Some authorities would contend that the reason why their pushing for the lowering of the minimum age of criminal responsibility (MACR) is the surge of crimes involving children because they are used by syndicates and other perpetrators. They said that felons use this exemption from criminal liability as leverage. These contentions however are not supported by any statistics but are mere assumptions. More so, why shift the blame to our children just because some authorities and other stakeholders are allegedly ineffective in combating crimes. Even if it were true that crimes nowadays are with involvement of children, they should not take the fall, because mindful or not, they are just pushed, forced or even threatened to violate our laws, owing moral ascendancy to these alleged syndicated felons who should be the ones protecting or rearing them.

Whether to lower the minimum age of criminal responsibility is non-negotiable. With the promulgation of Republic Act 9344, popularly known as the Juvenile Justice and Welfare Act of 2006, we acknowledge the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being and that it shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party. What the change now?

After months of battling attempts to amend RA 9344, the State has given it a rest to give way to more prioritized legislations but not because they have already succumb to clamors of child advocates in and outside of the country. Unfortunately, it has found a more clever but sneaky way of amending the law, as introduced by the Criminal Code Committee created by the Department of Justice (DOJ) as an amendment to the Revised Penal Code, specifically Art. 12* thereof. Although still a draft, we deem it vigilant to raise our concern now, the earliest possible time.

* Art. 12. Circumstances which exempt from criminal liability. — the following are exempt from criminal liability:

1. A person under nine years of age.
2. A person under nine years of age and under fifteen, unless he has acted with discernment, in which case, such minor shall be proceeded against in accordance with the provisions of Art. 80 of this Code.

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**INEPT SOLUTIONS**

The amendment of the MACR is not the solution. We should protect our children, not castigate them. Even if children in conflict with the law (CICL), they should be rehabilitated and reformed and not treated as hardened criminals. What will happen to them if place and restricted in areas like the photo shown above? It is the duty of the government to at least prevent crimes if not to eradicate and such duty includes providing welfare programs to uplift the living standards of Filipinos in order to deter them from resorting to crimes in order to live, children or adults.

**PHILIPPINES IS DUTYBOUND**

In the recent Universal Periodic Review, the Philippines noted the recommendation to:

P - 131.29. Ensure that the age of criminal responsibility is not lowered

Accordingly, the government claimed that it is already implemented or in the process of implementation. Hence, as a state-party to the UN Convention on the Rights of a Child, the Philippines is duty bound to respect, protect, and fulfill it.