



THE SIGNIFICANCE OF THE REPUBLIC ACT 9344 ALSO KNOWN AS THE JUVENILE AND WELFARE SYSTEM OF THE PHILIPPINES

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Abstract: *The Republic Act 9344 which is also known as the Juvenile Justice and Welfare System of the Philippines is concerned with the rehabilitation, reformation and protection of the children in conflict with the law and children at risk. It is a system of law that provides child appropriate proceeding including the aftercare of the said person. The law took effect on April 28, 2006. According to the United Nations (UN) Children's Fund an estimated 4,000 children were imprisoned at the end of 2005, most of them charged with minor crimes.*

Under the Revised Penal Code (RPC) of the Philippines a human being divided into four parts, the age of absolute irresponsibility nine (9) year old and below, the age of conditional responsibility fifteen (15) years old to eighteen years old, the age of full responsibility eighteen (18) years old to seventy (70) years old and the age of mitigated responsibility fifteen years old to eighteen years old to seventy years old and below. Luis Reyes states that a youthful offender who is a minor and over nine years of age but less than eighteen years old at the time of the commission of the crime, but the law has been amended by the new juvenile system of the Philippines. The age of criminal responsibility now is fifteen years to eighteen years of age, but will only be convicted if the child has acted with discernment.

It has been proven that parents have a great impact on the development of the child. Children who do not feel love and security from the parents will likely to resort into something that would turn their attention to them. Juvenile delinquents aren't born delinquents. They are also victims of their emotional vulnerability.

Keywords: *Juvenile, Welfare, Delinquents, Vulnerability, Criminal responsibility*

INTRODUCTION

Youth are being sent to school to learn and to value education, most especially to have a right conduct for the children to properly behave in preparation of reaching their career and be responsible and to be a law abiding citizen.

Nowadays, numbers of cases of youth under juvenile delinquency are increasing. These triggering idea interest me to conduct this study. Considering that it is the nurture and torture of education. It should be assured that they are not deprived of their rights as a



human being. The problem arose to the high rate of street children, to survive in the society they are likely to become delinquent. These children are exposed to criminal elements especially with those people surrounding them engaged in immoral deeds.

The government has the right to implement laws for the people to follow. They are given privileges yet some abuse it, disrespecting the laws by violating the rules and regulation it provides. These rules and regulations are set limitations to the privileges bestowed to the person. The society cannot tolerate such behaviors. They have the responsibility to make whatever bad values a youth has to gone and in with the appropriate manners, they should acquire.

When in fact that child should have the right upbringing of his parent but then there are some who forget the manners and right conduct that a child should acquire and because of it they tend to struggle in finding their way to the right path they should have taken.

The governing the juvenile delinquency program handle the youth that has been a problem in the society.

Certainly, the government provides programs that can help the youth in recovering in whatever offense he committed. They are being rehabilitated no to degrade them but to help them change for the betterment. The set of rules and regulations are established to give the best interest of the child and he should follow in order for him to be a good person. These rules should be followed in order for them to responsible citizen in the country. Republic Act 9344 which is concerned with the rehabilitation, reformation and protection of the youth especially the children in conflict with the law. It is a system of law that provides child appropriate proceeding including the aftercare of the said youth. The law determines how the youth will be proceeded. All of the proper handling of a case involves children in conflict with the law. It ensures the disposition of the children that he may not be judge without the proper judgment and proceedings that the law provides. The law does not necessarily tolerate those children in conflict with the law but it guides them in taking the right path after committing an offense, it enables to teach them to see life in a brighter sight that though they once a torn to the government still they can be forgiven and had the chance to correct everything, that there is still hope. As a youth they can be easily guided properly if we only try to understand their pains, sorrows and problems at their very young age which led them to do something against the state.



STATEMENT OF THE PROBLEM

Generally, this research study aims to analyze the significance of the Juvenile Justice and Welfare System, based on the rules and regulations as well as the imposed penalties depending on the grounds of the committed offenses.

RESEARCH METHODOLOGY

This will present the different techniques to be employed by the researcher in the conduct of this study. The researcher attempts to come up with pertinent answers to the different questions specified in this research. A question which purely focuses on Republic Act 9344 as such this research needs a careful, thorough and strict interpretation and understanding of the said law.

This study is a Qualitative Non-Empirical Research. This method will be used as a guide to deeply understand the importance or the significance of the law.

Technically, the researcher will have the soft and hard copy of the law, which is the R.A 9344 as the main issue in this research.

The researcher will thoroughly analyze the different information with respect to R.A 9344. Each date expressly written on its provision will be given special attention and analyzation. The researcher will trace its importance as well as the relevance.

PRESENTATION, INTERPRETATION AND ANALYSIS OF DATA

Juvenile justice welfare system was enacted for the purpose of protecting the right of children which primarily helps in the restoration of child in the society. When the law took effect, after a month 500 children was transferred from jails and to youth homes.

For the past years, youth have been held in adult jails and also treated like criminals, it is for their advantage because the law is implemented retroactively.

The emphasis is on the age of responsibility of the child in conflict with the law. The child is not exempt from criminal liability at the age of 15 to 18 years old. The youth will be held liable if the court finds that he acted with discernment.

Children below the age of responsibility are released to the child's parents or any guardian committed to him.

Discernment is an essential element for the court to determine his criminal liability whether he is convicted or acquitted from his criminal act.



If the youth is below 15 years of age he is exempt from criminal liability. The person who would be liable is the parents or any legal guardian in custody of the child.

They would have a civil liability over the damage done and also the reparation of the injury and thereon, the child would have to determine the diversion appropriate for him together with the help of the parents and the persons involve in reforming him.

After undergoing the determination of the program, the child would be rehabilitated. The cost is borne by his parents or his legal guardian.

Every child in conflict with the law has a right, but limited to the following, those children that has committed to the care of the authorized person to handle their cases will not have the right to imposed cruelty, or degrading treatment or punishment to the child.

No capital punishment should be imposed over the latter. The punishment would be two (2) degrees lower.

The determination of the age of the child in conflict with the law would be the child's birth certificate, baptismal, or any other pertinent documents relating to the child. It could also be determined through the testimonies of the child himself and the testimonies of other person. The physical appearance of the child can also be used to determine the age. If there are no documents that could be used to support the child's testimony, medical and dental certificate would do.

If the parents cannot afford to pay such the municipality belongs where the crime was committed would pay 1/3 of the cost, and the province to which the municipality belongs would pay the remaining 1/3 of the expenses, the remaining 1/3 taken care of by the national government.

Rehabilitation of the child in conflict with the law would have a great impact into his life. Not only that he would have a chance to restore himself into the society but the child is taught to live his life correctly and with dignity again.

The Department of Social Welfare (DSWD) is one of the agencies that provide technical assistance and support for the children at risk and child in conflict with the law. They handle cases where children who do not have legal guardians for them to look after the child.

It is managed by the Local Government Unit (LGU) and accredited Non-Government Organizations (NGO's). The facility is for those children who await judgement from the court. It is safer for the children to have a separate detention from the adult offenders.



As of 2006 to 2009 there were 7,426 children in conflict with the law that have been released from jails (DSWD –Social Marketing Service, 2009).

It shows that the law has been making improvements on the lives of the children in conflict with the law. These numbers are just a few of them and many of them still wait for the day that they would also be set free.

The role of the different sectors in our society. The family is the basic unit in our society and this is the place responsible for the nurturing and rearing of the child to hinder him from becoming delinquent. As much as possible when a child is considered a delinquent or he or she would be maintained in his or her family.

There are children that are easily drawn with friends, they are easily influenced by them. Especially when the child does not feel any importance from his parents. So it is the vital role of the parents to supervise our children in everything that they do. Parents should teach their child the value of real friendship where a real friend does not lead to the other into his downfall but rather support each other to achieve a goal for enrichment of their lives.

The participation of the family should be an endeavor and actively in all the activities that the child would undergo.

Education. It shall work together with the family and community organization and agencies in the prevention of the juvenile delinquency.

In education, they can enhance themselves into something useful into the society. Some of the programs that the rehabilitation is giving are the chance to continue their studies even though they are under rehab.

The following are some of the agencies involved, Council for the welfare of Children (CWC), Department of Education (DepEd), Department of Interior and Local Government (DILG), Public Attorney's Office (PAO), Bureau of Corrections (BUCOR), Parole and Probation Administration (PPA), National Bureau of Investigation (NBI), Philippine National Police (PNP), Bureau of Jail and Penology (BJMP), Commission on Human Rights (CHR), Technical Education and Skills Development Authority (TESDA), National Youth Commission (NYC), and other institutions focused on juvenile justice and intervention programs of the law.

RESULTS AND DISCUSSIONS

This research provides an overview of the juvenile justice system of the Philippines. It follows the current procedural system that the United Nations Convention on the Rights of Children.



The age of criminal responsibility is 15 to 18 years of age, acted with discernment. It determines whether the child has criminal responsibility and if not he will go through diversion programs that the DSWD is program.

The family court would have the duty to protect the rights of the child in conflict with the law. In all criminal as well as in diversion proceedings in the family court, the judge should always consider the best interest of the child.

There must be a written consent of the child in conflict with the law if his record would be used in subsequent proceeding for cases involving the same offender as an adult.

A child in conflict with the law should not be held liable of perjury or concealment or misinterpretation by reason of his failure to acknowledge the case or recite any fact related thereto in response in any inquiry made to him for any purpose.

The willful of giving of false, misleading or incomplete testimony under oath or to breach of an oath or promise during court proceeding shall not be used against the child in conflict with the law (Sec.43, JJWS)

Under the exempting provisions, child should be exempt from prosecution on the following offense, being inconsistent with the United Nations Convention on the right of the child, vagrancy and prostitution, mendicancy under P.D. no. 1563 which establishes the control and eradication of beggars, sniffing rugby under P.D. no. 1619.

Those children that have committed the following offenses found in the latter, after apprehension by the law enforcement officer, they should immediately turn over to the custody of Local Social Welfare and Development Officer (LSWDO). The child would undergo counseling and treatment program that would be determined by the LSWDO (Rule 89-a, IRR).

CONCLUSION

As the efficacy, juvenile justice welfare system is linked to many factors affecting childhood and adolescence. These factors manifest choices that will be made later on as an adult, the career he will take and the path he will choose.

A person's course of action can also be defined in the family and his way of life.

Furthermore, the researcher had proven that parents have a great impact on the development of the child. Authoritative parenting is often recommended by psychologist and researchers.



Oftentimes, children who do not feel accepted inside their homes, look for other sources of acceptance and security.

Moreover, poor economic status caused many people to resort to criminal acts in order to live without limited opportunities, hunger and vagrancy.

As a whole juvenile delinquents aren't born delinquents. They are also victims of their emotional vulnerability.

The law reminds us to protect the youth from cruelty and ruthlessness of the society, for as a young individual they are emotional and vulnerable and can easily be used and pushed.

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