



## MEMORANDUM

FOR : All Punong Barangays  
The District Director and Police Station Commanders, Quezon City  
Police District (QCPD)  
The Chairman and Members, Quezon City Incident Command System –  
Law and Order Cluster  
The Head, Barangay and Community Relations Department (BCRD)  
The Head, Social Services and Development Department (SSDD)  
The Head, Quezon City Health Department (QCHD)  
The Director, Quezon City General Hospital  
The Director, Novaliches District Hospital  
The Director, Rosario Maclang Bautista General Hospital  
The OIC, Public Affairs and Information Services Department (PAISD)  
All Concerned

SUBJECT : GUIDELINES ON THE WARRANTLESS APPREHENSION AND  
ARREST OF VIOLATORS OF QUARANTINE MEASURES WITHIN THE  
TERRITORIAL JURISDICTION OF QUEZON CITY DURING THE  
PERIODS OF GENERAL COMMUNITY QUARANTINE (GCQ) AND  
MODIFIED GENERAL COMMUNITY QUARANTINE (MGCQ)

DATE : 13 July 2020

## BACKGROUND

1. A marked increase in COVID-19 cases have been observed in Quezon City following the successive downgrading of community quarantine classifications covering the National Capital Region (NCR) pursuant to relevant Resolutions issued by the Inter-Agency Task Force for the Management of Emerging and Infectious Diseases (IATF). Hence, there is a recognized need to implement, among others, heightened enforcement of Quarantine Measures such as the prevention of mass gatherings, social distancing, wearing of facemasks, etc.
2. Relative thereto, these Guidelines are being issued to provide all concerned with the following:
  - (a) The proper and lawful instances in which warrantless apprehensions and arrests can be made against violators of Quarantine Measures at this time of GCQ and MGCQ; and
  - (b) The proper and lawful procedure in the disposition of the said warrantless apprehensions and arrests.

## LEGAL BASIS

3. Cooperation Expected of Those in Authority and Those Deemed to be Potentially Contagious, Republic Act (R.A.) No. 11332, or the *Law on Reporting of Communicable Diseases*, provides:

Section 9. *Prohibited Acts* – The following shall be prohibited under this Act: ... xxx ... (d) Non-cooperation of persons and entities that should report and/or respond to notifiable diseases or health events of public concern; and (e) Non-cooperation of the

person or entities identified as having the notifiable disease, or affected by the health event of public concern.

Section 10. *Penalties.* – Any person or entity found to have violated Section 9 of this Act shall be penalized with a fine of not less than Twenty Thousand Pesos (20,000.00) but not more than Fifty Thousand Pesos (50,000.00) or imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment, at the discretion of the proper court.

4. **Willingness to Surrender Expected of Those to be Apprehended and Arrested.** *R.A. No. 3815, or the Revised Penal Code of the Philippines, as amended by R.A. No. 10951, provides:*

**Article 151. Resistance and disobedience to a person in authority or the agents of such person.** – *The penalty of arresto mayor and a fine not exceeding One Hundred Thousand Pesos (P100,000) shall be imposed upon any person who not being included in the provisions of the preceding articles shall resist or seriously disobey any person in authority, or the agents of such person, while engaged in the performance of official duties. When the disobedience to an agent of a person in authority is not of a serious nature, the penalty of arresto menor or a fine ranging from Two Thousand Pesos (P2,000) to Twenty Thousand Pesos (P20,000) shall be imposed upon the offender.*

#### **PROCEDURE IN EFFECTING ARREST WITHOUT A WARRANT**

5. Consistent with the Legal Basis aforementioned, and as an emergency measure at this time of increased COVID-19 cases, the following simplified standard operating procedure (SOP) shall be followed in the conduct of a warrantless arrest covered by Rule 113, Section 5 (a) and (b) of the Revised Rules of Criminal Procedure (definitions of terms are presented as ANNEX A):
- (1) For the purposes of this Memorandum, a peace officer or a private person may, without a warrant, arrest a person (a list of violations of Quarantine Measures is presented as ANNEX B):
    - (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense; and
    - (b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it.
  - (2) At the time of arrest, the arresting officer, whether the Barangay official/tanod, City official, or the QCPD operatives shall:
    - (a) Inform the arrested person of his/her violation including the Miranda Rights under Section 12, Article III of the Constitution and the Anti-Torture warning; and
    - (b) The Apprehending officer must introduce himself or herself;
  - (3) The arresting officer shall bring the person arrested to the nearest Police Station for arrest and booking procedures. To avoid congestion, the Station Commanders and the Punong Barangays may identify temporary detention facilities.
  - (4) Medical or Physical Examination shall be conducted at any nearest government hospital. If at a Quezon City Government Hospital, *e.g. Quezon City General Hospital, Novaliches District Hospital and Rosario Maclang Hospital*, costs of the medical or physical examination shall be shouldered by the City Government through SSDD upon presentation by the apprehending officer of an official Identification Card (original and photocopy) of a Quezon City Barangay, a QCPD Unit, or a City Department, and following a queuing system in order to avoid congestion at the hospital, until such time that an Ordinance is enacted by the City Council for this purpose. If in any other government hospital, costs will be shouldered by the arresting organization, until payment arrangements between the City Government and other government hospitals selected on the basis of location and capacity are in place. Upon completion of the

Medical or Physical Examination, the Desk Officer shall continue with other necessary documentary requirements.

Provided further that, Quezon City General Hospital, Novaliches District Hospital and Rosario Maclang Hospital shall provide a priority lane for cases covered by this Memorandum.

- (5) The Desk Officer shall assign an Investigator-On-Case (IOC) to commence investigation proper.
  - (6) A statement or affidavit of arrest shall be taken by the Arresting Officer.
  - (7) The IOC shall ask the suspect if he/she has a counsel of his/her choice. If none, a video conference or a communication will be prepared to request one from the Public Attorney's Office.
  - (8) The IOC shall gather pieces of evidence such as CCTV footages, photos, etc., and prepare scanned and electronic copies of the same. The IOC shall likewise prepare a referral to the Office of the City Prosecutor through e-mail, for inquest, e-inquest, or regular preliminary investigation proceedings and attach all the pertinent documentation and pieces of evidence.
  - (9) Pursuant to Office Order No. 43 dated May 8, 2020 issued by the City Prosecutor of Quezon City, cases with penalty of six (6) years and below, and those arrested without warrant shall be subject for electronic inquest (*e-inquest*) proceedings.
  - (10) The procedures provided herein shall be implemented by the operatives of the QCPD in accordance with their Revised Police Operational Procedures Manual in effecting warrantless arrest.
6. To further facilitate warrantless arrests, subsequent guidelines will be disseminated governing the issuance of Ordinance Violation Receipts (OVRs), pursuant to Section 2 of Quezon City Ordinance No. SP-2752 s.2018, *An Ordinance Providing for the Procedures in Cases of Violation of City Ordinances Imposing Fines, Penalties and Community Services*, specific to health regulation violations such as Quarantine Measures.

#### **IMPLEMENTATION**

7. All Punong Barangays, the QCPD District Director and Station Commanders, the Chairman and Members of the Law and Order Cluster, and the Heads of the BCRD, SSDD, QCHD, and PAISD are hereby directed to ensure dissemination of and compliance with all the foregoing.

**For Strict Compliance.**



**MA. JOSEFINA G. BELMONTE**  
City Mayor

## ANNEX A

### DEFINITIONS

The *Revised Rules of Criminal Procedure, Rule 113 – Arrest*, provides the following:

Section 1. *Definition of arrest.* – Arrest is the taking of a person into custody in order that he may be bound to answer for the commission of an offense.

Section 2. *Arrest; how made.* – An arrest is made by an actual restraint of a person to be arrested, or by his submission to the custody of the person making the arrest. No violence or unnecessary force shall be used in making an arrest. The person arrested shall not be subject to a greater restraint than is necessary for his detention.

Section 5. *Arrest without warrant; when lawful.* – A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraph (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be processed in accordance with section 7 of Rule 112.

Section 7, Rule 112. *When accused lawfully arrested without warrant.* – When a person is lawfully arrested without a warrant involving an offense which requires a preliminary investigation, the complaint or information may be filed by a prosecutor without need of such investigation provided an inquest has been conducted in accordance with existing rules. In the absence or unavailability of an inquest prosecutor, the complaint may be filed by the offended party or a peace officer directly with the proper court on the basis of the affidavit of the offended party or arresting officer or person.

Before the complaint or information is filed, the person arrested may ask for a preliminary investigation in accordance with this Rule, but he must sign a waiver of the provisions of Article 125 of the Revised Penal Code, as amended, in the presence of his counsel. Notwithstanding the waiver, he may apply for bail and the investigation must be terminated within fifteen (15) days from its inception.

After the filing of the complaint or information in court without a preliminary investigation, the accused may, within five (5) days from the time he learns of its filing, ask for a preliminary investigation with the same right to adduce evidence in his defense as provided in this Rule. (7a; Sec. 2, R.A. No. 7438)

Section 6. *Time of making arrest.* – An arrest may be made on any day and at any time of the day or night.

Section 8. *Method of arrest by officer without warrant.* – When making an arrest without a warrant, the officer shall inform the person to be arrested of his authority and the cause of the arrest, unless the latter is either engaged in the commission of an offense, is pursued immediately after its commission, has escaped, flees or forcibly resists before the officer has opportunity so to inform him, or when the giving of such information will imperil the arrest.

Section 9. *Method of arrest by private person.* – When making an arrest, a private person shall inform the person to be arrested of the intention to arrest him and cause of the arrest, unless the latter is either engaged in the commission of an offense, is pursued immediately after its commission, or has escaped, flees, or forcibly resists before the person making the arrest has opportunity to so inform him, or when the giving of such information will imperil the arrest.

Section 10. *Officer may summon assistance.* – An officer making a lawful arrest may orally summon as many persons as he deems necessary to assist him in effecting the arrest. Every person so summoned by an officer shall assist him in effecting the arrest when he can render such assistance without detriment to himself.

Section 11. *Right of officer to break into building or enclosure.* – An officer, in order to make an arrest either by virtue of a warrant, or without a warrant as provided in section 5, may break into any building or enclosure where the person to be arrested is or is reasonably believed to be, if he is refused admittance thereto, after announcing his authority and purpose.

Section 12. *Right to break out from building or enclosure.* – Whenever an officer has entered the building or enclosure in accordance with the preceding section, he may break out therefrom when necessary to liberate himself.

## ANNEX B

### LIMITED GATHERINGS AND SOCIAL DISTANCING

Quezon City Ordinance No. SP-2934 s.2020, *An Ordinance Enabling the Declaration of Localized Community Quarantine in Quezon City and Providing for Localized Guidelines Therefor*, provides:

Section 4. *Guidelines for Areas Under Localized GCQ* - (a) Limited Gatherings - Only limited gatherings of up to 10 people, or such other number as may be prescribed under national guidelines or implementing rules of this Ordinance, shall be allowed.

Section 5. *Guidelines for Areas Under Localized MGCQ* - (a) Gatherings at 50% Capacity - Public gatherings including movie screenings, concerts, religious gatherings and entertainment activities shall be allowed only at 50% of the venue or seating capacity, or such other limitations as may be prescribed under national guidelines or implementing rules of this Ordinance.

Section 7. *Health Measures* - (a) Social Distancing - All workplaces shall, to the extent feasible, adopt arrangements to enable both workers and customers to maintain at least a one-meter distance from one another in the course of their public interactions ... xxx ...

Section 14. *Violation* - Persons who violate any provision of this Ordinance shall be penalized with a fine of Five Thousand (5,000) Pesos and/or imprisonment of not more than Six (6) Months at the discretion of the court. The Business Permits and Licensing Department may revoke the Business Permit of any establishment that violates this Ordinance upon determination of violation through filing of complaint and conduct of proceedings. The foregoing is without prejudice to the filing of appropriate charges under Republic Act No. 11332 or any other applicable law.

### MANDATORY WEARING OF FACEMASKS OR OTHER FACE COVERINGS

Quezon City Ordinance No. SP-2908 s.2020, *An Ordinance Requiring the Use of Facemasks or Other Face Coverings in Public Places within Quezon City*, re-enacted under SP-2936, s.2020, provides:

Section 3, SP-2908. *Mandatory Wearing of Facemasks and Face Coverings* - All persons must at all times, wear a face mask or face covering while in public places in Quezon City, regardless of the length of time in such public place, purpose for being there, or proximity to another person.

Section 4, SP-2908. *Penalties* - Any person found violating this Ordinance shall be penalized as follows:

- (a) First Offense: Fine of One (1) Thousand Pesos
- (b) Second Offense: Fine of Three (3) Thousand Pesos
- (c) Third Offense: Fine of Five (5) Thousand Pesos

This Ordinance is without prejudice to the filing of charges for violation of Section 9(e) of Republic Act No. 11332, and other appropriate administrative, civil, or criminal charges under applicable law.

Section 2, SP-2936. *Duration* - This Ordinance shall remain effective until the Local Chief Executive, on recommendation of the City Health Department, determines that the emergency public health measures due to COVID-19 pandemic are no longer necessary.

## REGULATION OF LIQUOR SALES, DISTRIBUTION, AND CONSUMPTION

Quezon City Ordinance No. SP-2928 s.2020, *An Ordinance Providing Penalties for Violation of Executive Order No. 31, series of 2020 of the City Mayor in the Regulation of the Sale and Consumption of Alcoholic Beverages in Quezon City during the period of Modified Enhanced Community Quarantine (MECQ)*, as amended by SP-2938 s.2020 expanding its coverage during the General Community Quarantine (GCQ), provides:

Section 1, SP 2928 as amended. *Title* – An Ordinance providing penalties for violation of Executive Order (E.O.) No. 31, s.2020 and E.O. No. 31-B, s.2020 of the City Mayor in the regulation of the sale and consumption of alcoholic beverages in Quezon City during the period of MECQ and GCQ.

Section 1, E.O. No. 31 provides that all persons, entities, or establishments with valid Liquor License and Regulatory Board (LLRB) licenses to sell or distribute liquor, wine, beer, or any other alcoholic or intoxicating beverages (collectively, “Retailers”) shall be allowed to sell or distribute liquor, wine, beer, or any other alcoholic or intoxicating beverages (collectively, “Alcoholic Beverages”) during the MECQ, subject to the following conditions: (a) The sale or distribution of Alcoholic Beverages shall only be permitted from 1pm to 5pm each day ... xxx ...

Section 2, E.O. No. 31 provides that the consumption of any liquor, wine, beer, or any other alcoholic or intoxicating shall only be allowed within private residences for the duration of MECQ.

Section 1, E.O. No. 31-B provides that the regulation of the sale, distribution and consumption of liquor and other intoxicating beverage within the City during the MECQ period stated under E.O. No. 31, shall likewise apply during GCQ. Except the expansion of its applicability even during the GCQ, the conditions and strict enforcement provisions of E.O. No. 31 shall remain in full force and effect.

Section 2, SP 2928, as amended. *Penalties* – A. Establishments that violate the provisions of EO No. 31, s.2020 and EO No. 31-B, s.2020 shall be subjected to the following sanctions:

- 1<sup>st</sup> Offense – A fine of PhP 5,000.00
- 2<sup>nd</sup> Offense – Revocation of their Liquor License
- 3<sup>rd</sup> Offense – Revocation of their Business Permit

In case of 2<sup>nd</sup> and 3<sup>rd</sup> offenses, the same shall be implemented by the BPLD.

B. Any person who violates the provisions of EO No. 31, s. 2020 and EO No. 31-B, s. 2020 shall be subjected to the following sanctions:

- 1<sup>st</sup> Offense – A fine of PhP 3,000.00
- 2<sup>nd</sup> Offense – A fine of PhP 5,000.00
- 3<sup>rd</sup> Offense – A fine of PhP 5,000.00 and twenty-eight (28) hours of community service in their respective Barangays after the lifting of the MECQ

Section 5, SP 2928, as amended. *Effectivity* – This Ordinance shall take effect immediately, and until the Modified Enhanced Community Quarantine (MECQ) and/or General Community Quarantine (GCQ) due to COVID-19 has been lifted by the President of the Philippines.

## PUBLIC SAFETY HOURS

Quezon City Ordinance No. SP-2905 s.2020, *An Ordinance Setting Public Safety Hours within the Territorial Jurisdiction of Quezon City from 8:00pm to 5:00am, due to the Corona Virus Disease 2019 (COVID-19) Pandemic, Providing Penalties for Violation Thereof, and for other*

*Purposes*, as amended by SP-2947 s.2020 setting new Public Safety Hours commencing from 10:00pm to 5:00am, provides:

Section 3, SP 2905 as amended. *Prohibited Acts* – Except those listed in Section 4 of this Ordinance, all persons within the territorial jurisdiction of Quezon City are prohibited to roam around, loiter, wander, stay or meander in all public places during Public Safety Hours from 10 pm every night to 5am the next morning – whether singly or in groups.

Section 4, SP 2905. *Exemptions* – Any person under the following circumstances shall not be covered by the provisions of this Ordinance:

- (a) Those who are going to work or returning home from the same place of employment activity, without any detour or stop;
- (b) Those in immediate need of medical attention or emergency medicines;
- (c) Health workers and personnel in the actual performance of their duties;
- (d) Government officials and employees performing essential or emergency official functions;
- (e) Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (f) Those directly proceeding to or returning from the airport or pier, as shown by their paper or electronic tickets;
- (g) Drivers and conductors operating their public utility vehicles;
- (h) Other lawful purposes or justifiable reasons that the City Mayor may determine from time to time.

Provided that, to mitigate crime, persons riding in tandem on motorcycles shall be subjected to close scrutiny. Provided further that, the law enforcement officer may require any person found in any public place during public safety hours to present the appropriate proof of their activities (official ID, certification, plane tickets, and others).

Section 6, SP 2905. *Penalties* – Violation of any provisions of this Ordinance shall be penalized by a fine of Five Thousand (5,000) Pesos. In case the offender is unable to pay the above-mentioned fine, except for minors, (they) shall be penalized with imprisonment of one (1) year.

### **ENFORCEMENT GUIDELINES FOR MINORS**

SP 2905 likewise provides protocols when apprehending minors, in Section 5. *Enforcement Guidelines for Minors* – The procedure provided in Section 5 of Ordinance No. SP 2301, s.2014, ***An Ordinance Setting Disciplinary Hours in Quezon City for Minors from 10:00pm to 5:00am, Providing Penalties for Parent/Guardian for Violation Thereof and for Other Purposes*** shall be observed by law enforcement in dealing with minor or minors found violating this Ordinance.

Section 2, SP 2301. *Definitions* – (b) Minor – means any person under eighteen (18) years of age.

Section 5, SP 2301. *Enforcement Procedure* – In compliance with the Juvenile Justice Welfare Act of 2006 or R.A. No. 9344, law enforcement officer, a police officer, Barangay Public Safety Officer (BPSO) or neighborhood crime watch enforcer enforcing action under this ordinance, shall observe the prescribed provision under Section 21 of R.A. No. 9344 in dealing with a minor or minors believed to be in violation of the herein ordinance as follows:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Properly identify himself/herself and present proper identification to the child;



- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- (e) 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;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of R.A. No. 9344;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardian the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate.
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
  1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
  2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
  3. The exhaustion of measures to determine the age of a child and precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

Section 8, SP 2301. *Penalties and Manner of Dealing with the Violator* - The penalty for the Parent/Guardian who violates this ordinance shall be:

- (a) For the 1<sup>st</sup> Offense - a minor found violating this ordinance for the first time will be referred to the nearest barangay hall or police station. The Barangay Council for the Protection of Children shall conduct the counseling before the minor will be properly turned over to his/her parent/s or guardian/s; the parent/s or guardian/s of the minor in violation of this ordinance shall be summoned to fetch the minor from the barangay hall; prior to turn over of the minor, the parent/s or guardian/s will be informed of the consequences they will be dealing with in case of subsequent violation of the minor pursuant to the applicable provisions under this section. A penalty of Community Service of Forty-Eight (48) hours or a Fine of Two Thousand (2,000.00) Pesos shall be imposed to the parent/guardian of the minor;
- (b) For the 2<sup>nd</sup> Offense - a minor found violating this ordinance for the second time will be required to attend, together with his/her parent/s or guardian/s, two (2) consecutive regular sessions of the Barangay for the Protection of Children, for counseling, which shall include this matter as part of its session's agenda; PROVIDED, that the BCPC Chairperson shall certify compliance or non-compliance by the concerned minor and his/her parent/s or guardian/s with this penalty; PROVIDED, FURTHER, that the violator and/or his/her parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within a period not to exceed two (2)

months from date of violation; the parent/s or guardian/s of the minor who violated this ordinance for the second time shall be required to render Seventy Two (72) Hours of Community Service or a Fine of Three Thousand (3,000.00) Pesos;

- (c) For the 3<sup>rd</sup> and every subsequent Offense - a minor found violating this ordinance for the third time and every time thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the Social Services Development Department (SSDD) for appropriate counseling and proper disposition on the matter. His/her parent/s or guardian/s shall be penalized with a fine of Five Thousand (5,000.00) Pesos or imprisonment of Six (6) months;
- (d) Habitual violator/s of the herein ordinance shall be turned over to the Social Services Department or SSDD for counseling and be subject to intervention program of the said department;
- (e) In case where the residence of a minor, who violates this ordinance, is that of another city or municipality, the provisions under paragraph (a) of the herein ordinance shall be observed for first violation, in coordination with the Barangay Office/Official thru the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question; or when the residence of the minor is from a far away city or municipality, custody of the child shall immediately but not later than eight (8) hours after apprehension, turn over to the Social Welfare and Development Office or other accredited NGOs and notify the child's apprehension as provided for under paragraph (i) Section 21 of R.A. No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006.