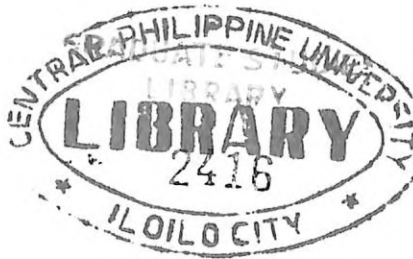


**The Juvenile Delinquency Law (R.A. 9344): An Assessment of its Implementation
and Proposed Amendments/Revisions**

A Thesis

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**“The Juvenile Delinquency Law (R.A. 9344): An Assessment of its Implementation
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Abstract

This study is conducted to answer the alarming rate of minor’s involvement in criminal activities and the deficiency of the law that is supposed to prevent this. This study also seeks to address the issue of the treatment and rehabilitation of the youthful offenders who are covered and are subjected to the programs of the law. The implementation and assessment of the law is also considered in this study. And finally, this study also seek to answer the query if there is a need to amend the Republic Act 9344 and, if there would be amendments, what would be the amendments

There are two main arguments regarding the proper solution to this problem the society faces today. The first is the argument that the juvenile offenders are not the true perpetrator but are in truth victims themselves of the society that takes advantage of them. The second argument is that these juvenile offenders should be made to answer for their crimes as they chose to commit these crimes.

The first standpoint with regard to the juvenile offenders is that they did not choose to commit crime but are compelled to commit those crimes or that they are victims of the injustices of the society and that the true solution to the rapid increase of juvenile crimes is to reduce the injustices in the society.

The second view provides that these young offenders of the law are in the age where they are capable of discerning right from wrong or in the age of making their own judgments. It is further argued that treating these offenders with leniency actually pampers the criminal nature in them and that to fully reform them is to make them truly understand that their youth is not an escape from criminal responsibility. Lastly, it is also argued that by treating these youthful offenders like criminals the crime syndicate would realize that they can no longer take advantage of these youths age to hide from the law.

The assessed problem in the implementation of this law, as seen by many, is the fact that there is not enough facilities that would provide for the rehabilitation and the application of the provisions of the Juvenile Delinquency Law. Many of the law enforcers that would arrest the minor offenders would not file a case or would not arrest or would not incarcerate the minor offenders if caught or reported to have committed a crime. The law provides that if the crime is already committed and the victim would not file a case it is the police that should file a case against the criminal the exception would be with regard to personal or private crimes. Law enforcers also would hesitate in arresting the minor offenders and would, often than not, let the offenders go claiming that since they are minors they cannot be prosecuted which is wrong for the minors can be prosecuted. If proven guilty the minor's sentence is suspended with the exception of the minor offenders under fifteen as they are said to have no criminal liability. Another problem

would be if the minor is indeed arrested where the minor would be incarcerated or preventively imprisoned? These minors cannot be put in a jail cell where they would be exposed to the hardened criminals but it does not mean that their freedom cannot be restricted as the law provides that they should be delivered, upon arrest and processing, to the nearest government agency tasked to rehabilitate these youthful offenders. Finally, people who are victim of crimes committed by these minors would, more often than not, not pursue the case or file a case against these minors as they believe that they cannot be held liable for their act which is wrong. These minors may not be held liable for their criminal acts but they can be held civilly liable and this liability is solidary with the father or the parents of the child. But the biggest problem faced by this law is the fact that the facilities of the government are not enough to provide rehabilitation to the children surrendered to them.

The majority of the people who pushes the amendment of the Juvenile Delinquency Law propose that the age of criminal liability under Section 6 of R.A. 9344 should be revisited considering the rise of the involvement of minors in criminal acts and the increasing number of youth who commits heinous crimes. The victims of these offenders prays that the age of criminal liability should be lowered to either 12 years or 13 years of age so as to cover those who would commit heinous crimes and to teach them that the law is supreme. Along with the amendment of Section 6 should also be the amendment of Section 15 of the law, victims of juvenile offenders suggests that the minor, if caught, must be surrendered first to a government agency which should be the Department of Social Welfare and Development, where it will be determined if he can be

subject to diversion process and to what kind of diversion process, before the minor is to be surrendered to the parents.

Amendment would also require that the whole Chapter 2 of Title III of the law should be modified to truly reform a juvenile offender and that it should not end the moment the minor is released from custody. But this should be correlated to Section 6 if it were to be amended so as not to prejudice the other youthful offenders in or out of custody. As to those who would be released in cognizance, the people responsible for the children should also be monitored to truly ascertain that they are indeed doing the task set upon them.

Sections 38 to 40 of the law should also be amended as, many claims, it causes injustice on the part of the victims of these offenders. The minor will not be imprisoned but only sent to a government institution for rehabilitation but if it does not succeed he can only be detained in the said institution until he reached the age of 21 years. The American jurisprudence provides that the trial for the minor shall proceed and if found guilty the sentence will be suspended until the child reaches the age of 18 years where the minor, then adult, shall serve his sentence until he reach the age of 21 years and any criminal liability incurred while in rehabilitation or imprisonment shall not bar prosecution and imprisonment of the former child offender from being tried and convicted of the subsequent offense. This may not be full justice but the victims would claim that partial justice is better than no justice at all.

Nowadays, one cannot deny the fact that many minors are involved in prostitution and vagrancy. It is a sad sight to see, these *hopes* of our country being bludgeoned like this. But Section 58 should be amended as this is used by minors to escape their criminal

liability for the said crimes. These days these minors are more aggressive in approaching or peddling themselves to those seeking to satisfy their lust and are very efficient in selling themselves to their customer.

These being said this study aims to discuss the need for the amendment or revision of the law and the shortcoming of the implementation the law.