

## RULE ON JUVENILES IN CONFLICT WITH THE LAW

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Section 1. Applicability of the Rule.— This Rule shall apply to all criminal cases involving juveniles in conflict with the law. A juvenile in conflict with the law is a person who at the time of the commission of the offense is below eighteen (18) years of age but not less than nine (9) years of age. This Rule shall not apply to an accused who at the time of initial contact as defined in Section 4(p) of this Rule, or at any time thereafter, shall have reached the age of eighteen (18), in which case the regular rules on criminal procedure shall apply without prejudice to the rights granted under Sections 36, 37, 38 and 39 of this Rule. (n) Sec. 2. Objective.— The objective of this Rule is to ensure that the justice system treats every juvenile in conflict with the law in a manner that recognizes and upholds his human dignity and worth, and instills in him respect for the fundamental rights and freedoms of others. The Rule considers his developmental age and the desirability of his reintegration into and assumption of a constructive role in society in accordance with the principle of restorative justice. To attain this objective, the Rule seeks:

a) To provide a procedure in the adjudication of juveniles in conflict with the law that takes into account their distinct circumstances and assures the parties of a fair hearing with their constitutional and statutory rights recognized and respected; b) To divert from the justice system juveniles who can be cared for or placed under community-based alternative programs of treatment, training and rehabilitation in conformity with the principle of restorative justice; c) To deal with the juvenile in a family environment whenever possible, separate him from his parents only when necessary for his welfare or in the interest of public safety; d) To remove from juveniles in conflict with the law the stigma of criminality and the consequences of criminal behavior; and e) To provide for the care, protection and wholesome moral, mental, and physical development of juveniles in conflict with the law.

Sec. 3. Interpretation.— This Rule shall be interpreted liberally to promote the best interests of the child in conformity with Philippine laws and the United Nations' Convention on the Rights of the Child. Sec. 4. Definitions.— As used in this Rule,

(a) To be in conflict with the law means being charged with the commission of an act defined and punished as a crime or offense under the law, including violations of traffic laws, rules and regulations, and ordinances of local government units. (b) Serious offense refers to any offense not covered by Section 1, par. B, Criminal Cases, of the Rule on Summary Procedure, to wit: (1) violations of traffic laws, rules and regulations; (2) violations of the rental law; (3) violations of municipal or city ordinances; (4) all other offenses punished with imprisonment not exceeding six months, or a fine not exceeding one thousand pesos (P1,000.00), or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom; provided, however, that in offenses involving damage to property through criminal negligence, the imposable fine is not in excess of ten thousand pesos (P10,000.00). (c) Youth detention center refers to a government-owned or operated agency providing habilitative and rehabilitative facilities where a juvenile in conflict with the law may be physically restricted pending court disposition of the charge against him. (d) Intake report is a preliminary written report containing the personal and other circumstances of the juvenile in conflict with the law and prepared by the social worker assigned by the Department of Social Welfare and Development (DSWD) or local government unit to assist him as soon as he enters the justice system. (e) Case study report is a written report of the result of an investigation conducted by the social worker designated by the Family Court on the social, cultural, economic and legal status or condition of the juvenile in conflict with

the law. It includes, among others, his developmental age; educational attainment; family and social relationships; the quality of his peer group; the strengths and weaknesses of his family; parental control over him; his attitude toward the offense; the harm or damage done to others resulting from the offense; his record of prior offenses, if any; and the attitude of his parents towards his responsibility for the offense. (f) Diversion refers to an alternative child-appropriate process of determining the responsibility and treatment of a juvenile in conflict with the law on the basis of his social, cultural, economic, psychological or educational background without resorting to formal court adjudication. (g) Diversion programs refer to programs that the juvenile in conflict with the law is required to undergo in lieu of formal court proceedings. (h) Disposition conference is a meeting held by the court with the social worker who prepared the case study report together with the juvenile in conflict with the law and his parents or guardian ad litem, for the purpose of determining the disposition measures appropriate to the personal and peculiar circumstances of the juvenile. (i) Recognizance is an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court by the juvenile in conflict with the law when required. (j) Probation is a disposition alternative under which a juvenile in conflict with the law is released and permitted to remain in his home after conviction and sentence. The juvenile is subject to conditions imposed in the sentence and to supervision by the court and a probation officer who has the duty to return the juvenile to the court in case of violation of a condition of his probation. (k) Suspended sentence is the holding in abeyance of the service of the sentence imposed by the court upon a finding of guilt of the juvenile in conflict with the law who will undergo rehabilitation. (l) Community continuum is a community-based group therapy process that provides continuous guidance and support to the juvenile in conflict with the law upon his release from rehabilitation and his reintegration into society. (m) Age of criminal responsibility is the age when a juvenile who is nine (9) years or over but under fifteen (15) years commits an offense with discernment. (n) Discernment means the mental capacity to understand the difference between right and wrong and its consequences. (o) Restorative Justice is a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender, and the community. It seeks to obtain reparation for the victim, reconciliation of the offender, the offended and the community and reassurance to the offender that he can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies. (p) Initial contact is the apprehension or taking into custody of a juvenile in conflict with the law by law enforcement officers or private citizens. It includes the time when the juvenile receives a subpoena under Section 3 (b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6 (a) or Sec. 9 (b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the juvenile under immediate custody. (q) Corporal punishment is any kind of physical punishment inflicted on the body as distinguished from pecuniary punishment or fine.

**Sec. 5. Exemption from Criminal Liability.**— A minor under nine (9) years of age at the time of the commission of the offense shall be exempt from criminal liability. A minor nine (9) years and above but under fifteen (15) years of age at the time of the commission of the offense shall be committed to the care of his father or mother, or nearest relative or family friend, in the sound discretion of the court and subject to its supervision. However, if the prosecution proves that he has acted with discernment, he shall be proceeded against in accordance with Sections 24 to 28, or 36 to 40 of this Rule, as the case may be, and subjected to a delinquency prevention program as determined by the court. Exemption from criminal liability does not include exemption from civil liability which shall be enforced in accordance with the provisions of Article 221 of the Family Code in relation to Article 101 of the Revised Penal Code and Rule 111 of the Revised Rules of Criminal Procedure. In case the act or omission of the juvenile involves a quasi-delict, Article 2180 of the Civil Code shall apply. **Sec. 6. Procedure in Taking a Juvenile into Custody.**— Any person taking into custody a juvenile in conflict with the law shall:

- (a) Identify himself and present proper identification to the juvenile; (b) Inform the juvenile of the reason for such custody and advise him of his constitutional rights in a language or dialect understood by him; (c) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the juvenile; (d) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or

restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed; (e) Refrain from subjecting the juvenile to greater restraint than is necessary for his apprehension; (f) Avoid violence or unnecessary force; (g) Notify the parents of the juvenile or his nearest relative or guardian, if any, and the local social welfare officer as soon as the apprehension is made; (h) Take the juvenile immediately to an available government medical or health officer for a physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever treatment for any physical or mental defect is necessary, steps shall be immediately taken by the said officer to provide the juvenile with the necessary and proper treatment; and (i) Hold the juvenile in secure quarters separate from that of the opposite sex and adult offenders.

Sec. 7. Taking Custody of a Juvenile Without a Warrant.— A peace officer or a private person taking into custody a juvenile in conflict with the law without a warrant shall likewise follow the provisions of Sections 5, 8 and 9 of Rule 113 of the Revised Rules of Criminal Procedure and shall forthwith deliver him to the nearest police station. The juvenile shall be proceeded against in accordance with Section 7 of Rule 112. Sec. 8. Conduct of Initial Investigation by the Police.— The police officer conducting the initial investigation of a juvenile in conflict with the law shall do so in the presence of either of the parents of the juvenile; in the absence of both parents, the guardian or the nearest relative, or a social welfare officer, and the counsel of his own choice. In their presence, the juvenile shall be informed of his constitutional rights during custodial investigation. The right of the juvenile to privacy shall be protected at all times. All measures necessary to promote this right shall be taken, including the exclusion of the media. Sec. 9. Fingerprinting and Photographing of the Juvenile.— While under investigation, no juvenile in conflict with the law shall be fingerprinted or photographed in a humiliating and degrading manner. The following guidelines shall be observed when fingerprinting or photographing the juvenile:

(a) His fingerprint and photograph files shall be kept separate from those of adults and shall be kept confidential. They may be inspected by law enforcement officers only when necessary for the discharge of their duties and upon prior authority of the Family Court; (b) His fingerprints and photographs shall be removed from the files and destroyed: (1) if the case against him is not filed, or is dismissed; or (2) when the juvenile reaches twenty one (21) years of age and there is no record that he committed an offense after reaching eighteen (18) years of age.

Sec. 10. Intake Report by the Social Welfare Officer.— Upon the taking into custody of a juvenile in conflict with the law, the social welfare officer assigned to him by the DSWD shall immediately undertake a preliminary background investigation of the juvenile and submit, prior to arraignment of the juvenile, a report on his findings to the Family Court in which the case may be filed. Sec. 11. Filing of Criminal Action.— A criminal action may be instituted against a juvenile in conflict with the law by filing a complaint with the prosecutor or the municipal trial court in cases where a preliminary investigation is required. In Manila and other chartered cities, if their charters so provide, the complaint shall be filed with the Office of the Prosecutor. It may also be filed directly with the Family Court if no preliminary investigation is required under Section 1 of Rule 112 of the Revised Rules of Criminal Procedure. All criminal actions commenced by complaint or information shall be prosecuted under the direction and control of the public prosecutor assigned to the Family Court. Sec. 12. Prosecution of Civil Action.— When a criminal action is instituted against a juvenile in conflict with the law, the action for recovery of civil liability arising from the offense charged shall be governed by Rule 111 of the Revised Rules of Criminal Procedure. Sec. 13. Preliminary Investigation.— As far as consistent with this Rule, the preliminary investigation of a juvenile in conflict with the law shall be governed by Section 3 of Rule 112 of the Revised Rules of Criminal Procedure. If clarificatory questions become necessary, the Rule on Examination of a Child Witness shall apply. If a preliminary investigation is required before the filing of a complaint or information, the same shall be conducted by the judge of the Municipal Trial Court or the public prosecutor in accordance with the pertinent provisions of Rule 112 of the Revised Rules of Criminal Procedure. If the investigating prosecutor finds probable

cause to hold the juvenile for trial, he shall prepare the corresponding resolution and information for approval by the provincial or city prosecutor, as the case may be. The juvenile, his parents/nearest relative/guardian and his counsel shall be furnished forthwith a copy of the approved resolution. Sec. 14. Venue.— Subject to the provisions of Section 15, Rule 110 of the Revised Rules of Criminal Procedure, any criminal or civil action involving a juvenile in conflict with the law shall be instituted and tried in the Family Court of or nearest the place where the offense was committed or where any of its essential elements occurred. Sec. 15. Recognizance.— Before final conviction, all juveniles charged with offenses falling under the Revised Rule on Summary Procedure shall be released on recognizance to the custody of their parents or other suitable person who shall be responsible for the juveniles' appearance in court whenever required. Sec. 16. When Bail a Matter of Right.— All juveniles in conflict with the law shall be admitted to bail as a matter of right before final conviction of an offense not punishable by death, reclusion perpetua or life imprisonment. In the event the juvenile cannot post bail for lack of financial resources, the Family Court shall commit the juvenile pursuant to Section 18 of this Rule. However, where the juvenile does not pose a threat to public safety, the Family Court may, *motu proprio* or upon motion and recommendation of the DSWD, release the juvenile on recognizance to the custody of his parents or other responsible person. Sec. 17. When Bail Not A Matter of Right.— No juvenile charged with an offense punishable by death, reclusion perpetua or life imprisonment shall be admitted to bail when evidence of guilt is strong. Sec. 18. Care of Juveniles in Conflict with the Law.— The juvenile charged with having committed a delinquent act, held for trial or while the case is pending appeal, if unable to furnish bail or is denied bail, shall, from the time of his being taken into custody, be committed by the Family Court to the care of the DSWD, a youth detention center, or a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the said court. The center or agency concerned shall be responsible for the juvenile's appearance in court whenever required. In the absence of any such center or agency within a reasonable distance from the venue of the trial, the juvenile shall be detained in the provincial, city or municipal jail which shall provide adequate quarters for the juvenile separate from adult detainees and detainees of the opposite sex. Sec. 19. Case Study Report.— After the institution of the criminal action, the social worker of the Family Court shall immediately undertake a case study of the juvenile and his family, his environment and such other matters relevant to the proper disposition of the case. His report shall be submitted within the period fixed by the Family Court, preferably before arraignment, to aid it in the proper disposition of the case. Sec. 20. Diversion Proceedings Before Arraignment.— Where the maximum penalty imposed by law for the offense with which the juvenile in conflict with the law is charged is imprisonment of not more than six (6) months, regardless of fine or fine alone regardless of amount, and the corresponding complaint or information is filed with the Family Court, the case shall not be set for arraignment; instead, it shall forthwith be referred to the Diversion Committee which shall determine whether the juvenile can be diverted and referred to alternative measures or services offered by non-court institutions. Pending determination by the Committee, the court shall deliver the juvenile on recognizance to the custody of his parents or legal guardian who shall be responsible for the presence of the juvenile during the diversion proceedings. Sec. 21. Diversion Committee.— In each Family Court, there shall be a Diversion Committee to be composed of its branch clerk of court as chairperson, and the prosecutor, a lawyer of the Public Attorney's Office and the social worker assigned to the said Family Court as members. The chairperson of the Committee shall call for a conference with notice to the juvenile, his parents/legal guardian and his counsel, and the private complainant and his counsel, and recommend to the Family Court whether the juvenile should be diverted to a diversion program or undergo formal court proceedings. In making its recommendation, the Committee shall consider the following factors:

- a) The record of the juvenile on his conflict with the law; b) Whether the imposable maximum penalty of the offense is more than six (6) months, regardless of fine; or only a fine, regardless of amount; c) Whether the juvenile is an obvious threat to himself and/or the community; d) Whether the juvenile is unrepentant; e)

Whether the juvenile or his parents are indifferent or hostile; and f) Whether the juvenile's relationships with his peers increase the possibility of delinquent behavior.

If the Committee recommends diversion, it shall submit the diversion program for the juvenile for the consideration and approval of the court. The Committee cannot recommend diversion should the juvenile or the private complainant object thereto. If no diversion program is recommended, the court shall include the case in its calendar for formal proceedings. Consent to diversion by the juvenile or payment by him of civil indemnity shall not in any way be construed as admission of guilt and used as evidence against him in the event that his case is included in the court calendar for formal proceedings. Sec. 22. Diversion Programs.— The diversion program designed by the Committee shall be distinct to each juvenile in conflict with the law limited for a specific period. It may include any or a combination of the following:

a) Written or oral reprimand or citation; b) Return of property; c) Payment of the damage caused; d) Written or oral apology; e) Guidance and supervision orders; f) Counseling for the juvenile and his family; g) Training, seminars and lectures on (i) anger management skills; (ii) problem-solving and/or conflict resolution skills; (iii) values formation; and (iv) other skills that will aid the juvenile to properly deal with situations that can lead to a repetition of the offense; h) Participation in available community-based programs; i) Institutional care and custody; or j) Work-detail program in the community.

Sec. 23. Hearing of Diversion Program.— The Family Court shall set the recommendation and diversion program for hearing within ten (10) days from receipt thereof. Sec. 24. Undertaking.— In all cases where a juvenile in conflict with the law is given the benefit of a diversion program, an undertaking describing the program shall be signed by him, his parents or legal guardian and the complainant, and approved by the Family Court. The program, which shall be enforced under the supervision and control of the Family Court, shall contain the following terms and conditions:

a) The juvenile shall present himself to the social worker of the Family Court that approved the diversion program at least once a month for evaluation of its effectiveness. Whenever the juvenile is permitted to reside in a place under the jurisdiction of another Family Court, control and supervision over him shall be transferred to the Family Court of that place, and in such case, a copy of the undertaking, the intake and case study reports and other pertinent records shall be furnished the said court. Thereafter, the Family Court to which jurisdiction over the juvenile is transferred shall have the power with respect to the latter that was previously possessed by the Family Court that approved the diversion and such other conditions as the Committee may deem just and proper under the circumstances. b) The juvenile shall faithfully comply with the terms and conditions in the undertaking. His non-compliance shall be referred by the Committee to the Family Court where the case has been transferred for a show-cause hearing with notice to the juvenile and private complainant. The court shall determine whether the juvenile should continue with the diversion program or his case returned to the original court for formal proceedings.

The Family Court shall exert its best efforts to secure satisfaction of the civil liability of the juvenile and his parents or guardian. However, inability to pay the said liability shall not by itself be a ground to discontinue the diversion program of the juvenile. Sec. 25. Closure Order.— The juvenile subject of diversion proceedings shall be visited periodically by the Family Court social worker who shall submit to the Committee his reports thereon. At any time before or at the end of the diversion period, a report recommending closure or extension of diversion, as the case may be, shall be filed by the Committee with the Family Court. The report and recommendation shall be heard by the Family Court within fifteen (15) days from its receipt thereof, with notice to the members of the Committee, the juvenile and his parents or legal guardian and counsel and the complainant to determine whether the undertaking has been fully and satisfactorily complied with. If the juvenile has complied with his undertaking, the Family Court shall issue the corresponding closure order terminating the diversion program. It may, however,

extend the period of diversion to give the juvenile a further chance to be rehabilitated. In the event the court finds that the diversion program will no longer serve its purpose, it shall include the case of the juvenile in its calendar for formal proceedings. Sec. 26. Duty of the Family Court to Protect the Rights of the Juvenile.— In all criminal proceedings in the Family Court, the judge shall ensure the protection of the following rights of the juvenile in conflict with the law:

a) To be presumed innocent until the contrary is proved beyond reasonable doubt; b) To be informed promptly and directly of the nature and cause of the charge against him, and if appropriate, through his parents or legal guardian; c) To be present at every stage of the proceedings, from arraignment to promulgation of judgment. The juvenile may, however, waive his presence at the trial pursuant to the stipulations set forth in his bail, unless his presence at the trial is specifically ordered by the court for purposes of identification. The absence of the juvenile without justifiable cause at the trial of which he had notice shall be considered a waiver of his right to be present thereat. When the juvenile under custody escapes, he shall be deemed to have waived his right to be present in all subsequent hearings until custody over him is regained; d) To have legal and other appropriate assistance in the preparation and presentation of his defense; e) To testify as a witness in his own behalf and subject to cross-examination only on matters covered by direct examination, provided that the Rule on the Examination of a Child Witness shall be observed whenever convenient and practicable. The juvenile shall not be compelled to be a witness against himself and his silence shall not in any manner prejudice him; f) To confront and cross-examine the witnesses against him; g) To have compulsory process issued to secure the attendance of witnesses and production of other evidence in his behalf; h) To have speedy and impartial trial, with legal or other appropriate assistance and preferably in the presence of his parents or legal guardian, unless such presence is considered not to be in the best interests of the juvenile taking into account his age or other peculiar circumstances; i) To appeal in all cases allowed and in the manner prescribed by law; j) To be accorded all the rights under the Rule on Examination of a Child Witness; and k) To have his privacy fully respected in all stages of the proceedings.

Sec. 27. Arraignment and Plea.— The provisions of Rules 116 and 117 of the Revised Rules of Criminal Procedure shall apply to the arraignment of the juvenile in conflict with the law. The arraignment shall be scheduled within seven (7) days from the date of the filing of the complaint or information with the Family Court, unless a shorter period is provided for by law. Arraignment shall be held in chambers and conducted by the judge by furnishing the juvenile a copy of the complaint or information, reading the same in a language or dialect known to and understood by him, explaining the nature and consequences of a plea of guilty or not guilty and asking him what his plea is. Sec. 28. Pre-trial.— The provisions of Rule 118 of the Revised Rules of Criminal Procedure shall govern the pre-trial of the juvenile in conflict with the law. Agreements or admissions made during the pre-trial conference shall be in writing and signed by the juvenile, his parents or guardian and his counsel; otherwise, they cannot be used against him. Whenever possible and practicable, the Family Court shall explore all possibilities of settlement of the case, except its criminal aspect. Plea bargaining shall be resorted to only as a last measure when it will serve the best interests of the juvenile and the demands of restorative justice. Sec. 29. Trial.— All hearings shall be conducted in a manner conducive to the best interests of the juvenile and in an environment that will allow him to participate fully and freely in accordance with the Rule on Examination of a Child Witness. Sec. 30. Guiding Principles in Judging the Juvenile.— Subject to the provisions of the Revised Penal Code, as amended, and other special laws, the judgment against a juvenile in conflict with the law shall be guided by the following principles:

1. It shall be in proportion to the gravity of the offense, and shall consider the circumstances and the best interests of the juvenile, the rights of the victim, the needs of society in line with the demands of restorative justice.
2. Restrictions on the personal liberty of the juvenile shall be limited to the minimum. Where discretion is given by law to the judge to determine whether the penalty to be imposed is fine or imprisonment, the imposition of the former should be preferred as the more appropriate penalty.
3. No corporal punishment shall

be imposed.

Sec. 31. Promulgation of Sentence.— If after trial the Family Court should find the juvenile in conflict with the law guilty, it shall impose the proper penalty, including any civil liability which the juvenile may have incurred, and promulgate the sentence in accordance with Section 6, Rule 120 of the Revised Rules of Criminal Procedure. Sec. 32. Automatic Suspension of Sentence and Disposition Orders.— The sentence shall be suspended without need of application by the juvenile in conflict with the law. The court shall set the case for disposition conference within fifteen (15) days from the promulgation of sentence which shall be attended by the social worker of the Family Court, the juvenile, and his parents or guardian ad litem. It shall proceed to issue any or a combination of the following disposition measures best suited to the rehabilitation and welfare of the juvenile:

1. Care, guidance, and supervision orders; 2. Community service orders; 3. Drug and alcohol treatment; 4. Participation in group counseling and similar activities; 5. Commitment to the Youth Rehabilitation Center of the DSWD or other centers for juveniles in conflict with the law authorized by the Secretary of the DSWD.

The Social Services and Counseling Division (SSCD) of the DSWD shall monitor the compliance by the juvenile in conflict with the law with the disposition measure and shall submit regularly to the Family Court a status and progress report on the matter. The Family Court may set a conference for the evaluation of such report in the presence, if practicable, of the juvenile, his parents or guardian, and other persons whose presence may be deemed necessary. The benefits of suspended sentence shall not apply to a juvenile in conflict with the law who has once enjoyed suspension of sentence, or to one who is convicted of an offense punishable by death, reclusion perpetua or life imprisonment, or when at the time of promulgation of judgment the juvenile is already eighteen (18) years of age or over. Sec. 33. Discharge of Juvenile Subject of Disposition Measure.— Upon the recommendation of the SSCD and a duly authorized officer of the DSWD, the head of an appropriate center or the duly accredited child-caring agency which has custody over the juvenile, the Family Court shall, after due notice to all parties and hearing, dismiss the case against the juvenile who has been issued disposition measures, even before he has reached eighteen (18) years of age, and order a final discharge if it finds that the juvenile has behaved properly and has shown the capability to be a useful member of the community. If the Family Court, however, finds that the juvenile has not behaved properly, has been incorrigible, has not shown the capability of becoming a useful member of society, has willfully failed to comply with the conditions of his disposition or rehabilitation program, or should his continued stay in the training institution where he has been assigned be not in his best interests, he shall be brought before the court for execution of his judgment. If the juvenile in conflict with the law has reached the age of eighteen (18) years while in commitment, the Family Court shall determine whether to dismiss the case in accordance with the first paragraph of this Section or to execute the judgment of conviction. In the latter case, unless the juvenile has already availed of probation under Presidential Decree No. 603 or other similar laws, he may apply for probation if qualified under the provisions of the Probation Law. The final release of the juvenile shall not extinguish his civil liability. The parents and other persons exercising parental authority over the juvenile shall be civilly liable for the injuries and damages caused by the acts or omissions of the juvenile living in their company and under their parental authority subject to the appropriate defenses provided by law. Sec. 34. Probation as an Alternative to Imprisonment.— After promulgation of sentence and upon application at any time by the juvenile in conflict with the law within the period to appeal, the Family Court may place the juvenile on probation, if he is qualified under the Probation Law. Sec. 35. Credit in Service of Sentence.— The juvenile in conflict with the law who has undergone preventive imprisonment shall be credited in the service of his sentence consisting of deprivation of liberty, with the full time during which he has undergone preventive imprisonment, if he agrees voluntarily in writing to abide by the same or similar disciplinary rules imposed upon convicted prisoners, except in any of the following cases:

1. When the juvenile is a recidivist or has been convicted previously twice or more times of any crime; or 2.

When upon being summoned for execution of sentence, he failed to surrender voluntarily.

If the juvenile does not agree to abide by the same disciplinary rules imposed upon convicted prisoners, he shall be credited in the service of his sentence with four-fifths of the time during which he has undergone preventive imprisonment. Whenever the juvenile has undergone preventive imprisonment for a period equal to or more than the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review. In case the maximum penalty to which the juvenile may be sentenced is destierro, he shall be released after thirty (30) days of preventive imprisonment. Any form of physical restraint imposed on the juvenile in conflict with the law, including community service and commitment to a rehabilitation center, shall be considered preventive imprisonment. Sec. 36. Confidentiality of Proceedings and Records.— All proceedings and records involving juveniles in conflict with the law from initial contact until final disposition of the case by the Family Court shall be considered privileged and confidential. The public may be excluded from the proceedings and, pursuant to the provisions of Section 31 of the Rule on Examination of a Child Witness, the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the juvenile may have his sentence suspended under Section 25 of this Rule or if he may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action. The Family Court shall take other measures to protect this confidentiality of proceedings including non-disclosure of records to the media, the maintenance of a separate police blotter for cases involving juveniles in conflict with the law and the adoption of a system of coding to conceal material information, which will lead to the juvenile's identity. Records of juveniles in conflict with the law shall not be used in subsequent proceedings or cases involving the same offender as an adult. Sec. 37. Non-liability for perjury or concealment or misrepresentation.— Any person who has been in conflict with the law as a juvenile shall not be held guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him for any purpose. Sec. 38. Sealing of Records.— The Family Court *motu proprio*, or on application of a person who has been adjudged a juvenile in conflict with the law, or if still a minor, on motion of his parents or legal guardian, shall, upon notice to the prosecution and after hearing, order the sealing of the records of the case if it finds that two (2) years have elapsed since the final discharge of the juvenile after suspension of sentence or probation, or from the date of the closure order and he has no pending case of an offense or a crime involving moral turpitude. Upon entry of the order, the case shall be treated as if it never occurred. All index references shall be deleted and in case of inquiry, the Family Court, prosecution, law enforcement officers and all other offices and agencies that dealt with the case shall reply that no record exists with respect to the juvenile concerned. Copies of the order shall be sent to these officials and agencies named in the order. Inspection of the sealed records thereafter may be permitted only by order of the Family Court upon petition of the juvenile who is the subject of the records or of other proper parties. This procedure shall be without prejudice to the rule on destruction of video or audio tapes under Section 31 of the Rule on the Examination of a Child Witness. Sec. 39. Prohibition Against Labeling.— In the conduct of proceedings from initial contact with the juvenile in conflict with the law to the final disposition of the case, there shall be no branding or labeling of the latter as a young criminal, juvenile delinquent, prostitute, vagrant, or attaching to him in any manner any derogatory name. Likewise, no discriminatory remarks and practices shall be allowed, particularly with respect to the juvenile's social or economic status, physical disability or ethnic origin. Sec. 40. Contempt Powers.— A person who directly or indirectly disobeys any order of the Family Court or obstructs or interferes with its proceedings or the enforcement of its orders issued under this Rule shall be liable for contempt of court. Sec. 41. Effectivity.— This rule shall take effect on April 15, 2002 after its publication in a newspaper of general circulation not later than March 15, 2002.

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