

**ASSESSMENT ON THE IMPLEMENTATION OF THE PROGRAM FOR  
CHILDREN IN CONFLICT WITH THE LAW IN THE CITY OF  
CATBALOGAN**

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**A Thesis**  
**Presented to**  
**the faculty of the**  
**GRADUATE SCHOOL**  
**SAMAR STATE UNIVERSITY**  
**Catbalogan City**

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**In Partial Fulfillment**  
**of the Requirements for the Degree**  
**MASTER OF ARTS IN EDUCATION (M.A.Ed.)**  
**Major in Social Science**

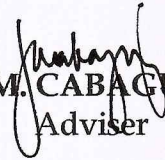
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**June 2020**


## APPROVAL SHEET

In partial fulfillment of the requirements for the degree, **Master of Arts in Education, major in Social Science**, this thesis entitled "**ASESSMENT ON THE IMPLEMENTATION OF THE PROGRAM FOR CHILDREN IN CONFLICT WITH THE LAW IN THE CITY OF CATBALOGAN**", has been prepared and submitted by **FRANCIS ARTHUR P. LIMBAGA** who, having passed the comprehensive examination, is hereby recommended for Oral Final Defense

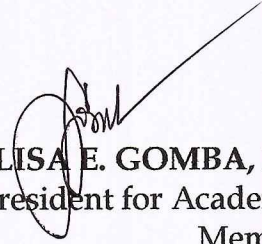
  
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## **DEDICATION**

I am dedicating this study to my friend and college classmate, **Santiago Tabones**, who was stabbed to death by minors last July 2009, while on his way home one night. His is an example of a crime committed in our society where justice takes longer to be served because the perpetrators are children in conflict with the law (CICL).

This study is also dedicated to the law enforcers and social workers who are involved in handling children in conflict with the law. Likewise, to the policymakers, that they may be able to come up with better policies and plans to reduce these CICL.

Thank you!

**FRANCIS ARTHUR**

## **ABSTRACT**

This study assessed the implementation status of the program for children in conflict with the law in the City of Catbalogan. The children in conflict of the law were aged 17 years old, male, reached the high school level with parents who were market vendors and were charged with the violation of RA No. 10591 or illegal possession of firearms and ammunitions. In terms of counseling, the stakeholders identified the following challenges were identified for its implementation, to wit: interest of the beneficiaries (CICLs), motivation among the CICLs, availability of time, and self-esteem of the CICL-beneficiaries while in terms of educational programs along ALS, the stakeholders identified the following factors necessary for its implementation, to wit: interest of the CICLs, motivation among CICLs, accessibility of the facility, enthusiasm among the CICLs, economic/financial problems, and family problem. The children in conflict of the law were provided programs which were appropriate for them both within the agencies in the City and in the region to ensure their preparedness for community integration. The researcher recommends that there is a need to strengthen the implementation of the identified ones, to cater the needs of the CICLs toward community integration.

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## Chapter 1

### THE PROBLEM AND ITS SETTING

#### Introduction

Children play a vital role in the nation's development because they will be the one to be left in the next generation. Their action will affect the development of the society.

High profile-of-often violent-incidents tend to shape public perceptions of juvenile offending. It is important for the public, the media, elected officials, and juvenile justice professionals to have an accurate view of (1) the crimes committed by juveniles, (2) the proportion and characteristics of youth involved in law-violating behaviors, and (3) trends in these behaviors. This understanding can come from studying juvenile self-reports of offending behavior, victim reports, and official records (Snyder & Sickmund, 2006).

Several researchers have promoted a positive youth development model to address the needs of youth who might be at risk of entering the juvenile justice system. One positive youth development model addresses the six life domains of work, education, relationships, community, health, and creativity. The two key assets needed by all youth are (1) learning/doing and (2) attaching/belonging. When the necessary supports and services are provided to assist youth in the six

life domains, it is expected that positive outcomes will result (Butts, Bazemore, & Meroe, 2010).

A study commissioned by the Save the Children-UK (SC-UK) Philippines Programme looked into the profile of children in conflict with the law (CICL), and their situation and experiences in the justice administration process in the three main urban centers in the Philippines—Metro Manila, Cebu City and Davao City. The consolidated study found that poverty is a major factor that puts children at risk of offending—pushing children and young people outside their homes into the streets among their peer group. The children also tend to offend in the process of going about their livelihood activities such as peddling and begging, which are actually violations of laws or ordinances in many localities. The consolidated study also reports that there are more boys than girls among the CICL (Bañaga, 2004).

In a report by the Philippine National Police in 2015, an overwhelming 60 percent of crimes committed by minors are attributed to crimes against property— theft and robbery are among the prevalent crimes. Thirty-six percent, however, constitutes crimes against persons (i.e., rape, murder, homicide). According to UNICEF, the fundamental goal of a juvenile justice system is to reintegrate the vulnerable children back to the community. However, there is a need for a holistic effort among the parties involved: the child, the offended, and the community itself. Government sectors, particularly the Department of Social Welfare and Development and the local government units involved in juvenile delinquents'

issues, should come up with inclusive, comprehensive and tailored-fit programs, personalized for every child at risk and in conflict with the law (Vicencio, 2017).

Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein provided: Where the imposable penalty for the crime committee is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities (Republic Act No. 9344).

In Catbalogan City, there are substantial cases of CICL recorded in the office of City Social Welfare and Development (CSWD). These children are now in custody of the office. Some of them regularly reports to the office and under rehabilitation. The CSWD personnel believed that the law is good considering that it promotes moral recovery and restorative justice and not a punitive one which these petty youth offenders are subjected to. However, they admitted that they had less control of those who are passively participating in the intervention program. And so, the question remains, what would happen to our present society with some of our youth having problems in their early stage of life? What is the status of CICL in Catbalogan and what is the most suitable intervention program used to help them? It is in this context that proponent of the research was motivated to conduct an assessment of the status of children in conflict

with the law in Catbalogan, this research aims to determine the status of the children in conflict with the law (CICL) of Catbalogan as input to intervention program (Irene et. al, 2013).

Thus, processing youth through the juvenile justice system does more harm than good by perpetuating delinquency through “labeling” and exposing youth to circumstances within juvenile and adult correctional institutions that may actually increase delinquency.

### **Statement of the Problem**

In general, this study assessed the implementation status of the program for children in conflict with the law in the City of Catbalogan.

Specifically, this study sought to answer the following questions:

1. What are the profile of Children in Conflict with the Law (CICL) in terms of:

1.1 age;

1.2 sex;

1.3 educational qualification;

1.4 family background (occupation) and;

1.5 type/ cause of conflict of the law?

2. What is the status of implementation of CICL in Catbalogan City Social Welfare and Development office in terms of:

2.1. counseling sessions;

2.2. educational programs;

2.3. spiritual attachment;

2.4. life skills;

2.5 livelihood activities/trainings;

2.6 community service;

2.7 payment of civil liability; and

2.8 institutional care or custody/center-based?

3. What are the challenges of the CICL program implementation?

### **Theoretical Framework**

Some of the most important sociological theories were as follows: Blumer's Labeling Theory (1969), Merton's Strain Theory (1938) and Theory X and Theory Y by McGregor (Carson, 2018).

Blumer's Labeling Theory is a sociological theory in criminology arises in social interaction through communication, using language and symbols. The focus of this perspective is the interaction between individuals in society, which is the basis for meanings within that society. These theorists suggested that powerful individuals and the state create crime by labeling some behaviors as inappropriate. The focus of these theorists is on the reactions of members in society to crime and deviance, a focus that separated them from other scholars of the time. These theorists shaped their argument around the notion that, even though some criminological efforts to reduce crime are meant to help the offender (such as rehabilitation efforts), they may move offenders closer to lives of crime because of the label they assign the individuals engaging in the

behavior. As members in society begin to treat these individuals on the basis of their labels, the individual begins to accept this label him- or herself. In other words, an individual engages in a behavior that is deemed by others as inappropriate, others label that person to be deviant, and eventually the individual internalizes and accepts this label. This notion of social reaction, reaction or response by others to the behavior or individual, is central to labeling theory. Critical to this theory is the understanding that the negative reaction of others to a particular behavior is what causes that behavior to be labeled as "criminal" or "deviant." Furthermore, it is the negative reaction of others to an individual engaged in a particular behavior that causes that individual to be labeled as "criminal," "deviant," or "not normal." According to the literature, several reactions to deviance have been identified, including collective rule making, organizational processing, and interpersonal reaction (Skaggs, 2009).

In relation to the current study, this theory implies that an individual certainly see the effects a shattered sense of safety has on victims of violent crime. People will often describe themselves as feeling 'stuck' – which is exactly what Maslow's theory claims. One is not able to move on to the more fulfilling aspects of life when the foundational needs remain unmet.

American sociologist Robert K. Merton (1938) developed strain theory, a concept connected to both the functionalist perspective on deviance and Émile Durkheim's theory of anomie. Merton asserted that societies are composed of two core aspects: culture and social structure. Our values, beliefs, goals, and

identities are developed in the cultural realm. They form in response to existing social structures that ideally provide the means for the public to achieve their goals and live out positive identities. Often, though, people lack the means to achieve culturally valued goals, leading them to feel strain and possibly engage in deviant behavior (Cole, 2016).

Using inductive reasoning, Merton developed strain theory by examining crime statistics by class. He found that people from lower socioeconomic classes were more likely to commit crimes that involve acquisition (stealing in one form or another). He argued that when people cannot attain the "legitimate goal" of economic success through "legitimate means" – dedication and hard work – they may turn to illegitimate means of doing so. The cultural value of economic success looms so large that some people are willing to acquire wealth, or its trappings, by any means necessary (Cole, 2016).

This theory is related from this study concerning deviant behaviors were fed by individual motivational approach on how to achieve ones' ideal needs.

Theory X and Theory Y are theories of human work motivation and management. They were created by Douglas McGregor while he was working at the MIT Sloan School of Management in the 1950s, and developed further in the 1960s. McGregor's work was rooted in motivation theory alongside the works of Abraham Maslow, who created the hierarchy of needs. The two theories proposed by McGregor describe contrasting models of workforce motivation applied by managers in human resource management, organizational behavior,

organizational communication and organizational development. Theory X explains the importance of heightened supervision, external rewards, and penalties, while Theory Y highlights the motivating role of job satisfaction and encourages workers to approach tasks without direct supervision. Management use of Theory X and Theory Y can affect employee motivation and productivity in different ways, and managers may choose to implement strategies from both theories into their practices (Carson, 2018).

Motivation and management play a major role in decision making; thus, this was motivated by life priorities of an individual that was been quite related from this study.

### **Conceptual Framework**

Figure 1 shows the conceptual epitome of the study. It starts from the bottom to top.

The bottom part presents the respondents and research environment of the study which refer to the Social-worker respondents and the CWSDO in the City of Catbalogan.

The bottom frame is connected to a bigger frame which enclosed the main variables of the study represented by the three boxes. The upper left box is the profile of children in conflict of the law (CICL) program.

The right box shows the factors necessary to implement the programs in terms of: counseling sessions and educational programs. Lastly, the right frame

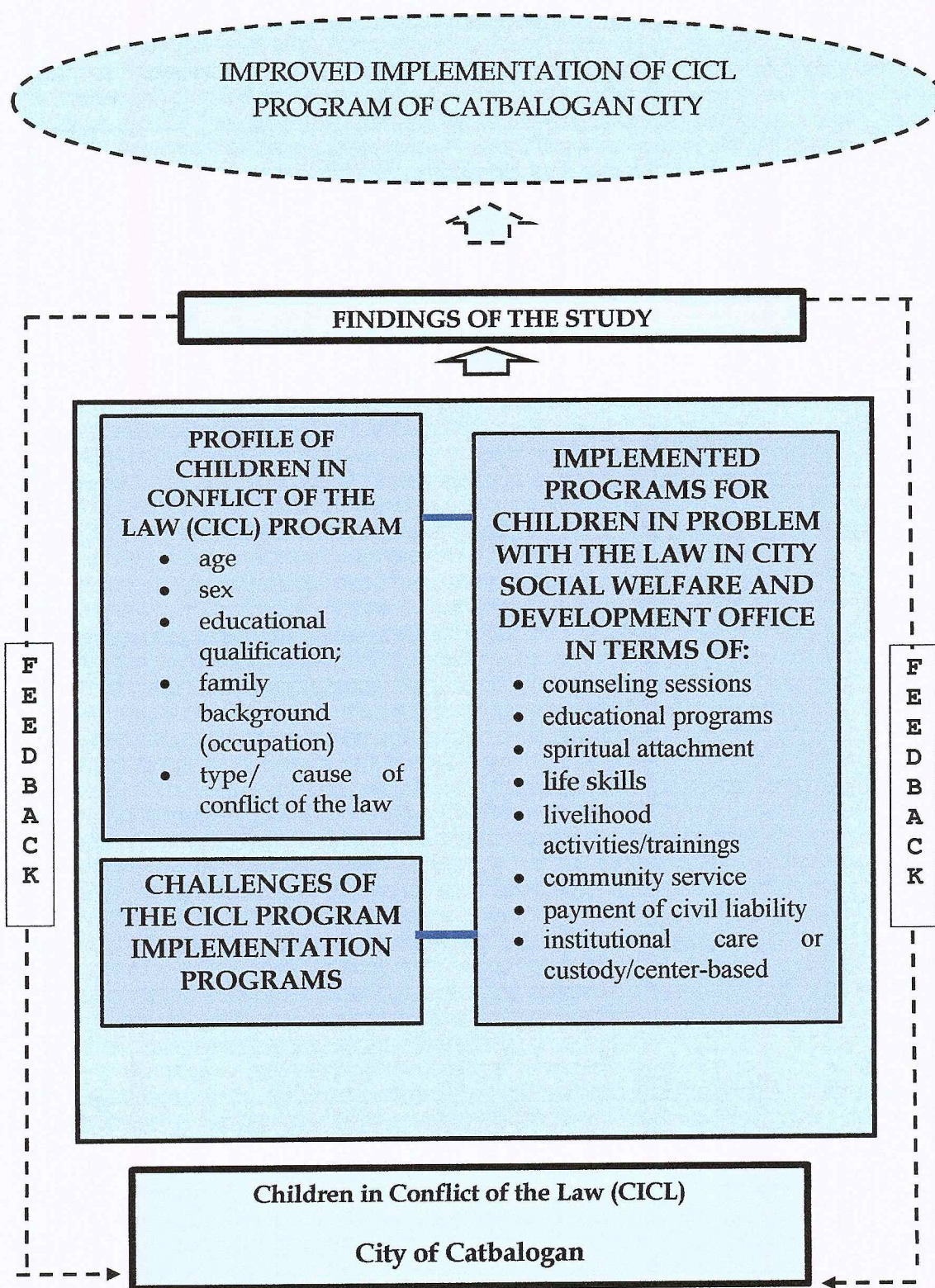


Figure 1. The Conceptual Framework of the Study

espouses implemented programs for children in problem with the law in city social welfare and development office in terms of: counseling sessions, educational programs, spiritual attachment, life skills, livelihood activities/trainings, community service, payment of civil liability and institutional care or custody/center-based.

Corollary, the three main variables were represented by the arrow in order to find out significant findings with a feedback arrow to the locale of the study. Likewise, to attain the ultimate goal which is an improved implementation of the children in conflict with the law (CICL) program of Catbalogan City.

### **Significance of the Study**

The findings of the study were beneficial to the following stakeholders, namely: DSWD policy makers and implementers, CICL's (Children in Conflict of the Law), parents, social workers, and to the future researchers.

**DSWD policy makers and implementers.** This study would give idea or reference to the policy makers and implementers of the effect of the diversion program. Furthermore, it would help them better understand the importance of diversion program in the justice system to at least improve and monitor the weaknesses and strength of the change.

**Children in Conflict of the Law.** The outcomes of this study would provide valuable inputs to child offenders and the awareness of the certain

programs that will be used in the reformation of CICL's.

**Parents.** This study would be helpful to parents to understand their children concerns and to easily guide or help their children to appreciate and take part in decision-making of CICL's.

**Social Workers.** This study would be of great help to the social workers because they would understand the importance of trainings and seminars in order their approaches and strategies that would enhance the implementation of diversion programs. Likewise, the social workers under their supervision would lessen the difficulties encountered on the said implement while their CICL's become proficient in the achieving the goal which is total reformation of the CICL's.

**Future Researchers.** This study would also benefit future researchers who will be dealing with similar topics. This can be a good source of references and comparison of future researchable topics.

### **Scope and Delimitation**

This study focused on the implementation program of Children in Conflict with the Law (CICL) in the City of Catbalogan. The variable of the study was: the profile of children in conflict of the law (CICL) program will include: age, sex, educational qualification, family background (occupation), type/ cause of conflict of the law, also, factors necessary to implement the programs in terms of: counseling sessions and educational programs. and, the implemented

programs for children in problem with the law in city social welfare and development office in terms of: counseling sessions, educational programs, spiritual attachment, life skills, livelihood activities/trainings, community service, payment of civil liability and institutional care or custody/center-based.

The study was conducted this academic year 2019-2020 in the City of Catbalogan.

### **Definition of Terms**

To provide common frame of reference to the readers, the following terms used in this study are herein conceptually and/or operationally defined:

**Children in Conflict of the Law (CICL's)** Conceptually, this refers to the situation of juveniles who have been arrested - the acronym stands for "children in conflict with the law" (Carson, 2018). Operationally, this are the sub respondents who undergoes diversion programs as mentioned in this study.

**Community Service.** Conceptually, this term refers to work done without payment to help other people. Criminals whose crime was not serious enough for them to be put in prison are sometimes ordered to do community service (Bulton, 2018). Operationally, the term was taken in the same context as conceptually defined.

**Counseling Session.** Conceptually, the term refers to the Therapy, also called psychotherapy or counseling, is the process of meeting with a therapist to resolve problematic behaviors, beliefs, feelings, relationship issues, and/or

somatic responses (Good the Editor Team, 2018). Operationally, the term was taken in the same context as conceptually defined.

**Diversion Program.** Conceptually, a diversion program in the criminal justice system is a form of sentence in which the criminal offender joins a rehabilitation program, which will help remedy the behavior leading to the original arrest, and avoid conviction and a criminal record (Youth Topics, 2019) As used in the study, this was the main program involved in the assessment of its implementing protocols.

**Educational Programs.** Conceptually, this term refers Coherent set or sequence of educational activities designed and organized to achieve pre-determined learning objectives or accomplish a specific set of educational tasks over a sustained period (UNESCO, 2012). Operationally, this term referred to one of the existing CICL programs of Catbalogan City.

**Implementation.** Conceptually, this refers to the process of carrying out, execution, or practice of a plan, method, or any design, idea, model, specification, standard or policy for doing something (Rouse, 2018). As used in the study it referred to the concretization of the identified parameters on the implementation of the diversion program used in the City of Catbalogan.

**Life Skill.** Conceptually, this term refers to any personal ability that helps an individual to cope with people, problems, situational changes, or stress. Life skills include adaptability, creativity, critical thinking, decision making;

emotional intelligence, listening, negotiation, relationship building, and self-awareness (Farlex, 2019). Operationally, the term was taken in the same context as conceptually defined.

**Social Worker.** Conceptually, this term is a person who works for the social services or for a private organization providing help and support for people who need it (Vokler, 2018). Operationally, this was the main respondents of the study.

**Spiritual Attachment.** Conceptually, the term refers to the attachment has been dominated by a person-oriented focus, and only few psychologists and psychiatrists have paid attention to immaterial and spiritual forms of attachment (Elsas, 2008). Operationally, the term was taken in the same context as conceptually defined.

## Chapter 2

### REVIEW OF RELATED LITERATURE

This chapter presents and discusses literature and readings which are reviewed by the researchers from books, journals, periodicals and other published materials. This chapter likewise includes significant findings of previous researches such as master's theses, dissertations, and institutional researches which provide insights into the variates being studied and the process of the research.

#### Child in Conflict with the Law

Children are the ones who are very vital for deciding how the world is will be after some years. So, if one can do some good in the life of a child then there can be change, at least a slightest change, in the world to come. And if most of them think on same lines then we can hope of a better future ahead. The main component which decides how the person is going to be in the future or the present is the amount of education he/she has within them (Sanaulla, 2008).

"Child in Conflict with the Law" or CICL on the other hand refers to a child who is alleged as, accused of, or adjudged as, having committed an offence under Philippine laws. A child can commit an act or omission whether punishable under special laws or the amended Revised Penal Code which is referred to as an "Offence". Under Republic Act 10630, offences which only apply to a child and not to adults are called "Status Offences". These shall not be

considered as offences and shall not be punished if committed by a child. Examples of status offences include curfew violations, truancy, parental disobedience and the like (Sanchez, 2000).

The majority of the programs visited by the evaluation team can meet the minimum ratio of CICL to social workers (15:1). In almost all the programs, social workers are also tasked to handle issues that are not related to CICL. Almost all program staff, regardless of their job titles as social workers or house parents, stated that the lack of training affects the efficiency of their work. Financial resources, like human resources, are quite stretched in the programs visited. The sustainability of the programs under evaluation depends on the reforms in the justice and the social welfare system (Yang, S.X., et al. 2015).

Before R.A. No. 9344 was enacted, children at risk and CICL were treated much like adult offenders as when former President Ferdinand Marcos, Sr. signed into law the Judiciary Reorganization Act 1980 which abolished the juvenile and domestic relations courts. As such child offenders were subjected to the same adversarial proceedings as their adult counterparts. As an offshoot of the United Nations Convention on the Rights of the Child (UNCRC), the R.A. No. 9344 intends to deal with these children without resorting to judicial proceedings. Instead of punishing juvenile offenders and treating them as criminals, these child offenders will be provided by the State and the community with assistance to prevent them from committing future offences (Sanchez, 2000).

Republic Act No. 9344 or the “Juvenile Justice and Welfare Act” defines the Juvenile Justice and Welfare System as a system dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programmes and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development. Instead of using the word “juvenile”, Philippine laws made use of the word “child”. As defined in R.A. No. 9344, “Child” is a person under the age of eighteen (18) years. While “Child at Risk” refers to a child who is vulnerable to and at the risk of committing criminal offences because of personal, family and social circumstances. Some of the examples mentioned in the law are: being abandoned or neglected, and living in a community with a high level of criminality or drug abuse (Sanchez, 2000).

At the community level, our partner nongovernment organizations (NGOs) and government entities among the pillars of justice are developing support systems for children that will facilitate the reintegration of former CICL and prevention of offending or re-offending. This comes in the form of peer support groups—former CICL trained to become peer facilitators who can reach out to other children at risk of offending in the communities. Adult volunteers from the different communities provide the children with another level of support—monitoring of the progress of former CICL who have been reintegrated into their families and communities, and awareness-raising activities among parents and other significant adults on child rights and children’s justice issues.

Children's justice committees composed of barangay officials, members of the *lupong tagapamayapa* (village justice committee), community volunteers and other stakeholders conduct mediation sessions and diversion. While the methods and approaches need further refinement, gains from such a process are already evident. Most notable are the high incidence of children being diverted from the formal justice system and the behavior change among them. It can also be noted that duty bearers and stakeholders are participating and are involved in the process of mediation, diversion and prevention of offending/re-offending (Cordero, 2004).

#### **CICL Diversion Program**

The structure and operation of diversion programs vary, but the overall goals are typically the same: namely, to address delinquent behavior informally in the community in an effort to prevent subsequent offending. Some diversion programs are established to provide specialized programs to better meet the needs of youth with mental health and/or substance abuse concerns. Typical services provided for youth and families in diversion programs include one or more of the following: screening and assessment, education and tutorial services, victim awareness classes and activities, service-learning programs, substance use education and counseling, job skills training, mental health treatment, crisis intervention, family counseling, parenting skill development, supports for rebuilding family relationships, quality recreation and organized sports

programs. According to the National Center on Mental Health and Juvenile Justice, services delivered through diversion programs typically occur in the community either on school campuses, on community sites, or in the youth's home (Skowyra & Powell, 2006:2).

Diversion programs are typically designed to provide youth with experiences that are different from traditional juvenile justice experiences. Diversion decisions and activities usually occur at the earliest stages of involvement in the juvenile justice system; however, diversion initiatives can be put in place at later stages of justice processing with the primary goal of reducing costly out-of-home placements. Diversion programs refers to the program that the CICL is required to undergo after she/he is found responsible for an offense without resorting to formal court proceedings. On the other hand, intervention refers to a series of activities which are designed to address issues that caused the child to commit an offense (Skowyra & Powell, 2006:1).

The consolidated study also discusses the concept of "restorative justice" and the more specific process called "diversion" as an alternative approach to handling cases of CICL. Restorative justice is a system of justice wherein the offender and the victim are brought together to undergo a process of mediation in the community with the goal of restoring balance and harmony in the community and with the offender making some form of reparation and/or apology to the victim to repair the harm done. Diversion, which refers to the various processes by which CICL are prevented from entering the formal

criminal justice system, is one example of how restorative justice is Executive Summary applied. With the abuses experienced by CICL as soon as they are caught committing an offence and brought to the authorities, with the violation of their rights as they enter and go through the justice process, and with the poor condition in custodial facilities, restorative justice becomes imperative (Bañaga, 2004).

In 2014, UNICEF commissioned an independent evaluation to assess how the center-based rehabilitation programs and diversion programs contribute to the overall objectives of juvenile justice and welfare administration in the Philippines. The purpose of this evaluation is to provide formative data that will help both UNICEF and the DSWD refocus, redevelop, or improve the center-based programs and services for CICL. The evaluation has the following specific objectives: to assess: (1) the center-based rehabilitation programs and services, such as DSWD-operated Regional Rehabilitation and Youth Centers (i.e. RRCYs), and local government-run Bahay Pag-asa facilities (BPAs), and (2) the existing community-based diversion programs at various levels, including those supported by UNICEF; to determine the capacity of local government social workers in assessing the ability of CICL to discern the commission of an offense; to identify and document good practices and extract general lessons learned in current approaches and service delivery mechanisms for the DSWD and UNICEF; and to propose concrete recommendations at both program and policy levels (Skowyra & Powell, 2006:3).

However, based on the study of Vicencio (2017) that poor implementation of laws addressing children in conflict with the law (CICL) and children at risk (CAR) leads to the overwhelmingly big number of the youth to be exploited by adults to commit crimes. Along the streets around the University, a lot of vulnerable youth roam in ragged clothes with their palms stretched to ask for food or money. And while it is stated in our charter, particularly in Presidential Decree 1563 or Anti-Mendicancy Law, that *panlilimos* is prohibited, apparently, most Filipinos are ignorant about it because of poor implementation of laws. Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 follows the international law as prescribed in the United Nations Children's Fund (UNICEF); the law mandates a restorative juvenile justice system for the CICL and CAR. Debunking the punitive approach, the comprehensive juvenile justice law shall provide inclusive tailored-fit intervention and diversion programs in order to reintegrate the child back to the community (Vicencio, 2017: 3).

All of the programs under evaluation are found to be relevant in meeting the needs of CICL in the areas of health care, education, skills, security and safety, and spiritual and value formation. They are also relevant to the aim of bringing Philippine juvenile justice law and practice into compliance with international conventions. However, significant gaps still exist in meeting international conventions' rights protection standards. The full implementation of the Law, especially the diversion programs, and adequate compliance at the local level are not satisfactory. Considerable evidence has shown that most programs provide an enabling environment for the rehabilitation and reintegration of CICL. Interviews

with parents and children confirm changes in the behavior of the CICL in the programs. As almost all the facilities visited provide same services for CICL under sentence suspension, rehabilitation, intervention, and diversion, this evaluation is not able to articulate the changes brought about by the different programs to CICL. Moreover, official statistics on the percentage of former CICL who go back to school or who find a job are unavailable. There is likewise no available empirical data on the recidivism rate of CICL who have participated in the programs, as compared to those who have not (Yang, S.X., et al. 2015).

**Diversion Program on Education.** Every child has the right for education wherever they belong.

In the study of Miner-Romanoff, K. (2015) states that few art programs for incarcerated juveniles exist; however, evaluation results indicate decreased recidivism and behavior problems. This paper reports on an on-going study of a promising art program for incarcerated adolescents with community exhibits and charitable sale of their work. Voices from Inside, a partnership between Franklin University and the Ohio Department of Youth Services, sponsored three exhibits in 2012, 2013, and 2014. In 2013, youth exhibitor survey results (response rate 47%, 16 of 34) showed that 81% cited as benefits cooperation with others, task completion, and increased self-esteem from public recognition and art sales. Community attendee survey results (response rate 29.5%, 59 of 200) showed positive attitude changes toward juvenile offenders, from 40% to 53%. Qualitative responses were similarly positive. The 2014 youth exhibitor sample

was larger (response rate 58%, 29 of 50) and showed that 93% cited positive benefits including increase in self-esteem, decrease in stress, pride or recognition of the ability to reach a goal from completing, exhibiting and selling their art to benefit a charity for at-risk youth. This year, the research was able to conduct ten one-on-one interviews inside of the youth facilities, and qualitative responses were even more positive with one youth explaining, "This art represents my joy, my tears, my pain and my hope." Community attendee survey results (response rate 50%, 86 of 170) were transformative in that they indicated significant impression on attitudes toward juvenile offenders and their rehabilitative needs with one attendee stating that the event had an, "Immense impact for me bringing into focus the humanity and value these youth still have for us and society." Future research indicates a need for a correlation study to determine the extent to which these art programs reduce behavioral incidents inside of the facility and long-term reduction in reoffending rates. Generally, further study of juvenile offenders' art for rehabilitation and restorative justice, the power of art to transform, and university-community partnerships implementing art programs for juvenile offenders should continue.

The afore-cited study is relevant to the present research because it highlights implication on the important of program which is the social programs for the juveniles, the main difference of the two study is that, the present will focus on the reformation of attitude while the previous study focuses on the artistic side of the juveniles under the diversion program.

The study of Bajnarová, M. (2017) entitled “Interdisciplinary Expressive Artistic Activities within Prevention of Crisis Situations and Pathological Strains in Educational Facilities of Juvenile Detention Centres” The core part of the research project is represented by taking a perspective on the role of an educator in Juvenile Institutional Centres. In accordance with the research questions, the research explores impact of the environment, situations, practices, attitudes, values and also experience of the respondents. Art activities minimize risky behaviors and contribute to a healthy lifestyle. They also help children and adolescents with conduct disorders develop positive social behavior, psychosocial skills and cope with difficult life situations.

Moreover, Dep.Ed. Order no. 18 series of 2015 was released by the education sector of the government to clearly identify how important are those children-at-risk (CAR) and children in conflict with the law (CICL). The said memo gives an importance to those learners under the said program providing them quality education. The establishment of *Bahay Pag-Asa* as an institution established for an Intensive Juvenile Intervention and Support Center (DSWD, 2015).

**Diversion Program on Psychological Growth.** Diversion programs are intended to hold juveniles accountable for their behavior (Mackin et al. 2010; Beck et al. 2006) without formal court involvement. As an alternative to traditional processing, diversion programs are designed to reduce stigma, reduce coercive entry into the system and unnecessary social control, reduce recidivism,

provide youths with services they would not have otherwise received, and connect them to broader community service alternatives (Harris et al. 2011; Leve and Chamberlain 2005; Osgood and Weichselbaum 1984). Diversion programs are also designed to reduce the risk of criminal socialization by providing role models and positive peers, instilling discipline, improving school engagement, and increasing levels of overall youth functioning (Loeb, Waung, and Sheeran 2015; Jordan et al. 2013; Beck et al. 2006).

As to the learning of CICL, the article of Cabildo and Cruz (2016) when they exposed the alternative learning that gives children in conflict with the law as a second chance, they mentioned that children in conflict with the law realizes the importance of studying while they are in the program. There are rehabilitation centers that emphasizes the importance of education despite they are those children who are in conflict with the law. Moreover, financial constrain pushed them to stop studying when they were studying but through the hope given by the rehabilitation homes, they were given the chance to study again. This renewal of interest of learning was greatly influenced by those children under the rehabilitation homes.

Moreover, Lee at al. (2019) mentioned that in the psychological development of those who undergo the program encounters depression because when they evaluated the feeling about the diversion program, although the children like the program at the centers, many of the children enrolled avoid that they are seen going and attending the program because they are afraid of being

labelled as criminals. Therefore, they suggest that in order to protect this feeling, the centers should ensure that children do not feel bad about coming and cooperating to the program. Also, the alternative treatment that promote the psychological and social recovery and reintegration of children in conflict with the law must be conducted with the aim of influencing the law must be conducted with the aim of influencing the laws and the treatment of children under 18 years.

Another study of Cho, Y., and Hong, G. (2015) focuses on the roles of distributive and procedural justice on job engagement. Additionally, the study focuses on whether situational factors such as team efficacy and team leaders' coaching moderate the relationship between distributive and procedural justice and job engagement. Though there are times that coaches and coached have time problem in the conduct of the coaching activity, still they continue the session of coaching. Ordinary linear regression was used to analyze data from seven South Korean Companies (total N=346). Results confirmed the hypothesized model indicating that both distributive and procedural justices were positively related to job engagement of employees. Team efficacy and team leaders' coaching moderated the relationship between distributive justice and job engagement whereas it brought non-significant result found for procedural justice. The facts that two types of justice and the interactive effects of two situational variables were different implied that different managerial strategies should be used when job engagement was to be enhanced.

**Diversion Program on Family Development.** Family is said to be the core of the society. A child continuous to develop moral and other area development primarily in the family.

The study of Piang, T. B. (2015) states that the family is always seen as the most important agent of socialization, therefore, abusive parents and broken family have often been highlighted as two main factors contributing to juvenile delinquency. However, several studies have indicated that the peer group is one of the most powerful socialization agents in adolescent development, the influences of family are insignificant after peer influences are taken. This study aimed to investigate the relative influence of parents and peers on juvenile delinquency in Malaysia. Malaysia is a multicultural society, so different types of traditional values and religions permeate all aspects of Malaysian society, and the influences of family and parents are always seen as the most important agents of socialization. 80 juveniles from a reform school in Malaysia have been selected to participate in this study. Based on the experiences of juveniles in this study, it found that peer groups play an important role when the adolescents try to create their own identities. Adolescents merely make friends with those who have similar life experiences, so adolescents are easily influenced by their friends and the juvenile delinquency is mostly group behavior. This research found that there is no significant relationship between family factors and delinquency. The manifestation of inconsistent development of self-esteem has been also an issue of development in the family. The data shows that a significant percentage of

juveniles come from middle-class family and most of them are not from broken family. However, most of them have strained family relationship. This research suggests that we should take a look into other causes, like peer influence, of juvenile delinquency in Malaysia.

With the presented studies and literatures most focuses on the various intervention program and how they are being implemented in the many parts of the world. It also provides the various success and failure attributed to the program but they never focused on the status of the intervention program and its activity which will be the focus of this study and will purely focus on the city of Catbalogan.

## Chapter 3

### METHODOLOGY

This chapter presents and discusses the methods or procedures which will be used in the conduct of the present research. This specifically includes the research design, instrumentation, validation of instrument, sampling procedure, data gathering procedure, and statistical treatment of data.

#### Research Design

The study employed a descriptive method. Descriptive research describes a certain present condition which was commonly used to explore opinions according to respondents that can represent a whole population (McCombes, 2020).

Descriptive research primarily focuses on describing the nature of a demographic segment, without focusing on “why” a certain phenomenon occurs. In other words, it “describes” the subject of the research, without covering “why” it happens and evaluative approach can be defined as a type of study that uses standard social research methods for evaluative purposes, as a specific research methodology.

This design was used to describe the implementation study of children in conflict with the law program (CICL) in the City of Catbalogan.

This involved the profile of children in conflict of the law (CICL) program

that was implemented, factors necessary to implement the programs in terms of: counseling sessions and educational programs, and, the implemented programs for children in problem with the law in city social welfare and development office in terms of: counseling sessions, educational programs, spiritual attachment, life skills, livelihood activities/trainings, community service, payment of civil liability and institutional care or custody/center-based.

### **Instrumentation**

This study utilized a document analysis and semi-structured interview protocol in the conduct of focus group discussion as research instruments to gather the needed data. Semi-structure Interview Protocol, a guide is being used that contain questions and topics that is under investigation or covered (Harell & Bradley, 2009)

### **Validation of Instrument**

The document was validated both from the judicial office and from the Local Government Unit as regards to its content and reliability.

Documents was provided by the Regional Trial Court No. 8 with the full effect of R.A. 9344 under SEC. 43. Whereas stated about Confidentiality of Records and Proceedings. – All records and proceedings involving children in conflict with the law from initial contact until final disposition of the case shall be considered privileged and confidential. Thus, it was approved by the authorities to use the data for research purposes only. Interviews were prohibited by the

law; hence, reports were given thru an assessment narrative form from the City Social Welfare and Development Office (CSWDO) to further elicit the status of the program implementation for Children in Conflict with the Law (CICL) in Catbalogan City.

Moreover, the researcher utilized the Focused Group Discussion (FGD) for validation and those participants must have the following criteria: must be a CSWDO worker or collaborator; have been serving the program for 3 years; and appropriately designated by law for the implementation of the program.

### **Sampling Procedure**

The researcher utilized total enumeration of this particular study from the data of (CSWDO) City Social Welfare and Development Office in the City of Catbalogan. There were eight identified programs of the CSWDO which were otherwise called as diversion programs provided which refers to any or a combination of two or more programs. These programs include the following: counseling services whereby 14 CICLs were undergoing, community service with 11 CICLs undergoing the program, spiritual attachment with 10 CICLs in the program, livelihood activities/trainings with three CICL-trainees, and alternative learning system (ALS) under the educational diversion program with three CICLs currently enrolled.

### **Data Gathering Procedure**

The process begins with identifying the main aim and defining the key

research objectives of the study. Based upon the research objectives, a list of questions was prepared as guidance for each focus group discussion session. This was followed by seeking ethics clearance such as communication and endorsement letters. Thereafter, participant identification is perhaps the most critical step since the technique was largely based on group dynamics and synergistic relationships among participants to generate data.

Interview was used in data collection in this study. There are six (6) involved individuals who participated to gather pertinent data, the three (3) were from the CSWDO (Catbalogan Social Welfare and Development Office) , the Court Clerk for the furnished copy of the data acquired, the Attorney-in-charge and the honorable Judge.

### **Statistical Treatment of Data**

The researcher made use of descriptive statistics in the analysis and presentation of data such as frequency count and percentage.

**Frequency Count.** This statistical tool was used to tabulate the variables in terms of their occurrence by category.

**Percentage.** The conversion to percentage was used to measure the magnitude of occurrence of each variable by category with reference to the total number of observations. For precision and accuracy in the data processing, the researcher will use the computer as an aid in the data processing utilizing available software and statistical package.

## Chapter 4

### PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA

This chapter presents the findings of the study with the corresponding analysis and interpretation of data. Included in this chapter are: the implemented programs for children in problem with the law in city social welfare and development office, factors necessary to implement the programs, and the profile of CICL programs.

#### Profile of Children in Conflict of the Law

##### Profile of the Children in Conflict with the Law

Tables 1-5 reflect the profile of the children in conflict with the law, namely; age, educational qualification, family background as to occupation, type/cause of conflict of the law, and status of the cases.

Age. Table 1 shows the age profile of the children-respondents. Approximately 91 percent of them were 16-18 years old as reflected by their mean age of 17.27 years old with  $SD=1.35$ . This meant that children who were conflict with law were still on their formation age wherein it is not too late for them to change for a better.

Table 1

##### Age of the Children-Respondents

Age (in years)	f	Percent
16	2	18.18

17	7	63.64
18	1	9.09
21	1	9.09
<b>Total</b>	<b>11</b>	<b>100.00</b>
<b>Mean</b>	<b>17.27</b>	<b>-</b>
<b>SD</b>	<b>1.35</b>	<b>-</b>

**Educational qualification.** Table 2 presents the highest educational attainment of the children-respondents. The data revealed that the children who were in conflict with the law were already in their Junior and Senior High School (91%). This implies that these children may continue their schooling after the implementation of the program.

**Table 2**

**Educational Qualification of the Children-Respondents**

<b>Age (in years)</b>	<b>f</b>	<b>Percent</b>
Elementary Level	1	9.09
Junior High School	6	54.55
Senior High School	4	36.36
<b>Total</b>	<b>11</b>	<b>100.00</b>

**Family background (occupation).** Table 3 shows the family background of the children-respondents. It was found out that most of the children who were in conflict with the law came from the family whose occupation were market vendors, drivers (pedicab and motorized), construction workers, unemployed, and one from government employee. This signified that the occupations of the parents of the children who were in conflict of the law belong to the group of elementary occupations based on 2021 PSOC.

Table 3

**Family Background (Occupation) of the Children-Respondents**

Occupation	Father		Mother	
	F	Percent	f	Percent
Market vendor	5	45.45	5	45.45
Pedicab Driver	1	9.09	1	9.09
Motorized Cab Driver	1	9.09	1	9.09
Construction Worker	2	18.18	2	18.18
Government Employee	1	9.09	1	9.09
Unemployed	1	9.09	1	9.09
<b>Total</b>	<b>11</b>	<b>100.00</b>	<b>11</b>	<b>100.00</b>

Type/cause of conflict of the law. Table 4 reveals the data on the type/cause of conflict of the law by the children-respondents. It was found out that the most common cause of conflict were the RA 10591, Comelec Res 10446, and theft. This meant that the children were violators of these laws maybe because of some reasons, like poverty, parental neglect, low self-esteem, alcohol can be connected to why people break the law. Some are at greater risk of becoming offenders because of the circumstances into which they are born.

Table 4

**Type/Cause of Conflict of the Law by the Children-Respondents**

Type/Cause	f	Percent
RA 10042	1	9.09
RA 10591	4	36.36
Comelec Res 10446	3	27.27
Theft	2	18.18
Acts of Lasciviousness	1	9.09
<b>Total</b>	<b>11</b>	<b>100.00</b>

### **Programs Implemented for Children in Conflict with the Law**

Table 5 presents the programs implemented for the children in conflict with the law by the CSWDO. The programs were counseling, spiritual enhancement, livelihood skills training, and community service. The data showed that 100% of the children adhere to the counseling and community service program of CSWDO. This means that they have the willingness to be treated in a way or they have the willingness to divert their focused on the positive outlook of life. On the other hand, one of them did not engaged with the spiritual enhancement and none of them engaged to the livelihood skills training.

**Table 5**

#### **Programs Implemented for CICL by the CSWDO**

<b>Programs</b>	<b>f</b>	<b>Percent</b>
Counselling	11	100.00
Spiritual Enhancement	10	90.91
Livelihood Skills Training	0	0.00
Community Service	11	100.00

**Status of the cases.** Table 5 shows the data on the status of the cases of the children who were in conflict of the law. The data revealed that 91% of them whose cases were not yet terminated. It meant that the children were still included in the intervention of the city.

Table 6

**Status of Cases of the Children-Respondents**

Type/Cause	f	Percent
Terminated	1	9.09
Program is Still ongoing	10	90.91
<b>Total</b>	<b>11</b>	<b>100.00</b>

**Implemented Programs for Children in Problem with Law  
in the City Social Welfare and Development Office  
(CSWDO) and the Extent of Their Implementation**

The CICLs ranged from 17 to 21 years old which are charged with crimes such as RA 10042, RA 10591, Comelec Resolution 10446, theft, acts of lasciviousness and the like which were filed or ratified within the period November 3, 2015 to February 12, 2019. In terms of the diversion provided, the approval was only on March 4, 2018 to November 12, 2019.

Table 7 presents the implemented programs for children in problem with the law in the CSWDO. There are eight identified programs of the CSWDO which are otherwise

Table 7

**Implemented Programs for Children in Problem with the Law in the  
City Social Welfare and Development Office and the Extent of  
Their Implementation**

Programs	Number of Beneficiaries	Status
Educational Programs:		
1. Alternative Learning System	3	• 3 CICLs are currently enrolled in ALS

2. Regular Schooling	0	
3. Vocational Courses	0	<ul style="list-style-type: none"> <li>• Implementation is deferred for future period</li> <li>• Implementation is deferred for future period</li> </ul>
Spiritual Attachment	10	<ul style="list-style-type: none"> <li>• On-going</li> </ul>
Life Skills	0	<ul style="list-style-type: none"> <li>• Implementation is deferred for future period</li> </ul>
Livelihood Activities/Trainings	3	<ul style="list-style-type: none"> <li>• On-going</li> </ul>
Community Service	11	<ul style="list-style-type: none"> <li>• On-going</li> </ul>
Payment of Civil Liability	0	<ul style="list-style-type: none"> <li>• Implementation is deferred for future period</li> </ul>

called as diversion programs provided which refers to any or a combination of two or more programs. These programs include the following: counseling services whereby 14 CICLs are undergoing, community service with 11 CICLs undergoing the program, spiritual attachment with 10 CICLs in the program, livelihood activities/trainings with three CICL-trainees, and alternative learning system (ALS) under the educational diversion program with three CICLs currently enrolled.

There are other diversion programs also which the CSWDO implemented but without CICLs involved at the moment. These are: regular schooling and vocational courses under the educational programs, life skills, payment of civil liability, and institutional care or custody/center-based with the following sub-

programs, namely: balay pag-asa, national training school for boys, DSWD haven for women, regional rehabilitation center for youth, national center for mental health and drug rehabilitation center.

The data signified that of the diversion programs, counseling sessions were extremely implemented by the CSWDO. This meant that this diversion served as the basic program that CICLs undergo before any other programs are administered to them by the CSWDO.

Furthermore, Table 8 reveals the extent of CICL programs implementation in Catbalogan City Social Welfare and Development Office in terms of the identified diversion provided. As to counseling sessions, of the total 14 CICLs, 11 are provided counseling by the CSWDO of Catbalogan City while two are referred to the Regional Rehabilitation Center for Youth at the DSWD Regional Office and 1 case was already closed and terminated. Moreover, the 14 CICLs currently undergo psycho-social services.

**Table 8**

**Implemented Programs for Children in Problem with the Law in the City Social Welfare and Development Office and the Extent of Diversion Program implementation**

<b>Programs</b>	<b>Number of Beneficiaries</b>	<b>Status</b>
Institutional Care or Custody/Center-Based:	0	Implementation is deferred for future period
1. Balay Pag-asa		
National Training School	0	Implementation is deferred for future

for Boys (NTSB)		period
Institutional Care or Custody/Center-Based:		
2. DSWD Haven for Women	0	• Implementation is deferred for future period
3. Regional Rehabilitation Center for Youth (RRCY)	0	• Implementation is deferred for future period
4. National Center for Mental Health (NCMH)	0	• Implementation is deferred for future period
5. Drug Rehabilitation Center		• Implementation is deferred for future period

In terms of educational programs along ALS, three CICLs are currently enrolled and aspire for their equivalency level at the end of the program. Along the diversion provided on community service and spiritual attachment, they are ongoing and in progress. The rest of the diversions provided are considered deferred for future period which signified that these programs are not fully implemented yet because no beneficiaries are identified.

The data signified that not all diversion programs are provided to CICLs. Only those that are basic and appropriate are the ones focused and provided to prepare the CICLs for community integration in the future.

### **Challenges of the CICL Program Implementation**

This reveals the challenges of the CICL program implementation in terms of counseling sessions and educational programs along alternative learning system based on Focus Group Discussion (FGD) conducted being represented by the stakeholders.

### **Challenges of the CICL Program Implementer on Counselling Sessions.**

The concept of counselling challenges to gain recognition by the masses even today. CICL's either choose to ignore the signs and symptoms of stress and depression, or live with the belief that counselling was for the crazy ones. Both these school of thought are detrimental to the emotional wellness of an individual. At some point, it is relevant to to share our lows with somebody, because doing so helps individual to get rid of our emotional buildup by allowing to release stresses as the implementers talk to CICL's in this case.

Based from the gathered data in terms of counseling, the stakeholders identified the following challenges:

### **Interest of the beneficiaries regarding the issue being counseled.**

Interest of the beneficiaries (CICLs) regarding the issue being counseled was a challenge due to some

circumstances that the respondents do not have any interest to the counseling session given. In affirmation made by CSWDO Social Worker 1 when the worker mentions that, *"In terms of counseling, the stakeholders identified the following challenges, to wit: interest of the beneficiaries (CICLs) regarding the issue being counseled (L57-59)."* Counselling CICL's who fail to begin counselling or

terminate after one session are often labelled failures, dropouts, and unmotivated. There is some evidence, however, that such CICL's cannot be assumed automatically to be failures or unimproved. In addition, the reasons for any improvements among clients in both groups were investigated. Results indicated that substantial percentages of both groups reported problem improvement. This was also seen in the same study of Langham (2019) when he mentions that the problem encountered by child counselors are the interest of learners brought by the situation that they have.

**Ability of the beneficiaries to express their feelings.** In order to be helped, a person must choose to reveal to a counselor their private feelings, thoughts, and actions. An individual's comfort in self-disclosing or concealing personal information is related to their past help-seeking experiences and their current help-seeking intentions. The severity of a problem typically increases an individual's willingness to self-disclose. The CSWDO Social Worker 1 mentions that, *"self-esteem of the CICL-beneficiaries to boost their confidence and be receptive with the identified solutions to address their issues (L61-63)."* The fear of embarrassment and feelings of inferiority or incompetence have been linked to help-seeking decisions. To some, seeking help from another means admitting that they cannot deal with their problems on their own and as such, they are acknowledging their own inadequacy. To maintain a positive self-image, a person will decide not to seek professional help. With the unexpressed feelings by CICL to address their issues was also the problem brought by Lagman (2019) when he also identified

this in his study where he expressed that low self-esteem among children brings the feeling of unlovable, empty, and worthless.

**Availability of time both for the counselee and the counselor.** Time lays a major key in counseling session, but apparently the situation of the day varies. CSWDO Social Worker 1 affirms that, *"Availability of time, both for the counselees (CICLs) and the counselors (DSWD counselors) to discuss issues and to provide solutions to address them (L60-61)."* It should have placed time management arrangements both from the counselee and the counselor. Institutions and agencies provide core individual who will handle said work set for the day but based from the major challenges mentioned It always boils down to time management issues from the inter-agencies who handled CICL's here in Catbalogan. Same problem has also been seen in the study conducted by Cho, Y., and Hong, G. (2015) when there are times that coaches and coached have time problem in the conduct of the coaching activity, still they continue the session of coaching.

**Self-esteem among beneficiaries.** Challenges to counseling are not static, they can change in intensity and importance depending on the characteristics of the problem, the setting, the individual's gender, age, and education level, as well as social and cultural influences. CSWDO Social Worker 1 mentions that, *"self-esteem of the CICL-beneficiaries to boost their confidence and be receptive with the identified solutions to address their issues (L61-63)."* Different types of mental health concerns elicit different avoidance reactions, and the influence of avoidance

factors can change depending on the type of treatment that is being considered. Avoidance factors are also thought to become stronger as one moves toward the decision to seek professional help. Yet, the self-esteem among beneficiaries as a problem has been seen also in the study of Langham (2019) when there is a grandiose effect of self-esteem problem because a child may feel unlovable, empty, and worthless. Same was supported also by the study of Piang (2015) when one of the data shows that a significant percentage of juveniles come from middle-class family and most of them are not from broken family. However, most of them have strained family relationship.

**Challenges of the CICL Program Implementer on Alternative Learning System.** It is a parallel learning system in the Philippines that provides a practical option to the existing formal instruction. When one does not have or cannot access formal education in schools, ALS is an alternate or substitute. ALS includes both the non-formal and informal sources of knowledge and skills. The Governance Act for Basic Education otherwise known as the Republic Act 9155 stipulates the establishment of the Alternative Learning System (ALS) to provide out-of-school children, youth and adults population with basic education.

There are two major programs on ALS that are being implemented by the Department of Education, through the Bureau of Alternative Learning System (BALS). One is the Basic Literacy Program and the other is the Continuing Education Program – Accreditation and Equivalency (A&E). Both programs are

modular and flexible. This means that learning can take place anytime and anyplace, depending on the convenience and availability of the learners. This is the key reason why the Justice system uses ALS alternative schooling for CICL's in the Catbalogan City.

In terms of educational programs along ALS, the stakeholders identified the following challenges in its implementation:

**Interest among beneficiaries.** interest of the CICL's to earn equivalency education to prepare their community integration once given the chance to be free for the reason that time will be a factor when they will be on school as per to the inclusion of the intervention program applied. Very often these CICL's are motivated by the power struggle. According to CSWDO Social Worker 2, *"interest of the CICLs to earn equivalency education to prepare their community integration once given the chance to be free (L65-66)."* They find different ways to have that struggle with their parents, friends and relatives the job of the parents, therefore, is to find other ways for the CICL's to solve the problem that's causing the power struggle. But if parents, friends and relatives don't have those other ways then the power struggle continues with no end in sight. This interest problem was already been seen and addressed with those who are in the rehabilitation homes. According to Cabildo and Cruz (2016), the interest of the CICL was a manifestation of their renewed interest for learning given that they find a new meaning in their life.

**Motivation among beneficiaries.** What will be the motivational approach suited among CICLs which serves as their drive to pursue and complete the equivalency program as individuality is concern. Often counselors perceive CICL's lack of interest in studying as laziness, disobedience, or even ungratefulness, CSWDO Social Worker 2 mentions that, *"motivation among CICLs which serves as their drive to pursue and complete the equivalency program (L67-68)."* Yet, more often than not there are deeper underlying factors that can result in no motivation to study. CICL's are a lot less likely to perform at 100% of their capacity and miss integral aspects of a learning. If that happens over a long period of time, CICL's can form significant gaps in knowledge which can prevent them from optimally performing in respective subjects in the future. As a result, they won't be able to maximize their potential and eventually settle for jobs for self-reformation that would otherwise be below their capacity. In the aspect of motivation, with the participation of parents in the process of motivating as mentioned by Piang, (2015). Moreover, the family is always seen as the most important agent of socialization, therefore, abusive parents and broken family have often been highlighted as two main factors contributing to juvenile delinquency.

**Accessibility of the facility.** Accessibility of the facility to provide support in their quest to learn for in terms of local setting based from the locality of the said respondents. Based on the locality of reformation factors such as how comfortable and safe children feel in their learning environment matter too.

CSWDO Social Worker 2 expresses that, *"Accessibility of the facility to provide support in their quest to learn is one of the problems (L68)."* It's important to ensure that they have all the supplies necessary, enough light, as well as feel warm and have eaten. Relationships with other CICL's, such as bullying, and conflicts with the teacher can also cause CICL's to have no motivation to study. It's important for parents to communicate with their children (CICL) and inquire about the situation at school to stay informed about their children's (CICL's) wellbeing.

**Enthusiasm to learn among beneficiaries.** Enthusiasm among the CICLs to learn, that serve as their drive also to alleviated themselves during their community integration as a result of proper and comprehensive programs applied for each CICL involved. No education system is perfect. Therefore, there are CICL's who can learn and advance much faster than their classmates during this program which was highlighted by CSWDO Social Worker 2, *"Enthusiasm among the CICLs to learn (L68-69)."* While repeated success can be great external motivation in the short term, it can result in developing no motivation to study if the subject provides absolutely no challenge over a long period of time. If counselors are unable to provide such CICL's with an additional challenge, extracurricular classes and activities can help. They can also help these CICL's to connect with likeminded students, thus improving their wellbeing, attitude to, and interest in the subject. Also, the level of their educational qualification also matters because most of them are high school students when they committed a mistake, this was mentioned by the CSWDE Social Worker 2, *"Most of the*

children in conflict of the law reached the high school level only. This signified that they have low educational level, which could place them in a vulnerable state of deception by external forces that gave them urge to commit illegal act to protect themselves (L6-9)."

**Economic/financial problems.** During such a vulnerable time, those who are historically and/or economically marginalized from accessing education will undoubtedly find their situation even more challenging. The CSWDO Social Worker 3 mentions that, *"the parents of the children in conflict of the law were engaged in as market vendors, which could belong to the low-income group in the community they lived in. Probably, this was one of the reasons why such illegal act had been committed by the children in conflict of the law as a way to earn easy income to augment the financial needs of their respective family (L9-13)."* Resources are non-existent and there is increasing pressure to raise fees. With declining government resources, there are also instances of student aid programs such as ALS of Department of Education being cut and infrastructure and expansion projects being halted. Not only to the educational system but also the involved beneficiaries such as no foundation education was introduced to them for the reason of below marginalized living standards among families.

**Family problem.** Several family factors can affect a child's behavior and ability to perform in the classroom. The CSWDO Social Worker 3 mentions that, *"the parents of the children in conflict of the law were engaged in as market vendors, which could belong to the low-income group in the community they lived in. Probably,*

*this was one of the reasons why such illegal act had been committed by the children in conflict of the law as a way to earn easy income to augment the financial needs of their respective family (L9-13)."* These include economic stability, changes in family relationships, parental attitudes toward education and incidents of child abuse. In relation to this, separated couple has long been linked to behavior problems, anxiety and depression in children. This is often because single-parent homes feature parents struggling with their own feelings of depression and anxiety, accomplishing household responsibilities previously held by two people and meeting more financial demands. Single parents often must take on more hours at work to meet financial responsibilities, which can lead to children feeling neglected and acting out, and cause them to experience the effects of economic instability mentioned above.

The data signified that the successful implementation of the identified programs, stakeholders should possess interest and motivation toward the diversion programs otherwise, all efforts would fail and these are the challenges that the implementers should consider. This meant that the CSWDO should conduct data appreciation among the CICLs for them to understand the rationale of conducting the diversion programs.

## **Chapter 5**

### **SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

This chapter contains the summary of findings with the conclusions drawn and recommendations based on the conclusions drawn from the findings of the study.

#### **Summary of Findings**

The following are the salient findings of the study:

1. The children in conflict of the law were aged 17 years old, male, reached the high school level with parents who were market vendors and were charged with the violation of RA No. 10591 or illegal possession of firearms and ammunitions.
2. The program beneficiaries were segregated to the different implementers such as CSWDO, RSWDO, DepEd and TESDA,
3. There are eight identified programs of the CSWDO, which are otherwise called as diversion programs provided which refers to any or a combination of two or more programs, that include the following: counseling services whereby 14 CICLs are undergoing, community service with 11 CICLs undergoing the program, spiritual attachment with 10 CICLs in the program, livelihood activities/trainings with three CICL-trainees, and alternative learning

system (ALS) under the educational diversion program with three CICLs currently enrolled.

4. As to counseling sessions, of the total 14 CICLs, 11 are provided counseling by the CSWDO of Catbalogan City while two are referred to the Regional Rehabilitation Center for Youth at the DSWD Regional Office and 1 case was already closed and terminated. Moreover, the 14 CICLs currently undergo psycho-social services, and in terms of educational programs along ALS, three CICLs are currently enrolled and aspire for their equivalency level at the end of the program. Along the diversion provided on community service and spiritual attachment, they are ongoing and in progress.

5. In terms of counseling, the stakeholders identified the following challenges were identified for its implementation, to wit: interest of the beneficiaries (CICLs), motivation among the CICLs, availability of time, and self-esteem of the CICL-beneficiaries while in terms of educational programs along ALS, the stakeholders identified the following factors necessary for its implementation, to wit: interest of the CICLs, motivation among CICLs, accessibility of the facility, enthusiasm among the CICLs, economic/financial problems, and family problem.

### **Conclusions**

From the findings of the study, the following conclusions were drawn:

1. The children in conflict of the law were in the state of vulnerability that forced them to commit unlawful acts.

2. The children in conflict of the law were provided programs which were appropriate for them both within the agencies in the City and in the region to ensure their preparedness for community integration.

3. Of the 15 diversion programs, only five are operational and counseling sessions are usually the one provided diversion to the CICLs. Thus, other diversion programs should be explored for its appropriateness to prepare the CICLs for community integration.

4. Diversion programs provided are considered by the CSWDO as appropriate for the CICLs in preparation for their community integration.

5. Interest to the program and motivation are the common challenges toward successful implementation of any program.

### **Recommendations**

Based on the conclusions drawn, the following are recommended:

1. CSWDO should explore other possibilities or other diversion program as appropriate for implementation, aside from the identified ones, to cater the needs of the CILCs for empowerment and self-reliance.

2. There is a need to strengthen the implementation of the identified diversion programs to cater the needs of the CICLs toward community integration.

3. The CSWDO should come up an action plan for the CICLs for their community integration to avoid discrimination and enjoy equal rights and opportunities in their respective communities.

4. Another study may be conducted exploring other areas and possibilities or diversion programs that can be implemented. Likewise, the scope and coverage should be widened to validate the findings of this study.

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## **APPENDICES**

## APPENDIX A

### FGD SESSION

1 CSWDO Social Worker 1: "Majority of the children in conflict of the law was aged 17,  
2 which indicated that more or less they were at the age of reason who could know the right and  
3 wrong however due to the influence of external forces such as peers or economic situation they  
4 encountered. Furthermore, all the child-offenders belonged to the male sex, which could be  
5 construed that this sex group usually was the ones prone to commit conflict with the law."

6 CSWDO Social Worker 2: "Most of the children in conflict of the law reached  
7 the high school level only. This signified that they have low educational level, which could place  
8 them in a vulnerable state of deception by external forces that gave them urge to commit illegal  
9 act to protect themselves. Usually, the parents of the children in conflict of the law were engaged  
10 in as market vendors, which could belong to the low-income group in the community they lived  
11 in. Probably, this was one of the reasons why such illegal act had been committed by the children  
12 in conflict of the law as a way to earn easy income to augment the financial needs of their respective  
13 family."

14 CSWDO Social Worker 3: "Usually, the parents of the children in conflict of the law were  
15 engaged in as market vendors, which could belong to the low-income group in the community they  
16 lived in. Probably, this was one of the reasons why such illegal act had been committed by the  
17 children in conflict of the law as a way to earn easy income to augment the financial needs of their  
18 respective family."

19 Family Court Attorney: "Most of the conflict committed by the children-offenders was the  
20 violation of Republic Act No. 10591 otherwise known as the illegal possession of firearms and  
21 ammunitions. The foregoing children in conflict with the law were subjected to interventions or  
22 diversions implemented by the city to prepare their integration to the society or community they  
23 live."

24 Researcher: "How about the segregation of the program according to its implementers?"

25 CSWDO Social Worker 1: "Program on counseling was catered by the City Social Work  
26 and Development Office (CSWDO) and the Regional Social Work and Development Office  
27 (RSWDO) with 11 and two children in conflict of the law undergoing the program, respectively.  
28 There were three undergoing the Alternative Learning System (ALS) provided by the Department  
29 of Education (DepEd). Ten of the children in conflict of the law were under the spiritual attachment  
30 program provided by the CSWDO). There were three who were under the livelihood activities  
31 training provided by the TESDA and 11 were conducted community service program under the  
32 supervision of the CSWDO."

33 Researcher: "What was the and the Extent of Implementation Implemented among  
34 Programs for Children in Problem with Law in the City Social Welfare and Development Office  
35 (CSWDO)?"

36 CSWDO Social Worker 2: "The CICLs ranged from 17 to 21 years old which are charged  
37 with crimes such as RA 10042, RA 10591, Comelec Resolution 10446, theft, acts of lasciviousness  
38 and the like which were filed or ratified within the period November 3, 2015 to February 12, 2019.  
39 In terms of the diversion provided, the approval was only on March 4, 2018 to November 12, 2019.  
40 "

41 Family Court Attorney: "The implemented programs for children in problem with the law  
42 in the CSWDO. There are eight identified programs of the CSWDO which are otherwise called as  
43 diversion programs provided which refers to any or a combination of two or more programs. These  
44 programs include the following: counseling services whereby 14 CICLs are undergoing,  
45 community service with 11 CICLs undergoing the program, spiritual attachment with 10 CICLs

46 in the program, livelihood activities/trainings with three CICL-trainees, and alternative learning  
 47 system (ALS) under the educational diversion program with three CICLs currently enrolled.”

48 CSWDO Social Worker 3:” There are other diversion programs also which the CSWDO  
 49 implemented but without CICLs involved at the moment. These are: regular schooling and  
 50 vocational courses under the educational programs, life skills, payment of civil liability, and  
 51 institutional care or custody/center-based with the following sub-programs, namely: balay pag-  
 52 asa, national training school for boys, DSWD haven for women, regional rehabilitation  
 53 center for youth, national center for mental health and drug rehabilitation center.”

54 Researcher: “What were the challenges of the CICL program implementation in terms  
 55 of counseling sessions and educational programs along alternative learning system based on Focus  
 56 Group Discussion (FGD) conducted being represented by the stakeholders?”

57 CSWDO Social Worker 1: “In terms of counseling, the stakeholders identified the  
 58 following challenges, to wit: interest of the beneficiaries (CICLs) regarding the issue being  
 59 counseled, motivation among the CICLs as regard their deliverance from being in conflict with  
 60 the law, availability of time, both for the counselees (CICLs) and the counselors (DSWD  
 61 counselors) to discuss issues and to provide solutions to address them, and the last, self-esteem of  
 62 the CICL-beneficiaries to boost their confidence and be receptive with the identified solutions to  
 63 address their issues.”

64 CSWDO Social Worker 2: “In terms of educational programs along ALS, the stakeholders  
 65 identified the following challenges in its implementation, to wit: interest of the CICLs to earn  
 66 equivalency education to prepare their community integration once given the chance to be free,  
 67 motivation among CICLs which serves as their drive to pursue and complete the equivalency  
 68 program, accessibility of the facility to provide support in their quest to learn, enthusiasm among

69 the CICLs to learn, economic/financial problems that serve as their drive also to alleviated  
70 themselves during their community integration, and family problem.”

71 Researcher: “Thank you for your time and expertise ”

**APPENDIX B****LETTER REQUEST TO THE CITY MAYOR**

February 2019

**Hon. ARCHIE FUENTES**

OIC-Mayor

LGU - City of Catbalogan

Catbalogan City, Samar

Attention: Mrs. **NIDA AROZA**

Department Head

City Social and Welfare and Development Office

LGU - City of Catbalogan

Dear Mayor,

I am Francis Arthur P. Limbaga, a student of Samar State University's College of Graduate Studies taking up Masters of Art in Education – Major in Social Science. I am currently conducting a study for my thesis on the Diversion Program for Children in Conflict with the Law (CICL) in Catbalogan City, which under the City Social and Welfare and Development Office (CSWDO).

In relation to that, I would like to request for permission to obtain the assistance of the CSWDO, particularly with regards to data gathering for the study. The inputs from the said office are essential and will form part in the conduct of my thesis.

I hope for your favorable response to this request. For queries or any feedback, I may be contacted at 0917-795-6091. Thank you and more power.

Respectfully,

**FRANCIS ARTHUR P. LIMBAGA (SGD)**

**APPENDIX C****LETTER REQUEST TO THE REGIONAL TRIAL JUDGE**

February 2020

**Judge CICERO LAMPASA**  
Regional Trial Court  
Judicial Region  
Catbalogan City, Samar

Dear Judge Lampasa,

I am Francis Arthur Limbaga, a student of Samar State University's College of Graduate Studies taking up Masters of Art in Education – Major in Social Science. I am currently conducting a study for my thesis on the Diversion Program for Children in Conflict with the Law (CICL) in Catbalogan City.

As such, I would like to request for permission to acquire the necessary data for my study, particularly the status of the CICL undergoing Diversion Program. Rest assured that the information to be obtained will be treated with utmost confidentiality.

I hope for your favorable response to this request. For queries or any feedback, I may be contacted at 0917-795-6091. Thank you and more power.

Respectfully,

**FRANCIS ARTHUR P. LIMBAGA (SGD)**

**APPENDIX D****LETTER REQUEST TO THE CITY SOCIAL WELFARE AND DEVELOPMENT  
OFFICER**

November 2019

Mrs. NIDA AROZA  
Department Head  
City Social and Welfare and Development Office  
LGU - City of Catbalogan

Dear Mrs. Arroza,

I am Francis Arthur Limbaga, a student of Samar State University's College of Graduate Studies taking up Masters of Art in Education – Major in Social Science. I am currently conducting a study for my thesis on the Diversion Program for Children in Conflict with the Law (CICL) in Catbalogan City, which is under the jurisdiction of your good office.

As such, I would like to request for permission to acquire the necessary data for my study, particularly the status of the CICL undergoing Diversion Program. Rest assured that the information to be obtained will be treated with utmost confidentiality.

I hope for your favorable response to this request. For queries or any feedback, I may be contacted at 0917-795-6091. Thank you and more power.

Respectfully,

**FRANCIS ARTHUR P. LIMBAGA (SGD)**

## APPENDIX E

### GUIDE QUESTIONS FOR THE FOCUS GROUP DISCUSSION

1. What are the implemented programs for children in problem with the law in city social welfare and development office in terms of;

- 1.1. counseling sessions;
- 1.2. educational programs;
- 1.3. spiritual attachment;
- 1.4. life skills;
- 1.5 livelihood activities/trainings;
- 1.6 community service;
- 1.7 payment of civil liability; and
- 1.8 institutional care or custody/center-based?

2. What are the factors necessary to implement the programs in terms of:

- 2.1. counseling sessions; and
- 2.2. educational programs?

# APPENDIX F

## QUARTERLY REPORT OD CICL FROM RTC FAMILY COURT

REPUBLIC OF THE PHILIPPINES  
REGIONAL TRIAL COURT/FAMILY COURT

1<sup>st</sup> Judicial Region  
Catbalogan City, Samar  
Branch 1

Annex "A"

### QUARTERLY REPORT ON CICL CASES UNDERGOING DIVERSION

PERIOD: October 2019 to December 2019

Case Number	Name of CICL	Present Age	Crime Charged	Date Filed/ Raffled	Date of Approval of Diversion	Diversion Program Provided*	Status of Diversion**	REMARKS***
1.	[REDACTED]	17	R.A. 10042	05/18/18	12/05/18	1/2b/3/5/6	1	Program is still ongoing.
2.	[REDACTED]	17	R.A. 10591	05/18/18	12/05/18	1/2b/3/5/6	1	Program is still ongoing.
3.	[REDACTED]	17	R.A. 10591	07/27/18	04/04/18	1/2b/3/6	4 3	Case Terminated
4.	[REDACTED]	18	Comelec Res. 10446	02/26/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
5.	[REDACTED]	16	R.A. 10591	02/12/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
6.	[REDACTED]	16 & 17	Theft	02/12/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
7.	[REDACTED]	17	Comelec Res. 10446	02/12/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
8.	[REDACTED]	17	R.A. 10591	02/12/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
9.	[REDACTED]	16	Comelec Res. 10446	02/12/19	10/10/19	1/2b/3/6	1	Program is still ongoing.
10.	[REDACTED]	17	Theft	09/03/18	10/10/19	1/2b/3/6	1	Program is still ongoing.
11.	[REDACTED]	21	Acts of Lasciviousness	11/03/15	11/12/19	1/3/5/6	1	Program is still ongoing.

**APPENDIX G****CERTIFICATION OF APPEARANCE IN CSWDO CATBALOGAN CITY**

*Republic of the Philippines*  
*Province of Samar*  
**CITY OF CATBALOGAN**

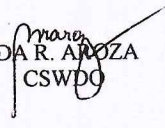
**OFFICE OF THE CITY SOCIAL WELFARE AND DEVELOPMENT****CERTIFICATION**

THIS IS TO CERTIFY THAT Mr. Francis P. Limbaga, a student off Graduate Studies at the Samar State University under the program, Master of Arts in Education Major in Social Science, acquired data from this office regarding the Children in Conflict with the Law who are undergoing Diversion Program.

This further certify that the data we provided to Mr. Limbaga were the number of CICLs undergoing diversion program and the copy of the diversion program which they will undergo for 6 months.

This certification is issued upon request of Mr. Limbaga in connection with his Thesis requirement.

Given this 8<sup>th</sup> day of December 2021, Catbalogan City.

  
NIDA R. ANOZA  
CSWDO

**APPENDIX H****CERTIFICATION OF APPEARANCE IN REGIONAL TRIAL COURT**

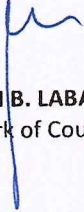
Republic of the Philippines  
**REGIONAL TRIAL COURT**  
8<sup>th</sup> Judicial Region  
Branch 27  
Catbalogan City, Samar

**CERTIFICATION**

**THIS IS TO CERTIFY THAT** Mr. Francis Arthur P. Limbaga, a student of Graduate Studies at the Samar State University under the program, Master of Arts in Education Major in Social Science, acquired data from this Court as part of his study in the "Assessment on the Implementation of the Program for Children in Conflict with the Law in the City of Catbalogan".

This also certifies that the information given to the Mr. Limbaga are not more than what is necessary for his study and that the Court, in doing so, has adopted measures to uphold the confidentiality of the Court records and utilized a system to conceal material information which will lead directly or indirectly to the child's identity.

**GIVEN THIS** 5<sup>th</sup> day of January 2021 in Catbalogan City, Samar, upon the request of Mr. Limbaga, for whatever legal purposes this may serve.

  
**MICHAEL JOHN B. LABAJOSA**  
Branch Clerk of Court

## APPENDIX I

RA 9344

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Thirteenth Congress  
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand and five.

**Republic Act No. 9344**

**AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

### TITLE I GOVERNING PRINCIPLES

#### CHAPTER 1 TITLE, POLICY AND DEFINITION OF TERMS

**Section 1. *Short Title and Scope.*** - This Act shall be known as the "**Juvenile Justice and Welfare Act of 2006.**" It shall cover the different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration.

**SEC. 2. *Declaration of State Policy.*** - The following State policies shall be observed at all times:

(a) The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

(b) The State 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. Proceedings before any authority shall be conducted in the best interest of the child and in a manner which allows the child to

participate and to express himself/herself freely. The participation of children in the program and policy formulation and implementation related to juvenile justice and welfare shall be ensured by the concerned government agency.

(c) The State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.

(d) Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the State recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his/her reintegration. Whenever appropriate and desirable, the State shall adopt measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. It shall ensure that children are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

(e) The administration of the juvenile justice and welfare system shall take into consideration the cultural and religious perspectives of the Filipino people, particularly the indigenous peoples and the Muslims, consistent with the protection of the rights of children belonging to these communities.

(f) The State shall apply the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law.

**SEC. 3. *Liberal Construction of this Act.*** - In case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRRs), shall be construed liberally in favor of the child in conflict with the law.

**SEC. 4. *Definition of Terms.*** - The following terms as used in this Act shall be defined as follows:

(a) "Bail" refers to the security given for the release of the person in custody of the law, furnished by him/her or a bondsman, to guarantee his/her appearance before any court. Bail may be given in the form of corporate security, property bond, cash deposit, or recognizance.

(b) "Best Interest of the Child" refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.

(e) "Child" refers to a person under the age of eighteen (18) years.

(d) "Child at Risk" refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:

- (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
- (2) being exploited including sexually or economically;
- (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
- (4) coming from a dysfunctional or broken family or without a parent or guardian;
- (5) being out of school;
- (6) being a streetchild;
- (7) being a member of a gang;
- (8) living in a community with a high level of criminality or drug abuse; and
- (9) living in situations of armed conflict.

(e) "Child in Conflict with the Law" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

(f) "Community-based Programs" refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.

(g) "Court" refers to a family court or, in places where there are no family courts, any regional trial court.

(h) "Deprivation of Liberty" refers to any form of detention or imprisonment, or to the placement of a child in conflict with the law in a public or private custodial setting, from which the child in conflict with the law is not permitted to leave at will by order of any judicial or administrative authority.

(i) "Diversion" refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

(j) "Diversion Program" refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.

(k) "Initial Contact With-the Child" refers to the apprehension or taking into custody of a child in conflict with the law by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.

(l) "Intervention" refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.

(m) "Juvenile Justice and Welfare System" refers to a system dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development.

(n) "Law Enforcement Officer" refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod.

(o) "Offense" refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

(p) "Recognizance" refers to an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court of the child in conflict with the law, when required.

(q) "Restorative Justice" refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.

(r) "Status Offenses" refers to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations; truancy, parental disobedience and the like.

(s) "Youth Detention Home" refers to a 24-hour child-caring institution managed by accredited local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for

children in conflict with the law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

(t) "Youth Rehabilitation Center" refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed and/or accredited NGOs monitored by the DSWD, which provides care, treatment and rehabilitation services for children in conflict with the law. Rehabilitation services are provided under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals. Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

(u) "Victimless Crimes" refers to offenses where there is no private offended party.

## CHAPTER 2

### PRINCIPLES IN THE ADMINISTRATION OF JUVENILE JUSTICE AND WELFARE

**SEC. 5. *Rights of the Child in Conflict with the Law.*** - Every child in conflict with the law shall have the following rights, including but not limited to:

(a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;

(b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;

(c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;

(d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;

(e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;

(f) the right to bail and recognizance, in appropriate cases;

(g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;

(h) the right to have his/her privacy respected fully at all stages of the proceedings;

(i) the right to diversion if he/she is qualified and voluntarily avails of the same;

(j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;

(k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;

(l) in general, the right to automatic suspension of sentence;

(m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;

(n) the right to be free from liability for perjury, concealment or misrepresentation; and

(o) other rights as provided for under existing laws, rules and regulations.

The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

**SEC. 6. *Minimum Age of Criminal Responsibility.*** - A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

**SEC. 7. *Determination of Age.*** - The child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in conflict with the law until he/she is proven to be eighteen (18) years old or older. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the

absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

If a case has been filed against the child in conflict with the law and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts at determining the age of the child in conflict with the law.

## TITLE II

### STRUCTURES IN THE ADMINISTRATION OF JUVENILE JUSTICE AND WELFARE

**SEC. 8. *Juvenile Justice and Welfare Council (JJWC).*** - A Juvenile Justice and Welfare Council (JJWC) is hereby created and attached to the Department of Justice and placed under its administrative supervision. The JJWC shall be chaired by an undersecretary of the Department of Social Welfare and Development. It shall ensure the effective implementation of this Act and coordination among the following agencies:

- (a) Council for the Welfare of Children (CWC);
- (b) Department of Education (DepEd);
- (c) Department of the Interior and Local Government (DILG);
- (d) Public Attorney's Office (PAO);
- (e) Bureau of Corrections (BUCOR);
- (f) Parole and Probation Administration (PPA)
- (g) National Bureau of Investigation (NBI);
- (h) Philippine National Police (PNP);.
- (i) Bureau of Jail Management and Penology (BJMP);

- (i) Commission on Human Rights (CHR);
- (k) Technical Education and Skills Development Authority (TESDA);
- (l) National Youth Commission (NYC); and
- (m) Other institutions focused on juvenile justice and intervention programs.

The JJWC shall be composed of representatives, whose ranks shall not be lower than director, to be designated by the concerned heads of the following departments or agencies:

- (a) Department of Justice (DOJ);
- (b) Department of Social Welfare and Development (DSWD);
- (c) Council for the Welfare of Children (CWC)
- (d) Department of Education (DepEd);
- (e) Department of the Interior and Local Government (DILG)
- (f) Commission on Human Rights (CHR);
- (g) National Youth Commission (NYC); and
- (h) Two (2) representatives from NGOs, one to be designated by the Secretary of Justice and the other to be designated by the Secretary of Social Welfare and Development.

The JJWC shall convene within fifteen (15) days from the effectivity of this Act. The Secretary of Justice and the Secretary of Social Welfare and Development shall determine the organizational structure and staffing pattern of the JJWC.

The JJWC shall coordinate with the Office of the Court Administrator and the Philippine Judicial Academy to ensure the realization of its mandate and the proper discharge of its duties and functions, as herein provided.

**SEC. 9. Duties and Functions of the JJWC.** - The JJWC shall have the following duties and functions:

- (a) To oversee the implementation of this Act;
- (b) To advise the President on all matters and policies relating to juvenile justice and welfare;
- (c) To assist the concerned agencies in the review and redrafting of existing policies/regulations or in the formulation of new ones in line with the provisions of this Act;

(d) To periodically develop a comprehensive 3 to 5-year national juvenile intervention program, with the participation of government agencies concerned, NGOs and youth organizations;

(e) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities which may have an important bearing on the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the JJWC;

(f) To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law;

(g) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as but not limited to:

(1) the performance and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;

(2) the periodic trends, problems and causes of juvenile delinquency and crimes; and

(3) the particular needs of children in conflict with the law in custody.

The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.

The JJWC shall set up a mechanism to ensure that children are involved in research and policy development.

(h) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary recommendations to appropriate agencies;

(i) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program;

(j) To submit an annual report to the President on the implementation of this Act; and

(k) To perform such other functions as may be necessary to implement the provisions of this Act.

**SEC. 10. *Policies and Procedures on Juvenile Justice and Welfare.*** - All government agencies enumerated in Section 8 shall, with the assistance of the JJWC and within one (1) year from the effectivity of this Act, draft policies and procedures consistent with the standards set in the law. These policies and procedures shall be modified accordingly in consultation with the JJWC upon the completion of the national juvenile intervention program as provided under Section 9 (d).

**SEC. 11. *Child Rights Center (CRC).*** - The existing Child Rights Center of the Commission on Human Rights shall ensure that the status, rights and interests of children are upheld in accordance with the Constitution and international instruments on human rights. The CHR shall strengthen the monitoring of government compliance of all treaty obligations, including the timely and regular submission of reports before the treaty bodies, as well as the implementation and dissemination of recommendations and conclusions by government agencies as well as NGOs and civil society.

### TITLE III

## PREVENTION OF JUVENILE DELINQUENCY

### CHAPTER 1

#### THE ROLE OF THE DIFFERENT SECTORS

**SEC. 12. *The Family.*** - The family shall be responsible for the primary nurturing and rearing of children which is critical in delinquency prevention. As far as practicable and in accordance with the procedures of this Act, a child in conflict with the law shall be maintained in his/her family.

**SEC. 13. *The Educational System.*** - Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children in conflict with the law are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non- formal education accreditation equivalency system.

**SEC. 14. *The Role of the Mass Media.*** - The mass media shall play an active role in the promotion of child rights, and delinquency prevention by relaying consistent messages through a balanced approach. Media practitioners shall, therefore, have the duty to maintain the highest critical and professional standards in reporting and covering cases of children in conflict with the law. In all publicity concerning children, the best interest of the child should

be the primordial and paramount concern. Any undue, inappropriate and sensationalized publicity of any case involving a child in conflict with the law is hereby declared a violation of the child's rights.

**SEC. 15. *Establishment and Strengthening of Local Councils for the Protection of Children.*** - Local Councils for the Protection of Children (LCPC) shall be established in all levels of local government, and where they have already been established, they shall be strengthened within one (1) year from the effectivity of this Act. Membership in the LCPC shall be chosen from among the responsible members of the community, including a representative from the youth sector, as well as representatives from government and private agencies concerned with the welfare of children.

The local council shall serve as the primary agency to coordinate with and assist the LGU concerned for the adoption of a comprehensive plan on delinquency prevention, and to oversee its proper implementation.

One percent (1%) of the internal revenue allotment of barangays, municipalities and cities shall be allocated for the strengthening and implementation of the programs of the LCPC: Provided, That the disbursement of the fund shall be made by the LGU concerned.

**SEC. 16. *Appointment of Local Social Welfare and Development Officer.*** - All LGUs shall appoint a duly licensed social worker as its local social welfare and development officer tasked to assist children in conflict with the law.

**SEC. 17. *The Sangguniang Kabataan.*** - The Sangguniang Kabataan (SK) shall coordinate with the LCPC in the formulation and implementation of juvenile intervention and diversion programs in the community.

## CHAPTER 2

### COMPREHENSIVE JUVENILE INTERVENTION PROGRAM

**SEC. 18. *Development of a Comprehensive Juvenile Intervention Program.*** - A Comprehensive juvenile intervention program covering at least a 3-year period shall be instituted in LGUs from the barangay to the provincial level.

The LGUs shall set aside an amount necessary to implement their respective juvenile intervention programs in their annual budget.

The LGUs, in coordination with the LCPC, shall call on all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. Such programs shall be implemented consistent with the national program formulated and designed by the JJWC. The implementation of the comprehensive juvenile intervention program shall be reviewed and assessed annually by the LGUs in coordination with the LCPC. Results of the

assessment shall be submitted by the provincial and city governments to the JJWC not later than March 30 of every year.

**SEC. 19. *Community-based Programs on Juvenile Justice and Welfare.*** - Community-based programs on juvenile justice and welfare shall be instituted by the LGUs through the LCPC, school, youth organizations and other concerned agencies. The LGUs shall provide community-based services which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- (a) Primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- (b) Secondary intervention includes measures to assist children at risk; and
- (c) Tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

#### TITLE IV

#### TREATMENT OF CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY

**SEC. 20. *Children Below the Age of Criminal Responsibility.*** - If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child and to the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC); a local social welfare and development officer; or when and where appropriate, the DSWD. If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code".

TITLE V  
JUVENILE JUSTICE AND WELFARE SYSTEM

CHAPTER I

INITIAL CONTACT WITH THE CHILD

**SEC. 21. *Procedure for Taking the Child into Custody.*** - From the moment a child is taken into custody, the law enforcement officer shall:

- (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;
- (e) 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 this Act;
- (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/guardians 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 the 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.

**SEC. 22. Duties During Initial Investigation.** - The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

The taking of the statement of the child shall be conducted in the presence of the following: (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) the child's parents, guardian, or nearest relative, as the case may be; and (3) the local social welfare and development officer. In the absence of the child's parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

After the initial investigation, the local social worker conducting the same may do either of the following:

- (a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and
- (b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion under the following chapter.

## CHAPTER 2 DIVERSION

**SEC. 23. *System of Diversion.*** - Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein provided:

(a) Where the imposable penalty for the crime committed is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.

(b) In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the local social welfare and development officer shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the BCPC;

(c) Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court.

**SEC. 24. *Stages Where Diversion May be Conducted.*** - Diversion may be conducted at the Katarungang Pambarangay, the police investigation or the inquest or preliminary investigation stage and at all levels and phases of the proceedings including judicial level.

**SEC. 25. *Conferencing, Mediation and Conciliation.*** - A child in conflict with law may undergo conferencing, mediation or conciliation outside the criminal justice system or prior to his entry into said system. A contract of diversion may be entered into during such conferencing, mediation or conciliation proceedings.

**SEC. 26. *Contract of Diversion.*** - If during the conferencing, mediation or conciliation, the child voluntarily admits the commission of the act, a diversion program shall be developed when appropriate and desirable as determined under Section 30. Such admission shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties concerned and the appropriate authorities. The local social welfare and development officer shall supervise the implementation of the diversion program. The diversion proceedings shall be completed within forty-five (45) days. The period of prescription of the offense shall be suspended until the completion of the diversion proceedings but not to exceed forty-five (45) days.

The child shall present himself/herself to the competent authorities that imposed the diversion program at least once a month for reporting and evaluation of the effectiveness of the program.

Failure to comply with the terms and conditions of the contract of diversion, as certified by the local social welfare and development officer, shall give the offended party the option to institute the appropriate legal action.

The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not exceeding a period of two (2) years.

**SEC. 27. *Duty of the Punong Barangay When There is No Diversion.*** - If the offense does not fall under Section 23(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Punong Barangay handling the case shall, within three (3) days from determination of the absence of jurisdiction over the case or termination of the diversion proceedings, as the case may be, forward the records of the case of the child to the law enforcement officer, prosecutor or the appropriate court, as the case may be. Upon the issuance of the corresponding document, certifying to the fact that no agreement has been reached by the parties, the case shall be filed according to the regular process.

**SEC. 28. *Duty of the Law Enforcement Officer When There is No Diversion.*** - If the offense does not fall under Section 23(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Women and Children Protection Desk of the PNP, or other law enforcement officer handling the case of the child under custody, to the prosecutor or judge concerned for the conduct of inquest and/or preliminary investigation to determine whether or not the child should remain under custody and correspondingly charged in court. The document transmitting said records shall display the word "CHILD" in bold letters.

**SEC. 29. *Factors in Determining Diversion Program.*** - In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- (a) The nature and circumstances of the offense charged;
- (b) The frequency and the severity of the act;
- (c) The circumstances of the child (e.g. age, maturity, intelligence, etc.);
- (d) The influence of the family and environment on the growth of the child;
- (e) The reparation of injury to the victim;
- (f) The weight of the evidence against the child;
- (g) The safety of the community; and
- (h) The best interest of the child.

**SEC. 30. *Formulation of the Diversion Program.*** - In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child in conflict with the law shall be used to formulate an individualized treatment.

The following factors shall be considered in formulating a diversion program for the child:

- (a) The child's feelings of remorse for the offense he/she committed;
- (b) The parents' or legal guardians' ability to guide and supervise the child;
- (c) The victim's view about the propriety of the measures to be imposed; and
- (d) The availability of community-based programs for rehabilitation and reintegration of the child.

**SEC. 31. *Kinds of Diversion Programs.*** - The diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

- (a) At the level of the Punong Barangay:

- (1) Restitution of property;
- (2) Reparation of the damage caused;
- (3) Indemnification for consequential damages;
- (4) Written or oral apology;
- (5) Care, guidance and supervision orders;
- (6) Counseling for the child in conflict with the law and the child's family;
- (7) Attendance in trainings, seminars and lectures on:
  - (i) anger management skills;
  - (ii) problem solving and/or conflict resolution skills;
  - (iii) values formation; and
  - (iv) other skills which will aid the child in dealing with situations which can lead to repetition of the offense;
- (8) Participation in available community-based programs, including community service; or
- (9) Participation in education, vocation and life skills programs.

- (b) At the level of the law enforcement officer and the prosecutor:

- (1) Diversion programs specified under paragraphs (a)(1) to (a)(9) herein; and

(2) Confiscation and forfeiture of the proceeds or instruments of the crime;

(c) At the level of the appropriate court:

(1) Diversion programs specified under paragraphs(a)and (b) above;

(2) Written or oral reprimand or citation;

(3) Fine:

(4) Payment of the cost of the proceedings; or

(5) Institutional care and custody.

### CHAPTER 3 PROSECUTION

**SEC. 32. *Duty of the Prosecutor's Office.*** - There shall be a specially trained prosecutor to conduct inquest, preliminary investigation and prosecution of cases involving a child in conflict with the law. If there is an allegation of torture or ill-treatment of a child in conflict with the law during arrest or detention, it shall be the duty of the prosecutor to investigate the same.

**SEC. 33. *Preliminary Investigation and Filing of Information.*** - The prosecutor shall conduct a preliminary investigation in the following instances: (a) when the child in conflict with the law does not qualify for diversion: (b) when the child, his/her parents or guardian does not agree to diversion as specified in Sections 27 and 28; and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the child in conflict with the law.

Upon serving the subpoena and the affidavit of complaint, the prosecutor shall notify the Public Attorney's Office of such service, as well as the personal information, and place of detention of the child in conflict with the law.

Upon determination of probable cause by the prosecutor, the information against the child shall be filed before the Family Court within forty-five (45) days from the start of the preliminary investigation.

### CHAPTER 4 COURT PROCEEDINGS

**SEC. 34. *Bail.*** - For purposes of recommending the amount of bail, the privileged mitigating circumstance of minority shall be considered.

**SEC. 35. *Release on Recognizance.*** - Where a child is detained, the court shall order:

(a) the release of the minor on recognizance to his/her parents and other suitable person;

(b) the release of the child in conflict with the law on bail; or

(c) the transfer of the minor to a youth detention home/youth rehabilitation center.

The court shall not order the detention of a child in a jail pending trial or hearing of his/her case.

**SEC. 36. *Detention of the Child Pending Trial.*** - Children detained pending trial may be released on bail or recognizance as provided for under Sections 34 and 35 under this Act. In all other cases and whenever possible, detention pending trial may be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Institutionalization or detention of the child pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

Whenever detention is necessary, a child will always be detained in youth detention homes established by local governments, pursuant to Section 8 of the Family Courts Act, in the city or municipality where the child resides.

In the absence of a youth detention home, the child in conflict with the law may be committed to the care of the DSWD or a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the court. The center or agency concerned shall be responsible for the child's appearance in court whenever required.

**SEC. 37. *Diversion Measures.*** - Where the maximum penalty imposed by law for the offense with which the child in conflict with the law is charged is imprisonment of not more than twelve (12) years, regardless of the fine or fine alone regardless of the amount, and before arraignment of the child in conflict with the law, the court shall determine whether or not diversion is appropriate.

**SEC. 38. *Automatic Suspension of Sentence.*** - Once the child who is under eighteen (18) years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: *Provided, however,* That suspension of sentence shall still be applied even if the juvenile is already eighteen years (18) of age or more at the time of the pronouncement of his/her guilt.

Upon suspension of sentence and after considering the various circumstances of the child, the court shall impose the appropriate disposition measures as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

**SEC. 39. *Discharge of the Child in Conflict with the Law.*** - Upon the recommendation of the social worker who has custody of the child, the court shall dismiss the case against the child whose sentence has been suspended and against whom disposition measures have been issued, and shall order the final discharge of the child if it finds that the objective of the disposition measures have been fulfilled.

The discharge of the child in conflict with the law shall not affect the civil liability resulting from the commission of the offense, which shall be enforced in accordance with law.

**SEC. 40. *Return of the Child in Conflict with the Law to Court.*** - If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law shall be brought before the court for execution of judgment.

If said child in conflict with the law has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.

**SEC. 41. *Credit in Service of Sentence.*** - The child in conflict with the law shall be credited in the services of his/her sentence with the full time spent in actual commitment and detention under this Act.

**SEC. 42. *Probation as an Alternative to Imprisonment.*** - The court may, after it shall have convicted and sentenced a child in conflict with the law, and upon application at any time, place the child on probation in lieu of service of his/her sentence taking into account the best interest of the child. For this purpose, Section 4 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976", is hereby amended accordingly.

## CHAPTER

5

## CONFIDENTIALITY OF RECORDS AND PROCEEDINGS

**SEC. 43. *Confidentiality of Records and Proceedings.*** - All records and proceedings involving children in conflict with the law from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law may have his/hes sentence suspended or if he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

The component authorities shall undertake all measures to protect this confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children in conflict with the law and adopting a system of coding to conceal material information which will lead to the child's identity. Records of a child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent.

A person who has been in conflict with the law as a child shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose.

## TITLE VI REHABILITATION AND REINTEGRATION

**SEC. 44. *Objective of Rehabilitation and Reintegration.*** - The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive members of their communities.

**SEC. 45. *Court Order Required.*** - No child shall be received in any rehabilitation or training facility without a valid order issued by the court after a hearing for the purpose. The details of this order shall be immediately entered in a register exclusively for children in conflict with the law. No child shall be admitted in any facility where there is no such register.

**SEC. 46. *Separate Facilities from Adults.*** - In all rehabilitation or training facilities, it shall be mandatory that children shall be separated from adults unless they are members of the same family. Under no other circumstance shall a child in conflict with the law be placed in the same confinement as adults.

The rehabilitation, training or confinement area of children in conflict with the law shall provide a home environment where children in conflict with the law can be provided with quality counseling and treatment.

**SEC. 47. *Female Children.*** - Female children in conflict with the law placed in an institution shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law.

**SEC. 48. *Gender-Sensitivity Training.*** - No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training.

**SEC. 49. *Establishment of Youth Detention Homes.*** - The LGUs shall set aside an amount to build youth detention homes as mandated by the Family Courts Act. Youth detention homes may also be established by private and NGOs licensed and accredited by the DSWD, in consultation with the JJWC.

**SEC. 50. *Care and Maintenance of the Child in Conflict with the Law.*** - The expenses for the care and maintenance of a child in conflict with the law under institutional care shall be borne by his/her parents or those persons liable to support him/her: *Provided*, That in case his/her parents or those persons liable to support him/her cannot pay all or part of said expenses, the municipality where the offense was committed shall pay one-third (1/3) of said expenses or part thereof; the province to which the municipality belongs shall pay one-third (1/3) and the remaining one-third (1/3) shall be borne by the national government. Chartered cities shall pay two-thirds (2/3) of said expenses; and in case a chartered city cannot pay said expenses, part of the internal revenue allotments applicable to the unpaid

portion shall be withheld and applied to the settlement of said obligations: *Provided, further,* That in the event that the child in conflict with the law is not a resident of the municipality/city where the offense was committed, the court, upon its determination, may require the city/municipality where the child in conflict with the law resides to shoulder the cost.

All city and provincial governments must exert effort for the immediate establishment of local detention homes for children in conflict with the law.

**SEC. 51. *Confinement of Convicted Children in Agricultural Camps and other Training Facilities.*** - A child

in conflict with the law may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD.

**SEC. 52. *Rehabilitation of Children in Conflict with the Law.*** - Children in conflict with the law, whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her parents/guardian, the child in conflict with the law shall participate in community-based programs, which shall include, but not limited to:

- (1) Competency and life skills development;
- (2) Socio-cultural and recreational activities;
- (3) Community volunteer projects;
- (4) Leadership training;
- (5) Social services;
- (6) Homelife services;
- (7) Health services; .
- (8) Spiritual enrichment; and
- (9) Community and family welfare services.

In accordance therewith, the family of the child in conflict with the law shall endeavor to actively participate in the community-based rehabilitation.

Based on the progress of the youth in the community, a final report will be forwarded by the local social welfare and development officer to the court for final disposition of the case.

If the community-based programs are provided as diversion measures under Chapter II, Title V, the programs enumerated above shall be made available to the child in conflict with the law.

**SEC. 53. *Youth Rehabilitation Center.*** - The youth rehabilitation center shall provide 24-hour group care, treatment and rehabilitation services under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals. A quarterly report shall be submitted by the center to the proper court on the progress of the children in conflict with the law. Based on the progress of the youth in the center, a final report will be forwarded to the court for final disposition of the case. The DSWD shall establish youth rehabilitation centers in each region of the country.

**SEC. 54. *Objectives of Community Based Programs.*** - The objectives of community-based programs are as follows:

- (a) Prevent disruption in the education or means of livelihood of the child in conflict with the law in case he/she is studying, working or attending vocational learning institutions;
- (b) Prevent separation of the child in conflict with the law from his/her parents/guardians to maintain the support system fostered by their relationship and to create greater awareness of their mutual and reciprocal responsibilities;
- (c) Facilitate the rehabilitation and mainstreaming of the child in conflict with the law and encourage community support and involvement; and
- (d) Minimize the stigma that attaches to the child in conflict with the law by preventing jail detention.

**SEC. 55. *Criteria of Community-Based Programs.*** - Every LGU shall establish community-based programs that will focus on the rehabilitation and reintegration of the child. All programs shall meet the criteria to be established by the JJWC which shall take into account the purpose of the program, the need for the consent of the child and his/her parents or legal guardians, and the participation of the child-centered agencies whether public or private.

**SEC. 56. *After-Care Support Services for Children in Conflict with the Law.*** - Children in conflict with the law whose cases have been dismissed by the proper court because of good behavior as per recommendation of the DSWD social worker and/or any accredited NGO youth rehabilitation center shall be provided after-care services by the local social welfare and development officer for a period of at least six (6) months. The service includes

counseling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community.

## TITLE VII GENERAL PROVISIONS

### CHAPTER 1 EXEMPTING PROVISIONS

**SEC. 57. *Status Offensees.*** - Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.

**SEC. 58. *Offenses Not Applicable to Children.*** - Persons below eighteen (18) years of age shall be exempt from prosecution for the crime of vagrancy and prostitution under Section 202 of the Revised Penal Code, of mendicancy under Presidential Decree No. 1563, and sniffing of rugby under Presidential Decree No. 1619, such prosecution being inconsistent with the United Nations Convention on the Rights of the Child: *Provided, That* said persons shall undergo appropriate counseling and treatment program.

**SEC. 59. *Exemption from the Application of Death Penalty.*** - The provisions of the Revised Penal Code, as amended, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and other special laws notwithstanding, no death penalty shall be imposed upon children in conflict with the law.

### CHAPTER 2 PROHIBITED ACTS

**SEC. 60. *Prohibition Against Labeling and Shaming.*** - In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from branding or labeling children as young criminals, juvenile delinquents, prostitutes or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the child's class or ethnic origin.

**SEC. 61. *Other Prohibited Acts.*** - The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore, prohibited:

- (a) Employment of threats of whatever kind and nature;
- (b) Employment of abusive, coercive and punitive measures such as cursing, beating, stripping, and solitary confinement;

(c) Employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child in conflict with the law, or forcing him/her to walk around the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and

(d) Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

### CHAPTER 3 PENAL PROVISION

**SEC. 62. *Violation of the Provisions of this Act or Rules or Regulations in General.*** - Any person who violates any provision of this Act or any rule or regulation promulgated in accordance thereof shall, upon conviction for each act or omission, be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00) or suffer imprisonment of not less than eight (8) years but not more than ten (10) years, or both such fine and imprisonment at the discretion of the court, unless a higher penalty is provided for in the Revised Penal Code or special laws. If the offender is a public officer or employee, he/she shall, in addition to such fine and/or imprisonment, be held administratively liable and shall suffer the penalty of perpetual absolute disqualification.

### CHAPTER 4 APPROPRIATION PROVISION

**SEC. 63. *Appropriations.*** - The amount necessary to carry out the initial implementation of this Act shall be charged to the Office of the President. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act.

An initial amount of Fifty million pesos (P50,000,000.00) for the purpose of setting up the JJWC shall be taken from the proceeds of the Philippine Charity Sweepstakes Office.

### TITLE VIII TRANSITORY PROVISIONS

**SEC. 64. *Children in Conflict with the Law Fifteen (15) Years Old and Below.*** - Upon effectivity of this Act, cases of children fifteen (15) years old and below at the time of the commission of the crime shall immediately be dismissed and the child shall be referred to the appropriate local social welfare and development officer. Such officer, upon thorough assessment of the child, shall determine whether to release the child to the custody of his/her parents, or refer the child to prevention programs as provided under this Act. Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, unless it is contrary to the best interest of the child.

**SEC. 65. *Children Detained Pending Trial.*** - If the child is detained pending trial, the Family Court shall also determine whether or not continued detention is necessary and, if not, determine appropriate alternatives for detention.

If detention is necessary and he/she is detained with adults, the court shall immediately order the transfer of the child to a youth detention home.

**SEC. 66. *Inventory of "Locked-up" and Detained Children in Conflict with the Law.*** - The PNP, the BJMP and the BUCOR are hereby directed to submit to the JJWC, within ninety (90) days from the effectivity of this Act, an inventory of all children in conflict with the law under their custody.

**SEC. 67. *Children Who Reach the Age of Eighteen (18) Years Pending Diversion and Court Proceedings.*** - If a child reaches the age of eighteen (18) years pending diversion and court proceedings, the appropriate diversion authority in consultation with the local social welfare and development officer or the Family Court in consultation with the Social Services and Counseling Division (SSCD) of the Supreme Court, as the case may be, shall determine the appropriate disposition. In case the appropriate court executes the judgment of conviction, and unless the child in conflict the law has already availed of probation under Presidential Decree No. 603 or other similar laws, the child may apply for probation if qualified under the provisions of the Probation Law.

**SEC. 68. *Children Who Have Been Convicted and are Serving Sentence.*** - Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who were below the age of eighteen (18) years at the time the commission of the offense for which they were convicted and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable law.

## TITLE IX FINAL PROVISIONS

**SEC. 69. *Rule Making Power.*** - The JJWC shall issue the IRRs for the implementation of the provisions of this act within ninety (90) days from the effectivity thereof.

**SEC. 70. *Separability Clause.*** - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect.

**SEC. 71. *Repealing Clause.*** - All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 72. *Effectivity.*** - This Act shall take effect after fifteen (15) days from its publication in at least two (2) national newspapers of general circulation.

Approved,

**FRANKLIN DRILON**  
President of the Senate

**JOSE DE VENECIA JR.**  
Speaker of the House of  
Representatives

This Act which is a consolidation of Senate Bill No. 1402 and House Bill No. 5065 was finally passed by the Senate and the House of Representatives on March 22, 2006.

**OSCAR G. YABES**  
Secretary of Senate

**ROBERTO P. NAZARENO**  
Secretary General  
House of Representatives

Approved: April 28, 2006

**GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines*

## **CURRICULUM VITAE**

## CURRICULUM VITAE

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Samar College  
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