POLICE MANUAL ON THE MANAGEMENT OF CASES OF CHILDREN IN CONFLICT WITH THE LAW
Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

RESOLUTION NO. 2009 - 415

ADOPTION OF THE POLICE MANUAL ON THE MANAGEMENT OF CASES OF CHILDREN IN CONFLICT WITH THE LAW (CICL) AND THE SIMPLIFIED RULES IN THE APPREHENSION AND INVESTIGATION OF CICL

WHEREAS, the Philippines recognizes the vital role of youth in nation building and as such, shall promote and protect their physical, spiritual, intellectual and moral well-being, as well as protect their best interests through measures that will ensure the observance of international standards of child protection, especially to which it is a party;

WHEREAS, the State likewise recognizes the right of children to assistance and special protection from all forms of neglect, abuse, cruelty and exploitation that are prejudicial to their development; and 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 dignity and worth, taking into account the child’s age and the desirability of his or her reintegration;

WHEREAS, Republic Act No.9344, otherwise known as the “Act Establishing a Comprehensive Juvenile and Welfare System,” provides for a new juvenile justice system in the Philippines that embodies provisions for the protection of Children in Conflict with the Law (CICL), including restorative justice which is an integral part of the system;

WHEREAS, the said law prescribes the procedure that every law enforcement officer must observe in the initial contact with the child, from the time the child is taken into custody to the conduct of initial investigation and referral to appropriate agencies for intervention;

WHEREAS, there remains to be documented reports of violations of the standards and norms in police in police treatment of CICL that require immediate and enduring solutions; and

WHEREAS, the Philippine Government, through the Philippine National Police (PNP) as the premier law enforcement agency, has to abide by international and national standards in the treatment of the CICL in consonance with existing laws and policies, and as such must endeavor to advocate for, support, implement and promote the necessary policies, rules and regulations, programs and project for the best interest of these children;
NOW, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to:

1. Adopt the Police Manual on the Management of Cases of Children in Conflict with the Law and the PNP Simplified Rules in the Apprehension and Investigation of children in Conflict with the Law for maximum observance, guidance and implementation by all police offices nationwide;

2. Assist in the information-education-communication dissemination efforts to ensure to ensure the widest advocacy for the use of the manual in the entire PNP organization;

3. Conduct or provide support to research studies in aid of monitoring and evaluation of the efficiency and effectiveness of police management of CICL; and

4. Develop, implement, strengthen and sustain projects to prevent youth crime and victimization

APPROVED this _24th_ day of _JULY_ in the Year Two Thousand and Nine in Makati City, Metro Manila Philippines.

RONALDO V. PUNO
Chairman

EDUARDO U. ESCUETA
Vice-Chairman and Executive Officer

LUI S MARIO M. GENERAL
Commissioner

JESUS A. VERZOSA
Commissioner

Attested by:

ADEMALYN A. MUNIEZA
Chief, Secretariat
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The National Police Commission (NAPOLCOM) had pursued programs to ensure compliance to its commitments of developing, reviewing and advocating for policies responsive to the needs of women and children. Certain mechanisms have already been adopted to enable the police force to exercise its authority to provide special protection to children. The establishment of Women and Children's Concern Desks strengthened police capability in the protection of children. The WCCD exercises supervision, provides policy direction, and monitors and evaluates statistical data on women and children's cases reported and handled by the PNP.

In 1998, the Napolcom, the Department of Social Welfare and Development (DSWD) and the PNP, in cooperation with the United Nations Children's Fund (UNICEF) published a "Police Handbook on the Management of Cases of Children in Especially Difficult Circumstances." The handbook outlines the specific courses of action and measures to be undertaken by police officers to protect the rights and promote the welfare of children in conflict with the law. However, it has been 20 years since the preparation of the handbook and new legislations have already taken place.

In 2006, Republic Act No. 9344 or the "Act Establishing a Comprehensive Juvenile Justice and Welfare System," was enacted to provide safeguards to children's rights. The law emphasizes the need of providing children with special care and assistance, including appropriate legal protection. It emphasizes that 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.

Despite existing policies, procedures and structures that give preferential attention to the plight of children in conflict with the law, there have been problems in handling of children's cases. Some of these concerns and issues were identified in the 2007 Masteral Thesis of Ms. Donna Lynn Caparas of NAPOLCOM, entitled "An Analysis of Police Management of Cases of Children in Conflict with the Law in Metro Manila from 2005 to the 1st Semester of 2007" at the National Defense College of the Philippines (NDCP). These included wrongful procedures of apprehending children, as well as commission of abuse during investigation, detention and referral. Specifically, the study provides important findings for improving the system of administration of juvenile justice and develop systems and procedures at the police level.
The study confirms several instances where the “best interest” of children are violated or denied at the police level such as on the procedures of arrest, investigation, detention and referral. Added to these problems are the insufficiency of budget and resources, lack of personnel, deficiency in training, absence of proper infrastructures such as separate detention facilities for children, and mechanisms such as monitoring bodies.

The study recommends a number of police reforms that should be pursued in order to ensure protection of the rights of CICL, improve their welfare and deter further crimes by children. Some of these would involve 1) restructuring of set-ups in the police, 2) revising mechanisms for implementation of laws and procedures; 3) improving capability and capacity of human resource; 4) widening information dissemination and enhancing public awareness; and 5) studying possible amendments to the law (RA 9344).

Considering these, the NAPOLCOM spearheaded the development of a police manual for the management of children in conflict with the law. The initiative endeavors, among others, to analyze and evaluate data and information in support to the formulation of guidelines and procedures for police management of CICL. The manual was also developed to promote the wider use of diversionary alternatives by police officers in dealing with cases of CICL and to provide opportunities for families to build stronger parent-child relationships.
Upholding and protection of children's rights are guaranteed in international and national laws. Of the different sectors of children in our society today, Children in Conflict with the Law (CICL) had been the subject of much discussion and problem-solving of what the government and the private sector must do to alleviate their plight.

What concerns us is the increasing involvement of younger children in youth crime, violence and deviant behavior. This is not only true in urban localities but also in rural areas where the influence of media, communications and technology have been felt all the more.

Not just few of these children enter the juvenile justice system. Many in fact leave it, bringing with them countless haunting experiences of the abuse, neglect, trauma or adverse emotions that in their destitute life they thought they had already lived through.

Republic Act No. 9344, the law that establishes a comprehensive juvenile and justice welfare system, opens our minds to greater possibilities for reforms or improvements in the juvenile justice system. Addressing the needs and concerns of CICL would require a holistic approach, one that brings together focused efforts by national and local governments, the private sector and non-government organizations in bringing about much-needed policies, programs and services in the system of justice for our children and youth who have violated our laws.

Local governments have as much, if not greater responsibility, in ensuring that intervention programs that give premium to treatment and rehabilitation of these CICL are put in place to prevent re-offending and further protect CICL. While local resources to fund many such programs are limited, we are confident that with improved collaboration, cooperation and networking among our frontline officers in the field, these will create a ripple effect towards more positive changes.
Let me, therefore, extend my sincere thanks to everyone who contributed in the publication of this Manual, a ready reference and a guidebook to all our police officers in the protection and promotion of CICL rights and welfare. We call on all our police officers to strengthen and sustain their advocacy efforts and awareness raising programs for these children.

RONALDO V. PUNO
Secretary, Department of the Interior and Local Government
and Chairman, National Police Commission
The Philippines is not bereft of laws aimed at protecting children. In fact, the Philippines is one of the countries with legislations, mechanisms and measures that are geared toward protecting the rights and promoting the welfare of children.

One sector of children in need of legal protection is children in conflict with the law. There had been specific measures in the past to ensure that children’s rights are observed and protected at the police level. These laws and initiatives, however, no matter how good they may be, are useless if not properly enforced.

The National Police Commission is committed towards affirming that the police properly implement the laws and be true to the dictum of police being protectors of the people, especially children. The Commission shall endeavour that each and every police officer will fully understand her/his role in developing children into good persons and citizens. This is the reason behind the development of this Manual that codifies the guidelines and details the step-by-step procedures in the proper handling of children by the police. It behooves upon every police officer to use this Manual in delivering quality police service that will guarantee safer conditions for our children and their families and will maintain an environment conducive to peace and development for the country.

ATTY. EDUARDO U. ESCUETA
Commissioner,
Vice-Chairman and Executive Officer
National Police Commission
During my six-year term as NAPOLCOM Commissioner, I have always maintained a special spot for women and children's issues. So, when the chance for me to spearhead the NAPOLCOM-UNICEF Project on Police Management of Cases of Children in Conflict with the Law came, I considered it an honor and a privilege because I knew then that it was a chance to be part of a relevant and laudable project.

The National Police Commission has continuously embarked on reviewing police procedures. One such procedure is on management of children, specially because Republic Act No. 9344 has been passed recently. The Commission is determined on prescribing a set of guidelines for the handling of cases of children because despite existing policies, procedures and structures that seek to uphold and protect the rights of children in conflict with the law, there have been documented cases of abuse and violence. Sometimes, it seems discouraging that only a handful of what we have worked hard for are recognized, appreciated and implemented.

This Manual is geared toward initiating efforts that will better ensure protection of the rights of CICL, improve their welfare and deter further re-offending of children. I am confident that the Commission will continuously work towards addressing emerging issues, pass on relevant information to help the police in their work and apply practicable measures in their areas of responsibility as officers of the law. I would like to think that this manual will highlight the involvement of NAPOLCOM, not only in helping the PNP to better manage children in conflict with the law but also in consistently promoting our concern for children’s welfare.

I would like to thank each and everyone of those who helped in the development of this manual. There have been truly diligent and committed individuals who will have plucked out of their retirement vacation just to share their valued insights and expertise. We are also appreciative of the assistance extended by our partner, the UNICEF, in identifying areas where we could further introduce improvements.
May you always maintain your spirited dedication and commitment in improving the system of juvenile justice in our country. I assure you of my full support even as I have bowed out as Commissioner of NAPOLCOM. This is a personal commitment that I wish to pursue.

Good luck to all of us!

CELIA V. SANIDAD-LEONES
Project Manager
The Philippine National Police (PNP) takes the lead in developing the consciousness of the police as responsible ‘gatekeepers’ of the juvenile justice system. Its significant role as protector of human rights is an essential factor to deliver a more meaningful approach in the prevention of juvenile delinquency.

The production of the handbook entitled, "Police Manual in the Management of Cases of Children in Conflict with the Law" comes at the time when the PNP is in the light of a transformation that focuses on developing leaders at all levels. This effort is in response to the clamor for enhancing police services where they matter most.

The Manual complements the trainings and seminars of our policemen, and equips them with the necessary management skills in handling cases. While the police portray a crucial role in frontline intervention, making initial decisions and steps in cases involving children in conflict with the law or CICL will determine its effective handling, hence this manual.

This is a product of bright minds whose dedication to public service comes about themselves making the PNP a primary guardian of peace in the community.

The PNP is grateful to the NAPOLCOM for the formulation of this police manual and to the UNICEF for its continuing assistance to the PNP programs that aim to serve the best interest of the children.

JESUS AME VERZOSA, CEO VI
Police Director General
Chief, Philippine National Police
Message

The enactment of the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) ensures the protection of children who break the law. This is consistent with the Philippine Government's commitment to the UN Convention on the Rights of the Child (UN CRC) and international human rights standards, and has been hailed internationally as a model for juvenile justice legislation.

Republic Act No. 9344 covers the following areas:

1. adopts the principle of restorative justice following UN standards;
2. prohibits the detention of children in jails;
3. enumerates the rights of children in conflict with the law;
4. raises the age of criminal responsibility to 15 from 9 years of age;
5. provides for juvenile delinquency prevention programmes at the local level;
6. introduces community-based diversion programmes for children who commit non-serious offenses;
7. provides for alternative disposition measures for children who commit serious offenses and are found liable;
8. strengthens rehabilitation, reintegration and aftercare programmes;
9. creates the Juvenile Justice and Welfare Council which will be responsible for ensuring the effective implementation of the new law and coordination of delivery of services by government agencies and institutions focused on juvenile justice and welfare; and
10. provides for the retroactive application of the beneficial provisions of the law.

Despite the passage of the law, most police officers still require orientation in this law. Our fundamental belief is that all children are entitled to protection. Experience has shown us that children who come into conflict with the law are some of the most troubled and vulnerable children around.
This Police Manual on the Management of Cases of Children in Conflict with the Law by the National Police Commission fills a significant gap in the implementation of Republic Act No. 9344. This manual will be used in the training of police officers on the proper handling of children in conflict with the law under the new Act. The protection of the rights of children in the justice system, whether they be victims, witnesses or accused, is a key component of the child protection programme of UNICEF.

[Signature]
Vanessa J. Tobin
Country Representative
UNICEF Philippines
Acknowledgment

The National Police Commission (NAPOLCOM) would like to thank all the dedicated individuals who have helped us complete this publication.

To the members of the Technical Working Group (TWG) of the NAPOLCOM-UNICEF Project on Police Management of Children in Conflict with the Law, especially the agency representatives from the Office of the Court Administrator-Supreme Court (OCA-SC), Juvenile Justice Welfare Council (JJWC), Philippine National Police (PNP), Commission on Human Rights (CHR), National Bureau of Investigation (NBI), National Prosecution Service-Department of Justice (NAPROS-DOJ), Council for the Welfare of Children (CWC), Department of Social Welfare and Development (DSWD), Parole and Probation Administration (PPA), Consuelo Foundation, Humanitarian Legal Aid Foundation (HLAF), Commission on Audit (COA) and UNICEF.

We particularly acknowledge the expertise and active participation of the TWG members during the series of meetings and all those who attended the fruitful write shop at Days Hotel in Tagaytay City from June 18 to 20, 2008:


To our facilitators, Atty. Rommel Abitia of the HLAF, Ms. Lani Bayron of Consuelo Foundation, Atty. Brenda E. Canapi of the CHR, and Ms. Lilibeth Gallego of DSWD for giving direction and steering discussions during the workshops.


To our participants, selected police officers assigned at the Women and Children's Protection Desks from Metro Manila, Baguio City, Cebu City, Cagayan de Oro, Bulacan, Antipolo, Cavite and Butuan for generously sharing information and their experiences.
To our NAPOLCOM support staff, Juliet V. Aliangan, Marlene H. Peña, Lalaine S. Babagay, Leeneth H. Perido, Jovy Z. Bandola, Alejandro J. Balote and Alejandro B. Reyes for attending to all our needs and serving as Project Secretariat.

To our manual editor, Judge Rosalina L. Pison, (Ret.) for her hard work, patience and unwavering commitment. To the United Nations Children's Fund (UNICEF) for making the publication of the document possible. Lastly, to the police officers and all others who stood committed to the protection and promotion of the rights of children in conflict with the law, we acknowledge and dedicate this manual to you. May we all maintain our spirited dedication in improving the system of juvenile justice in our country.
Introduction

"All police officers must at all times serve, respect, protect, and promote the best interests of all children – whether they are victims of crime, accused of a crime, or witnesses to a crime."

In the past decades, crime statistics from the Philippine National Police have shown that crimes committed by children are rooted in several realities: overpopulation, weak families, poverty, drugs and pornography, among others.

Poor street children, youth gangs, and neglected children continue to be apprehended by the police. There have been reports that police officers, for lack of sufficient training or due to inefficient handling of these children, have physically and verbally abused the arrested offenders.

The increasing number of problematic children has alarmed the authorities so much, that for many years, Philippine legislators have worked hard to pass laws to prevent juvenile delinquency and to ensure the proper treatment of juvenile offenders.

Thus, the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) was passed, approved by President Gloria Macapagal-Arroyo on April 28, 2006 and took effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

The law clearly defines a child and guides those concerned on the proper circumstances and processes for dealing with children who come in conflict with the law.

The Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) defines a "child in conflict with the law" or CICL as a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws. A "Child" refers to a person below eighteen (18) years of age.
Under the Child Abuse Law (RA 7610), a person above eighteen (18) years of age but unable to fully take care of herself/himself, or protect herself/himself from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition is also considered a child (RA 7610).

It also clarified that a person is fifteen (15) years of age on the date of the fifteenth anniversary of her/his birthday.

Republic Act No. 9344 provides that children fifteen (15) years and under at the time of the commission of the offense are exempt from criminal liability. Children above fifteen (15) years but below eighteen (18) years of age, at the time of the commission of the offense, are also exempt from criminal liability unless they acted with discernment.

It further provides that although a child who is fifteen (15) years of age or under, at the time of the commission of the crime, is exempt from criminal responsibility, she/he must, however, be subjected to intervention programs outside the criminal justice system for his best interest and welfare, as well as that of the community. The civil liability for the offense allegedly committed may be charged against the child’s parents or guardians/custodians under existing laws.

If the imposable penalty for the crime allegedly committed is not more than six (6) years imprisonment (which includes status offenses and victimless crimes), the child shall undergo diversion programs without court proceedings which may be implemented by the Punong Barangay, the law enforcer, the Local Social Welfare and Development Officer (LSWDO) or other members of the Local Council for the Protection of Children (LCPC).

When the imposable penalty for the crime allegedly committed exceeds six (6) years imprisonment, the court which acquires jurisdiction over the case shall conduct the appropriate diversion programs.
The law also specifically provides a system for dealing with children at risk and children in conflict with the law. It details the appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, reintegration, and after-care of children to ensure their normal growth and development (Sec. 4, m, RA 9344). The law emphasizes the role and duties of the police in dealing with offending children; it meticulously enumerates the steps to be followed by the law enforcement officer (Sec. 4, n, RA 9344) from initial contact with the child (Sec. 4, k, Sec. 21, RA 9344) until the conduct of the diversion program (Secs. 24 to 31, RA 9344).

Given the social dimensions surrounding the lives of children in trouble, police officers must develop a keen understanding of how to handle these children. The passage of RA 9344 does not promise to totally emancipate the CICL from the relatively dysfunctional system of the past, but to facilitate alternative intervention outside the prison walls. The success of police officers from the moment of their initial contact with the child up to the time they provide the child with appropriate services and protection, will ultimately confirm that the criminal justice system works in the Philippines. Hence, the use of this Police Manual for the management of cases of CICL by all police officers is mandated.
Purpose of this Manual

This manual aims to:

a) Provide a practical guide to the police for initial contact and investigation of cases involving CICL;
b) Clarify relevant law enforcement issues in relation to the implementation of RA 9344;
C) Prescribe procedures in the referral, coordination and diversion proceedings for the police and other stakeholders in the management of cases involving CICL; and
d) Establish CICL-sensitive police operational procedures.

Users of this manual

All PNP personnel are bound to implement this manual, particularly:

a) Chiefs of police;
b) Women and Children Protection Desk officers;
c) Regular police investigators;
d) Patrol officers;
e) Traffic/highway patrol officers;
f) Intelligence/detective officers; and
g) Service desk officers

This Manual may also be used as a reference material by other law enforcement officers and pillars of the justice system.

Standards and Practices in the Administration of Juvenile Justice

"The best interest of the child" refers to the totality of the circumstances and conditions which best ensure the survival, protection, and feelings of security of the child as well as his/her physical, psychological and emotional development. These concerns must be paramount in the exercise of police management of cases of CICL. Therefore, the police should:

a) Understand that juvenile justice is an important part of policing;
b) Undergo special training on the effective and humane care of children who are either victims of, or accused of, a crime;
c) Try to get to know the children and their families as part of their crime prevention programs;
d) Exercise vigilance in monitoring children in the company of adults in "criminal-risk places;"
e) Notify the family and the school authorities if children are not in the premises of the school during school hours;
f) Promptly investigate any evidence of neglect or abuse of children in their homes, communities, or within police facilities;
g) Meet regularly with social workers, barangay officials, and NGO workers to discuss child issues relating to their work;
h) Exercise a certain degree of discretion that would have a positive effect in the treatment of CICL;
i) Report to superiors any information indicating that a colleague is violating a child’s rights;
j) Use a variety of alternative ways to the institutional treatment of CICL, such as, but not limited to, family group conferencing, warning, counseling and vocational training, upon the encouragement of their supervisors;
k) Assist in the development and implementation of community programs for the prevention of child crime;
l) Develop child-friendly interview techniques and procedures; and
m) Understand and practice the principles of Restorative Justice in all their policies and programs applicable to CICL.
CHAPTER
RESTORATIVE JUSTICE

This chapter introduces the basic principle of restorative justice upon which the techniques and procedures contained in this manual are based.

1. What is restorative justice?
   - It is a different way of thinking about, and responding to crime.
   - It focuses on the harm caused by crime, repairing the harm done to the victims and reducing future harm by preventing the commission of a crime.
   - It requires offenders to take responsibility for their actions and for the harm they inflicted.
   - It seeks redress for victims, recompense by offenders, and the reintegration of both within the community.
   - It is achieved through a cooperative effort by communities and the government.

2. How is restorative justice different from the current system?
   - It views criminal acts more comprehensively. Rather than defining crime only as a violation of the law, it recognizes the offender’s harm to victims, to communities and, even to themselves.
   - It involves more parties. Rather than giving key roles only to the government and the offender, it includes victims and communities as well.
   - It measures “success” differently. Rather than measuring how much punishment has been inflicted, it measures how much harm has been repaired or prevented.
   - It recognizes the importance of community initiative and involvement in responding to and reducing crime, rather than leaving the problem of crime to the government alone.

3. How does restorative justice respond to crime?
   - It emphasizes victim recovery through redress, vindication, and healing.
   - It emphasizes recompense by the offender through reparation, fair treatment, and rehabilitation.
   - It establishes processes through which parties are able to discover the truth about what happened and the harm done. It likewise identifies the injustices committed, and stipulates future actions to address those harms.
   - It establishes evaluation processes through which the community and the government may consider and adopt new strategies to prevent crime.
4. How does restorative justice seek to prevent crime?
   • It builds on the strength of the community and the government. The community can build peace through strong, inclusive and righteous relationships; the government can bring order through fair, effective, and minimal use of force.
   • It emphasizes the need to repair past harms in order to prepare for the future.
   • It seeks to reconcile offenders with those they have harmed.
   • It helps communities learn to reintegrate victims and offenders.

THE TEN COMMANDMENTS OF RESTORATIVE JUSTICE

To render restorative justice:

I. Focus on the harm of the crime rather than the rules that have been broken.
II. Show equal concern for the victims and offenders, involving both in the process of justice.
III. Work towards the restoration of victims, empowering them and responding to their needs as they see them.
IV. Support offenders while encouraging them to understand, accept, and carry out their obligations.
V. Recognize that while obligations may be difficult for offenders, they should not be intended to inflict pain.
VI. Provide opportunities for dialogue, direct or indirect, between victim and offender.
VII. Find meaningful ways to involve the community and to respond to the community bases of crime.
VIII. Encourage collaboration and reintegration rather than coercion and isolation.
IX. Be mindful of the unintended consequences of your actions and programs.
X. Show respect for all parties – victims, offenders, justice, colleagues.

Crime wounds... Justice Heals

- Harry Mika and Howard Zehr, 1996
CHAPTER
POLICE TECHNIQUES AND PROCEDURES

This chapter provides detailed instructions on the proper techniques and procedures for dealing with CICL in accordance with the International Guidelines for the Police in the Law Enforcement Administration of Juvenile Justice (Annex A).

INITIAL CONTACT WITH THE CHILD

1. First police responders and other law enforcement officers are the persons who shall have initial contact with the child.

2. During the initial contact or apprehension, the responding officer should exercise due diligence and sensitivity in attending to a child who commits an offense or violates a law.

3. If the child’s offense is light, the responding officer should:
   a) Give the child friendly “payo” or a simple warning not to repeat the act/s she/he has committed;
   b) Call the unoffending parents or guardians for their proper intervention in the treatment of the child; or
   c) Refer the child directly to the barangay for proper disposition.

4. In all cases, the responding officer should take down the facts of the case in her/his tickler.

5. If the child’s offense is less serious or serious, with or without victims, the responding officer should:
   a) Take the child into police custody;
   b) Refer the child to the Women and Children’s Protection Desk (WCePD) officer or other qualified investigator of CICL cases for proper disposition; and
   c) Exhaust all possible means to locate and notify the child’s parents/guardians as well as the social worker for the case management of the child, in cooperation with the investigating officer.
An offense is light when the imposable penalty for the offense allegedly committed is arrecho menor, or one day to thirty days imprisonment or a fine not exceeding P200.00. (Revised Penal Code).

Unoffending parents are those who had no participation in the commission of the offense.

An offense is less serious when the imposable penalty for the offense allegedly committed is from arrecho mayor to prision correccional (one month and one day to six years imprisonment). An offense is serious when the imposable penalty for the offense allegedly committed is from prision mayor to reclusion perpetua (six years and one day to twelve years up to twenty years imprisonment).

**TAKING THE CHILD INTO POLICE CUSTODY**

1. The apprehending officer should introduce herself/himself as “kuya” or “ate” to the child and show her/his proper identification card as a police officer.

2. If the apprehending officer is wearing a vest or a jacket while in uniform, she/he should show her/his nameplate and/or badge.

3. If the apprehending officer is in civilian clothes, she/he should show her/his identification card.

4. The apprehending officer should conduct the search of the child in a friendly, non-degrading and gender-sensitive manner.

5. A female child should only be searched by a female law enforcement officer.

**REMEMBER:**

- Children in conflict with the law are accountable for their offenses.

- RA 9344 provides, however, the mechanisms on how to deal with CICL through DIVERSION and other alternative measures adopting the principles of Restorative Justice.
6. The apprehending officer should determine the age of the apprehended child through the following documents:

a) child’s birth certificate;

b) child’s baptismal certificate; or

c) any other pertinent documents such as, but not limited to, the child’s school records, dental records or travel papers.

7. The apprehending officer may obtain the above documents from any of the following:

a) parents, guardian or relatives of the child (for copies of any of the above documents);

b) local civil registrar of the place where the child was allegedly born or the National Statistics Office (for a copy of the birth certificate);

c) school which the child attends (for school records, dental records, birth certificate or baptismal certificate, when required by the school);

d) local health officer (for medical records); and

e) church (for baptismal records).

8. If the above documents cannot be obtained or pending receipt of such documents, the apprehending officer should employ other measures to determine the child’s age, such as:

a) interviewing the child for information that may indicate the child’s age (e.g., date of birth, grade level in school);

b) interviewing persons who may have knowledge of the age of the child (e.g., relatives, neighbors, teachers, classmates);

c) evaluating the physical appearance (e.g., height, built) of the child; and

d) obtaining other relevant evidence of the child’s age.

9. The apprehending officer may obtain the assistance of the Local Social Welfare & Development Officer (LSWDO) and the Barangay Council for the Protection of Children (BCPC) in gathering documents and other relevant information in ascertaining the age of the child.
10. The apprehending officer should state and explain to the child, in simple language or a dialect that she/he can understand, the following:

a) the reason/s for apprehending the child and placing him or her in police custody;
b) the nature of offense that s/he allegedly committed; and
c) his/her rights under custodial investigation.

11. The apprehending officer should read the “Rights of a Person Under Custodial Investigation (Miranda Doctrine)” to the child, in a language or dialect which s/he understands.

These rights are as follows:

a) “You have the right to remain silent. Do you understand?”
b) “You have the right to have an independent and competent counsel of your choice. Do you understand?”
c) “If you cannot afford the services of a lawyer, the government will provide a lawyer to assist you free of charge. Do you understand?”
d) “Anything that you say will be used against you in any court of law. Do you understand all these rights?”

12. The apprehending officer should prevent any possible violence or injury that may be inflicted against the child by any person, including a party that may have interest in the case, inside or outside the police station.

REMEMBER: Even if the child is already handed over to the protective custody of the local social worker or DSWD personnel, the police shall proceed with the investigation of the case by gathering evidence, such as interview with victim/s (if any) and conduct other investigative work.
13. The apprehending officer should avoid, as much as possible, the use of a firearm, handcuffs, or other instruments of force or restraint unless absolutely necessary, and only after all the methods of control have been exhausted and have failed.

14. Whenever handcuffing is necessary, the apprehending officer should ensure that the face of the child is not exposed to the public to avoid embarrassment.

15. The apprehending officer should secure the child from public attention and humiliation.

16. The apprehending officer should call for the unit’s assistance in apprehending the child who may resist arrest, for the protection of the victim, and for preserving evidence.

17. The apprehending officer should ensure that the arrival of the assisting unit/s will not cause any undue harm to the child during the apprehension.

**REMEMBER:** In the absence of the child’s parents, guardian, or nearest relative, and of the LSWDO, the interview shall be conducted in the presence of a representative of an organization (NGO) or faith-based group or a member of the Barangay Council for the Protection of Children.

18. The apprehending officer should immediately take the child to the proper medical and health officer for a thorough physical and mental examination.

19. The apprehending officer should take the child immediately to the police station for proper disposition following her/his apprehension and referral to medical officer.
20. The apprehending officer should preserve the scene of the crime while waiting for the Scene of the Crime Operatives (SOCO). In case an alleged victim is found in the area and is in need of medical attention, police officers should provide that person with appropriate first aid treatment and take her/him to the nearest hospital.

21. Police officers are PROHIBITED from:

a) locking up the child in a detention cell;
b) searching a child of the opposite sex;
c) allowing the child to have contact with adult offenders;
d) using offensive, vulgar or profane words against the child or any of the parties involved;
e) committing sexual advances on the child;
f) committing torture, and inflicting punishment and other forms of violence and abuse on the child; and
g) 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.

22. The apprehending officer should turn over the child to the WOMEN AND CHILDREN’S PROTECTION DESK (WCPD) officer or any qualified investigator.

RESPONSIBILITIES OF THE WCPD OFFICER OR INVESTIGATOR

1. The WCPD officer or qualified investigator should make a proper receipt from the apprehending officer of the following:

a) certification on whether or not handcuffs or other instruments of restraint were used, and if so, the reason for such;
b) medical certificate of the child;
c) basis for determination of the age of the child;
d) weapons recovered from the child, if any; and
e) affidavit of apprehension (to be provided within four [4] hours from the time of apprehension)
2. The WCPD officer or qualified investigator should ensure the child's safety in the police station.
3. The WCPD officer or qualified investigator should provide an area in the police station where the child may temporarily stay without experiencing any form of threat, fear, or anxiety.
4. The WCPD officer or qualified investigator should notify the child's parents/guardians, the LSWDO, and the Public Attorney's Office not later than eight (8) hours after the child's apprehension as required under Section 21, Paragraph I, of RA 9344.

INTERVIEW WITH THE CHILD

1. The interview should be conducted by a WCPD officer, or in her/his absence, by a well-trained investigator of children's cases.
2. The initial interview should be conducted in a manner which allows the child to participate and express herself/himself freely.
3. The investigating officer, when interviewing the child should:

   a) explain the purpose of the interview;
   b) be friendly and non-threatening;
   c) exercise patience in the management of the child
   d) conduct the interview in a separate room or any comfortable place where the child could feel free to express herself/himself;
   e) avoid unnecessary interruptions, distractions and/or participation from non-parties during the interview;
   f) use simple and understandable language in taking the statement of the child;
   g) listen to what the child says and take note of what the child actually says during the interview;
   h) prepare a written statement in the very language used by the child and not in the language used by the police officer;
   i) seek the assistance of the LSWDO in conducting the interview;
   j) be neutral to the parties by using open-ended questions and refrain from being judgmental or from lecturing for or against any of the parties present; and
   k) assure all parties of the confidentiality of the case.
4. The presence of the following persons are required/allowed during the police interview with the child:

   a) the child's parents, guardian, or nearest relative, as the case may be;
   b) the child's counsel of choice or in the absence thereof, a lawyer from the PAO; or
   c) the LSWDO.

5. The police investigator conducting the interview should prepare a report containing the following information:

   a) if handcuffs or other instruments of restraint were used and the reason/s for such;
   b) if the parents or guardian of the child, or the LSWDO, or the PAO have been duly informed of the apprehension and the details thereof;
   c) the measures taken to determine the age of the child;
   d) the precise details of the physical and medical examination conducted or the reason for the failure to submit a child to such examination;
   e) to whom the child was released and the basis for the release; and
   f) to which office/agency the case shall be referred.

REMEMBER: The CRIE and the child victim involved in the alleged offense have distinct moral, psychological and social circumstances, requiring different interventions leading to different results for their recovery and reintegration. For this reason, the police officer tasked with the investigation of cases of children must have proper training, deep understanding, and a wide appreciation of the psycho-social and moral stages of development of a child (Eckerson and Kohlberg Models).
6. The case referral should contain the following:

   a) the nature of the offense allegedly committed by the child;
   b) the corresponding imposable penalty for the offense allegedly committed; and
   c) where the case of the child shall be referred in the event of an assessment that the child acted with discernment as provided for in Sec. 34, RA 9344.

7. All information and documentary evidence should be kept confidential by the investigating officer and can only be referred to and discussed with the DSWD, LSWDO, and/or the prosecutor, as the case may be.

REPORTING AND DOCUMENTING OF CICL CASES

1. The timely and accurate documentation of CICL incident violations and statistics are essential in the development of policies and programs aimed at reducing juvenile crimes.

2. Incident reporting is a critical first step in understanding juvenile crime, facilitating communication between and among agencies, and proactively addressing the increase in crime rate.

3. All incidents involving children should be properly documented so that the police officer, prosecutor, and social worker involved can adequately respond to the needs of these children. The reports are often the bases for improving national and local law enforcement’s abilities and initiatives.

4. All incidents involving children should be documented in a separate blotter or logbook, maintained by the WCPD. The police shall report the incident violations using the prescribed form. (see Annex B for Incident Information Format).

5. When the police apprehend a child for less serious or serious violation of the law, she/he should immediately turn over the child to the WCPD.
6. When a child is turned over to the WCPD, the WCPD officer has the responsibility of documenting and reporting the incident. The WCPD officer should log all incidents in the WCPD intake blotter, including those committed by children fifteen (15) years and below.

7. If the child’s age has been determined as fifteen (15) years and under, the release to the parents should be reported and documented in the WCPD blotter.

8. The police shall submit a statistical report (numbers only) on all incidents handled by the station involving CICL cases covering light, less serious and serious offenses (see Annex C for statistical report format).

REFERRAL AND COORDINATION

1. After the initial interview, the investigating officer should determine and refer the case/child:

   a) for intervention by the LSWDO, if the child is:

      • fifteen (15) years old or below; or
      • above fifteen (15) but below eighteen (18) years of age but acted without discernment; or
      • above fifteen (15) but below eighteen (18) years of age but acted with discernment; if the crime is victimless or the alleged offense has an imposable penalty of not more than six (6) years of imprisonment.

   b) for diversion in coordination with the LSWDO, if the child is above fifteen (15) but below eighteen (18) years of age but acted with discernment at the time of the commission of the alleged offense, which has an imposable penalty of not more than six (6) years of imprisonment.

   c) for diversion to be conducted by the Prosecutor or Judge, if the child is above fifteen (15) but below eighteen (18) years of age and acted with discernment at the time of the commission of the alleged offense which has an imposable penalty of more than six (6) years of imprisonment, the Prosecutor or Judge shall conduct the diversion.
d) in case the child is apprehended at nighttime or on a weekend, the investigating officer should place the child in a safe area in the police station. The child must not be placed in a detention cell, strictly not in the company of adult offenders, while waiting for the arrival of the child’s parents/guardians and proper turnover to the LSWDO.

3. The police should provide the child her/his basic human necessities such as food and water, clothing, medicines for illness, as the case may be, and access to the comfort room while in their physical custody.

4. In the absence of the parents/guardians or the LSWDO, temporary physical custody of the child may be given to a duly licensed and registered NGO accredited by the DSWD, or a faith-based organization, a barangay official, or a member of the BCPC.

REMINDER: The Guidelines for Media Practitioners on the Reporting and Coverage of Cases Involving Children was issued by the Special Committee for the Protection of Children under the Department of Justice precisely to protect children—whether victims, offenders, or witnesses—from media coverage using all outlets such as television, radio, newspaper, internet, and other media and communication facilities, equipment, and materials.

5. The police should maintain a directory of partners and other networks in the area for referral and coordination of cases.

WHERE THE VICTIM IS ALSO A CHILD

1. The WCPD officer is primarily responsible for the management of cases involving both the CICL and the child victim.

2. The investigating officer should:

a) call the social worker to provide assistance and take protective custody of the child victim under RA 7610 (Anti-Child Abuse Law);
b) physically separate the CICL and his or her parents or guardians, from the victim and his/her parents or guardians in the police station, by interviewing or investigating them in separate rooms;

c) place the child under temporary care of other child-sensitive investigators or police officers, with appropriate knowledge regarding the management of CICL cases;

d) seek the assistance of other policewomen from other sections by placing the child under their physical custody while the interview with the victim is being conducted;

e) refrain from displaying bias for or against the child or the child victim; and

f) properly advise both parties on the nature of the offense and consequences of the act and on the options they may consider concerning the case. The investigating officer may suggest a brief “cooling-off period” prior to the next face-to-face confrontation.

ENSURING CASE CONFIDENTIALITY

1. The police investigator should maintain and keep from public view a separate blotter and/or logbook for CICL cases.

2. The police investigator should ensure that spot reports, investigation reports, and other similar police reports contain “document security” classification in order to protect the identity of the CICL. The police should not disclose any information to the public, particularly the media, which reveals the identity of the CICL and his or her family.

3. The police investigator should exclude other police officers who have nothing to do with the case from the area where the CICL is being held in custody by the investigating officer.
4. The police investigator should advise the media to observe the Guidelines for Media Practitioners on the Reporting and Coverage of Cases Involving Children issued by the Special Committee for the Protection of Children (SCPC) under the Department of Justice (DOJ).

5. The police investigator should keep the results of the medical examination of both the CICL and the victim and other related documents confidential.

6. The police investigator should print the words “CICL CASE” on the upper right hand corner of investigation reports and other similar documents to ensure confidentiality.

7. Whenever a criminal action is filed with the prosecutor or the judge, the police investigator should submit the records of the case in a sealed envelope with the words “CICL CASE” written conspicuously on the upper right-hand corner of the face of the envelope, with appropriate receipts for the documents in second or photocopies enclosed therein.

**DIVERSION ON THE POLICE LEVEL**

1. “Diversion proceedings” refers to a meeting or series of meetings presided by concerned authorities, particularly the police officer, with the intention of facilitating an agreement between the parties involved in the offense that will benefit the concerned parties. Under no circumstance, however, should the police compel the parties to agree to settle their case.

2. The following factors should be considered in determining whether or not diversion is appropriate:

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

3. The police, whenever appropriate, can conduct diversion proceedings on cases of CICL as an alternative to the filing of criminal action against the child.

4. The following members of the police force are authorized to conduct diversion proceedings:

   a) chief of police;
   b) WCPD officer; and
   c) any police officer with probity, credibility and in-depth involvement in police-community relations who has undergone training on children’s rights and has been designated by the Chief of Police.

5. The police should seek the assistance of the LSWDO in the conduct of the diversion proceedings. The LSWDO shall determine whether or not diversion is appropriate.

6. If the parties agree/decide to settle the case on their own, the police will merely facilitate the process. The settlement should be in writing and signed by the parties. The proceedings may be tape recorded, if necessary.

7. The investigating officer, in the conduct of diversion proceedings, should:

   a) explain to the CICL and her/his family the objective and value of the diversion program as well as the consequences of not undergoing the process;
   b) ask the child the circumstances of the offense, the motives for committing the offense, and the factors that might have led the child to commit the alleged offense;
   c) ask the child her/his personal circumstances including those of her/his parents, other family members, and peers;
   d) enable the child to understand the consequences of her/his actions and their corresponding responsibilities; and
e) enable the child to understand and realize her/his accountability, why she/he should be remorseful of her/his actions and take on the responsibility of repairing the harm done, so that a case will not be filed in court.

8. The following diversion programs may be adopted by the police in coordination with the LSWDO:

a) restitution of property;
b) reparation of the damage caused;
c) indemnification for consequential damages;
d) written or oral apology;
e) care, guidance and supervision orders;
f) counseling for the CICL and the child’s family;
g) participation of the child in available community-based programs, including community service;
h) participation of the child in education, vocation and life skills programs;
i) attendance of the child in community-sponsored trainings, seminars, and lectures on:

- anger management;
- problem-solving and/or conflict resolution skills;
- values formation; and
- other skills which will aid the child in dealing with situations that could possibly lead to the repetition of the offense.

9. The police should prepare a written diversion contract based on the prescribed format, which should be signed by the CICL, her/his parents and the social worker, with an attestation from the concerned police officer.

10. In order for the diversion program to proceed, the police should see to it that the child voluntarily “admits” the commission of the act (such admission shall not, however, be used as evidence against the child). He should emphasize that:
a) the diversion program will proceed and become binding only if accepted by the parties (victim/s and offender/s) concerned;  
b) the acceptance is in writing and signed by the parties;  
c) the implementation of the diversion program is supervised by the LSWDO and completed within forty-five (45) days; and  
d) the child shall present herself/himself to competent authorities for evaluation.

11. Failure on the part of the CICL to comply with the terms and conditions stated in the contract of diversion, as certified by the LSWDO, will give the offended party the option to institute the appropriate legal action.

12. With the signed diversion contract already set for implementation, the police officer on the case should:

   a) monitor the progress of the child's conduct in coordination with the LSWDO, based on the agreement stipulated under the diversion contract;  
   b) initiate dialogues with the concerned barangay officials, LSWDO, and the parents of the CICL, as may be appropriate, on juvenile delinquency prevention programs in the area, and measures aimed at improving the management of the cases of the CICL;  
   c) develop a database of reported cases of the CICL in the area of responsibility (AOR);  
   d) ensure that all records pertaining to the case of CICL are kept confidential;  
   e) make an assessment of the effectiveness of the diversion program initiated by the police on the case involving the CICL; and  
   f) conduct analogous efforts for the best interest of the child.

SPECIAL CIRCUMSTANCES

1. What if the victim wants to file the complaint but the CICL is exempt from criminal liability?

   • Explain to the victim the provisions of RA 9344 on the age of criminal responsibility of a CICL.
• Other than the diversion program initiated by the police where civil issues may be discussed between and among the parties, the parents are not precluded from seeking an alternative means of filing a separate civil action against the parents of the child through a lawyer.

2. What if the CICL wants to stay with the police and not with the social worker?

• The police investigator should explain properly to the child that the police might not be able to provide her/him with other important services needed for her/his welfare;
• Unless the investigation requires the police to retain physical custody over the child, the police investigator should take the said child to the DSWD or local social worker where a more effective intervention can be provided.

3. What if the parents of the victim want to pursue the filing of the case against the CICL who is fifteen (15) years old or below?

• Initially, the police should explain to the victim and family members the provisions of the law exempting children who are fifteen (15) years of age and under at the time of the commission of the alleged offense, from any criminal responsibility.
• The investigating officer should seek advice from the Office of the Prosecutor or the social worker in explaining to the aggrieved party that the CICL is exempt from criminal liability.

4. What if the CICL committed the offense in the company of adult offenders?

• The investigating officer should ascertain right away if the child committed the offense with adults.
• The child should be attended to by the WCPD investigator for proper intervention. The adult offenders shall be referred to the regular investigators.
• If the adult offenders are the parents of the child, the officer should file a separate case for violation of RA 7610 against the parents.
• If the CICL claims that she/he committed the offense with adults who were not among those apprehended, the police should pursue the case by gathering evidence and running after the adult offenders.

5. What if the CICL is a repeat offender or a “reclivivist”?

• The police should refer the case either to the social worker who will determine whether or not the child is being neglected or to the prosecutor who will determine the next stage of intervention because of the child’s repeat offenses.
• The police may also consult with the prosecutor on the propriety of giving the child another chance without prejudice to the legal action that may be taken by the aggrieved party/ies.
Light offense

START

Incident Violation (Light Offense)

(Option 1) Give advice
Release child on the spot
End

(Option 2) Refer to parents
End

(Option 3) Refer to Barangay School, Church
End

(Option 4) Turn over to WCCD
Intake blotter
Determine age

Undergo Medical Examination
Notify Parents
Call LSWDO

Turn over child to LSWD

15 and below

Yes
End
Refer to parents

No
End
Less Serious/Serious offense

START

Incident Violation (Less serious/serious)

Turn over to WCCD

Intake blotter

Determine age

Undergo Medical Examination

Notify Parents

Call LSWD

Physical turn over of child to LSWD

15 and below?

Yes

Turn over child to parents

End

No

Wait for LSWD's determination of discernment

With discernment?

Yes

Penalty more than 6 years?

No

Police diversion program

End

Yes

Refer to prosecution

End
CHAPTER 3
LEVELS OF OFFENSES

This chapter explains the different levels of possible offenses that can be committed by a CICL according to the possible dispositions of the case and states the proper procedures for dealing with each case type as well as the different kinds of light offenses.

LIGHT OFFENSES

1. Incidents Handled by the Police Wherein Children are Released on the Spot

The police often take children into custody or apprehend them for committing light offenses, but make no referral to agencies and do not file formal charges. In these instances, the child is simply warned by the police and released on the spot. In appropriate cases, the child is released to parents, relatives, friends, school, church or barangay officials. The police should enter such incident in the separate WCPD blotter and document the incident under the heading “Handled by the police and released.” In cases like this, the apprehending officer should obtain all necessary information regarding all incidents (see Annex B for Incident Information Format).

2. Incidents Referred to the Barangay

If a child is apprehended by the police, but after careful study and evaluation of the circumstances, the police realize that the case falls under the jurisdiction of the barangay, a necessary referral to the barangay should be made. The facts of the incident or the incident report and referral should be logged in the WCPD blotter.

3. Child is Turned Over to the WCPD/LSWDO

When a child is turned over to the WCPD, the WCPD officer has the responsibility to document and report the incident as well as log all incidents in the WCPD intake blotter, including those violations committed by children who are fifteen (15) years old and under.
However, if the child’s age has been determined as fifteen (15) years and under, the release to the parents should be reported and documented in the WCPD blotter or logbook.

If the child’s age is above fifteen (15) years, the WCPD officer should use the prescribed WCPD Standard Reporting Form (Napolcom Form 24) and turn over the custody of the child to the LSWD.
### Table of Light Offenses and Penalties

<table>
<thead>
<tr>
<th>Felony/Offense</th>
<th>Penalty</th>
<th>Amount of Bail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alarms and Scandals (Art. 155)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>Coercion</td>
<td>Arresto menor and/or fine from PhP 5.00 to PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- Other coercion or Unjust Vexation (Art. 287, 2nd Par.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concealing True Name and Other Personal Circumstances or Using Fictitious Name (Art. 178)</td>
<td>Arresto menor or the fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- Simple concealment (Par. 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Destroying or Damaging Any Useful or Ornamental Painting of Public Nature (Par. 2, Art. 331)</td>
<td>Arresto menor</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>Disturbances of Public Orders (Art. 153)</td>
<td>Arresto menor and fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- Burying with pomp the body of a person who has been legally executed (Par. S, Art. 153)</td>
<td></td>
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<tr>
<td>Other Deceits (Art. 318, Par. 1)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- Interpreting dreams, making forecast, telling fortunes for profit or gain (Par. 2)</td>
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<td></td>
</tr>
<tr>
<td>Improvidence, Reckless (Art. 365, Par. 1)</td>
<td>Arresto menor maximum Fine ranging from the value of the damage to 3 times such value but in no case be less than PhP 25.00</td>
<td>Bail Not Required except when covered by the Rule On Summary Procedure.</td>
</tr>
<tr>
<td>- If act would have constituted a light felony (3rd phrase)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Reckless imprudence causing damage to property (Par. 3)</td>
<td></td>
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<tr>
<td>FELONY/OFFENSE</td>
<td>PENALTY</td>
<td>AMOUNT OF BAIL</td>
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</tr>
<tr>
<td>PROSTITUTION (Art. 202)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>SLANDER (Art. 358)</td>
<td></td>
<td></td>
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<tr>
<td>• Simple slander (2nd Phrase)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>• Simple slander by deed (2nd Sentence)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>THEFT, (Part 7, Art. 309 entering enclosed estate, entry forbidden, hunt or fish, etc. in relation to Art 308)</td>
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<td></td>
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<tr>
<td>• Attempted</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td></td>
<td>Arresto menor minimum or fine not exceeding PhP 50.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>THREATS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Other light threats (Art. 285)</td>
<td>Arresto menor minimum or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>TRESPASS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Qualified Trespass to Dwelling (Art. 280, Par. 1)</td>
<td>Arresto menor and fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>• Attempted</td>
<td>Arresto menor and/or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>• Other Forms of Trespass (Art. 281)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHYSICAL INJURIES in a TUMULTUOUS AFFRAY, (Art. 252)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• If only less serious physical injuries are inflicted in a tumultuous affray (Par. 2)</td>
<td>Arresto menor from five to fifteen days</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>OTHER COERCION or UNJUST VEXATION (Art. 287, Par. 2)</td>
<td>Arresto menor and/or fine from PhP 5.00 to PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>VAGRANCY (Art. 202)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>First time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FELONY/OFFENSE</td>
<td>PENALTY</td>
<td>AMOUNT OF BAIL</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------------------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td>IMPRUDENCE, Simple (Art. 365, Par. 2)</td>
<td>Fine ranging from the value of the damage to 3 times such value but in no case be less than PhP 25.00</td>
<td>One fourth (1/4) of the value of the damage but not exceed PhP 30,000.00, except when covered by the Rule On Summary Procedure.</td>
</tr>
<tr>
<td>*Revised Penal Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- If act would have constituted a light felony (Art. 365, Par. 4)</td>
<td>Fine not exceeding PhP 200.00 and censure</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>INTRIGUING AGAINST HONOR (Art. 364)</td>
<td>Arresto menor or fine not exceeding PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>MALICIOUS MISCHIEF (Art. 328)</td>
<td>Arresto menor or fine of not less than the value of the damage caused and not more than PhP 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- If value of damage does not exceed PhP 200.00 (No. 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER MISCHIEF (Art. 329)</td>
<td>Arresto menor or fine not less than the value of the damage caused and not more than P 200.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- If the value of damage caused does not exceed PhP 200.00 or cannot be estimated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHYSICAL INJURIES, slight and maltreatment (Art. 266)</td>
<td>Arresto menor</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- If the injuries shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period (No. 1)</td>
<td>Arresto menor or fine not exceeding PhP 200.00 and censure</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- If the injuries do not prevent the offended party from engaging in his habitual work nor require medical assistance (No. 2)</td>
<td>Arresto menor minimum or fine not exceeding PhP 50.00</td>
<td>Bail Not Required</td>
</tr>
<tr>
<td>- When the offender shall ill-treat another by deed without causing injury (maltreatment) (No. 3)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LESS SERIOUS/SEVERE OFFENSES

1. Child is Referred to Prosecution

If the child's age is above fifteen (15) and the LSWDO determines that the child acted with discernment, the WCPD officer should use the prescribed WCPD Standard Reporting Form (Napolcom Form 24), turn over the custody of the child to the LSWDO, and refer the case for prosecution.

2. Police Diversion Proceedings

In cases wherein the WCPD and the police decide to apply diversion proceedings instead of filing a case, the WCPD officer should also fill in the prescribed WCPD SRF (Napolcom Form 24) and properly log these diversion proceedings in item G of the form and indicate this under item F (Case Disposition).

The WCPD Standard Reporting Form consists of color-coded quadruplicate copies. The white copy shall be retained by the police station, the blue copy shall be submitted to the Directorate for Investigation and Detective Management (DIDM), PNP General Headquarters, Camp Crame; and the yellow and pink copies shall be submitted to the Crime Prevention and Coordination Service (CPCS), National Police Commission (see Annex D for WCPD Standard Reporting Form).
CHAPTER 4
SAMPLE OF INTERVIEW METHODOLOGY AND CONFERENCE FACILITATION

This chapter provides interview questions and scripts for the proper conduct of information gathering and conference facilitation.

INTERVIEW METHODOLOGY

Before the interview:

- Make sure that the child is not in need of immediate physical or medical attention;
- Determine if the child is under the influence of drugs, alcohol or any similar substance;
- Make sure that the child is comfortable;
- Make sure that those who have nothing to do with the case will not hear the interview with the child;
- Introduce yourself (i.e., as "Kuya" or as "Ate") to the child in a friendly and polite manner;
- Explain to the child that you will conduct an interview;
- Explain to the child the purpose of the interview; and
- Explain to the child that you have to take down notes.

During the interview:

- Do not use vulgar or profane words;
- Do not touch the child because this might send her/him the wrong signal (e.g., threat); and
- Make sure that the child understands your language.

The police may ask the following questions:

1. How are you? (Kamusta ka na?)
2. Are you hungry? (Nagugutom ka ba?)
3. Would you like to eat? (Gusto mo bang kumain?)
4. Do you need anything? (May kailangan ka ba?)
5. Do you want anything? (May gusto ka ba?)
6. Do you want to say anything? (May gusto ka bang sabihin?)
7. Do you know where you are? (Alam mo ba kung nasaan ka ngayon?)
8. Do you know why you are here? (Alam mo ba kung bakit ka nandito ngayon?)
9. What is your name? (Anong pangalan mo?)
10. What do your friends call you? (Ano ang tawag sa iyo ng mga kaibigan mo?)
11. How old are you? (Ilang taon ka na?)
12. When is your birthday? (Kailan ang birthday mo?)
13. Where do you live? (Saan ka nakatira?)
14. What is the name of your mother? (Anong pangalan ng nanay mo?)
15. What is the name of your father? (Anong pangalan ng tatay mo?)
16. Do you know how to read and write? (Marunong ka bang bumasa at sumulat?)
17. Do you go to school? (Nag-aaral ka ba?)
18. Where is your school? (Saan ka nag-aaral?)
19. What grade are you in? (Anong grade/year mo na?)
20. Where is your mother? (Nasaan ang nanay mo ngayon?)
21. Where is your father? (Nasaan ang tatay mo ngayon?)
22. Where are your parents working? (If parent/s is/are working) (Saan nagtratrabaho ang mga magulang mo?)
23. How can we talk to your parents? (Papaano namin makakausap ang magulang mo?)
24. Is there anybody you wish us to inform of your situation? (If parents cannot be contacted) (Sino ba ang gusto mong makaalaman sa nangyari sa iyo?)
25. Do you have a religion? (May relihiyon ka ba?)

After the interview:

- Thank the child for answering your questions.
- Give the child information on what will happen next.
CONFEREE FACILITATOR'S SCRIPT

The following may serve as a guide during conferencing with the alleged offender, victim, and their respective parents:

1. Introduce yourself.

"Welcome. My name is (state name and position) and I will be facilitating this conference." (Magandang araw sa inyong lahat. Ako ay si (sabihin ang pangalan at posisyon) na naaasang magpatakbo ng pagpupulong na ito.)

2. Introduce each conference participant and state her/his relationship to the offender/s or victim/s.

3. Explain the purpose of the conference.

"Thank you all for attending. I know this is difficult for all of you, but your presence will help us deal with the matter that has brought us together. This is an opportunity for all of you to be involved in repairing the harm that has been done." (Salamat sa pagdalo n’yo sa pulong na ito. Alam kong mahirap ito para sa inyo, pero ang inyong pagdalo sa pulong na ito ay makakatulong sa ating lahat upang harapin ang bagay na naging dahilan upang tayo ay magkita-kita sa pulong na ito. Ito ang pagkakataon na maayos natin ang problemang nangyari).

"This conference will focus on an incident which happened (state the date, place, and nature of offense without elaborating on its details). It is important to understand that we will focus on what (state name/s of alleged offender/s) did. Does everyone understand this?" (Ang pagpupulong na ito ay may kinalalaman sa isang pangyayari. [sabihin ang petsa, lugar, at kasong nangyari na hindi na kailangang ipaliwanag ng husto]. Mahalagang maunawaan ninyo na ikot lamang ang ating usapan sa ginawang ito ni __________. Naiintindihan n’yo po ba?)

"(State name/s of offender/s) has/have admitted her/his/their part in the incident." (Inaamin ni __________ ang kanyang/kanilang ginawa.)
4. Assure the offender that his participation in the conference is purely voluntary.

Say to offender/s: “I must tell you that you do not have to participate in this conference. You and everybody else are free to leave anytime. If you do leave, the matter may be referred to the court/to the school/ or resolved in another way.” (Gusto ko lang sabihin sa’yo, __________, na di ka kailangang sumali ng iyong kasamahan sa pulong na ito kung di mo rin naman kagustuhan. Malaya ka o kayong makakaalis sa himpilanng ito anumang oras mula ngayon. Ngunit kung aalis ka man at ang iyong mga kasama, ang kasong ito ay posibleng ihatid namin sa kaalaman ng husgado/ eskwelahan o gumawa ng iba pang nararapat na paraan para mayos ang sitwasyong ito.)

“This matter, however, may be finalized if you participate in a positive manner and comply with the conference agreement.” (Ngunit sinasabi ko rin sa inyo na ang kasong kinasasakungkatan mo/nino ay magkakaroon ng kalutasan kung makikisama ka/kayo sa mayos na pag-uusap at inyong tutuparin ang pinagkasunduan ng lahat ng mga partido sa pulong na ito.)

Say to offender/s: “Do you understand?” (Nauunawaan mo/n’yo ba ito?)

To be addressed to the alleged offender/s

Give the alleged offender the opportunity to explain his/her side.

“We’ll start with (state one of offenders’ names).” (Umpisahan natin sa’yo ______ ang pagtatanong.)

If there is more than one offender, have each respond to the following questions:

1) “What happened?” (Ano bang nangyari?)
2) “What were you thinking about when you committed the act?” (Ano bang iniisip mo nung ginawa mo iyon?)
3) “What have you realized since the incident?” (Ano ang napag-isipan mo na tungkol sa nsidenteng yun?)

4) “Who do you think has been affected by your actions?” (Sino sa palagay mo ang naapektuhan ng mga ginawa mo?)

5) What do you think did they feel about what you did?” (Ano sa palagay mo ang naramdaman nila sa ginawa mo?)

**To be addressed to the alleged victim/s**

Give the alleged victim the chance to explain her/his side. If there is more than one victim, have each respond to all of the following questions:

1) “What was your reaction at the time of the incident?” (Ano ang naging reaksiyon mo nang nangyari ang insidente?)

2) “How do you feel about what happened?” (Ano ang nararamdaman mo tungkol sa pangayari?)

3) “What has been the hardest thing for you?” (Ano ang pinakamahirap para sa iyo sa insidenteng ito?)

4) “How did your family and friends react when they heard about the incident?” (Ano ang naging reaksiyon ng iyong pamilya at mga kaibigan nang marinig nila ang tungkol sa insidente?)

**To be addressed to the alleged victim’s supporters**

Get the sentiments of the other people in the alleged victim’s party. Have each respond to the following questions:

1) “What did you think of when you heard about the incident?” (Ano ang naisip mo nang narinig mo ang tungkol sa insidente?)

2) “How do you feel about what happened?” (Ano po ang nararamdaman ninyo tungkol sa nangyari?)

3) “What has been the hardest thing for you?” (Ano po ang naging pinakamahirap para sa inyo sa insidenteng ito?)

4) “What do you think should be discussed regarding the incident?” (Ano po sa palagay n’yo ang dapat pag-usapan tungkol sa pangayaring ito?)
To be addressed to the offender’s supporters

Get the sentiments of the other people in the alleged offender's party. Have each respond to the following questions:

“This has been difficult for you, hasn't it? Would you like to tell us about it? (Mukhang mahirap para sa inyo ang pangyayaring ito, hindi po ba? Ano po ang pakiramdam ninyo, maari nyo po bang sabihin?)

Have each respond to the following questions:

1) “What did you think of when you heard about the incident?” (Ano po ang naisip n'yo nang narinig ninyo ang tungkol sa insidente?).
2) “What has been the hardest thing for you?” (Ano po ang pinakamahirap para sa inyo sa sitwasyong ito?)
3) “What do you think should be discussed regarding the incident?” (Ano po sa palagay n'yo ang dapat pag-usapan sa pangyayaring ito?)

To be addressed to the offender/s

“Is there anything you want to say?” (Mayroon ka bang/kayong gustong sabihin?)

When the parties reach an agreement:

1) Ask the victim/s: “What would you like to be the outcome of today's conference?“ (Ano ang hangad mong mangyari sa pagpupulong na ito?)
2) Ask the offender/s to comment on the victim's response.
3) At this point, the participants should discuss what should be in the final agreement. Solicit comments from the participants.
4) It is important to ask the offender/s to respond to each question before the group moves to the next suggestion. Ask, “What do you think about that?” Then determine whether or not the offender/s agrees with the settlement before moving on. Allow for negotiation.
5) As the agreement develops, clarify each item and make the written document very specific and clear by including the details, deadlines, follow-up arrangements, and effects of the compliance with the arrangement/agreement.

6) When you sense that the agreement discussion is drawing to a close, tell the participants: “Before I prepare the written agreement, I’d like to make sure that I have accurately recorded what has been decided.” (Bago ko po itala ang mga dapat na isulat sa kasunduan, gusto ko lang po siguraduhin kung tama ang inyong mga napagkasunduan.)

7) Read the items in the agreement aloud and look at the participants for acknowledgement. Make the necessary corrections.

When the police officer ends the conference:

1) Ask for final comments from all parties then allow the other participants to respond. “Before I formally close this conference, I would like to provide everyone a final opportunity to speak. Is there anything anyone has to say?” (Bago ko isara ang pagpupulong na ito, hinahayaan ko pong magsalita ang sinumang may gustong sabihin pa).

2) Thank the participants for their contribution to the proceedings. “Thank you for your contributions in dealing with this difficult matter. Congratulations on the way you have worked through the issues. Please help yourselves to some refreshments while I prepare the agreement.” (Maraming salamat pong muli sa inyo lalo na sa pagharap ng bagay na ito. Binabati ko rin po ang lahat at napagtulungan po natin kung pano harapin ang kasong ito. Ihahanda ko na po ang inyong kasunduan sa isang kasulatan. Magkape o magsoddrinks po muna kayo.)

3) Allow the participants ample time to have refreshments and interact with one another. The informal period after the formal conference is very important.

4) Let all the participants read the agreement and ask if they agree with what is written. If they do, let the parties (i.e., victims and offender/s) sign the agreement in the presence of witnesses.
GLOSSARY OF TERMS

a) "Child" refers to a person under the age of eighteen (18) years (RA 9344). It also refers to a person who is unable to fully take care or protect herself/himself from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition (RA 7610).

b) "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 her/his social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

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

d) "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.

e) "Intervention" refers to a series of activities 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 her/his psychological, emotional and psychosocial well-being.

f) "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 program and services for prevention, diversion, rehabilitation, reintegration and after-care to ensure their normal growth and development.
ANNEX A

INTERNATIONAL GUIDELINES FOR THE POLICE IN THE LAW ENFORCEMENT ADMINISTRATION OF JUVENILE JUSTICE

I. Police officers in general must:

1. abandon outdated concepts that juvenile justice is not an important part of police work;
2. undergo special training on the effective and humane care of children either as victims or accused of coming into conflict with the law;
3. participate in educational programs for children which help prevent children's crime and child victimization;
4. get to know the children and their families in your area;
5. be vigilant of children in company of adults in "criminal-risk" places;
6. if children are seen away from school during school hours, ask or notify the family and the school authorities;
7. promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities;
8. meet regularly with social workers and medical personnel to discuss issues relating to your work;
9. keep all records of children in separate and secure storage; and
10. report to the superiors any information indicating that a colleague is violating a child's right.

II. Police officers in supervisory positions must:

1. encourage the use of a variety of dispositions for alternative institutional treatment of children including care, guidance, and counseling;
2. assist in the development and implementation of community programs for the prevention of juvenile crime;
3. establish child-sensitive procedures, consistent with their human rights requirements in bringing detained children before court;
4. develop "non-stigmatizing" strategies for protecting children who are poor, homeless, abused, and living in "high-crime areas";

5. develop child-sensitive interview techniques and procedures;

6. develop a special unit for children's crime and child victimization; and

7. establish independent and impartial child-centered procedures for direct complaints and communications made by children.
**Annex B**

INCIDENT INFORMATION FORM

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
<th>Place:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of CICL:</td>
<td></td>
<td>Alias:</td>
</tr>
<tr>
<td>Sex:</td>
<td>Age:</td>
<td>Birthday:</td>
</tr>
<tr>
<td>Parents/Guardian:</td>
<td>Residence:</td>
<td>Contact Numbers:</td>
</tr>
<tr>
<td>Disposition:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Annex C**

STATISTICAL REPORT TABLES

Period Coverage: ________ (mm/yyyy)

Reporting Unit: __________

---

### DISPOSITION OF POLICE HAVING INITIAL CONTACT WITH THE CHILD

<table>
<thead>
<tr>
<th>Nature of Offense</th>
<th>DISPOSITION OF POLICE HAVING INITIAL CONTACT WITH THE CHILD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Advised and Released on the Spot</td>
<td></td>
</tr>
<tr>
<td>Child Advised and Released to Parents, Church, School</td>
<td></td>
</tr>
<tr>
<td>Child Referred to Barangay</td>
<td></td>
</tr>
<tr>
<td>Child Turned Over to the WCPC</td>
<td></td>
</tr>
</tbody>
</table>

Sub-Total

### DISPOSITION OF POLICE FOR LIGHT OFFENSES

<table>
<thead>
<tr>
<th>Nature of Offense</th>
<th>Age Under Fifteen (15)</th>
<th>Age Fifteen (15) and Above Referred to the LSWDO or DSWD</th>
<th>Sub-TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Advised and Released to Parents</td>
<td>Without Discernment Released</td>
<td>With Discernment Applied Police Diversion</td>
<td>Referred to Prosecution</td>
</tr>
</tbody>
</table>

Sub-Total
# ANNEX D

## POLICE/WCPD DISPOSITION OF CICL CASES FOR LESS SERIOUS/SERIOUS OFFENSES

### COMPLAINT STANDARD REPORTING FORM

**NAPOLCOM FORM 24**

<table>
<thead>
<tr>
<th>1. Person/Unit Reporting</th>
<th>2. Date Accomplished</th>
<th>3. Referring Party and Contact Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### A. OFFENSE DATA

<table>
<thead>
<tr>
<th>4. Investigation/Case No</th>
<th>5. Name of Investigator/interviewer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 6. Time/Day/Month/Year of Commission

<table>
<thead>
<tr>
<th>7. Place of Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### 8. Offenses Committed

- [ ] Physical Injury / Assault
- [ ] Criminal Negligence
- [ ] Theft / Robbery
- [ ] Kidnapping
- [ ] Human Trafficking (RA 7610)
- [ ] Other Crimes

### 9. Name

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Name</th>
<th>Last Name</th>
</tr>
</thead>
</table>

### 10. Gender

- [ ] Male
- [ ] Female

### 11. Age and Date of Birth

<table>
<thead>
<tr>
<th>Age</th>
<th>Date of Birth</th>
</tr>
</thead>
</table>

### 12. Place of Birth

<table>
<thead>
<tr>
<th>Place</th>
</tr>
</thead>
</table>

### 13. Highest Educational attainment

- [ ] No formal education
- [ ] Elementary
- [ ] HS
- [ ] College
- [ ] Post Graduate
- [ ] Others

### 14. Civil Status

- [ ] Single
- [ ] Married
- [ ] Widower
- [ ] Divorced
- [ ] Separated

### 15. Nationality/Citizenship

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Citizenship</th>
</tr>
</thead>
</table>

### 16. Present Address

<table>
<thead>
<tr>
<th>Province</th>
<th>City/Town</th>
</tr>
</thead>
</table>

### 17. Provincial Address

### 18. Parents

- [ ] Mother's Name
- [ ] Father's Name

### 19. Employment Information

<table>
<thead>
<tr>
<th>Occupation</th>
</tr>
</thead>
</table>

### 20. Identifying Documents presented

### 21. Contact Person, Address and Contact Numbers

### 22. Name

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Name</th>
<th>Last Name</th>
</tr>
</thead>
</table>

### 23. Gender/sex

- [ ] Male
- [ ] Female

### 24. Age and Date of Birth

<table>
<thead>
<tr>
<th>Age</th>
<th>Date of Birth</th>
</tr>
</thead>
</table>

### 25. Civil Status

- [ ] Single
- [ ] Married
- [ ] Widower
- [ ] Divorced
- [ ] Separated

### 26. Highest Educational attainment

- [ ] No formal education
- [ ] Elementary
- [ ] HS
- [ ] College
- [ ] Post Graduate
- [ ] Others

### 27. Nationality

### 28. Previous Criminal Record

### 29. Employment Information

<table>
<thead>
<tr>
<th>Occupation</th>
</tr>
</thead>
</table>

### 30. Last Known Address

### 31. Relationship to Victim

### 32. Identifying documents presented (company ID, Driver's license, etc.)

### 33. Weapons/Means Used

- [ ] Firearms
- [ ] Bladed Weapons
- [ ] Blunt Instrument
- [ ] Fist/Kick
- [ ] Others, please specify

### 34. Motive/Cause

- [ ] Status
- [ ] Passion/Jealousy
- [ ] Misunderstanding
- [ ] Revenge
- [ ] Family Trouble
- [ ] Poverty
- [ ] Others, please specify

### 35. Suspect under the influence of

- [ ] Drugs
- [ ] Alcohol
- [ ] Both
- [ ] None
- [ ] Others, please specify
<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method of Victimization</td>
<td>Coerced, with consent, own consent</td>
</tr>
<tr>
<td>Where did you realize you were trafficked?</td>
<td></td>
</tr>
<tr>
<td>Mode of Transfer</td>
<td></td>
</tr>
<tr>
<td>Port of Exit</td>
<td>By land, by air, by water</td>
</tr>
<tr>
<td>Port of Transit</td>
<td>By land, by air, by water</td>
</tr>
<tr>
<td>Port of Destination</td>
<td>By land, by air, by water</td>
</tr>
<tr>
<td>How was contact established?</td>
<td></td>
</tr>
<tr>
<td>Offender approached victim</td>
<td></td>
</tr>
<tr>
<td>Victim approached offender</td>
<td></td>
</tr>
<tr>
<td>Abducted/kidnapped</td>
<td></td>
</tr>
<tr>
<td>Through friends</td>
<td></td>
</tr>
<tr>
<td>Through relatives</td>
<td></td>
</tr>
<tr>
<td>Types of Exploitation</td>
<td></td>
</tr>
<tr>
<td>Forced labor</td>
<td></td>
</tr>
<tr>
<td>Prostitution</td>
<td></td>
</tr>
<tr>
<td>Debt bondage</td>
<td></td>
</tr>
<tr>
<td>Mail order spouses</td>
<td></td>
</tr>
<tr>
<td>Slavery</td>
<td></td>
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<td>Offender-Victim conference administrated</td>
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<td>Parties willfully settled case before the police</td>
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<td>Minor police issued warning</td>
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<td>Minor child asked to perform community service</td>
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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

SEC. 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. 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. 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 (IRR s), 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.

(c) "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 non-government 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.


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);

(j) 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.

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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.

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. Procedures 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;

(c) Properly identify himself/herself and present proper identification to the child;

(d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;

(e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;

(f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;

(g) Avoid violence or unnecessary force;

(h) Determine the age of the child pursuant to Section 7 of 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 parents/guardians and Public Attorney's Office of 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;
(I) 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 duly 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 the 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 there commendation 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/her 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 her/his parents or those persons liable to support him/her: provided, that in case her/his 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) Home life 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 of Offenses. 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 with 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,

(Sgd.)
JOSE DE VENECIA JR.
Speaker of the House of Representatives

(Sgd.)
FRANKLIN DRilon
President of the Senate

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.

(Sgd.)
ROBERTO P. NAZARENO
Secretary General
House of Representatives

(Sgd.)
OSCAR G. YABES
Secretary of Senate

(Sgd.)
GLORIA MACAPAGAL-ARROYO
President of the Philippines

Approved: April 28, 2006

Police Manual on the Management of Cases of Children in Conflict with the Law
NAPOLCOM-UNICEF Project
on Police Management of Children in Conflict with the Law
(NAPOLCOM-UNICEF PPMCICL) Technical Working Group

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Workshop on the Development of a Police Manual on the Management of Cases of Children in Conflict with the Law

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