whatever kind and nature;
- 16 (b) Employment of abusive, coercive and punitive measures, such as cursing,
17 beating, stripping, and solitary confinement;
- 18 (c) Employment of degrading, inhuman and cruel forms of punishment, such as
19 shaving the heads; pouring irritating, corrosive or harmful substances over the
20 body of the child in conflict with the law; or forcing the child to walk around the
21 community wearing signs which embarrass, humiliate, and degrade his or her
22 personality and dignity; and
- 23 (d) Compelling the child to perform involuntary servitude, in any and all forms, under
24 any and all circumstances.

25 **RULE 91. Other Prohibited Acts**

26 The following acts are likewise prohibited:

- 27 (1) Violation of the confidentiality of proceedings, involving a child in conflict with the
28 law, as provided in Section 43 of the Act and RULE 7 of these Rules, due to acts
29 and omissions, such as but not limited to the following:
- 30 (a) Disclosure to the media of records, including photographs, of children in
31 conflict with the law;
- 32 (b) Failure to maintain a separate police blotter for cases involving children in
33 conflict with the law; and
- 34 (c) Failure to adopt a system of coding to conceal material information, which
35 will lead to the child’s identity.
- 36 (2) Commission of prohibited acts under Section 21 of the Act and RULE 32 on
37 Prohibited Acts when in custody of a child.
- 38 (3) Failure to comply with the registration, licensing and accreditation requirements
39 under RULE 80 and RULE 80.j.

1 **RULE 92. Violation of the Provisions of the Act or these Rules or Regulations**

2 Any person who violates any provision of the Act, these Rules, or any rule or regulation
3 promulgated in accordance with the Act, upon conviction for each act or omission, shall
4 be punished by a fine, of not less than Twenty Thousand Pesos (P20,000.00) but not
5 more than Fifty Thousand Pesos (P50,000.00), or suffer imprisonment of not less than
6 eight (8) years but not more than ten (10) years, or both such fine and imprisonment at
7 the discretion of the Court, unless a higher penalty is provided for in the Revised Penal
8 Code or special laws.

9 If the offender is a public officer or employee, he or she shall, in addition to such fine
10 and/or imprisonment, be held administratively liable, and shall suffer the accessory
11 penalty of perpetual absolute disqualification.

12 **RULE 93. Exploitation of Children for the Commission of a Crime**

13 Pursuant to 20-C of the Act, any person who, in the commission of a crime, makes use,
14 takes advantage of, or profits from the use of children, including any person who abuses
15 their authority over the child or who, with abuse of confidence, takes advantage of the
16 vulnerabilities of the child, and shall induce, threaten or instigate the commission of the
17 crime, shall be imposed the penalty prescribed by law for the crime committed in its
18 maximum period.

19 The Philippine National Police (PNP) shall issue the necessary guidelines on how to
20 investigate allegations of exploitation of children for commission of crimes. The
21 guidelines shall also include procedures on how to handle children who are victims of
22 exploitation, pursuant R.A. 7610.

23 **PART XVII. VICTIM ASSISTANCE**

24 **RULE 94. Intervention Programs for Victims**

25 The victim and the victim's family shall be provided with the appropriate assistance and
26 intervention, such as but not limited to, legal assistance and psycho-social intervention
27 by the appropriate agencies. The JJWC, through the appropriate agencies, shall issue
28 the necessary guidelines for the provision of assistance and intervention to victims and
29 their families, in order to ensure that their needs are properly addressed in specific
30 circumstances, as well as for their proper referral, whenever necessary and appropriate.

31 In all stages of the process of resolving the effects of the offense committed by the
32 CICL, the LSWDO shall ensure that the needs of the victims are properly addressed.

33 **PART XVIII. BUDGET AND IMPLEMENTATION**

34 **RULE 95. Initial Funding**

35 As provided in Section 63 of the Act, as amended, the amount necessary to carry out
36 the initial implementation of the Act shall be charged against the current year's
37 appropriations of the JJWC under the budget of the Department of Justice (DOJ).

38 **RULE 96. Funding for Continued and Sustained Implementation**

39 The sums as may be necessary for the continued implementation of this Act shall be
40 included in the budget of the DSWD, in the succeeding General Appropriations Act;

1 Provided, that such allocation for the JJWC, as an attached agency of the DSWD, shall
2 be treated similarly as the budget of other similar agencies attached to the Department.

3 **RULE 97. Resource Assistance, Donations, Grants and Contributions**

4 The JJWC may enjoin government agencies, as well as private organizations, to
5 provide resource assistance to support the implementation of the Act.

6 The JJWC may accept donations, grants and contributions from various sources, in
7 cash or in kind, for purposes relevant to its functions, subject to the usual government
8 accounting and auditing rules and regulations.

9 **PART XIX. DUTIES AND RESPONSIBILITIES**

10 **RULE 98. Policies and Procedures on Juvenile Justice**

11 Pursuant to Section 10 of the Act, all member and coordinating agencies enumerated in
12 Section 8 of the Act shall, with the assistance of the JJWC and within one (1) year from
13 the effectivity of this Act, formulate, review and enhance policies and procedures that
14 are consistent with the standards set forth in the Act, as amended.

15 The policies and procedures of all government agencies shall promote a common
16 understanding of issues concerning juvenile justice and welfare. As such, policies and
17 procedures on juvenile justice and welfare of all member and coordinating agencies
18 shall be consistent with the standards set forth in the Act, as amended, and with the
19 National Juvenile Intervention Program.

20 The member and coordinating agencies of the JJWC shall ensure that all their
21 personnel who are involved in handling CARs and CICLs are properly trained in
22 handling CARs and CICL, in accordance with the Act, as amended, these Rules, and
23 their new or revised policies and procedures.

24 The member and coordinating agencies shall monitor the compliance with the Act and
25 these Rules of the offices and agencies that are attached to their respective
26 Departments.

27 **RULE 99. Duties of Member Agencies**

28 **Rule 99.a. Department of Social Welfare and Development (DSWD)**

29 The DSWD, in addition to being the Chairperson of JJWC, shall provide the
30 administrative supervision over the JJWC National and RJJWC Secretariat. It shall also
31 review, revise, enhance existing guidelines and standards or develop new set of
32 standards for the establishment and operation of "Bahay Pag-asa," IJISC and Youth
33 Rehabilitation Centers. It shall also be responsible for providing capability-building
34 activities and technical assistance to LSWDOs and NGOs handling CAR and CICL.
35 DSWD shall likewise be responsible for the registration, licensing and accreditation of
36 "Bahay Pag-asa" and Youth Rehabilitation Centers.

37 **Rule 99.b. Department of Justice (DOJ)**

38 The DOJ shall coordinate with, monitor and ensure the compliance of, duty-bearers and
39 agencies under its supervision, such as the Public Attorneys Office, Bureau of
40 Corrections, Parole and Probation Administration, National Bureau of Investigation and
41 National Prosecution Service, in the implementation of the Act, as amended, and these
42 Rules.

1 **Rule 99.c. Department of Education (DepEd)**

2 The DepEd shall review, revise and enhance its Child Protection Policy and other
3 existing policies, procedures and programs to make them consistent with the Act and
4 these Rules, and monitor its implementation, to ensure that the public and private
5 schools perform their role in juvenile intervention and delinquency prevention. The
6 DepEd shall also provide technical assistance and build the capacity of educational and
7 guidance counsellors, who will perform the tasks as Members of the Multi-Disciplinary
8 Teams (MDTs) of the “Bahay Pag-asa.”

9 **Rule 99.d. Department of the Interior and Local Government (DILG)**

10 The DILG shall coordinate with, monitor the compliance of, and provide technical
11 assistance to, coordinating agencies under the DILG, such as the PNP, BJMP and the
12 LGUs, from the Barangay to the Provincial level, to ensure the effective implementation
13 of this Act and these Rules.

14 **Rule 99.e. Council for the Welfare of Children (CWC)**

15 The CWC shall integrate the objectives of the Act, in the formulation of its national
16 policy and programs for the development of children, and assist the JJWC in
17 coordinating with, and advocating for, the integration of juvenile intervention in the
18 programs and policies of other government agencies and non-government
19 organizations.

20 **Rule 99.f. Commission on Human Rights (CHR)**

21 The CHR, as a member agency, through its Child Rights Center (CRC), shall ensure
22 that the status, rights and interests of children are upheld, in accordance with the
23 Constitution and international instruments on human rights.

24 The CHR shall strengthen the monitoring of government compliance with all treaty
25 obligations, including the timely and regular submission of reports before the treaty
26 bodies, as well as the implementation and dissemination of recommendations and
27 conclusions, by government agencies, as well as NGOs and civil society organizations.

28 In particular, the CHR, shall:

- 29 (a) Investigate human rights violations against children;
- 30 (b) Initiate legal action for and on their behalf;
- 31 (c) Conduct jail and institution visitation;
- 32 (d) Conduct advocacy activities;
- 33 (e) Implement core programs on children;
- 34 (f) Conduct capacity-building activities to ensure the recognition, promotion and
35 effective exercise of children’s rights; and
- 36 (g) Participate in the practice of inter-agency cooperation that will widen the
37 system and enhance the resources available to the child rights promotion and protection
38 network at the regional level.

39 **Rule 99.g. National Youth Commission (NYC)**

40 The NYC shall coordinate with youth organizations, government agencies and non-
41 government organizations, in the implementation of the policies and programs on
42 juvenile intervention and delinquency prevention.

43 **Rule 99.h. Department of Health (DOH)**

44 The DOH shall formulate and implement policies and guidelines that will ensure the
45 timely and free provision and delivery of medical services to all children in conflict with
46 the law, whether community-based or center-based. It shall also develop and

1 implement programs to ensure the mental, psychological and physical health of the
2 children. The DOH shall also provide technical assistance and/or assign medical
3 doctors to perform the tasks as members of the Multi-Disciplinary Teams in the “Bahay
4 Pag-asa.”

5 **Rule 99.i. NGO Members of the Council:**

6
7 The NGO members of the JJWC shall:

- 8
9 1. Actively participate in the formulation and implementation of policies and programs to
10 support the Juvenile Justice and Welfare Act, as amended;
- 11
12 2. Mobilize NGOs to monitor government compliance with obligations embodied in
13 international conventions and treaties ensuring that the rights of CICL and CAR are
14 upheld;
- 15
16 3. Conduct capability-building activities for government (including LGUs) and NGOs on
17 Childs' Rights and in the proper handling of CICL, in partnership with other NGOs;
- 18
19 4. Gather, consolidate and share information, data, best practices, studies and
20 documentation on the Juvenile Justice System;
- 21
22 5. Consult with, and disseminate to, other NGOs and network partners on related
23 policies and guidelines, through the conduct of roundtable discussions, fora and
24 symposia; and
- 25
26 6. Convene periodic and special consultations with civil society organizations to:
 - 27 a) Discuss significant issues related to interventions being provided to the
28 CICL and CAR;
 - 29 b) Serve as the feedback or monitoring mechanism for the implementation of
30 the Act and these Rules;
 - 31 c) Solicit views and ensure that the participatory rights of the child are
32 respected on matters related to policy formulation and program implementation;
33 and
 - 34 d) Present and endorse to the Council the results of these consultations.

35 **Rule 99.j. Different LGU Leagues**

36 The different member LGU Leagues of the JJWC, such as the League of Provinces,
37 Cities, Municipalities and Barangays, shall issue the necessary resolutions and monitor
38 their member LGUs, to ensure their implementation of, and compliance with, the Act, as
39 amended, and these Rules. The different LGU Leagues shall also closely coordinate
40 and cooperate with other member agencies of the JJWC, in the development and
41 implementation of their Comprehensive Local Juvenile Intervention Programs (CLJIP).

42 **RULE 100. Coordinating Agencies**

43

44 **Rule 100.a. Philippine National Police (PNP)**

45

46 The Philippine National Police (PNP) shall:

- 47 (1) Review, revise and enhance existing policies and manuals for the administration of
48 the Juvenile Justice and Welfare System by law enforcement officers to ensure that
49 they are consistent with the Act, as amended, and these Rules;
- 50 (2) Regularly conduct special training to its personnel in the management of children in

1 conflict with the law and the proper observance of procedures prescribed by the Act and
2 these Rules;
3 (3) Establish a system of evaluating the efficiency and effectiveness of all police
4 units in the country in handling children in conflict with the law;
5 (4) Ensure that all police stations in the country have:
6 (a) An area where the children taken into custody are kept separate from adult
7 offenders;
8 (b) A separate logbook for all children taken into custody; and
9 (c) Personnel who are specially-trained to handle and manage cases of children in
10 conflict with the law;
11 (5) Submit to the JJWC, through the DILG, within ninety (90) days from the effectivity of
12 the Act, a registry of all children in conflict with the law under its custody.

13 **Rule 100.b. Bureau of Corrections (BUCOR)**

14 The Bureau of Corrections shall establish, maintain, supervise and manage agricultural
15 camps and other training facilities, in coordination with the DSWD, where children in
16 conflict in the law may be committed to serve their sentence, as provided in Section 51
17 of the Act.

18 **Rule 100.c. Bureau of Jail Management and Penology (BJMP)**

19 To ensure the effective implementation of the Act and these Rules, the Bureau of Jail
20 Management and Penology shall perform the following functions:

- 21 (1) Ensure that no children are admitted or detained in municipal/district or city/district
22 jails under its management;
23 (2) Immediately refer to the DSWD or the LSWDO children who are found to be in the
24 custody of municipal/district or city/district jails; and
25 (3) Submit to the JJWC, within ninety (90) days from the effectivity of the Act, a registry
26 of all children in conflict with the law under its custody.

27 **Rule 100.d. National Bureau of Investigation (NBI)**

28 To assist in the effective implementation of the Juvenile Justice and Welfare System,
29 the National Bureau of Investigation shall conduct regular capability-building activities
30 and performance evaluation, to ensure that its agents observe the proper procedure
31 upon contact with a child in conflict with the law, as prescribed by the Act and these
32 Rules.

33 **Rule 100.e. Parole and Probation Administration (PPA)**

34 The Parole and Probation Administration shall develop individualized probation
35 programs that are appropriate for the correction and rehabilitation of children in conflict
36 with the law, consistent with the objective of rehabilitation and reintegration, as provided
37 in the Act and these Rules. The PPA shall also review and revise its existing policies on
38 children in conflict with the law, to ensure that they are consistent with the Act and these
39 Rules.

40 **Rule 100.f. Public Attorney's Office (PAO)**

41 The Public Attorney's Office shall provide free legal assistance to children in conflict
42 with the law. It shall also give special training to its lawyers in the management of
43 cases and in using gender- and child-sensitive approaches, in handling children in
44 conflict with the law.

45 **Rule 100.g. Technical Education and Skills Development Authority (TESDA)**

46 The Technical Education and Skills Development Authority, consistent with its mandate
47 under Republic Act No. 7796, shall:

- 48 (1) Integrate into the formulation of the National Technical Education and Skills
49 Development Plan, the development of programs for children in conflict with
50 the law;
51 (2) Fund programs and projects for technical education and skills development
52 of children, and submit periodic reports to the JJWC on this matter; and
53 (3) Assist LGUs in the conduct of skills development programs for children in conflict
54 with the law.

1

2 **RULE 101. Mandatory Registry of Children**

3 All duty-bearers, which include, but are not limited to, the barangay/BCPC workers, law
4 enforcement officers, jail and correctional officers, teachers, Guidance Counselors,
5 Social Workers and Prosecutors, who will receive reports, handle or refer cases of
6 CICL/CAR, take or refer the custody of CICL/CAR, shall ensure a faithful recording of all
7 pertinent information of all CICL and CAR, in order to guarantee the correct application
8 of the provisions of the Act.

9 This rule, however, is without prejudice to the provision on Confidentiality of Records
10 and Proceedings, as stated in Section 43 of the Act and RULE 7 of these Rules.
11 Information about individual CICL recorded in the information management system shall
12 not be used in any legal and/or administrative proceedings against the CICL. Collective
13 information and statistics generated from the system shall only be used for research,
14 policy, program development, monitoring and evaluation purposes.

15 The JJWC and its member agencies and organizations shall issue the necessary
16 guidelines for the implementation of this Rule.

17 **PART XX. FINAL PROVISIONS**

18 **RULE 102. Repealing Clause**

19 All other rules and regulations or parts thereof, inconsistent with the Act and the
20 foregoing rules and regulations are hereby repealed, amended or modified accordingly.

21 **RULE 103. Separability Clause**

22 If any of the provisions of these Rules is declared invalid or unconstitutional, the validity
23 of the remaining provisions hereof not so declared, shall remain in full force and effect.

24 **RULE 104. Transitory Provisions**

25 **Rule 104.a. Transfer of JJWC Assets from the DOJ to the DSWD**

26 All assets, including vehicle/s, land and improvements, IT equipment, supplies and
27 furniture, procured by the Department of Justice (DOJ) for the Juvenile Justice and
28 Welfare Council (JJWC) shall be transferred from the DOJ to the Juvenile Justice and
29 Welfare Council, as an attached agency of the Department of Social Welfare and
30 Development (DSWD), and placed under the latter's administrative jurisdiction, within
31 ninety (90) days from the effectivity of these Rules, pursuant to Section 8 of the Act.

32 Other assets that are already included in the 2014 Procurement Plan of the DOJ, such
33 as the JJWC vehicle and other IT equipment, shall be immediately procured and be
34 included in the assets for transfer to the DSWD for the JJWC.

35 If the said assets are not procured within ninety (90) days from the effectivity of these
36 Rules, the DOJ shall cancel the procurement process and the budget allocated for the
37 procurement of the said assets, shall be included in the total amount of budget
38 allocation which will be transferred from the DOJ to the DSWD, and shall be
39 subsequently procured by the DSWD for the JJWC.

1 **Rule 104.b. Transfer of Personnel and Plantilla Items**

2 Pursuant to the creation of the Juvenile Justice and Welfare Council and its attachment
3 to the DSWD, pursuant to Section 8 of the Act, as amended, the Juvenile Justice and
4 Welfare Council shall be treated as an attached agency of the DSWD.

5 The Secretary of Social Welfare and Development shall determine the organizational
6 structure and staffing pattern of the JJWC National Secretariat and Regional Secretariat
7 pursuant to Section 8 of the Act, as amended; Provided, that the existing plantilla items
8 created under the DOJ for the JJWC, including the existing personnel holding such
9 permanent plantilla items, shall be transferred from the DOJ to the JJWC National
10 Secretariat under the DSWD, without diminution in rank, salary, benefits and with
11 continuity of service; Provided further, that the length of service of JJWC personnel
12 under his or her permanent appointment with the JJWC shall be counted and
13 considered for purposes of step increments, application for study leaves, scholarship
14 grants and other benefits, under the applicable DSWD and Civil Service Rules.

15 **Rule 104.c. Transfer of Budget**

16 The budget allocated for the JJWC under the 2014 GAA of the DOJ shall be transferred
17 to the DSWD after the promulgation of these Rules. The said transfer shall be made in
18 consultation with the DBM, and according to the applicable laws and policies for the
19 transfer of government funds and budget.

20 Thereafter, such sums as may be necessary for the continued implementation of this
21 Act shall be transferred and included in the budget of the DSWD, under the annual
22 General Appropriations Act (GAA). The budget of the DSWD under the GAA shall
23 clearly indicate and identify the budget for the JJWC as an attached agency of the
24 DSWD.

25 **RULE 105. Effectivity**

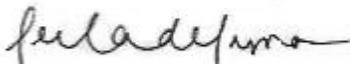
26 These Rules shall take effect fifteen (15) days from the date of its complete publication
27 in a national newspaper of general circulation.

28 Manila, Philippines, 11th August, 2014.



HON. CORAZON JULIANO-SOLIMAN

Secretary, Department for Social Welfare and Development



HON. LEILA M. DE LIMA

Secretary, Department of Justice

JUVENILE JUSTICE AND WELFARE COUNCIL MEMBERS



HON. PARISYA H. TARADJI

Undersecretary/Chair, Department of Social Welfare and Development



HON. LEAH C. TANODRA-ARMAMENTO

Undersecretary, Department of Justice



HON. AUSTERE A. PANADERO

Undersecretary, Department of the Interior and Local Government



HON. ALBERTO T. MUYOT

Undersecretary, Department of Education



HON. MA. VICTORIA V. CARDONA

Commissioner, Commission on Human Rights



HON. BRENDA S. VIGO

Executive Director, Council for the Welfare of Children



HON. GREGORIO RAMON A. TINGSON

Chairperson, National Youth Commission



HON. LEON GERMAN FLORES III

Chairperson, National Youth Commission (March 2011 – May 2014)



HON. JANETTE L. GARIN

Undersecretary, Department of Health



HON. CARIN VAN DER HOR

Country Director, Plan International



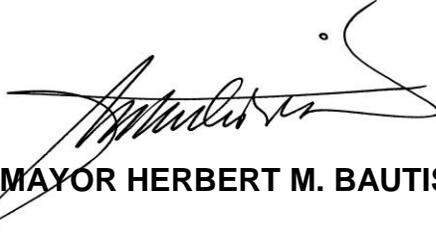
HON. Atty. MYRIAM P. CABANA

Program Manager, SALAG, Inc.



HON. GOVERNOR ALFONSO UMALI

National President, League of Provinces of the Philippines



HON. MAYOR HERBERT M. BAUTISTA

National President, League of Cities of the Philippines



HON. MAYOR LEONARDO M. JAVIER, JR.

National President, League of Municipalities of the Philippines



HON. EDMUND R. ABESAMIS

National President, Liga ng mga Barangay ng Pilipinas