

Batang Bata Ka Pa: An Analysis of the Philippine Minimum Age of Criminal Responsibility in Light of International Standards

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Upon the passage of the Juvenile Justice and Welfare Act in 2006, the Philippines' minimum age of criminal responsibility (MACR) was increased to 15 years, with a *doli incapax* presumption for those above 15 to below 18 years. The Act was in compliance with international standards set by the Convention on the Rights of the Child (CRC). While the CRC did not fix a standard age of criminal responsibility, General Comment No. 10 which elucidated the CRC, set the age at 12 years, and stated that anything below such age is internationally unacceptable.

The Act was amended in 2012, maintaining the previously-stated ages, but adding a new qualification — children between the ages of 12 to 15 are to undergo mandatory detention if they commit serious crimes or are repeat offenders. This new addition raises questions as whether or not the Philippine MACR is still in compliance with international standards.

This Article enumerates the conditions set under international standards as a guideline to analyze the Act and determine whether or not the Philippine MACR is in compliance with international standards. It is found that, while the Act, as amended, is essentially compliant with the standards set, it is nevertheless non-compliant upon the introduction of the new qualification. The addition is discriminatory, against the child's best interests, and in violation of international standards. The Author thus concludes that critical amendments must be introduced, taking into account sound legislative intent and children's rights.