COUNCIL RESOLUTION NO. 2
Series of 2014

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

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

PART I. GENERAL PROVISIONS

RULE 1. Title

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

RULE 2. Definition of Terms

As used in these Rules, the term/s:

(1) “Act” refers to Republic Act No. 9344, as amended by Republic Act No. 10630.

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

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

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

(3) “Bail” refers to the security given for the release of the person in custody of the law, furnished by a bondsman or a bonding company, to guarantee the appearance of the person before any Court.

(4) “Best interest of the child” refers to the totality of circumstances and conditions that are most beneficial for the survival, protection and feelings of security of the child, and most likely to promote the child’s physical, psychological and emotional development. It also means the least deterrent
available alternative for safeguarding the growth and development of the child.

(5) "Child" refers to a person under the age of eighteen (18) years.

(6) "Child who is above twelve (12) years of age" refers to a child who is at least twelve (12) years and one (1) day old.

(7) "Child who is above fifteen (15) years of age" refers to a child who is at least fifteen (15) years and one (1) day old.

(8) "Children-at-risk" or "CAR" refers to children who are vulnerable or at-risk of behaving in a way that can harm themselves or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances, such as, but not limited to, the following:

a. being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardians refuse, are unwilling, or unable to provide protection for the child;

b. being exploited sexually or economically;

c. being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;

d. coming from a dysfunctional or broken family or being without a parent or guardian;

e. being out of school;

f. being a street child;

g. being a member of a gang;

h. living in a community with a high level of criminality or drug abuse; and

i. living in situations of armed conflict.

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

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

(1) Status offenses under Section 57 of the Act;

(2) Prostitution under Section 202 of the Revised Penal Code, as amended;

(3) Mendicancy under Presidential Decree No. 1563; and

(4) Sniffing of rugby under Presidential Decree No. 1619.

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

(9) "Child in conflict with the law" or "CICL" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

(10) "Community-based programs" refers to the programs provided in a community setting, developed for purposes of intervention, diversion, and
rehabilitation of the child in conflict with the law, which are intended for the
purpose of reintegrating the child into the family and/or community.

(11) “Court” refers to a Family Court, or in places where there are no Family
Courts, any Regional Trial Court.

(12) “Deprivation of liberty” refers to any form of detention or imprisonment,
or to the placement of a child in conflict with the law in a public or private
custodial setting, from which the child in conflict with the law is not permitted
to leave at will, by order of any judicial or administrative authority.

(13) “Diversion” refers to an alternative, child-appropriate process of
determining the responsibility and treatment of a child in conflict with the law,
on the basis of the child’s social, cultural, economic, psychological or
educational background, without resorting to formal court proceedings

(14) “Diversion Program” refers to the program that the child in conflict with
the law is required to undergo after being found responsible for an offense,
without resorting to formal court proceedings.

(15) “Duty-bearer” shall refer to persons who are responsible for providing
care, addressing the needs and protecting the rights of a child within the
juvenile justice and welfare system.

(16) “Initial contact with the child” refers to the apprehension or taking into
custody of a child in conflict with the law by law enforcement officers or
private citizens. It includes the time when the child alleged to be in conflict
with the law receives a subpoena under Section 3(b) of Rule 112 of the
Revised Rules of Criminal Procedure or summons under Section 6(a) or
Section 9(b) of the same Rule, in cases that do not require preliminary
investigation or where there is no necessity to place the child alleged to be in
conflict with the law under immediate custody.

(17) “Intensive Juvenile Intervention and Support Center” or “IJISC” refers to
a special program or unit within the “Bahay Pag-asa” or any child-caring
facility of the DSWD or licensed and accredited NGOs, to address the needs
of the CICL for intensive intervention programs and services.

(18) “Intervention” generally refers to programmatic approaches or
systematic social protection programs for children that are designed and
intended to:
   a. Promote the physical and social well-being of the children;
   b. Avert or prevent juvenile delinquency from occurring; and
   c. Stop or prevent children from re-offending.

(19) “Juvenile Justice and Welfare System” refers to a system of dealing
with children-at-risk and children in conflict with the law, which provides child-
appropriate proceedings, including programs and services for prevention,
diversion, rehabilitation, reintegration and after-care to ensure the child’s
normal growth and development.

(20) “Offense” refers to any act or omission punishable under special penal
laws or the Revised Penal Code. For purposes of providing appropriate
services for children, the term ‘offense’ shall include violations of ordinances
of local government units.

(21) “Probation” refers to a disposition under which a defendant, after
conviction and sentence, is released, subject to the conditions imposed by the
Court and the person is placed under the supervision of a probation officer.

(22) “Recognizance” refers to an undertaking, in lieu of a bail bond, assumed
by a parent or custodian, who shall be responsible for ensuring the
appearance in Court of the child in conflict with the law, whenever required.

(23) “Referral” shall refer to a process where a duty-bearer, within the
juvenile justice and welfare system, endorses the CICL to the appropriate
service provider for appropriate care or intervention. ‘Referral’ includes the
endorsement of the victim for appropriate assistance and intervention.
“Victimless Crimes” refers to offenses where there is no private offended party.

**RULE 3. Construction**

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

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

**RULE 4. Declaration of State Policies**

The following State policies shall be observed at all times:

1. The State recognizes the vital role of children and youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

2. The State shall protect the best interests of the child, through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a Party. The conduct of all proceedings before any authority shall be consistent with the best interest of the child, and shall allow the child to participate and to express himself or herself freely. The concerned government agency shall ensure the participation of children in the program, policy formulation and implementation related to juvenile justice and welfare.

3. The State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their normal development.

4. Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the State recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, taking into account the child’s age and desirability of promoting the child’s reintegration. Whenever appropriate and desirable, the State shall adopt measures for dealing with such children without resorting to judicial proceedings, and guarantee that human rights and legal safeguards are fully respected. It shall ensure that children are dealt with in a manner appropriate to their well-being, by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

5. The administration of the juvenile justice and welfare system shall take into consideration the cultural and religious perspectives of the Filipino people, particularly the indigenous peoples and the Muslims, consistent with the protection of the rights of children belonging to these communities.

6. The State shall apply and operationalize the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law.

7. Institutionalizing a child is a measure of last resort. It is only allowed if it is for the best interest of the child, and should only be done for the shortest possible period of time.

8. The “Bahay Pag-Asa” or Youth Rehabilitation Centers shall always be gender-sensitive and child-friendly in its design, space and programs.
RULE 5. Application of the Principle of Restorative Justice

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

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

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

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

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

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

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

RULE 7. CONFIDENTIALITY AND PRIVACY

Rule 7.a. Right to Confidentiality and Privacy

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

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

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

All duty-bearers shall enjoin the media practitioners to observe the guidelines and protocols related to reporting and coverage of cases involving children, particularly the
Guide for Media Practitioners on the Reporting and Coverage of Case Involving Children, as promulgated by the Committee for the Special Protection of Children.

Rule 7.b. Medical Examination Results
The results of the medical examination of the child in conflict with the law taken prior, or during the trial, shall be kept confidential, unless otherwise ordered by the Family Court.

Rule 7.c. When Records May Be Disclosed
The disclosure of confidential records may only be done upon Order of the Court. The records of the child in conflict with the law may only be disclosed to persons specifically enumerated in the Order of the Court permitting such disclosure, and subject to such conditions as the Court may impose.

Rule 7.d. Use of Records in Subsequent Proceedings
As provided in Section 43 of the Act, the records of a child in conflict with the law shall not be used in subsequent proceedings, whether criminal, civil or administrative, for cases involving the same offender as an adult, except when beneficial to the offender and upon the offender's written consent.

Rule 7.e. Exemption from Perjury and Liability for Concealment or Misrepresentation
A person who has been in conflict with the law as a child shall not be held, under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of failure to acknowledge the case, or recite any fact related thereto, in response to any inquiry directed to the person for any purpose, pursuant to Section 43 of the Act.

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

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

RULE 8. Rights of the Child in Conflict with the Law
Every child in conflict with the law shall have the following rights, including but not limited to:

(a) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
(b) The right not to be imposed upon a sentence of capital punishment or life imprisonment, without the possibility of release;
(c) The right not to be deprived, unlawfully or arbitrarily of his or her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
(d) The right to be treated with humanity and respect for the inherent dignity of the person, and in a manner which takes into account the needs of a person appropriate to their age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. The CICL shall be conveyed separately to or from court. The CICL shall await hearing of his or her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of liberty before a Court or other competent, independent and impartial authority, and the right to a prompt decision in such action;

(f) The right to bail and recognizance, in appropriate cases;

(g) The right to testify as a witness for his or her own behalf, under the Supreme Court Rule on the Examination of a Child Witness;

(h) The right to privacy to be fully respected and protected at all stages of the proceedings;

(i) The right to diversion, if the child is qualified and voluntarily avails of the same;

(j) The right to receive judgment, where the penalty is proportionate to the gravity of the offense, and where the CICL’s best interest, the rights of the victim and the needs of society, are all taken into consideration by the Court, consistent with the principle of restorative justice;

(k) The right to have restrictions on personal liberty limited to a minimum, and where discretion is given by law to the Judge to determine whether to impose a fine or a term of imprisonment, the imposition of a fine shall be preferred as the more appropriate penalty;

(l) In general, the right to automatic suspension of sentence;

(m) The right to probation as an alternative to imprisonment, if qualified under the Probation Law;

(n) The right to be free from liability for perjury, concealment or misrepresentation; and

(o) Other rights, as provided for under existing laws, rules and regulations.


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

PART III. JUVENILE JUSTICE AND WELFARE COUNCIL

RULE 9. Composition of the Council

Rule 9.a. Chair and Member Agencies

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

(a) Department of Justice (DOJ);
(b) Department of Education (DepEd);
(c) Department of the Interior and Local Government (DILG);
(d) Council for the Welfare of Children (CWC);
(e) Commission on Human Rights (CHR);
(f) National Youth Commission (NYC);
(g) Department of Health (DOH);
(h) One (1) representative each from the League of Provinces of the Philippines, League of Cities of the Philippines, League of Municipalities of the Philippines and Liga ng mga Barangay; and
(i) Two (2) representatives from non-government organizations (NGOs), to be designated by the Secretary of Social Welfare and Development.

Rule 9.b. Emoluments

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

RULE 10. Administration

Rule 10.a. Responsibilities of the JJWC Chairperson

The Chairperson shall:

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

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

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

Rule 10.c. Functions of the JJWC National Secretariat

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

The JJWC National Secretariat shall:

1. Support the JJWC in performing its mandate, duties and functions pursuant to the provisions of the Act and these Rules;
2. Provide key technical support in the formulation of policies and strategies for the prevention of juvenile delinquency and the administration of justice, as well as, for the treatment and rehabilitation of children in conflict with the law and for children-at-risk;
3. Provide technical assistance in the formulation of agency plans, policies, research agenda and programs on juvenile justice and welfare;
4. Conduct research and support evaluations and studies on all matters relating to juvenile justice and welfare;
(5) Undertake advocacy and social marketing activities to educate and raise the awareness and understanding of all the stakeholders, duty-bearers and the general public on program and policy reforms, global best practices, trends and directions in juvenile justice and welfare;

(6) Develop, implement and maintain a centralized database system on juvenile justice and welfare and to provide technical support to the regional and local users of the system;

(7) Provide technical assistance and support in the area of policy and program development, monitoring, capacity-building, communications and advocacy at the regional level and at the level of the LGUs;

(8) Prepare and implement an effective financial plan to support JJWC’s programs, activities and projects aimed at achieving the objectives of the Act, as amended, these Rules, and its desired outcome and mandate;

(9) Provide administrative and logistical support to the JJWC and the RJJWC;

(10) Prepare the financial and procurement plans, and monitor its implementation;

(11) Facilitate and prepare all disbursement, liquidation and accounting reports;

(12) Prepare the Periodic and Annual Reports for the JJWC;

(13) Prepare the Work and Financial Plan (WFP) of the JJWC;

(14) Review, evaluate and integrate the WFP of the RJJWC, prior to approval of the JJWC WFP by the Chairperson;

(15) Perform other functions and tasks, as may be determined by the JJWC.

RULE 11. Duties and Functions of the JJWC

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

Rule 11.a. Implementation of the Act

The JJWC shall:

(1) Oversee and drive the implementation of the Act and these Rules;

(2) Coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other partner agencies, which support and promote the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the member agencies of the JJWC; and

(3) Consult with the various leagues of local government officials in the recommendation, formulation and implementation of policies and strategies for the prevention of juvenile delinquency, the promotion of juvenile justice and welfare, and the institutionalization of the principles of restorative justice.

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

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

(1) Identification of the strengths, weaknesses, gaps and opportunities in the implementation of the Act;

(2) Pertinent data and statistics on CICLs, CAR, inventory of interventions provided, trends and other similar information;
(3) Evaluation of the policies and programs implemented by the national government agencies, local government units and partner NGOs, in relation to their duties and responsibilities under the Act;

(4) Recommendations on how to improve the implementation of the Act, and the administration of the juvenile justice and welfare system; and

(5) Such other information as may be required.

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

Rule 11.b.  Advisory Function

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

Rule 11.c.  Policy Formulation and Program Development

The JJWC shall periodically develop, update and enhance a three to five-year Comprehensive National Juvenile Intervention Program, as provided in RULE 22 herein. It shall formulate and recommend policies and strategies, in consultation with children and other stakeholders for the prevention of juvenile delinquency and the administration of restorative justice, as well as for the treatment and rehabilitation of the children in conflict with the law.

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

Rule 11.d.  Research, Monitoring and Evaluation

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

1. Performance, effective performance metrics and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;

2. Periodic trends, problems and causes of juvenile delinquency and crimes; and

3. Particular needs of children-at-risk and children in conflict with the law who are in custody.

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

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

The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.
Rule 11.e. Inspection

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

Rule 11.f. Assistance to Other Government Agencies

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

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

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

Rule 11.g. Coordination with the Court

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

Rule 11.h. Coordination with NGOs

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

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

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

Any information identifying the CICL shall not be shared or transferred, unless the identifying information is necessary for referral or for purposes of enabling the child to avail of the services or assistance and the appropriate consent is given.
PART IV. REGIONAL JUVENILE JUSTICE AND WELFARE COMMITTEE

RULE 12. Composition of RJJWC

Rule 12.a. Composition

The RJJWC will be composed of permanent representatives from the:

(a) Regional State Prosecutor’s Office;
(b) Regional Public Attorney’s Office;
(c) DSWD Field Office;
(d) Regional Office of the DepED;
(e) Regional Office of the DILG;
(f) Regional Office of the CHR;
(g) Regional Office of the DOH;
(h) One (1) representative from the children sector within the region;
(i) One (1) representative from the youth sector within the region; and
(j) One (1) representative each from the League of Provinces/Cities/Municipalities/Barangays of the Philippines; and
(k) One representative from each of the two (2) NGOs working with children-at-risk and children in conflict with the law, or engaged in children’s rights advocacy and operating within the Region.

Rule 12.b. Designation of Representatives to the RJJWC

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

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

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

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

Rule 12.d. Emoluments

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

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

Rule 13.a. Supervision by the JJWC

There shall be a Regional Juvenile Justice and Welfare Committee (RJJWC) in each Region.
The JJWC shall exercise administrative supervision over the RJJWC. The JJWC shall issue the necessary implementing guidelines for the exercise of its authority over the RJJWC as its subnational extension.

Rule 13.b. Chairperson of the RJJWC
The RJJWC shall be chaired by the Regional Director of the DSWD.

Rule 13.c. Organizational Structure and Staffing Pattern of the Permanent Secretariat of the RJJWC
As provided in Section 8 of the Act, the RJJWC shall have a Permanent Secretariat, the organizational structure and staffing pattern of which shall be determined by the Secretary of Social Welfare and Development. The Regional Director of the DSWD shall have the direct control and supervision of the RJJWC Permanent Secretariat.

Rule 13.d. Functions of RJJWC Secretariat
The RJJWC Permanent Secretariat shall:

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

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

RULE 14. Duties and Functions of the RJJWC
The RJJWC shall ensure the effective implementation of this Act, as amended, and these Rules, at the regional and at the level of the LGUs, and ensure the coordination among its members. It shall rationalize the collective and integrated efforts between the national government and the LGUs. It shall monitor, oversee and provide the necessary technical assistance to the LGUs and the LCPCs to ensure policy implementation and effective performance of their functions under the Act and the Rules.

The RJJWC shall have the following duties and functions:

(a) To oversee and ensure the effective implementation of this Act, as amended, and these Rules, at the regional level and at the level of the LGUs;
(b) To assist the concerned agencies in the implementation and in compliance with the JJWC’s adopted policies or regulations and provide substantial inputs to the JJWC in the formulation of new ones, in line with the provisions of the Act, as amended, and these Rules;
(c) To assist in the development of the comprehensive 3 to 5-year local juvenile intervention program, with the participation of the concerned LGUs, NGOs and youth organizations within the region, and monitor its implementation;
| (d) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other related activities within the region;  
| (e) To oversee the programs and operation of the intensive juvenile intervention and support centers established within the region;  
| (f) To collect the relevant regional information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare within the region, such as, but not limited to:  
| (1) Performance and results achieved by juvenile intervention programs and activities of the LGUs and other government agencies within the region;  
| (2) The periodic trends, problems and causes of juvenile delinquency and crimes from the LGU level to the regional level; and  
| (3) The particular needs of children in conflict with the law in custody and children-at-risk, within their regional jurisdiction.  
| The data gathered shall be forwarded by the RJJWC to the JJWC on an annual basis, and as may be deemed necessary by the JJWC.  
| (g) Through duly-designated persons, and with the assistance of the agencies enumerated in the preceding section, to conduct regular inspections in the detention and rehabilitation facilities within the region, and to undertake spot inspections, on their own initiative, in order to check the compliance with the standards provided herein, and to make the necessary reports and recommendations to appropriate agencies and to the JJWC;  
| (h) To initiate and coordinate the conduct of trainings for the officials and personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program within the region;  
| (i) To submit an Annual Report to the JJWC on the implementation of this Act, as amended; and  
| (j) To perform such other functions as may be determined by the JJWC to implement the provisions of this Act, as amended, and these Rules.  

PART V. ROLE OF DIFFERENT SECTORS

RULE 15. Family  
As provided in Section 12 of the Act, the family shall be responsible for the primary nurturing and rearing of children, which are critical in delinquency prevention. As far as practicable, and in accordance with the procedures of the Act, as amended, a child in conflict with the law shall stay and be maintained with the child’s family.

RULE 16. Educational System  
By way of contributing to juvenile intervention and delinquency prevention, educational institutions shall, consistent with Section 13 of the Act:  
(1) Work together with families, community organizations and agencies in the prevention of juvenile delinquency, and in the rehabilitation and reintegration of children in conflict with the law.
(2) Provide adequate, necessary and individualized educational schemes for children who are manifesting difficult behavior, children-at-risk and children in conflict with the law.

(3) In cases where children in conflict with the law are taken into custody or placed in a “Bahay Pag-asa” and youth rehabilitation centers, provide the opportunity to continue their learning under an alternative learning system with basic literacy program or non-formal education accreditation equivalency system.

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

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

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

RULE 17.  Mass Media

The mass media shall play an active role in the promotion of child rights, and delinquency prevention by relaying consistent messages through a balanced approach.

Media practitioners shall maintain the highest professional standards in reporting and covering cases of children in conflict with the law, consistent with the Guidelines for Media Practitioners on the Reporting and Coverage of Cases Involving Children, issued by the Committee for the Special Protection of Children.

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

The mass media shall also be encouraged to:

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

RULE 18.  Local Councils for the Protection of Children

Rule 18.a.  Duties and Responsibilities of the LCPC

All LCPCs shall:

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

(4) Assist the Punong Barangay in conducting diversion proceedings in cases provided under Section 23(a) of the Act and RULE 47 herein;

(5) Support the Local Social Welfare and Development Officer (LSWDO) in the development of the appropriate diversion programs, as provided under Section 23(b) of the Act;

(6) Initiate, in collaboration with the schools, youth organizations and other concerned agencies, the community-based programs on juvenile justice and welfare, in accordance with the Youth-to-Youth Guidelines promulgated by the NYC and approved by the JJWC;

(7) Conduct capability-building programs to enhance the knowledge and skills of LCPC members in handling children’s programs; and

(8) Document best practices on juvenile intervention and delinquency prevention.

Rule 18.b. Funding for LCPCs

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

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

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

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

RULE 19. Appointment of Local Social Welfare and Development Officer

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

RULE 20. Children and Youth Sector

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

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

PART VI. INTERVENTION PROGRAMS

RULE 21. Definition of Intervention

“Intervention” generally refers to programmatic approaches or systematic social protection programs for children that are designed to:
Promote the physical and social well-being of children;
(2) Avert or prevent juvenile delinquency from occurring; and
(3) Stop or prevent children from re-offending.

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

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

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

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

RULE 22. Community-Based Intervention

Rule 22.a. Primary Mode of Intervention

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

Rule 22.b. Community Based Programs in the LGU

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

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

RULE 23. Comprehensive National Juvenile Intervention Program

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

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

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

The CNJIP shall be developed, enhanced and reviewed with the participation of:
Government agencies concerned, including member agencies and the coordinating agencies;

(2) Non-government organizations;

(3) Child and youth organizations; and


Rule 23.b. CNJIP Framework

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

RULE 24. Comprehensive Local Juvenile Intervention Program (CLJIP)

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

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

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

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

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

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

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

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

Rule 24.b. Implementation of the CLJIP

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

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

Rule 24.c. Budget Allocation for the CLJIP

The budget for the development and implementation of the CLJIP shall be sourced from the 1% Internal Revenue Allotment (IRA) allocated for the strengthening and implementation of the programs of the LCPCs for CAR and CICL. As provided for by
Section 18 of the Act, the LGUs shall also allocate an amount necessary to implement their respective CLJIP in their Annual Budget.

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

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

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

Rule 24.d. Annual Assessment

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

Rule 24.e. Monitoring and Technical Assistance

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

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

Rule 24.f. Local Referral System

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

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

PART VII. INITIAL CONTACT WITH THE CHILD

RULE 25. Initial Contact with the Child

Rule 25.a. Protection Upon Initial Contact

The CICL shall enjoy the rights laid down in the Act and these Rules, and shall enjoy the protection of the other laws, whenever applicable from the first time that the child comes in contact with the Juvenile Justice and Welfare System.
Rule 25.b. Taking Custody of a Child Without a Warrant

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

RULE 26. Procedure for Taking Child Into Custody

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

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

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

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

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

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

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

RULE 27. Initial Investigation

The initial investigation is the stage after initial contact, when the law enforcement officer gather relevant evidence including the testimonies of witnesses, documents,
object evidence, local knowledge and review of scenes when a crime allegedly involving
a child is reported.

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

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

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

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

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

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

1. The child’s counsel of choice or in the absence thereof, a lawyer from the
   Public Attorney’s Office;
2. The child’s parents, guardian, or nearest relative, as the case may be; and
3. The LSWDO.

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

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

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

Rule 27.c. Report on the Initial Investigation

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

1. Whether handcuffs or other instruments of restraint were used, and if so, the
   reason for such use;
2. The fact that the parents or guardian of a child, the DSWD or the LSWDO, and
   the PAO have been duly-informed of the apprehension and the details thereof;
3. The exhaustion of measures to determine the age of a child;
4. The basis for the determination of the age of the child;
5. The precise details of the physical and medical examination or the failure to
   submit a child to such examination;
6. To whom the child was released and the basis for the release;
(7) Whether or not the child is exploited in the commission of the crime, as provided in Section 20-C;

(8) If the child is above fifteen, the assessment of the Social Worker whether the child acted with or without discernment;

(9) Where the case shall be referred, as provided in the RULE 30 and the basis for such disposition, i.e., the nature of the offense allegedly committed by the child, the corresponding imposable penalty for the commission of the alleged offense, and the assessment of discernment, as provided in RULE 38.

RULE 28. Where the Case Shall be Referred

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

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

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

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

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

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

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

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

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

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

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

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

RULE 29. Turn Over of Custody

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

After the physical custody of the child is turned over, the LSWDO shall then explain to the child and the child’s parents or guardians, the consequences of the child’s act with a view towards providing counseling and rehabilitation; diversion from the criminal justice
system; and whenever appropriate, obtaining reparation for the victim or victims; as
required by Section 21(i) of the Act.

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

RULE 30. Pending Turn Over of Custody

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

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

RULE 31. Duty to Maintain Strict Confidentiality and Privacy

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

RULE 32. Prohibited Acts When the Child is in Custody

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

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

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

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

Rule 32.b. Use of Violence or Unnecessary Force

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

Rule 32.c. Detention

A child in conflict with the law shall never be locked up in a detention cell, such as the
barangay lock-up, police station lock-up, jails managed by BJMP, provincial jails and
other similar facilities, but shall only be placed in a “Bahay Pag-asaw” or youth care facility.

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

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

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

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

Rule 32.f. Vulgar Language

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

Rule 32.g. Harassment and Abuse

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

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

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

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

Rule 33. Exemption from Criminal Liability

Rule 33.a. Who are Exempt

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

1. A child fifteen (15) years of age or under at the time of the commission of the offense; and
2. A child above fifteen (15) years but below eighteen (18) years of age, who acted without discernment, at the time of the commission of the offense.

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

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

Rule 33.c. Non-Exemption from Civil Liability

As provided in Section 6 of the Act, the exemption from criminal liability of children under this Rule does not include exemption from civil liability, which shall be enforced in accordance with existing laws.
RULE 34. Civil Liability of Parents

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

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

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

1. Biological parents of the child; or
2. Adoptive parents of the child; or
3. Individuals who have custody of the child.

RULE 35. Age of the Child

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

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

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

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

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

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

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

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

In case of doubt as to the age of the child, after all the measures are exhausted to determine it, the doubt shall be resolved in favor of the child’s minority.
As provided in Section 7 of the Act, the child in conflict with the law shall enjoy the presumption of minority. The child shall enjoy all the rights of a child in conflict with the law, until the child is proven to be eighteen (18) years old or older, at the time of the commission of the crime.

Rule 35.d. If the Child’s Age is Contested

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

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

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

Rule 36. When the Child is Below the Age of Criminal Responsibility

Rule 36.a. Immediate Release of the Child

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

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

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

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

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

1. Duly-registered non-governmental or religious organization;
2. Barangay Official;
3. Member of the BCPC;
4. LSWDO; or
5. DSWD, when and where appropriate.
If the parents, guardians or relatives are unable to take custody of the child due to incarceration or a mental or physical incapacity, the child shall be referred to alternative placements such as foster homes, in addition to what has been provided in the Act, as amended.

Rule 36.c. Petition for Involuntary Commitment

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

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

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

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

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

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

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

A child in conflict with the law is considered:

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

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

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

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

The filing of the Petition for Involuntary Commitment shall be done in accordance with the provisions of Title VIII, Chapter 1 of P.D. 603 and the Supreme Court Rule on the Commitment of Children.
The filing of the Petition for Involuntary Commitment must be for the purpose of rehabilitating the child, and not to terminate parental authority, unless termination of parental authority is absolutely necessary and appropriate for the best interest and welfare of the child.

RULE 37. Age of Criminal Responsibility

Rule 37.a. Children Who Acted Without Discernment

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

Rule 37.b. Children Who Acted With Discernment

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

RULE 38. Discernment

Rule 38.a. Definition

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

Rule 38.b. Initial Assessment of Discernment

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

Rule 38.c. Basis for Assessment of Discernment

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

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

Rule 38.d. Report on the Assessment of Discernment

After making an assessment, the LSWDO shall prepare a report showing the basis for the assessment of whether the child acted with or without discernment. This report shall be submitted to the law enforcement officer handling the case of the child. After receipt of the report by the LSWDO, the law enforcement officer shall conclude the initial investigation, and refer the case of the child for intervention, diversion or preliminary investigation, whichever is appropriate under the obtaining circumstances of case.
PART IX. INTERVENTION FOR CHILDREN EXEMPT FROM CRIMINAL LIABILITY

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

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

(a) Those taken into custody who are fifteen (15) years old or below; and

(b) Those above fifteen (15) but below eighteen (18) years old and determined to have acted without discernment.

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

RULE 40. Monitoring Compliance

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

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

Rule 41.a. Crimes Covered; Intensive Intervention

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

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

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

In accordance with existing laws, rules, procedures and guidelines, the Local Social Welfare and Development Officer (LSWDO) of the LGU where the offense was committed; or in the absence of the LSWDO, by the DSWD Social Worker; shall file the proper Petition for Involuntary Commitment and Placement of the CICL under the IJISC, within twenty-four (24) hours from the time of the receipt of a report on the alleged commission of said child.
The Court, where the Petition for Involuntary Commitment has been filed shall decide on the Petition within seventy-two (72) hours from the time the said petition has been filed by the DSWD or the LSWDO.

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

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

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

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

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

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

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

Rule 42.a. Community-Based Intensive Intervention Program

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

Rule 42.b. Center-Based Intensive Intervention Program under the “Bahay Pag-as"a"

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

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

The CICL shall undergo a center-based intensive intervention program, based on individualized case management plan to be supervised by the Local Social Welfare and Development Officer.
PART X. DIVERSION FOR CHILDREN WHO ACTED WITH DISCERNMENT

RULE 43. Principles of Diversion

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

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

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

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

RULE 44. Who Shall Undergo Diversion

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

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

RULE 45. Where Diversion May be Implemented

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

(a) Katarungang Pambarangay level, before the Punong Barangay, as provided in RULE 47 herein;
(b) Police investigation stage, before the law enforcement officer, as provided in RULE 48 herein; or
(c) Preliminary Investigation stage, before the Prosecutor, as provided in RULE 50 herein.
If the offense with the imposable penalty of not more than six (6) years imprisonment is a victimless crime, the diversion proceedings shall be managed by the LSWDO, in coordination with the BCPC.

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

RULE 46.  Organization of a Diversion Committee

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

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

RULE 47.  At the Katarungang Pambarangay Level

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

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

Rule 47.b.  Who Handles the Diversion

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

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

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

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

As a form of monitoring, the members of the BCPC and the community volunteers to be designated by the BCPC, may conduct house visits with the child and the parents or guardians, in order to monitor the child’s progress in the Diversion Program and ensure compliance with the Contract of Diversion. This may be done in consultation and in collaboration with the LSWDO.
Rule 47.d. Duty of Punong Barangay When There is No Diversion

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

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

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

RULE 48. At the Law Enforcement Level

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

Diversion shall be conducted at the law enforcement level when:

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

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

Rule 48.b. Who Handles the Diversion

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

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

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

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

Upon receipt of the referral, the Prosecutor or Judge shall then conduct the Preliminary Investigation and determine whether or not the child should remain in custody and correspondingly charged in Court.
RULE 49. At the Level of the LSWDO in Cases of Victimless Crimes

Rule 49.a. Diversion at the LSWDO level

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

RULE 50. At the Level of the Prosecutor

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

Rule 50.a. Diversion Committee

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

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

RULE 51. Diversion Proceedings

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

The authority handling the Diversion Proceedings shall:

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

The authority handling the Diversion Proceedings shall also determine if diversion is appropriate and desirable, based on the factors provided in the next Rule. Upon a finding that diversion is not applicable or desirable, the authority handling the Diversion Proceedings shall issue the corresponding document certifying to such fact, and shall proceed with the case according to the regular process.
Rule 51.b. Factors in Determining Whether Diversion is Appropriate

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

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

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

Rule 51.c. Conduct of Diversion Proceedings

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

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

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

Rule 51.d. Custody Pending Diversion Proceedings

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

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

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

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

The diversion proceedings, at any level, shall be completed within forty-five (45) days.
Diversion proceedings are deemed terminated when:

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

RULE 52. Contract of Diversion

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

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

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

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

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

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

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

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

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

1. Explaining to the offended party the benefits of forgiveness and diversion, and the need to reform the CICL within the auspices of the community, instead of detention homes or rehabilitation centers, once the CICL expresses remorse and a willingness to ask for forgiveness from the offended party; and
(2) Assuring the offended party that the LSWDO, together with the local government and the community, will be responsible for reforming and monitoring the CICL through various diversion programs.

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

RULE 53. Formulation of the Diversion Program

Rule 53.a. Factors Considered in the Formulation

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

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

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

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

Rule 53.b. Kinds of Diversion Programs

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

(1) At the level of the Punong Barangay:
   (a) Restitution of property;
   (b) Reparation of the damage caused;
   (c) Indemnification for consequential damages;
   (d) Written or oral apology;
   (e) Care, guidance and supervision orders;
   (f) Counseling for the child in conflict with the law and the child’s family;
   (g) Attendance in trainings, seminars and lectures on:
      (i) anger management skills;
      (ii) problem solving and/or conflict resolution skills;
      (iii) values formation; and
      (iv) other skills which will aid the child in dealing with situations which can lead to the repetition of the offense;
Participation in available community-based programs, including community service; or

Participation in education, vocation and life skills programs.

(2) At the level of the law enforcement officer and the Prosecutor:

(a) Diversion programs specified under paragraphs (1)(a) to (1)(i) above; and

(b) Confiscation and forfeiture of the proceeds or instruments of the crime.

(3) At the level of the appropriate Court:

(a) Diversion programs specified under paragraphs (a) and (b) above;

(b) Written or oral reprimand or citation;

(c) Fine;

(d) Payment of the cost of the proceedings; or

(e) Institutional care and custody.

RULE 54. Compliance with Diversion

Rule 54.a. Reporting Obligations

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

Rule 54.b. Supervision and Monitoring

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

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

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

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

In cases where the offense committed is a victimless crime, the LSWDO that conducted the diversion proceedings, upon a finding of failure to comply, may refer the case of the child to the Prosecutor, as if there is no consent to the diversion or that diversion is not appropriate and desirable for the child, as provided in Section 29 of the Act.
RULE 55. Suspension of Prescriptive Period of the Offense

Rule 55.a. During Diversion Proceedings

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

Rule 55.b. During Diversion Program

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

RULE 56. Diversion At the Court Level

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

PART XI. PROSECUTION

RULE 57. Preliminary Investigation and Filing of Information

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

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

RULE 58. Allegation of Torture or Ill-treatment

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

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

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

RULE 60. Upon Determination of Probable Cause

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

The Information must allege that the child acted with discernment, based on the initial assessment of the LSWDO.
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RULE 61. When the Child is Deprived of Liberty

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

RULE 62. Special Training of the Prosecutor

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

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

PART XII. COURT PROCEEDINGS

RULE 63. Diversion Measures

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

RULE 64. Custody of CICL Pending Trial

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

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

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

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

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

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

A CICL who reaches the age of eighteen (18) years while in the custody of an institution for the youth, during the pendency of the criminal case, shall not be transferred to a jail for adults.
Rule 64.b. Release on Recognizance Pending Trial

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

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

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

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

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

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

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

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

RULE 65. Parents to Undergo Intervention Programs

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

RULE 66. Attendance of Parents in Proceedings

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

RULE 67. Automatic Suspension of Sentence

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

However, instead of pronouncing the judgment of conviction, the Court shall place the child in conflict with the law under a suspended sentence, without need of application;
Provided, however, That suspension of sentence shall still be applied or shall still be available, even if the CICL is already eighteen years (18) of age, until the CICL reaches twenty-one (21) years of age at the time of the pronouncement of guilt.

RULE 68. Disposition Measures
Upon the suspension of the sentence, and after considering the various circumstances of the child, the Court shall impose the appropriate disposition measures, as provided in the Supreme Court Revised Rule on Children in Conflict with the Law.

RULE 69. Discharge of the Child in Conflict with the Law
Upon the recommendation of the Social Worker who has custody of the child, the Court shall dismiss the case against the child whose sentence has been suspended and against whom disposition measures have been issued, and shall order the final discharge of the child, if it finds that the objective of the disposition measures have been fulfilled.

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

RULE 70. Return of the Child in Conflict with the Law to the Court
If the Court finds that the objective of the disposition measures imposed upon the child in conflict with the law has not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of the disposition or rehabilitation program, the child in conflict with the law shall be brought before the Court for the Execution of Judgment.

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

RULE 71. Credit in the Service of Sentence
The child in conflict with the law shall be credited in the service of his or her sentence, with the full time spent in actual commitment and detention under this Act.

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

RULE 72. Probation as an Alternative to Imprisonment
As provided in Section 42 of the Act, the Court may place the child on probation, after it shall have convicted and sentenced a child in conflict with the law, and upon the child's application at any time, in lieu of service of sentence, taking into account the best interest of the child. For this purpose, Section 4 of Presidential Decree No. 968, otherwise known as the “Probation Law of 1976,” is amended accordingly.
PART XIII. REHABILITATION AND REINTEGRATION

RULE 73. Rehabilitation and Reintegration Defined

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

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

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

Rehabilitation is integral to the process of reintegration.

RULE 74. Objectives of Rehabilitation and Reintegration

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

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

1. Prevent the separation of the child in conflict with the law from the parents or guardians, to maintain the support system fostered by their relationship, and to create greater awareness of their mutual and reciprocal responsibilities;
2. Prevent disruption in the education or means of livelihood of the child in conflict with the law in case the child is studying, working or attending vocational learning institutions;
3. Facilitate the rehabilitation and mainstreaming of the child in conflict with the law and encourage community support and involvement; and
4. Minimize the stigma attached to the child in conflict with the law by preventing jail detention.

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

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

RULE 75. Rehabilitation of Children in Conflict with the Law

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

If the community-based rehabilitation program is availed of by a child in conflict with the law, the child shall be released to the parents, guardians, relatives or any other responsible person in the community.
RULE 76. Community-Based Programs for Rehabilitation

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

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

1. The purpose of the program, which is to promote the rights and welfare of the child in conflict with the law;
2. The need for the consent of the child and his or her parents or legal guardians, to ensure the effectiveness of the program and the participation and involvement of the family; and
3. The maximum participation of the DSWD accredited child-centered agencies located in the community where the child in conflict with the law resides or is presently located, whether public or private.

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

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

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

(a) Psycho-social interventions;
(b) Competency and life skills development;
(c) Socio-cultural and recreational activities;
(d) Community volunteer projects;
(e) Leadership training;
(f) Social services;
(g) Health services;
(h) Spiritual enrichment;
(i) Family welfare services;
(j) Community services; and
(k) Continuing education programs.

Based on the progress of the CICL in the community, a Final Report will be forwarded by the Local Social Welfare and Development Officer to the Court for the final disposition of the case.
RULE 77. Residential Rehabilitation

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

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

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

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

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

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

RULE 78. Treatment of Children in Residential Rehabilitation

Rule 78.a. Provision of a Home Environment

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

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

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

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

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

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

Rule 78.c. Gender-Sensitive Handling of CICL

No personnel of rehabilitation and training facilities shall handle children in conflict with the law, without having undergone gender-sensitivity training.
The LGU, in coordination with the DSWD, shall provide gender-sensitivity training and other appropriate training courses, relative to the treatment and rehabilitation of children in conflict with the law.

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

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

After-care support services shall be given to CICL:

1. Who had been discharged from an institution for the youth; or
2. Whose cases had been dismissed by the proper Court because of good behavior, according to the recommendation of the DSWD Social Worker, the LGU, and/or any accredited NGO Youth Rehabilitation Center.

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

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

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

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

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

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

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

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

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

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

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

The DSWD shall issue the guidelines on the proper implementation of after-care support services.
PART XIV. RESIDENTIAL CARE FACILITIES FOR CHILDREN IN CONFLICT WITH THE LAW

RULE 80. BAHAY PAG-ASA

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

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

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

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

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

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

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

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

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

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

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

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

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

The Team will work together to provide the appropriate individualized intervention plan for the child and the child’s family.
Rule 80.d. Standards for the “Bahay Pag-asa”

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

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

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

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

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

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

Rule 80.f. Technical Assistance to the IJISC

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

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

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

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

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

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

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

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

The JJWC, through the CHR, shall monitor the compliance of the “Bahay Pag-asa” with International Human Rights Law.
Rule 80.j. Construction of “Bahay Pag-asa”

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

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

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

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

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

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

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

Rule 81. Youth Rehabilitation Center

Rule 81.a. Youth Rehabilitation Center and Its Services

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

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

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

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

Rule 81.c. Establishment of Youth Centers

The DSWD shall establish Youth Centers in each region of the country. The local government and other private and non-government entities and organizations shall collaborate with DSWD, and contribute to the establishment, management and maintenance of these facilities.
Existing Regional Rehabilitation Centers for Youth (RRCY) established by the DSWD in each region, shall be considered as Youth Centers. In regions where the Youth Centers are not yet established, the DSWD shall immediately establish a Youth Center within one (1) year from the effectivity of the Act.

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

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

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

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

Rule 82. Expenses for Care and Maintenance of the Child

Rule 82.a. Who Assumes the Expenses

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

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

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

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

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

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

If no payment is made to the receiving institutions after three (3) notices, Rule 82.d and Rule 82.e shall apply.
Rule 82.d. If the Child is Not a Resident of the LGU Where the Offense was Committed

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

Rule 82.e. Determination of Capacity to Pay

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

RULE 83. Agricultural Camps

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

PART XV. EXEMPTING PROVISIONS

RULE 84. Status Offenses, When Not Punishable

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

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

RULE 85. Exemption from Punishment from Local Ordinances

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

(1) Juvenile status offenses such as, but not limited to:
   (a) Curfew violations,
   (b) Truancy,
   (c) Parental disobedience,
   (d) Anti-smoking, and
   (e) Anti-drinking

(2) Light offenses and misdemeanors against public order or safety such as, but not limited to:
   (a) Disorderly conduct,
   (b) Public scandal,
   (c) Harassment,
   (d) Drunkenness,
   (e) Public intoxication,
   (f) Criminal nuisance,
   (g) Vandalism,
   (h) Gambling,
   (i) Mendicancy,
   (j) Littering,
   (k) Public urination, and
   (l) Trespassing.
All ordinances inconsistent with the provisions of Section 57-A of the Act are hereby modified.

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

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

RULE 86. Offenses Not Applicable to Children

Rule 86.a. Exemption from Prosecution

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

(a) Prostitution under Article 202 of the Revised Penal Code, as amended;
(b) Mendicancy under Presidential Decree No. 1563; and
(c) Sniffing of rugby under Presidential Decree No. 1619.

RULE 87. Exemption from the Application of the Death Penalty

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

PART XVI. PROHIBITED ACTS AND PENAL PROVISION

RULE 88. Labelling and Shaming

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

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

(a) Law enforcement officers;
(b) Barangay officials and employees, including members of the LCPCs;
(c) LSWDOs;
(d) Prosecutors;
(e) PAO lawyers;
(f) Judges;
(g) Court Social Workers;
(h) Personnel of “Bahay Pag-as” and youth rehabilitation centers;

(i) Personnel of agricultural camps and other training facilities maintained, supervised and controlled by the BUCOR; and

(j) All persons having authority to implement community-based programs for intervention, diversion and rehabilitation.

RULE 89. Acts of Discrimination

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

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

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

(a) Employment of threats of whatever kind and nature;

(b) Employment of abusive, coercive and punitive measures, such as cursing, beating, stripping, and solitary confinement;

(c) Employment of degrading, inhuman and cruel forms of punishment, such as shaving the heads; pouring irritating, corrosive or harmful substances over the body of the child in conflict with the law; or forcing the child to walk around the community wearing signs which embarrass, humiliate, and degrade his or her personality and dignity; and

(d) Compelling the child to perform involuntary servitude, in any and all forms, under any and all circumstances.

RULE 91. Other Prohibited Acts

The following acts are likewise prohibited:

(1) Violation of the confidentiality of proceedings, involving a child in conflict with the law, as provided in Section 43 of the Act and RULE 7 of these Rules, due to acts and omissions, such as but not limited to the following:

(a) Disclosure to the media of records, including photographs, of children in conflict with the law;

(b) Failure to maintain a separate police blotter for cases involving children in conflict with the law; and

(c) Failure to adopt a system of coding to conceal material information, which will lead to the child’s identity.

(2) Commission of prohibited acts under Section 21 of the Act and RULE 32 on Prohibited Acts when in custody of a child.

(3) Failure to comply with the registration, licensing and accreditation requirements under RULE 80 and RULE 80.j.
RULE 92. Violation of the Provisions of the Act or these Rules or Regulations

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

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

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

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

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

PART XVII. VICTIM ASSISTANCE

RULE 94. Intervention Programs for Victims

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

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

PART XVIII. BUDGET AND IMPLEMENTATION

RULE 95. Initial Funding

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

RULE 96. Funding for Continued and Sustained Implementation

The sums as may be necessary for the continued implementation of this Act shall be included in the budget of the DSWD, in the succeeding General Appropriations Act;
Provided, that such allocation for the JJWC, as an attached agency of the DSWD, shall be treated similarly as the budget of other similar agencies attached to the Department.

RULE 97. Resource Assistance, Donations, Grants and Contributions

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

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

PART XIX. DUTIES AND RESPONSIBILITIES

RULE 98. Policies and Procedures on Juvenile Justice

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

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

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

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

RULE 99. Duties of Member Agencies


The DSWD, in addition to being the Chairperson of JJWC, shall provide the administrative supervision over the JJWC National and RJJWC Secretariat. It shall also review, revise, enhance existing guidelines and standards or develop new set of standards for the establishment and operation of “Bahay Pag-asa,” IJISC and Youth Rehabilitation Centers. It shall also be responsible for providing capability-building activities and technical assistance to LSWDOs and NGOs handling CAR and CICL.

DSWD shall likewise be responsible for the registration, licensing and accreditation of “Bahay Pag-asa” and Youth Rehabilitation Centers.

Rule 99.b. Department of Justice (DOJ)

The DOJ shall coordinate with, monitor and ensure the compliance of, duty-bearers and agencies under its supervision, such as the Public Attorneys Office, Bureau of Corrections, Parole and Probation Administration, National Bureau of Investigation and National Prosecution Service, in the implementation of the Act, as amended, and these Rules.
Rule 99.c. Department of Education (DepEd)

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


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

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

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

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

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

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

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

Rule 99.g. National Youth Commission (NYC)

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

Rule 99.h. Department of Health (DOH)

The DOH shall formulate and implement policies and guidelines that will ensure the timely and free provision and delivery of medical services to all children in conflict with the law, whether community-based or center-based. It shall also develop and
implement programs to ensure the mental, psychological and physical health of the children. The DOH shall also provide technical assistance and/or assign medical doctors to perform the tasks as members of the Multi-Disciplinary Teams in the “Bahay Pag-asa.”

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

The NGO members of the JJWC shall:

1. Actively participate in the formulation and implementation of policies and programs to support the Juvenile Justice and Welfare Act, as amended;

2. Mobilize NGOs to monitor government compliance with obligations embodied in international conventions and treaties ensuring that the rights of CICL and CAR are upheld;

3. Conduct capability-building activities for government (including LGUs) and NGOs on Childs’ Rights and in the proper handling of CICL, in partnership with other NGOs;

4. Gather, consolidate and share information, data, best practices, studies and documentation on the Juvenile Justice System;

5. Consult with, and disseminate to, other NGOs and network partners on related policies and guidelines, through the conduct of roundtable discussions, fora and symposia; and

6. Convene periodic and special consultations with civil society organizations to:
   a) Discuss significant issues related to interventions being provided to the CICL and CAR;
   b) Serve as the feedback or monitoring mechanism for the implementation of the Act and these Rules;
   c) Solicit views and ensure that the participatory rights of the child are respected on matters related to policy formulation and program implementation; and
   d) Present and endorse to the Council the results of these consultations.

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

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

**RULE 100. Coordinating Agencies**

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

The Philippine National Police (PNP) shall:

1. Review, revise and enhance existing policies and manuals for the administration of the Juvenile Justice and Welfare System by law enforcement officers to ensure that they are consistent with the Act, as amended, and these Rules;

2. Regularly conduct special training to its personnel in the management of children in...
conflict with the law and the proper observance of procedures prescribed by the Act and these Rules;

(3) Establish a system of evaluating the efficiency and effectiveness of all police units in the country in handling children in conflict with the law;

(4) Ensure that all police stations in the country have:

   (a) An area where the children taken into custody are kept separate from adult offenders;

   (b) A separate logbook for all children taken into custody; and

   (c) Personnel who are specially-trained to handle and manage cases of children in conflict with the law;

(5) Submit to the JJWC, through the DILG, within ninety (90) days from the effectivity of the Act, a registry of all children in conflict with the law under its custody.

Rule 100.b. Bureau of Corrections (BUCOR)

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

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

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

(1) Ensure that no children are admitted or detained in municipal/district or city/district jails under its management;

(2) Immediately refer to the DSWD or the LSWDO children who are found to be in the custody of municipal/district or city/district jails; and

(3) Submit to the JJWC, within ninety (90) days from the effectivity of the Act, a registry of all children in conflict with the law under its custody.

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

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

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

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

Rule 100.f. Public Attorney’s Office (PAO)

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

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

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

(1) Integrate into the formulation of the National Technical Education and Skills Development Plan, the development of programs for children in conflict with the law;

(2) Fund programs and projects for technical education and skills development of children, and submit periodic reports to the JJWC on this matter; and

(3) Assist LGUs in the conduct of skills development programs for children in conflict with the law.

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RULE 101. Mandatory Registry of Children

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

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

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

PART XX. FINAL PROVISIONS

RULE 103. Separability Clause

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

RULE 104. Transitory Provisions

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

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

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

If the said assets are not procured within ninety (90) days from the effectivity of these Rules, the DOJ shall cancel the procurement process and the budget allocated for the procurement of the said assets, shall be included in the total amount of budget allocation which will be transferred from the DOJ to the DSWD, and shall be subsequently procured by the DSWD for the JJWC.
Rule 104.b. Transfer of Personnel and Plantilla Items

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

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

Rule 104.c. Transfer of Budget

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

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

RULE 105. Effectivity

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

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Secretary, Department for Social Welfare and Development

HON. LEILA M. DE LIMA
Secretary, Department of Justice

JUVENILE JUSTICE AND WELFARE COUNCIL MEMBERS

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HON. LEON GERMAN FLORES III
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HON. EDMUND R. ABESAMIS
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