

ADMINISTRATIVE CIRCULAR NO. 13-2004, March 30, 2004

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TO:

ALL JUDGES OF THE REGIONAL TRIAL COURTS DESIGNATED AS FAMILY COURTS

SUBJECT:

CASES INVOLVING YOUTHFUL OFFENDERS

Report had reached this Court regarding violations in the apprehension of youthful offenders, delay in the disposition of their cases, and their detention or commitment in cramped detentions cells in the company of adult offenders.

In view of these reports, it is high time to remind you again of the pertinent administrative circulars issued to address these matters. Administrative Circular No. 23-95 dated 11 October 1995 provides:

All trial judges are enjoined to act with dispatch on all cases involving children, including but not limited to child labor case under Rep. Act No. 7610, cases of child abuses and pedophilia.

It is directed that arraignments should be scheduled within a week after the accused is placed in the court's custody or upon filing of the bailbond and pre-trial/trial shall commence within three (3) days from arraignment.

Attention is called to Section 30 of Rep. Act No. 7610 which provides that violations of this Act should be heard in the chambers of the RTC duly designated as Juvenile and Domestic Relations Courts.

In Administrative Circular No. 04-2002 dated 1 February 2002, this Court issued guidelines to protect the interests and rights of prisoners, especially minor detainees, and to eradicate or at least minimize the congestion of jails in the country; thus:

- Effective immediately, trial judges shall hold regular dialogues, conferences, or visitations, in coordination with appropriate government agencies, as well as the local chief executives, jail wardens, chiefs of police and officials from social welfare office, at least once a month with the inmates in all jails in their respective territorial jurisdiction.

- Said dialogues, conferences, or visitations shall be for the following purposes:

- a. To determine the sufficiency or manner of safekeeping and reformation of prisoners, especially minor detainees, as well their proper accommodation and health; as
- b. To set limits to the number of detainees in jail, and provide for the segregation of minors from the adult prisoners;

c. To identify minor prisoners who are willing to plead guilty, if qualified, and to inform them of the benefits granted by the provisions of P.D. No. 603 on suspended sentence of minors;

- Strict compliance with the provisions of RA. No. 8369 (An Act Establishing Family Courts) and its implementing guidelines is hereby enjoined.

- Trial judges designated in the Family Courts shall endeavor to assign specific days for the trial of cases involving minor offenders to the exclusion of criminal cases against adult offenders.(Emphasis supplied).

Pursuant to the said circulars you are enjoined to act with dispatch on all cases involving minor offenders. Likewise, you must observe Article 191 of the Child and Youth Welfare Code (P.D. No. 603) on the care of youthful offenders held for examination or trial; Sections 2 and 8 of the Family Courts Act of 1997 (R.A. No. 8369) mandating a system of adjudication for youthful offenders which takes into account their peculiar circumstances, and directing Family Court Judges to have direct control and supervision of youth detention homes; and Article 10(2)(b) and 10(3) of the International Covenant on Civil and Political Rights providing for the segregation of juvenile offenders from adults for a speedy adjudication of their cases, and for treatment appropriate to their age and legal status.

Issued this 30th day of March 2004.

HILARIO G. DAVIDE, JR.

Chief Justice

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