

# Local Government and Children in Conflict with the Law: The Case of Molave Youth Home in Quezon City

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# What is 'child in conflict with the law'?

- A child alleged as, accused of, or adjudged as, having committed an offense under Philippine laws (Republic Act 9344)
- "Child" refers to a person under the age of eighteen (18) years (Republic Act 9344; Unicef)
- 15 or below exempt from criminal liability
  - Subject to intervention program
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- Above 15 but below 18 years old – with criminal liability if person acted with discernment
  - otherwise exempt from criminal liability
  - intervention program

# National Figures

- Over 50,000 children in the Philippines have been arrested and detained since 1995.
- Roughly 28 children get arrested every day, or more than one child for every hour.
- 8 out of 10 children in conflict with the law will commit only one offense in their lifetime. They are called "first-time offenders."
- A "first-time offender" who is kept out of adult jails is 8 times more likely to change and become productive than a detained juvenile offender. (UNICEF-PHILIPPINES)

# National Figures

## Council for the Welfare of Children Report:

- 52,756 CICL from 1995 to 2000
- Detention of minors, often in the same cells as adult offenders.
- Only 26,000 provided legal assistance by the Public Attorney's Office since 2003
- More than half of the crimes not serious offenses - petty theft, sniffing of glue or solvents, vagrancy and violation of curfew hours.
- Many cases not reviewed immediately
- Most are eventually dismissed by the courts
- Detention in sub-standard conditions for long periods of time before their cases are finally resolved. (UNICEF Philippines)

Top 12 Youth Offenders Cases  
January – September 2004  
(PNP/Women and Children's Concern Desk)

# Children in Conflict with the Law January –December 2006

(Preliminary as reported and served by DSWD)

|                    | Total          | Community<br>-Based | Center          |
|--------------------|----------------|---------------------|-----------------|
| <b>Philippines</b> | <b>8,661</b>   | <b>6,835</b>        | <b>1,826</b>    |
|                    |                | <b>(78.91%)</b>     | <b>(21.08%)</b> |
| Male               | 7,871          | 6205                | 1,666           |
| Female             | 790            | 630                 | 160             |
| <b>NCR</b>         | <b>205</b>     | <b>118</b>          | <b>87</b>       |
|                    | <b>(2.36%)</b> | <b>(1.72%)</b>      | <b>(4.76%)</b>  |
| Male               | 106            | 102                 | 4               |
| Female             | 99             | 16                  | 83              |

# International and Philippine Laws

## International

- UN Convention on Rights of Children (1989), first international comprehensive specific child rights approach
- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules 1985)
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines 1990)
- UN Standard Minimum Rules for Non-Custodial Sentences (Tokyo Rules 1990)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules 1990)
- Vienna Guidelines (1997) which describes how the UN CRC, Rules and Guidelines can be put together in practice.

# Philippines

- Philippine Constitution of 1987 addresses the protection of children
- RA 9344 Juvenile Justice and Welfare Act (2006)
- RA 8369 or Family Courts Act. (1997) established family courts all over the country and their jurisdiction.
- Rule on Juveniles in Conflict with the Law issued by the Supreme Court in February 2002
- Supreme Court Administrative Circular No.14-93
- Rule on the Commitment of Children

# Laws

- R.A. 7610 (1991) Special Protection Children against Child Abuse, Exploitation and Discrimination
- Rule on Examination of a Child Witness issued by the Supreme Court and effective beginning December 2000
- PD 603 (1974) mandates the establishment of the barangay council for the protection of children (BCPC)
- PD 1528 – Katarungang Pambarangay
- Local ordinances – curfew, vagrancy, peddling, substance abuse
- Council for the Welfare of Children

# Role of LGU in Juvenile Justice

- In decentralized governance, local governments can behave or act as enabling authority
  - Consider and evaluate various options for performing its governmental functions and providing public services
  - Direct service provider, network with government and non-government entities, grant incentives to stimulate economy, regulatory framework for participation of private and civil society in local programs (Clarke and Stewart in Legaspi 2003)

# Role of LGU in Juvenile Justice

- Politically, allows local authorities and citizens alike to have a say in and carry out what is good for their communities
- Administration of services - more responsive, effective and efficient provision of services to the people, the reason being that decisions made at the local level will reflect the needs and priorities of those most affected – the citizens

# Role of LGU in Juvenile Justice

Under RA 9344

- establish and strengthen Local Councils for the Protection of Children
- adopt comprehensive plan on delinquency prevention, and to oversee its proper implementation
- allocate 1% of IRA to LCPC programs
- appoint a duly licensed social worker as its local social welfare and development officer tasked to assist CICAL
- LGUs to implement community-based programs on juvenile justice and welfare thru LCPC, school, youth organizations
- SK to coordinate with LCPC on programs

# Role of LGU in Juvenile Justice

- Focus on Quezon City local government as an enabling authority in a decentralized governance set-up
  - How it performs devolved functions: social welfare and development services
    - child and youth welfare, family and community welfare, women's welfare, welfare of the elderly and disabled persons
    - Community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse
    - Livelihood, nutrition, family planning

# Molave Youth Home

- Detention center for youth-in-conflict-with-the-law, male and female, ages 15 years above to below 18 years old pending cases in Quezon City courts
- Provides temporary secure custody and care for youth offenders while undergoing trial

# History

- First youth detention home in the country established in 1971 as Acacia Home Group
- In 1973, QC resolution provided for construction of Molave Youth Hall
- MYH under supervision of Juvenile Domestic Relations Court of Quezon City
- Turned over to city government in 1983 when JDRC was merged with RTC
- 1990, MYH was merged with Social Welfare Services Division
- Today, separate unit in the Residential and Rehabilitation Division of Social Services Development Department

# MYH Today

- Vision – MYH envisions a child-friendly Home where CICL engages in quality care, protection, love and comfort
- Mission – to provide a shelter with respectable and home-like atmosphere for CICL and provide rehabilitative programs and services to prepare them for their eventual return to their respective communities as responsible and law-abiding individuals

- **General Objectives**

- Establish and provide an institutional medium for development of programs and services for CICL
- Facilitate return of the detained youth as productive members of the community

- **Specific Objectives**

- Provide temporary care and custody for the accused youth with pending cases in court
- Afford the youth respectable and homely atmosphere to help them regain self-respect
- Ensure the rights and privileges of a detained youth offender
- Establish a setting for initial study and observation for youth offenders as basis for treatment and rehabilitation

# Profile of CICL

Number of minors admitted since 2000

| Year | Male | Female | Total |
|------|------|--------|-------|
| 2000 | 375  | 43     | 418   |
| 2001 | 492  | 46     | 538   |
| 2002 | 462  | 35     | 497   |
| 2003 | 420  | 41     | 461   |
| 2004 | 430  | 34     | 464   |
| 2005 | 364  | 22     | 386   |
| 2006 | 234  | 17     | 251   |

# Profile, by age

| Year | 9-11 | 12-14 | 15-17 | 18-20 | Unkn<br>own | Total |
|------|------|-------|-------|-------|-------------|-------|
| 2000 | 8    | 76    | 330   | 3     | 1           | 418   |
| 2001 | 7    | 115   | 408   | 8     |             | 538   |
| 2002 | 6    | 102   | 382   | 7     |             | 497   |
| 2003 | 5    | 10    | 444   | 2     |             | 461   |
| 2004 | 6    | 87    | 360   | 11    |             | 464   |
| 2005 | 5    | 94    | 270   | 17    |             | 386   |
| 2006 | 4    | 24    | 215   | 8     |             | 251   |

# Profile, by crimes

| <b>Year</b>  | <b>Against person</b> | <b>Against property</b> | <b>Against chastity</b> | <b>Against specific laws</b> |
|--------------|-----------------------|-------------------------|-------------------------|------------------------------|
| 2000         | 15                    | 103                     | 11                      | 129                          |
| 2001         | 60                    | 185                     | 21                      | 227                          |
| 2002         | 53                    | 161                     | 19                      | 161                          |
| 2003         | 51                    | 259                     | 18                      | 136                          |
| 2004         | 44                    | 299                     | 13                      | 119                          |
| 2005         | 30                    | 277                     | 15                      | 79                           |
| 2006         | 21                    | 174                     | 10                      | 46                           |
| <b>Total</b> | 466                   | 1458                    | 107                     | 897                          |

# Profile, by motivation

| Year | Poverty | Peer influence | Curiosity | Rebellion | Total |
|------|---------|----------------|-----------|-----------|-------|
| 2000 | 179     | 209            | 9         | 21        | 418   |
| 2001 | 211     | 288            | 12        | 27        | 538   |
| 2002 | 175     | 270            | 40        | 12        | 497   |
| 2003 | 190     | 201            | 45        | 25        | 461   |
| 2004 | 207     | 177            | 35        | 45        | 464   |
| 2005 | 81      | 280            | 3         |           | 364   |
| 2006 | 30      | 180            | 23        | 18        | 251   |

# Profile, by parents' status

| <b>Status</b>          | <b>2000</b> | <b>2001</b> | <b>2002</b> | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Complete bio parents   | 177         | 220         | 160         | 197         | 128         | 169         | 181         |
| Stepparent (bioparent) | 84          | 107         | 97          | 88          | 41          | 63          | 27          |
| Single parents         | 43          | 68          | 59          | 82          | 71          | 76          | 18          |
| Guardian               | 85          | 99          | 87          | 65          | 39          | 67          | 25          |
| Abandoned              | 29          | 44          | 94          | 29          | 13          | 11          |             |
| Total                  | 418         | 538         | 497         | 461         | 11          | 386         | 251         |

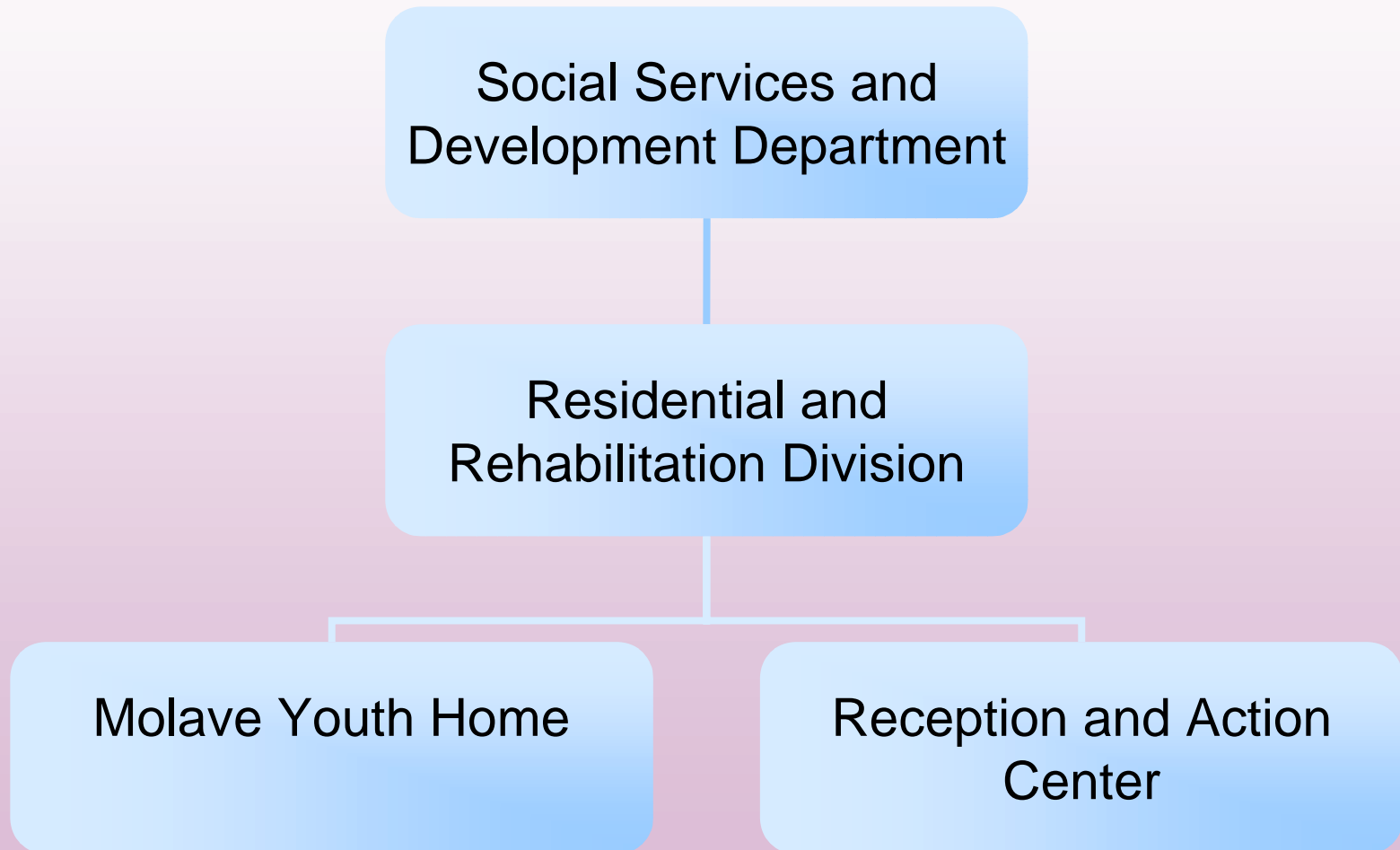
# Profile, by parents' income

| Income     | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|------------|------|------|------|------|------|------|------|
| abandoned  |      |      |      |      |      | 11   | 3    |
| 2,000.00   | 92   | 85   | 97   | 124  | 144  | 124  | 58   |
| 3,000.00   | 121  | 178  | 189  | 220  | 78   | 164  | 59   |
| 4,000.00   | 80   | 142  | 101  | 66   | 17   | 45   | 48   |
| 5,000.00   | 55   | 70   | 65   | 16   | 13   | 17   | 28   |
| 6,000 & up | 70   | 63   | 45   | 35   | 40   | 25   | 55   |
| TOTAL      | 418  | 538  | 497  | 461  | 292  | 386  | 251  |

# Management Structure

- QC Social Services and Development Department provides overall control and supervision
- Residential and Rehabilitation Division has direct supervision over MYH
- Section head of MYH oversees daily activities
- 3 agencies involved: QC, BJMP and SPED of Department of Education

# Management Structure



# Programs and Services

- Homelife – provides shelter, food, clothing and group living atmosphere
  - Round the clock trained houseparent
    - Instill sense of usefulness and responsibility thru tasks like cooking, dishwashing, cleaning
- Social services – casework and group work by professional social workers for CICL and their parents
  - Restore youth's social functioning and integration to family and community

# Programs and Services

- Non-formal education – academic and special educational programs, basic developmental skills in arts, music, etc.
  - Special Education Division of Dep Ed teachers
  - Philippine Educational Placement Test

# Programs and Services

- Livelihood – training in soft trade industry and handicrafts, computer lessons, sewing; develop camaraderie, cooperation and better group relationship
- Spiritual and moral training – religious organizations and individuals provide spiritual and value formation activities, prayers before/after meals, 3 o'clock prayer

# Programs and Services

- Recreational programs – indoor recreational and socialization activities like basketball, scrabble, TV viewing, dancing, singing, stage plays
- Custodial care
  - 24-hour supervision
  - security escorts inside MYH and to and from courts

# Programs and Services

- Therapeutic community modality (recent)
  - Each child assigned to a department e.g., kitchen, records, P.E., maintenance, housekeeping, expediting, medical, laundry

# Facilities

- Half basketball court
- Sunning area
- Separate dorms for male (3) and female (1)
- Clinic
- Toilet per dorm
- Skills and livelihood training room
- Classroom
- TV
- soap

# Professional Staff

Social welfare officer III - 1

SW II - 4

SW Aide - 3

Nutrition Officer II – 1

Cook II - 2

Houseparent II

Houseparent I

Security Escorts – 40

Psychologists - 2

Administrative Officer II

Training Officer

Clerk II

Security escorts – 4

Utility man – 2

Driver

Training Assistant – 2

Medical Officer

Nurse I

Nutritionist

SPED teachers – 6

NFE teachers

# Local Budget

| Year | City   | SSDD         | Molave     |
|------|--------|--------------|------------|
| 2007 | 6.8 B  | 122,648,330. | 4,266,264. |
| 2006 | 6.25 B | 105,474,393. | 3,134,421. |
| 2005 | 5.82 B | 80,285,386.  | 2,678,275. |
| 2004 | 5.6 B  | 94,099,482.  | 1,784,272. |
| 2003 | 5.2 B  | 95,473,870.  | 1,921,711. |
| 2002 |        |              | 1,834,495. |
| 2001 |        |              | 1,528,746. |

# Program Results

- Service not detention
  - Homelike atmosphere
  - Rehabilitative programs
  - Protection of rights
- Increasing budgetary support since 2001
  - Improvement of conditions
  - Support for daily operational costs, e.g., meals,
- Regular and professional staff
- 1,114 admitted in 2002-2004, only 26% became recidivists
  - 2.3% compared to national average of 20% (QC 2003-2004 Report)
- 2005 Galing Pook Awardee
- First runner-up DOH's search for Most Outstanding Healthy prisons

# Program Results

- Effective partnerships
  - Department of Education for non-formal education
  - BJMP for security
  - Barangays for after care monitoring and supervision
  - NGOs like Rotary Club for materials for skills training, Albert Schweitzer Association of the Phil for medical and legal assistance
  - Religious organizations for spiritual and value formation activities
  - Academe for student volunteers: UP, ADMU, Miriam College, DLSU, St. Joseph's College
  - UNICEF New York chose MYH part of international research on youth offenders

# Concluding Remarks

## Within Molave

- Political will and support
  - Molave Youth Home a regular program
  - Presence of organization and staff focused on CICL
  - Budget support
  - Improvement/upgrading of services and facilities
- Local ordinance for protection of minors
  - Prohibiting computer rental shop owners from allowing minors to play computer games with violent content (2002)
  - Quezon City Council for the Protection of Children defining its functions and membership and other purposes (2001)
  - Quezon City Child and Youth Welfare (1997)
  - Other resolutions

# Beyond Molave

- Look at issues of CICL in the broader context of family, community and society
- Look at underlying factors and causes that brought about this situation
- Adopting complementary strategies at the community, local and national levels
  - measures that promote social justice and equal opportunity, tackle root causes of offending
  - measures that assist children at risk
  - measures that keep minors from having brushes with the law and contact with formal justice system
- Advocacy for children's welfare in media and private sector

Thank you.