



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 204-2018

**TO : ALL JUDGES AND CLERKS OF COURT
OF THE DESIGNATED AND STATUTORY
FAMILY COURTS**

**SUBJECT : APPROVAL OF THE PROPOSED
AMENDMENTS TO THE REVISED RULE ON
CHILDREN IN CONFLICT WITH THE LAW
PURSUANT TO THE SUPREME COURT EN
BANC RESOLUTION DATED 26 JUNE 2018
(RE: RULE ON JUVENILES IN CONFLICT
WITH THE LAW)**

In accordance with the 26 June 2018 Resolution in **A.M. No. 02-1-18-SC** (*Re: Rule on Juveniles in Conflict with the Law*), the Court *En Banc* **RESOLVED** to **APPROVE** the **Proposed Amendments to the Revised Rule on Children in Conflict with the Law**, the full text of which is appended herein as Annex "A" for the information, guidance and strict compliance of all concerned.

19 September 2018


JOSE MIDAS P. MARQUEZ
Court Administrator



Annex "A"

Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **JUNE 26, 2018**, which reads as follows:

"**A.M. No. 02-1-18-SC** (Re: Rule on Juveniles in Conflict with the Law).- Acting on the Letter dated April 16, 2018 of Associate Justice Teresita J. Leonardo-De Castro, Chairperson, Committee on Family Courts and Juvenile Concerns (CFCJC), submitting the proposed amendments to the Revised Rule on Children in Conflict with the Law, as embodied in the CFCJC Resolution No. 01-2018, the Court Resolved to **APPROVE** the said amendments, to wit:

I Release of CICL on Recognizance

SEC. 25. *Release of Children on Recognizance to the Parents, Guardian, Custodian or Nearest Relative.* - The release of a child from custody during the pendency of the case involving aN [non-serious] offense [as defined in Sec. 4(u) of this Rule] **NOT PUNISHABLE BY DEATH, RECLUSION PERPETUA OR LIFE IMPRISONMENT** may be ordered by the court only after a hearing for that purpose, and upon favorable recommendation of the social worker assigned to the child, **WITH DUE NOTICE TO** [with conformity of] the public prosecutor, the Sanggunian where the accused resides, and the private complainant. The child shall be released to the custody of a willing responsible mother or father, or appropriate guardian or custodian or in their absence, the nearest relative, who shall be responsible for the child's good behavior and appearance in court whenever required.

No child shall be ordered detained in jail pending trial or hearing of the child's case [subject to the provisions of this Rule].

II Commitment and Transfer of CICL to a Youth Rehabilitation Center

"SEC. 26. *Commitment and Transfer to a BAHAY PAG-ASA [Youth Rehabilitation Center].* - A child charged with **AN OFFENSE** [non-serious offense as defined in Section 4(u) of this Rule], unless released on bail or recognizance, **MAY** [shall] be transferred to a **BAHAY PAG-ASA** [Youth

Detention Home] or rehabilitation center or other appropriate facility **OPERATED OR ACCREDITED BY** [such as] the Department of Social Welfare and Development which shall ensure the **IMPLEMENTATION OF APPROPRIATE INTERVENTION PROGRAMS, AS WELL AS THE SAFETY AND** appearance of the child in court.

In the absence of a **BAHAY PAG-ASA** [Youth Detention Home] established by the local government pursuant to Section 8 of the Family Courts Act, and **R.A. 9344 AS AMENDED** in the city or municipality where the child resides or, a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the court, or the Department of Social Welfare and Development or other appropriate local rehabilitation center **DETENTION PENDING TRIAL MAY BE REPLACED BY ALTERNATIVE MEASURES SUCH AS CLOSE SUPERVISION, INTENSIVE CARE OR PLACEMENT WITH A FAMILY OR IN AN EDUCATIONAL SETTING OR HOME, INSTITUTIONALIZATION OR DETENTION OF A CHILD PENDING TRIAL SHOULD BE USED ONLY AS A LAST RESORT AND FOR THE SHORTEST POSSIBLE TIME.** [The youth shall be placed under the care of a provincial, city or municipal jail which shall ensure the appearance of the child in court when so required.]”

III Care of CICL in Bahay Pag-asa or Youth Detention Home

“SEC. 29. *Care of Child in **BAHAY PAG-ASA** [Youth Detention Homes] or Rehabilitation Centers.* – The child in conflict with the law who has been transferred to a youth rehabilitation center or **BAHAY PAG-ASA** shall be provided with a healthy environment. [If the child is placed under the care of the provincial, city or municipal jail, the child shall be provided with] **AND** adequate quarters separate from [adults] the opposite sex depending on the age, sex, **SEXUAL ORIENTATION** [sexual lifestyle], and such other circumstances and needs of the child.”


IV Bail

SEC. 27. Bail. - **FOR PURPOSES OF BAIL, THE PRIVILEGED MITIGATING CIRCUMSTANCE OF MINORITY SHALL BE CONSIDERED.**

SEC. 28. (Deleted) [Amendments in bold]

(adv42)

Very truly yours,


EDGAR O. ARICHETA
Clerk of Court

Court Administrator

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A.M. No. 02-1-18-SC

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*For circularization