

The Juvenile Justice and Welfare Act of 2006: Changing Patterns and Responses for Juvenile Offending

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The enactment of Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 sought to address the problem of children in conflict with the law. Since its passage, questions have arisen as to the adequacy of safeguards in the law to protect the rights of a child and its conformity to international legal obligations. This Article evaluates this law.

The Article first discusses the concept of a juvenile justice system and an overview of legal instruments pursuant thereto. The foci of the discussion are the recognition and basis in international law and the foundation and principles under Philippine law.

The next Section of the Article is entitled, "The Child Touching Base with the Philippine Justice System," and discusses the present Juvenile Justice and Welfare Act. It identifies the prominent features of the law: its general principles, the coverage of the law, procedures when initial contact with the child is made, diversionary measures under social welfare programs, and status offenses. The next Section is devoted to key issues and concerns raised under the law: issues of discernment, the minimum age of criminal liability, diversionary measures, detention centers, disposition measures in court, probation, and the role of local government units in juvenile intervention.

Overall, the purpose of the law is not to punish children in conflict with the law but to rehabilitate them. The Authors stress that children are not criminals but are victims, and it is up to measures such as the Juvenile Justice and Welfare Act to mitigate the punitive and harsh effects of the penal establishment and instead provide for diversionary measures to rehabilitate these children.