

[REPUBLIC ACT NO. 4836, June 18, 1966]

AN ACT CREATING A JUVENILE AND DOMESTIC RELATIONS COURT IN QUEZON CITY BY AMENDING THE CHARTER OF QUEZON CITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Republic Act Numbered Five hundred and thirty-seven, otherwise known as the Charter of Quezon City, as amended, is further amended by inserting between Article IX and Article X, a new Article to be known as Article IX-A which shall read as follows:

"ARTICLE IX-A. The Juvenile and Domestic Relations Court.

"SEC. 29-A. *The Juvenile and Domestic Relations Court.*—There shall be a Juvenile and Domestic Relations Court in Quezon City to be presided by a judge who shall have experience, recognizable aptitude or demonstrated ability in dealing with cases involving children and families, and shall further possess the same qualifications, enjoy the same privileges and receive the same salary as judges of Courts of First Instance. He shall be appointed by the President of the Philippines with the consent of the Commission on Appointments.

"Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases:

- (1) Criminal cases cognizable by the city court and the Court of First Instance of Quezon City wherein the accused is sixteen years of age or under sixteen at the time of the trial;
- (2) Cases involving custody, guardianship, adoption, revocation of adoption, paternity and acknowledgment;
- (3) Annulment of marriages, relief from marital obligations, legal separation of spouses, and actions for support ;
- (4) Proceedings brought under the provisions of Title six and Title seven, Chapters one to three of the Civil Code;
- (5) Petitions for the declaration of absence and for the change of name;
- (6) Proceedings affecting a dependent or neglected

child, as hereinafter defined, or other cases affecting the deprivation of parental authority;

(7) Actions for the separation of property of spouses.

"The court shall likewise have such incidental powers as are generally possessed by the Courts of First Instance.

"If any question involving any of the above matters should arise as an incident in any case pending in the ordinary court, said incident shall be determined in the main case.

"SEC. 29-B. *Social Service and Counselling Division.*— There shall be established a Social Service and Counselling Division which shall be staffed with qualified personnel, such as duly registered social workers, who shall be appointed by the Secretary of Justice with such compensation as may be fixed by the City Council: *Provided, however,* That the chief of the division shall receive a compensation of not less than eight thousand six hundred pesos, and shall possess a Master's degree in Social Work and must have had at least ten years of paid experience in the supervision and administration of social services programs preferably in a public agency. The division shall prepare social case studies, perform probation, counselling and other social services in connection with cases filed with the court. When warranted this division shall recommend that the court shall avail of the consultative services of psychiatrists, psychologists and/or other qualified specialists in connection with cases filed with the court.

"SEC. 29-C. *'Dependent' or 'neglected' child defined.*— The term 'dependent' child or 'neglected' child shall mean any child sixteen years of age or under who is destitute and/or dependent upon the public for support or who is homeless or abandoned or who has no proper parental care or guardianship. The following shall also be deemed 'neglected': one who is found living in any house of ill fame or with any vicious or disreputable person/s, or whose home by reason of neglect, cruelty, or depravity on the part of parents, guardian or other person in whose custody it may be, is unfit for such child.

"SEC. 29-D. *Proceedings in juvenile delinquency cases.*— After a minor has pleaded not guilty to the offense charged, and before the date of the trial, a social case study of the child shall be undertaken by a social worker of the court and the report and recommendation/s thereon shall be submitted to the judge before the trial.

"All detention facilities which shall be established and maintained by the city for minor offenders shall be under the supervision and control of the Juvenile and Domestic Relations Court subject to approved standards.

"SEC. 29-E. *Proceedings involving custody.*—In proceedings involving a child whose parents are separated, and/or a vagrant or abused child. Rule 99, sections six and seven, respectively, of the Revised Rules of Court shall apply.

"SEC. 29-F. *Custody of child pending proceeding.*— In proceedings concerning a 'dependent' or 'neglected' child, the Social Welfare Administration, and or any agency created by the Quezon City government which is accredited to receive and/or place out children and to render other social services, having knowledge of a child in the city who appears to be a 'dependent' or 'neglected' child, may file with the Juvenile and Domestic Relations Court a written petition setting forth the facts attending the 'dependent' or 'neglected' child. This petition shall be verified by the affidavit of the petitioner, based upon information and belief and supported by a social case study. Such petition shall set forth the name of the parent or" parents of such child, or its guardian, if it has no parents.

"Upon the filing of such petition, and preliminary verification of the social case study, the judge shall fix the day and time for the hearing of the petition. If it appears that one or both of the parents or guardian if there be no parents, resides in the city, the clerk of court shall immediately issue summons, which shall include a copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found in the city. Such summons shall be served not less than two days before the time fixed for the hearing. The summons shall require parties to appear on the date and hour specified, to show cause, if any, why such child should not be declared by the court to be a 'dependant' or neglected' child Before the hearing, an order reciting the purpose of the petition shall be issued by the court and posted for at least three consecutive weeks on conspicuous bulletin boards around the city hall. If it appears from the petition and the social case study that neither of the parents is living and that said child has no guardian residing in the city, or in case neither of the parents or guardian is found, then the court shall appoint some suitable person to represent the child in court, and shall thereupon proceed to a hearing of the case. In case one or both of the parents, or the guardian in case there be no parents, indorse said petition with a request that the child be declared a 'dependant' child, the court may thereupon proceed to a hearing of the case.

"Upon filing of the petition, if the interest of the child so warrants the court may take custody of the child for placement with any person, institution or agency authorized to care for children during the trial of the case.

"The city fiscal, when requested by the court, shall appear in any such examination in behalf of the petitioner. It shall be the duty of the city fiscal, upon the request of the court or any petitioner, to file a petition and to conduct any necessary proceedings in cases within the provisions of this article.

"In the hearing of such case, the court shall not be bound to follow the technical rules of procedure. If the child shall be found after such hearings to be a 'dependent' or 'neglected' child, an order may be entered making such disposition of the care and custody of said child as the court deems best for his moral and physical welfare. He may be