

## **AN ACT RELATING TO THE CARE AND CUSTODY OF NEGLECTED AND DELINQUENT CHILDREN; PROVIDING PROBATION OFFICERS THEREFOR; IMPOSING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS AND FOR ...**

*Act No. 3203, December 03, 1924*

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Any public institution, Insular, provincial, or municipal, including those of chartered cities, established or that may hereafter be established for the care, custody, correction, education, and training of orphan, homeless, neglected, abused, defective, and delinquent children, shall be under the supervision and administration of the Office of the Public Welfare Commissioner, and the system of instruction to be adopted therefor shall be conducted as part of the school system under the control and jurisdiction of the Office of the Public Welfare Commissioner. These institutions shall be known as industrial schools or by other appropriate names, but not as reformatories or correctional institutions.

SEC. 2. Any private institution or any benevolent or charitable society incorporated under the laws of the Philippine Islands and duly authorized therefor by the Secretary of the Interior, upon recommendation of the Public Welfare Commissioner, the purposes of which are the same as those of the institutions mentioned in section one hereof, shall be under the general inspection and supervision of the Office of the Public Welfare Commissioner and the rules and regulations adopted by such institutions shall be subject to the approval of the Secretary of the Interior, upon the recommendation of the Public Welfare Commissioner.

SEC. 3. Whenever any boy or girl less than eighteen years of age shall be accused in any court of an offence not punishable by life imprisonment or death, the court, before passing sentence of conviction, shall suspend all further" proceedings in the case and shall commit such minor to the custody of any of the institutions mentioned in sections one and two of this Act, until said minor shall have reached his majority or for such less period as to the court may seem proper, subject to the conditions provided in section seven hereof, or may allow him to remain and be cared for elsewhere, under probation and subject to visitation and supervision of a probation officer, as hereinafter provided, whom the court may require to report from time to time on the case: Provided, That the court prior to making the commitment of any minor to any private institution shall take into consideration the religion of the minor and that of his parents or next of kin, and avoid his commitment of to any private institution not under the control and supervision of the religious sect or denomination to which such minor or his parents or next of kin belong.

SEC. 4. The charges, affidavits, testimony or judgments against a minor committed under this Act shall not be a bar to the exercise of his rights as a citizen and to his holding public office or employment.

SEC. 5. Minors at present confined in any Insular, provincial or municipal jail who were under the age of eighteen years on the date of their conviction, 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 the preceding sections of this Act: Provided, That any prisoner transferred by virtue of this section may, upon recommendation of the Public Welfare Commissioner, be retransferred by executive order of the Governor-General to the prison or jail from which he was transferred, there to be confined for the unexpired portion of his sentence: Provided, further, That before the transfer of these minor prisoners herein provided, they shall not be made to remain in the same room or inclosure where adult convicts are confined. Such minor prisoners shall be provided with a suitable room for their confinement. All reasonable and actual expenses incurred in connection with the transfer for the transportation, guarding, and subsistence of such minor prisoners shall be borne by the province or municipality in which they were sentenced, if they be provincial or municipal prisoners, or by the appropriation for the Office of the Public Welfare Commissioner if they be Insular prisoners.

SEC. 6. Any institution to which minors are committed in accordance with this Act shall be entitled to receive such sum as may be fixed by the Public Welfare Commissioner with the approval of the Secretary of the Interior for the care, maintenance, instruction, and reformation of each minor so committed. Except as otherwise specially provided, the expense of the maintenance of minor delinquents shall be borne as follows: in the case of a municipal or chartered city minor delinquent, by the city or municipality in which the offense with which the minor is charged was committed; in the case of a provincial minor delinquent, by the province in which the offense was committed; and in the case of an Insular minor delinquent, by the Office of the Public Welfare Commissioner: Provided, That the court may require the maintenance, in whole or in part, of a minor delinquent committed to any institution in accordance with this Act, by his relatives or those liable and able to support and educate him.

SEC. 7. Any minor delinquent committed to an institution in accordance with sections three and five of this Act or allowed to stay elsewhere, may be paroled by the head of the institution, under such conditions as the latter may prescribe subject to the approval of the Public Welfare Commissioner, or may be returned to the court for either sentence or dismissal. The probation period of the minor allowed to stay at a place other than the institutions mentioned in sections one and two of this Act shall rest with the probation officer and at its termination he shall return such minor to the court for either sentence or dismissal.

SEC. 8. Any minor arrested for an offence not punishable by life imprisonment or death shall not be kept for a period of more than twenty-four hours in any jail or room in a police station where adult convicts are confined. Any violation of this section shall be punishable by a fine of not more than one hundred pesos.

SEC. 9. The Secretary of the Interior, upon the recommendation of the Public Welfare Commissioner, is hereby authorized to appoint and fix the compensation of the technical and administrative personnel, including probation officers, of the industrial schools mentioned in section one hereof, until such positions shall have been included in the Appropriation Act.

SEC. 10. A probation officer shall have the following powers and duties: (a) he shall have the powers of a sheriff and police officer; (b) he shall make or order such investigations as may be required by the court; (c) he shall be present in court in order to represent the interests of the minor when a case is heard in which such minor is a party; (d) he shall furnish the court such information and assistance as the judge may require; (e) he shall take charge of the minor before and after trial as may be directed by the court; and (f) he shall bring his charge to the court with or without warrant when such action is necessary.

SEC. 11. The Public Welfare Commissioner, subject to the approval of the Secretary of the Interior, shall have the following powers and duties: (a) he shall have the powers of a police officer, and shall have authority to designate persons who, because of the nature of their official duties, have to exercise the same powers; (b) he shall make

investigations upon all matters relating to his official duties; (c) he shall prescribe the authority to be exercised by the head or superintendent of each industrial school over the other officers and employees thereof; (d) he shall fix the curricula for all industrial schools under his jurisdiction; and (e) he shall approve plans for the construction of industrial school buildings to be built by the municipalities, provinces, and chartered cities, and fix the amount of land required in each case. The Public Welfare Commissioner or other person conducting any investigation authorized by him may administer oaths and take testimony in connection therewith.

SEC. 12. The boys' and girls' reformatories of the City of Manila and any other public institution already established for minor delinquents, shall be reorganized in accordance with this Act by administrative order of the Secretary of the Interior.

SEC. 13. Any unexpended balances from the appropriations of the Office of the Public Welfare Commissioner for nineteen hundred and twenty-four and nineteen hundred and twenty-five shall, at the request of the Public Welfare Commissioner, be made available by the Secretary of the Interior for the purposes of this Act and shall not be reverted to the general funds in the Insular Treasury.

SEC. 14. All provisions of this Act and other laws applicable to minors shall be liberally construed and the judgment of the court and the care, custody, and discipline of the children by the persons in charge of them shall approximate that which they should receive from their parents and they shall be treated, not as criminals, but as in need of aid, encouragement, and guidance. Sec. 15. All and each of the acts inconsistent herewith are hereby repealed.

SEC. 16. This Act shall take effect on its approval.

Approved, December 3, 1924.

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