

OCA CIRCULAR NO. 101-2005, October 06, 2005

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TO:

ALL JUDGES OF FAMILY COURTS

SUBJECT:

COMMITMENT OF JUVENILES IN CONFLICT WITH THE LAW

The attention of this Office has been called to the continued practice of judges of immediately committing youthful offenders to provincial, city and municipal jails despite the presence of Department of Social Welfare and Development (DSWD) offices, youth detention centers or local rehabilitation centers within the jurisdiction of the courts. Judges must take into consideration that jail facilities, at present, are severely congested and are beset with manpower, logistical and budgetary constraints.

Judges are reminded that the Court, in seeking to promote the best interests of the child in conformity with Philippine laws and the United Nation's Convention on the Rights of the Child, passed the Resolution dated February 28, 2002 in A.M. No. 02-1-18-SC, approving the Rule on Juveniles in Conflict with the Law.

Quoted hereunder is the pertinent provision of the Rule relative to the commitment of youthful offenders, to wit:

"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."

For your information and guidance.

October, 2005.

PRESBITERO J. VELASCO, JR.

Court Administrator

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