



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PR2012-215

69th Regular Session

RESOLUTION NO. SP- 5629, S-2012

A RESOLUTION URGING THE CONGRESS OF THE PHILIPPINES TO AMEND SECTION 6 OF REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006, SO AS TO LOWER THE AGE OF RESPONSIBILITY FOR MINORS.

Introduced by Councilors **GODOFREDO T. LIBAN II, JESUS MANUEL C. SUNTAY, JULIENNE ALYSON RAE V. MEDALLA, ALLAN BENEDICT S. REYES, RANULFO Z. LUDOVICA, PRECIOUS HIPOLITO CASTELO, JULIAN ML. COSETENG, EDEN "CANDY" A. MEDINA, EUFEMIO C. LAGUMBAY and ANTHONY PETER D. CRISOLOGO.**

Co-Introduced by Councilors **Dorothy A. Delarmente, Ricardo T. Belmonte, Jr., Joseph P. Juico, Roderick M. Paulate, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Jessica Castelo Daza, Raquel S. Malañgen, Vincent DG. Belmonte, Marvin C. Rillo, Ivy Lim-Lagman and John Ansell R. De Guzman.**

WHEREAS, Section 2 (a) of Republic Act No. 9344, also known as the Juvenile Justice and Welfare Act No. 2006 declared as one of the state policies that "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";

WHEREAS, Section 6 of the law on minimum age of criminal responsibility provides that "A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this act";

"A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment in which case, such child shall be subjected to the appropriate proceedings in accordance with the act";

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WHEREAS, according to Section 4 (d) of the law, "Child at Risk" refers to the following:

- (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
- (2) being exploited including sexually or economically;
- (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
- (4) coming from a dysfunctional or broken family or without a parent or guardian;
- (5) being out of school;
- (6) being a street child;
- (7) being a member of a gang;
- (8) living in a community with a high level of criminality or drug abuse;
- (9) living in situations of armed conflict.

WHEREAS, the foregoing provisions of the law exempting from criminal liability of children fifteen years and below is probably based on the theory that children fifteen years and below are deemed incapable of forming criminal intent. This is not, however, a guarantee that it will prevent future crimes involving children of their age. Moreover, the argument that the crime rate involving the filing of criminal cases and conviction have dropped by reason of the application of the law is not entirely accurate because crimes committed by children age fifteen years and below would no longer go through the usual judicial process and procedure;

WHEREAS, it is acknowledged that recent studies would disclose that the commission of crime by the youth is usually attributed to several factors, including those enumerated in the definition of the term "Child at Risk". Hence, the thing to do is for the government to formulate appropriate measures and policies that will address the foregoing causes ("Child at Risk") of the youth crimes, thus preventing the crime before it is committed;

WHEREAS, the theory that children fifteen years old and below are incapable of forming criminal intent is no longer true now because of their maturity in thinking, understanding, perception and discernment factors which are influenced by the environment and technology which in the process will promote their intellectual, spiritual, moral, social and physical well being;

(Handwritten initials and marks)


WHEREAS, well known is the fact that minors are now being used by criminal elements and syndicates to commit crimes and perpetuate their evil objectives and these minor children will probably grow up as hardened criminals.

NOW, THEREFORE,


BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED, to urge, as it does hereby urge the Congress of the Philippines to amend Section 6 of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006, so as to lower the age of responsibility for minors.

RESOLVED, FURTHER, to furnish a copy of this Resolution to Quezon City Mayor, Honorable Herbert M. Bautista, Senate President Juan Ponce Enrile, and Speaker Feliciano Belmonte of the House of Representatives.

ADOPTED: October 15, 2012.



MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

CERTIFICATION

This is to certify that this Resolution was APPROVED by the City Council on Second Reading on October 15, 2012 and was CONFIRMED on October 22, 2012.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III 