

REFERENCE DIGEST

CRIMINAL LAW: JUVENILE DELINQUENCY IN THE PHILIPPINES — The scope of the term "delinquent" when preceded by the word "juvenile" is confined to youths who run afoul of the law and are adjudicated by the courts to the delinquency status. Acts falling short of law violations do not constitute juvenile delinquency. The term "juvenile delinquent" should therefore be used in connection with young, confirmed offenders against the law.

Criminal Law categorizes juvenile delinquents into five groups: Those belonging to the age of absolute irresponsibility or infants under the age of nine; those of conditional responsibility or infants over the age of nine but under fifteen, exempt from criminal liability in the absence of proof that they acted with discernment; those held fully responsible for criminal acts, subdivided further into those of fifteen and under sixteen spared from the punishment of imprisonment, but committed to the custody of institutions; and those of sixteen but under eighteen who are not treated differently from adult criminals except that they can claim a mitigated penalty; and lastly, minors over eighteen who are on the same plane as adults. In the Manila area, there is another category: those below sixteen and tried before the Juvenile and Domestic Relations Court and those sixteen years of age and above who are tried by the regular courts.

In the Philippines, there has been no indigenous studies made of the causes of juvenile delinquency and reference must be made to studies conducted elsewhere. In general, the best, albeit indefinite answer of such studies is that the causal mechanism of juvenile delinquency is an interplay of the somatic and ethnic, the emotional, the economic, and socio-cultural factors.

The author points out an anomaly in our penal system. Under Article 80 of the Revised Penal Code, it is only when a minor commits a grave or less grave felony that the sentence against him is suspended as to warrant his commitment to the custody of benevolent institutions. Minors guilty of light felonies are sentenced with incarceration and do not enjoy the benefit of custody by such institutions despite the milder nature of their offenses.

This article cites remedial measures being undertaken to combat juvenile delinquency.

From the overall picture of juvenile delinquency in the Philippines, no epidemic besets the country in this regard. But the country's agricultural economy resting on a base of solid family ties is gradually being replaced by an industrial economy characterized with a more or less shaky foundation of personal disintegration. It is the conflict in values between the two systems that create the personal disorganization responsible for juvenile

delinquency. In this situation, adequate measures to counteract the effects of the change from an agricultural to an industrial economy must be taken in order to forestall the spread of juvenile delinquency. (Frine C. Zaballero, *Juvenile Delinquency: in the Philippines*, IV UE LAW JOURNAL No. 3 at 287-299 (1962). P3.00 at the University of the East, College of Law, Manila).

INTERNATIONAL LAW: THE PROTECTION AND REGULATION OF FOREIGN INVESTMENTS — A state has to give sufficient protection to foreign investments in order to attract them. This article discusses whether or not the Philippines offers adequate safeguards for foreign investments. According to the author, it does.

Every state is by the Law of Nations compelled to grant aliens at least equality before the law with its citizens, as far as safety of the person and property is concerned. An alien must in particular not be wronged in person or property by the officials and courts of a State. Holdings of international tribunals furnish strong evidence of the fact that uncompensated expropriation of alien-owned property is contrary to existing international law. Nor is the payment of compensation in itself enough to satisfy the requirements of the law, since the "minimum standard" presupposes previous investigation of individual cases, the possibility of redress by legal action, and conformity with the essentials of expropriation procedure. Moreover, the jurisdiction of states in regard to expropriation is further restricted by the duty of avoiding all discriminatory treatment of foreigners, since the adoption of a biased attitude towards a particular social group, or a particular individual would be incompatible with the requirements of international relations and would entitle the interested State to complain of the injury it has suffered in the person of its national.

The Philippines, by its adoption of the generally accepted principles of international law as part of the law of the Nation, accepts the commonly prevailing norms of expropriation in international law wherein private property is taken for public use and upon payment of just compensation, subject to limitations imposed by treaty provisions or by the customary rules of international law.

This article cites treaties concluded by the Philippines with other states, containing provisions on adequate protection of rights and properties of aliens.

The author concludes by pointing out the salient features of the proposed bill on foreign investment. The enactment of a foreign investment law can effectively highlight the inherent attractiveness of our economic setup. (Simoneo M. Gopengco, *The Protection and Regulation of Foreign Investments*, XII UST LAW REVIEW NO. 3, at 219-231 (1961), P2.00 at the Office of the Faculty of Civil Law, University of Santo Tomas)