

AN ACT PROVIDING FOR THE COMMITMENT OF JUVENILE OFFENDERS BETWEEN CERTAIN AGES TO CHARITABLE OR EDUCATIONAL INSTITUTIONS INSTEAD OF TO THE PUBLIC PRISONS OR JAILS, AND FOR THE T...

Act No. 1438, January 11, 1906

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Whenever any male minor between the ages of eight and sixteen or any female minor between the ages of eight and eighteen shall be found guilty by any court of competent jurisdiction of an offense not punishable by life imprisonment or death, the court, instead of directing the confinement of such minor in any public prison or jail, may, in its discretion, suspend judgment and commit such minor to the custody of any orphan asylum, reform school, charitable society, or society for the prevention of cruelty to children, or to any other charitable or educational institution having for its purpose the care, betterment, reform, or education of minors, until such minor shall have reached his majority or for such less period as to the court may seem proper: Provided, however, That the court prior to making commitment of any minor to any such institution shall take into consideration the religion of the minor and that of his parents or next of kin and shall not commit such minor without the approval of the parents or next of kin to any private institution not under the control and supervision of the religious sect or denomination to which such minor and his parents or next of kin belong.

SEC. 2. It shall be the duty of any institution to which minors are committed as provided in section one hereof to hold and keep them in safe custody, to instruct them in some useful art or trade, and to do such other things as may be necessary for their moral and physical welfare.

SEC. 3. Minor prisoners now confined in Bilibid Prison or in any-provincial jail who, if males, were under the age of sixteen at the time of commitment, or, if females, under the age of eighteen at the time of commitment, may be transferred by executive order of the Governor-General for the period of the unexpired portion of their sentences to any of the institutions mentioned in section one hereof: Provided, however, That the Governor-General prior to making transfer of any minor from Bilibid Prison or any provincial prison or jail to any such institution shall take into consideration the religion of the minor and that of his parents or next of kin and shall not transfer such minor without the approval of the parents or next of kin to any private institution not under the control and supervision of the religions sect or denomination to which such minor and his parents or next of kin belong: And provided further, That any minor transferred as prescribed in this section to any of the institutions mentioned in section one hereof may be retransferred by executive order of the Governor-General to the prison or jail from which lie was taken, there to be confined for the unexpired portion of his sentence.

SEC. 4. Any minor who during the period of his commitment to any of the institutions mentioned in section one hereof shall be found incorrigible or who shall be an improper subject for detention in such institution shall be returned to the court which committed him, and the court, if it finds such minor incorrigible or an improper subject for detention in such institution, shall enter such judgment and pass such sentence as would have been lawful at the time of the original commitment of the minor.

SEC. 5. Institutions to which minors are committed in accordance with this Act shall, subject to the approval of the Philippine Commission, adopt such rules and regulations as may be necessary for the safe custody, instruction and mental and educational training of the minors so committed, and in so far as such minors are concerned, such institutions shall be under the supervision and control of the Philippine Commission.

SEC. 6. Institutions to which minors are committed in accordance with this Act shall be entitled to receive such sum for the care, maintenance, and instruction of such minors as may be provided by appropriation acts of the province from which any such minors are committed, or, if such minors are committed from the city of Manila, then such sum as may be provided in appropriation acts for the city of Manila.

SEC. 7. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 8. This Act shall take effect on its passage.

Enacted, January 11, 1906.

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