

The Minimum Age of Criminal Responsibility in the Philippines: Balancing International Standards and Domestic Concerns

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Abstract : This paper answers the question whether the minimum age of criminal responsibility under the Republic Act No. 9344 (Juvenile Justice Act) as amended by Republic Act No. 10630 should be lowered to 15 years of age or not in the light of international standards and domestic concerns both of which will definitely elicit strong views. It also explores the specific provision on the minimum age of criminal responsibility under the Republic Act No. 9344 (Juvenile Justice Act) and traces the bases of such law by discussing its presented evidences and justifications as reflected in the records of proceedings in the law-making phase. On one hand, the paper discusses the impact of lowering the minimum age to the state of juvenile delinquencies and to the rate of rehabilitation for those CICL who have undergone the DSWD-supervised recovery programs. On the other hand, it presents its impact to the international community specifically to the Committee of the Rights of the Child and the UNICEF considering that the even the current minimum age set in RA 9344 is lower than the international standards. Document review and content analysis are the major research tools. Primary and secondary sources were used as references such as Philippine laws on juvenile justice and from the different states international think-tanks. The absence of reliable evidences on criminal capacity made the arguments in increasing the MACR in the harder position. Studies on criminal capacity vary from different countries and from practitioners in in the fields of psychology, psychiatry and forensics. Juvenile delinquency is mainly contributed by poverty and dysfunctional families. On the other hand, the science of the criminal mind specifically among children has not been established yet. Philippines have the legal obligations to be faithful to the CRC and other related international instruments for the juvenile justice and welfare system. Decreasing MACR does not only send wrong message to the international community but the Philippines is violating its own laws.

Keywords : juvenile justice, minimum age of responsibility (MAR), juvenile justice act of the Philippines, children in conflict with the law, international standards on juvenile justice

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