

[PRESIDENTIAL DECREE NO. 1179, August 15, 1977]

AMENDING CERTAIN PROVISIONS OF CHAPTER THREE, TITLE EIGHT OF PRESIDENTIAL DECREE NUMBERED SIX HUNDRED AND THREE OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE AND FOR OTHER PURPOSES.

WHEREAS, some of the provisions of Presidential Decree No. 603 which deal with youthful offenders are deficient or ambiguous;

WHEREAS, it is necessary that said provisions be clarified and strengthened so as to promote their effectiveness in dealing with juvenile delinquency;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby decree and order as follows:

SEC. 1. Articles 189 and 190 of Presidential Decree No. 603 are hereby amended to read as follows:

"Art. 189. *Youthful Offender, Defined.*-A youthful offender is a child, minor or youth, including one who is emancipated in accordance with law, who is over nine years but under eighteen years of age at the time of the commission of the offense.

A Child nine years of age or under at the time of the Commission of the offense shall be exempted from criminal liability and shall be committed to the care of his or her father or mother, or nearest relative or family friend in the discretion of the court and subject to its supervision. The same shall be done for a child over nine years and under fifteen years of age at the time of the commission of the offense, unless he acted with discernment, in which case he shall be proceeded against in accordance with Article 192.

The provisions of Article 80 of the Revised Penal Code are hereby repealed by the provisions of this Chapter."

"Art. 190. *Physical and Mental Examination.*-It shall be the duty of the law-enforcement agency concerned to take the youthful offender, after his apprehension, to any available government medical or health officer in the area for a physical and mental examination. Whenever treatment for any physical or mental defect is indicated, steps shall be immediately undertaken to provide the same.

"The examination and treatment papers shall form part of the record of the case of the youthful offender."

SEC. 2. Articles 192 and 193 of the same Decree are hereby amended as follows:

"Art. 192. *Suspension of Sentence and Commitment of Youthful Offender.*-If after hearing the evidence in the proper proceedings, the

court should find that the youthful offender has committed the acts charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court, upon application of the youthful offender and if it finds that the best interest of the public as well as that of the offender will be served thereby, may suspend all further proceedings and commit such minor to the custody or care of the Department of Social Welfare, or to any training institution operated by the government or any other responsible person until he shall have reached twenty-one years of age, or for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare or the government training institution or responsible person under whose care he has been committed.

"Upon receipt of the application of the youthful offender for suspension of his sentence, the court may require the Department of Social Welfare to prepare and submit to the court a social case study report over the offender and his family.

"The youthful offender shall be subject to visitation and supervision by a representative of the Department of Social Welfare or government training institution as the court may designate subject to such conditions as it may prescribe.

"The benefits of this article shall not apply to a youthful offender who has once enjoyed suspension of sentence under its provisions or to one who is convicted of an offense punishable by death or life imprisonment."

"Art. 193. *Appeal*. -The order of the court denying an application for suspension of sentence under the provisions of Article 192 above shall not be appealable."

SEC. 3. Article 195 of the same Decree is hereby amended to read as follows:

"Art. 195. *Report on Conduct of Child*. -The Department of Social Welfare or government training institution or individual under whose care the youthful offender has been committed shall submit to the court every four months or oftener as may be required in special cases, a written report on the conduct of said youthful offender as well as the intellectual, physical, moral, social and emotional progress made by him."

SEC. 4. Article 197 of the same Decree is hereby amended to read as follows:

"Art. 197. *Return of the Youthful Offender to Court*. -Whenever the youthful offender has been found incorrigible or has willfully failed to comply with the conditions of his rehabilitation programs, or should his continued stay in the training institution be inadvisable, he shall be returned to the committing court for the pronouncement of judgment.

"When the youthful offender has reached the age of twenty-one while in