

**PHILIPPINE NATIONAL POLICE MANUAL  
PNP-NSU-24-1-16 (WCPC)**



**MANUAL IN HANDLING CASES  
OF CHILDREN AT RISK AND  
CHILDREN IN CONFLICT  
WITH THE LAW**

**OCTOBER 2016**

# **Manual in Handling Cases of Children at Risk and Children in Conflict with the Law**

Women and Children Protection Center  
Camp Crame, Quezon City,  
Philippines  
2016



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
Camp Crame, Quezon City

**MEMORANDUM**

TO : All Concerned  
FROM : C,PNP  
SUBJECT : **Promulgation**  
DATE : **APR 25 2016**

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1. The Technical Working Group on the Manual on Handling Cases of Children at Risk (CAR) and Children in Conflict with the Law (CICL), spearheaded by the Women and Children Protection Center in collaboration with the Juvenile Justice and Welfare Council, initiated the crafting of the said manual to aid police personnel in properly handling CAR and CICL cases.

2. This manual contains rules and procedures that every PNP personnel is expected to observe and implement in handling CAR and CICL to ensure that these children are treated in a manner that recognizes and upholds human dignity and worth.

3. All PNP personnel are therefore enjoined to read and understand by heart its applicability in the exercise of police functions.

4. This manual is promulgated for information and guidance of all concerned effective immediately.



  
**RICARDO C MARQUEZ**  
Police Director General

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Republic of the Philippines  
**National Police Commission**  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
Camp Crame, Quezon City

## MESSAGE

The noble spirit and intent behind Republic Act No. 9344, as amended by Republic Act No. 10360, encapsulate one of the most basic tenets of international human rights law: that the welfare of children must always be upheld.

Too many reports have reached the police where the couriers of illegal drugs or the perpetrators of various crimes are children. The principle of restorative justice mandates that these erring children be afforded a chance to identify, reconcile and atone for their wrongful acts, with the full and convivial participation of the community and the victim.



The philosophy behind the thrust for restorative justice, instead of punitive justice with its rigid adherence to the letter of the law, is to look beyond the offense committed by the child. We must look into why it was committed, and what the circumstances and social milieu of the child, the victim, and society in general are, in order to begin healing and reintegration.

This Manual is a giant leap to that direction. The PNP continues to move forward in keeping society safe and free from crime, while at the same time, safeguarding the rights of all children. We stand by our sworn duty—to serve and to protect.

Congratulations for a job well done!

  
**RONALD M. DELA ROSA**  
Police Director General  
Chief, PNP



Republic of the Philippines  
National Police Commission  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT**  
Camp Crame, Quezon City



## MESSAGE

It is indeed an honor on my part as The Director for Investigation and Detective Management to have the opportunity to publish the enhanced PNP Manual in Handling CAR and CICL Cases. I would like to congratulate PCSUPT ROSAURO V. ACIO, the Chief, Women and Children Protection Center, with the aid of the Juvenile Justice and Welfare Council (JJWC) and the Department of Social Welfare and Development (DSWD) for providing guidance and direction needed in crafting this Manual.



International Law and humanitarian considerations dictate that children in conflict with the law (CICL) shall be afforded with opportunity to become productive members of society. This principle, which is expressed in the United Nations Convention on the Rights of the Child and other international agreements, is likewise mandated by the highest law of the land – our Constitution.

The principle of restorative justice drives the State to view Children at Risk (CAR) and Children in Conflict with the Law (CICL) not as malefactors or hardened criminals, but as victims of an even greater injustice: the moral decay of society.

This Manual attempts to address the needs of CICL while balancing the rights of the victims and protect the society in general, by providing insights and specific guidelines in implementing Republic Act No. 9344 and its subsequent amendment, Republic Act No. 10630.

  
**BENJAMIN B MAGALONG**  
Police Director  
TDIDM



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE  
Directorate for Investigation and Detective Management  
**Women and Children Protection Center**  
Camp Crame, Quezon City



## MESSAGE

The dedicated men and women of the WCPC have always prioritized the elimination of crimes and incidences of violence, abuse, exploitation and neglect of children. We constantly strive to see to it that the welfare and best interest of children are upheld at all times.

This has been the thrust behind the creation of this manual. With the alarming rise of offenses committed by Children in Conflict with the Law (CICL) and the increase of Children at Risk (CAR), we still remember that they are children. They must never be mingled or mixed with hardened criminals in jail and other penal institutions; instead, they must learn and face the consequences of their actions in an environment where they are allowed to atone and reform, and in time, become productive members of society. And in this, society itself has to be their partners.

This manual is the by-product of the concerted efforts of the PNP, the Juvenile Justice and Welfare Council (JJWC), and other child protection agencies to give hope for CAR and CICL. After days and nights of thoughtful recollection, we have taken the tenets of and the noble philosophy behind R.A. 9344, as amended by R.A. 10630, and integrated them into a manual for police officers and investigators handling CAR and CICL cases.



  
**ROSAURO V. ACIO**  
Police Chief Superintendent  
Chief, Women and Children  
Protection Center



Republic of the Philippines

## JUVENILE JUSTICE AND WELFARE COUNCIL

#56 Matimtiman Street, Teachers Village East, Quezon City, Philippines 1101

+63 (02) 921-9065 / 921-0565 +63 (02) 990-5859 ■ secretariat@jjwc.gov.ph

http://www.jjwc.gov.ph

# MESSAGE

Seven (7) years after the enactment of the Juvenile Justice and Welfare Act (RA 9344) in 2006, the Juvenile Justice and Welfare System that we all envisioned remained an ideal that has yet to be fully realized. Thus, in 2013, recognizing the gaps, deficiencies and gray areas in the implementation of RA 9344, the Philippine legislature issued RA 10630 to strengthen the fundamental structures for the effective operation of the Philippine Juvenile Justice and Welfare System, and installed safeguards and monitoring mechanisms to ensure that the benefits of RA 9344 will be felt by the stakeholders and the community in general.



On the second year of full implementation of strengthened RA 9344, the Juvenile Justice and Welfare Council now stands with more hope and optimism that our vision of a strong and effective Juvenile Justice System is within our grasp. We anchor our hopes and plans on the formidable partnership we have established with the duty-bearers of RA 9344 such as the Philippine National Police who relentlessly supported us in all our endeavors to institutionalize juvenile justice in the country.

The issuance of the Philippine National Police (PNP) Manual in Handling CICL and CAR Cases is indeed a big leap towards our vision. The fundamental principle of restorative justice, guidelines on diversion, and child-sensitive procedures incorporated in the PNP Manual will ensure a more meaningful implementation of the law on all fronts of the PNP. I commend the Philippine National Police, especially the PNP Women and Children Protection Center, for coming up with the Manual which would remove every police officers' apprehension and doubts in handling CICL and CAR cases, and clarify gray areas and misconceptions on the interpretation of Republic Act No. 9344 as amended.

I am confident that with the faithful use and implementation of this Manual in the PNP, the public would soon understand the essence of the Juvenile Justice and Welfare System and the vital role of the PNP in serving and protecting the future of the Filipino nation.

Mabuhay ang Philippine National Police!



**UNDERSECRETARY VILMA B. CABRERA**  
Chairperson, Juvenile Justice and Welfare Council  
DSWD Undersecretary for Operations

# FOREWORD

The criminal justice system under which the Philippine National Police mainly operates is intricately intertwined with the Juvenile Justice System. To correct a common misconception, criminal justice is not the opposite or contradiction of juvenile justice. Instead, these two systems connect and interface to achieve the same end— justice.

The relationship, legal framework and processes on how duty-bearers involved in both criminal and juvenile justice interoperate and network are captured and embodied in another vital document which explains, integrates and completes these two systems into a seamless whole – the **Integrated Care Management Protocol in the Management of CAR and CICL** (ICMP for brevity). The ICMP explains in detail the Process Flowcharts of RA 9344 as amended and the distinct and individual role and function of duty-bearers and stakeholders operating under the Juvenile Justice and Welfare System. The ICMP describes and clarifies what happens before, during and after a CICL is handled by a particular duty-bearer– from initial contact to investigation and court process for the commitment of a child in a youth rehabilitation center, after care services, and reintegration into the society – to give the duty-bearers a deeper understanding of the “bigger picture” of the Juvenile Justice and Welfare System.

We should understand that the PNP Manual in Handling Cases of CAR and CICL does not operate in silo. It is designed to harmonize and complement the existing processes and Manuals of other government agencies involved in both criminal and juvenile justice such as the Prosecutors’ Manual on Handling Child-Related Cases, Guidelines Department of Education, Barangay Protocol, DSWD Guidelines on Community-Based Management of CICL Cases and Supreme Court Revised Rules on Juveniles in Conflict with the Law, to name a few. The PNP Manual in Handling Cases of Children at Risk (CAR) and Children in Conflict with the Law (CICL) is thus just a part of overall system which connects criminal investigation and juvenile justice.

On this note, police officers are advised to also refer to the Integrated Care Management Protocol in Handling CAR and CICL for a complete and better understanding of the PNP Manual and its role under the Juvenile Justice and Welfare System.

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## CHAPTER 1

### RESCUING A CHILD AT RISK (CAR)

#### Section 1-1 Who is a Child at Risk?

**1.1 At risk of becoming a Child in Conflict with the Law (CICL).** CAR refers to children who are vulnerable to and at risk of behaving in a way that can harm themselves or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances, such as, but not limited to, the following:

- a. being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardians refuse, are unwilling, or unable to provide protection for the child;
- b. being exploited sexually or economically;
- c. being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
- d. coming from a dysfunctional or broken family or being without a parent or guardian;
- e. being out of school;
- f. being a street child;
- g. being a member of a gang;
- h. living in a community with a high level of criminality or drug abuse; and
- i. living in situations of armed conflict.

**1.2 Violation of ordinances.** CAR also includes those children who violate the ordinances enacted by local governments, concerning juvenile status offenses enumerated in Section 57-A of R.A. No. 9344 as amended by R.A. No. 10630 , such as, but not limited to:

- a. curfew violations
- b. truancy
- c. parental disobedience
- d. anti-smoking and anti-drinking laws, as well as those concerning light offenses and misdemeanors against public order or safety such as, but not limited to:
  - 1) disorderly conduct
  - 2) public scandal
  - 3) harassment
  - 4) drunkenness

- 5) public intoxication
- 6) criminal nuisance
- 7) vandalism
- 8) gambling
- 9) mendicancy
- 10) littering
- 11) public urination, and
- 12) trespassing

**1.3 Decriminalized acts when committed by Children.** CAR also includes those who commit any of the following:

- a. Prostitution (Article 202 of the Revised Penal Code);
- b. Mendicancy (Presidential Decree No. 1563); and
- c. Sniffing of rugby (Presidential Decree No. 1619).

## **Section 1-2 Rescuing Children who are at Risk of Becoming CICL**

In rescuing CAR as stated in Section 1-1.1, the WCPD shall follow the protocol in rescuing a child victim. The WCPD Officer shall immediately meet with the social worker to plan the rescue and determine the action necessary to protect the child. The planning and conduct of rescue operations shall proceed as follows:

- a. The WCPD Officer shall immediately verify the matter and gather more information.
- b. The WCPD Officer shall contact the DSWD/LSWDO, other units of the PNP (if necessary) and the concerned barangay officials to map out the rescue operations, identify tasks and responsibilities, and identify support agencies or services.
- c. Confidential information may be shared only with those directly involved in the planning and conduct of the rescue operation.
- d. The WCPD Officer shall lead the rescue operation. The social worker, at a safe distance, shall take custody of the child victim.

Depending on the nature of the case, the composition of the rescue team shall vary. The composite team shall, however, properly observe role delineation with the police as lead agency in rescuing the child and apprehending alleged perpetrators if any.

The police, however, may immediately rescue a child at risk if coordinating the rescue operations with the nearest available social worker would compromise the safety of the child.

As soon as the child is rescued, the child shall be endorsed to the LSWDO and the rescue operations entered in the Pink Blotter or Mandatory Registry.

### **Section 1-3 Rescuing CAR who Violate Ordinance or Commit Decriminalized Acts**

If the child is a CAR included in Section 1-1.2 and Section 1-1.3, the responding officer shall immediately rescue the child and shall undertake the following;

- a. Give the child a friendly advice or “*payo*” or a simple warning not to repeat the act/s she/he has committed;
- b. Immediately notify the parents or guardians for their proper intervention in the treatment of the child;
- c. Immediately transfer the physical custody of the child directly to the barangay of residence for proper disposition;
- d. If the child is a resident of another municipality or city, turnover the CAR to the LSWDO of the place where the offense was committed.
- e. Whenever a case is referred to the Barangay or the LSWDO and documents need to be submitted, the WCPD Officer shall submit the records of the case in a sealed envelope with the “CAR CASE” written conspicuously on the upper right-hand corner of the face of the envelope with appropriate receipts for the documents.

In all cases, the responding officer shall take down the facts of the case in his/her tickler and shall report the incident to the WCPD Officer who shall enter the incident in the Pink Blotter or Mandatory Registry.

## **CHAPTER 2**

### **WHO IS A CICL?**

A “Child in conflict with the law” or “CICL” refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws. The offenses under this rule do not include those violations stated in Section 1-1.2 and Section 1-1.3.

## **CHAPTER 3**

### **INITIAL CONTACT**

Initial contact with the child refers to the apprehension or taking into custody of a child in conflict with the law by police officers or private citizens. It includes apprehension with or without a warrant.

Police officers shall take note that the physical custody of the child shall be turned over to the appropriate persons or agencies as provided in Section 5-4, within eight hours after initial contact.

#### **Section 3-1 Protection upon Initial Contact**

The CICL shall enjoy the rights laid down in R.A. No. 9344 as amended and its Implementing Rules and Regulations, and shall enjoy the protection of other laws, whenever applicable from the first time that the child comes in contact with the Juvenile Justice and Welfare System.

The right to privacy of a child in conflict with the law shall be respected at all stages of the proceedings. As such, all records and proceedings involving children in conflict with the law, from initial contact until the final disposition of the case, shall be considered privileged and confidential as provided in Chapter 9.

#### **Section 3-2 Who may Conduct Initial Contact**

First responders, beat patrol officers, WCPD and other responding police officers who shall have initial contact with a CICL is covered under this Manual.

## Section 3-3 General Rules in Conducting Initial Contact

**3.1 Procedures in apprehending a CICL.** The following procedures shall be observed in conducting initial contact:

- a. The apprehending officer shall identify himself/herself to the child and shall introduce herself/himself as *kuya* or *ate* to the child and show his/her proper identification card as a police officer.
- b. If the apprehending officer is wearing a vest or a jacket while in uniform, she/he shall show her/his nameplate and/or badge to the child.
- c. If the apprehending officer is in civilian clothes, he/she shall show his/her identification card.
- d. The apprehending officer shall conduct the search of the child in a friendly, non-degrading and gender-sensitive manner. A female child shall only be searched by a female police officer.

**3.2 What to explain to the child.** The police officer shall explain to the child, in simple language, and in a language or dialect which the child can understand:

- a. The reason for placing the child under custody;
- b. The offense allegedly committed; and
- c. The child's constitutional and other rights as down in Chapter 7.

The apprehending officer shall read the following "Rights of a Person Under Custodial Investigation" to the Child in a language or dialect which he/she understands:

*You have the right to remain silent. Do you understand?*

*You have the right to have an independent and competent counsel of your choice. Do you understand?*

*If you cannot afford the services of a lawyer, the government will provide a lawyer to assist you free of charge. Do you understand?*

*Anything you say will be used against you in any court of law. Do you understand all these rights?*

If the child cannot understand the language or local dialect or suffers from disability, immediately bring the child to the station for proper assistance.

The apprehending officer shall immediately notify the child's parents or guardians, the LSWDO and the PAO of the child's apprehension. The notification shall be made not later than eight (8) hours after termination.

**3.3 Prevention of violence, injury or humiliation.** The apprehending officer shall prevent any possible violence or injury that may be inflicted against the child by any person, including the victim or the complainant from the time the CICL is taken into custody.

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

**3.4 If the CICL resists apprehension.** If the CICL resists apprehension, the apprehending officer may use reasonable force to take the child into custody.

But if the best interest of the CICL warrants it, the apprehending officer may call for his unit's assistance in apprehending the child. The apprehending officer shall state clearly that a CICL is involved.

### **Section 3-4 Apprehending a Child With a Warrant**

If a CICL is to be apprehended by virtue of a warrant of arrest, the police officer shall serve the warrant of arrest to the CICL according to the rules provided in this Chapter. The Police Operational Procedures shall apply suppletorily.

In all cases, the warrant shall be served to the CICL in the presence of his/her parents or guardians or the local social worker.

### **Section 3-5 Apprehending a Child Without a Warrant**

The police officer may apprehend a CICL without a warrant, when:

- a. In his presence, the CICL to be apprehended has committed, is actually committing, or is attempting to commit an offense;
- b. An offense has just been committed and he has probable cause to believe, based on personal knowledge of facts or circumstances, that the CICL to be apprehended has committed it;
- c. The CICL to be apprehended is a resident of a youth institution and he has escaped from it.

In conducting the initial contact, the police officer shall follow the rules provided in this Chapter.

### **Section 3-6 Prohibited Acts during Initial Contact**

**6.1 Use of instruments of force or restraint.** The apprehending officer shall avoid displaying and/or using instruments of force or restraint (including baton, handcuffs, guns, sticks, etc) during initial contact.

As provided under Sec. 21 of R.A. 9344 as amended, a police officer may only use an instrument of force or restraint when absolutely necessary and only after all other methods of control have been exhausted and have failed.

Whenever handcuffing is necessary, the apprehending officer shall ensure that the child is not exposed to the public to avoid embarrassment and humiliation. The apprehending officer may cover the instruments of restraint used.

If force, handcuffs or other instruments of restraint are employed on the child, the police officer shall record such fact, the reason for using them, and report it to the WCPD Officer in the station. These facts shall be recorded in the Pink Blotter or the Mandatory Registry.

**6.2 Unnecessary violence and force.** Use of unnecessary violence and force against the child is absolutely prohibited without exception. Using unnecessary violence and force is a criminal offense.

**6.3 Body search by an officer of the opposite gender.** A child in conflict with the law who is in custody shall not be searched by a police officer of the opposite gender.

**6.4 Vulgar language.** All duty-bearers shall not use vulgar or profane words against, or in the presence of the CICL.

**6.5 Committing sexual advances on the child.** Police officers shall not sexually harass or abuse, or make sexual advances on the CICL. Criminal and administrative charges shall be filed against police officers who perpetrate sexual offenses upon a CICL.

**6.6 Torture.** Police officers shall not use torture or inflict cruel punishment and other forms of violence and abuse on children.

**6.7 If prohibited acts were committed.** If the acts mentioned above were committed during initial contact, the police officer concerned shall exercise authority to stop the one employing violence to the child, place the child in a secure place away from the abuser, and report the incident immediately to the WCPD.

The WCPD Officer shall record these facts in the Pink Blotter or Mandatory Registry and shall conduct an investigation regarding the matter and shall file the appropriate administrative and criminal cases.

### **Section 3-7 Preserving the Scene of the Crime**

The apprehending officer shall preserve the scene of the crime as provided by the Police Operational Procedures.

### **Section 3-8 Assistance to Victim of CICL**

In case an alleged victim is found in the area and is in need of medical attention, police officers shall provide the victim with appropriate first aid treatment and take him/her to the nearest hospital.

The police officers shall also invite the victims and other witnesses to go to the police station to provide statement regarding the crime committed.

### **Section 3-9 Conducting Initial Contact in an Educational Institution**

If the initial contact shall be conducted within the premises of an educational institution, the responding police officer shall always coordinate with the head of the educational institution and with its Child Protection Committee if existing, before conducting the initial contact.

In addition, the following procedures shall be observed:

- a. The responding police officer shall go directly to the office of the head of the educational institution in civilian clothes.
- b. No guns shall be brought inside the premises of the educational institution.
- c. The responding officer shall accomplish and sign all the school documents required for the turnover of the child.

Upon completion of the required documents for the turnover, the responding officer shall discreetly escort the child with his/her parents or guardians out of the school to go to the police station.

### **Section 3-10 If the Child is a CAR**

If after effecting the initial contact, the responding officer should realize that the child is not a CICL but a CAR, the police officer shall immediately refer the child to the LSWDO or the barangay as the case may be.

The police officer shall report the incident to the WCPD Officer, who shall enter the incident in the Pink Blotter or in the Mandatory Registry.

### **Section 3-11 If the Offense is Light**

If the child's offense is light but the offense is not listed in Section 1-1.2, the responding officer shall either:

- a. Give the child a friendly advice or "*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.
- c. Refer the child directly to the barangay of residence and to the LSWDO for proper disposition and intervention.

If the child is a resident of another municipality or city, the child shall be referred to the LSWDO of the place where the offense was committed for proper disposition.

In all cases, the responding officer shall take down the facts of the case in his/her tickler and shall report the incident to the WCPD Officer who shall enter the incident in the Pink Blotter or Mandatory Registry.

### **Section 3-12 If the Offense is Serious or Non-Serious**

If the child's offense is serious or non-serious, with or without victims, the responding officer shall:

- a. Immediately bring the child to a medical professional for physical examination. The responding officer shall fill up the Referral Letter Form in Annex F attaching the Feedback Form in Annex G;
- b. The responding officer who brings the child for medical examination shall maintain a safe distance from the child and the medical professional while the latter conducts the examination so as to respect and promote the privacy of the child.
- c. After the medical examination, he shall immediately bring the child to the police station;
- d. Fill up the Initial Contact Report Form in Annex B;
- e. Prepare an affidavit of apprehension containing the following information:
  - 1) Name and age of the CICL and of the persons who participated in the commission of the crime;
  - 2) Name of the apprehending officer/s;
  - 3) When, where, why and how initial contact was conducted;
  - 4) Whether handcuffs, or other instruments of restraint was used during initial contact;
  - 5) Whether force was used in effecting initial contact; and
  - 6) Whether weapons or any illegal effects were recovered from the child.
- f. Turn over the physical custody of the child to the WCPD who shall properly receive the custody of the child according to Section 4- 2 and process the child according to Section 5-1;
- g. Refer the case of the child to general investigation or to the appropriate operating unit for the investigation of the crime committed according to Section 5-2, unless the case is cognizable by the WCPD, in which case the WCPD shall investigate the case.
- h. In transporting or referring the child, the responding officer shall ensure that the child is not subjected to humiliation and embarrassment.
- i. Ensure that the child is separated from adult offenders during transit.

## CHAPTER 4

### RECEIVING CICL CASES IN THE STATION

#### Section 4-1 Where a Case is Filed Directly at the Station

If the victim or the complainant directly files a complaint before the police station against a CICL, the following procedures shall apply:

- a. The investigation of the crime committed shall be conducted by the WCPD unless the case is cognizable by the general investigation section.
- b. If the case is not cognizable by the WCPD, the investigator-on-case (IOC) shall notify the WCPD that a complaint has been filed against a CICL. The WCPD shall immediately assign the necessary codes according to Section 8-2 in order to protect the identity of the child. The IOC shall make an entry into the police blotter using the assigned codes.
- c. In case the IOC is not familiar with the processes of the Juvenile Justice and Welfare Act, he/she may refer the victim or the complainant to the WCPD in order to explain to the victim or complainant the processes required by the Juvenile Justice and Welfare Act.

#### Section 4-2 Where a Child is Taken into Custody by a Private Citizen or Police Officer

Where a CICL is apprehended by a private citizen or by a law enforcement officer and is turned over to the police station, the following procedures shall be followed:

- a. The physical custody of the CICL shall be received by the WCPD officer. If the WCPD officer is on call, the responding officer shall immediately call for the WCPD officer and ensure that the rules and procedures in Section 4-5 and Section 4-6 are observed.

- b. The WCPD Officer shall take custody of the CICL, with the following requirements:
- 1) Result of physical examination or medical certificate.
  - 2) Duly filled Initial Contact Report Form in Annex B; and
  - 3) Affidavit of Apprehension prepared and signed by the apprehending officer or private citizen.
- c. Verify the veracity of the physical or medical examination taking to mind that the child can still be subjected to abuse between the physical examination and the turnover of custody. If the child is abused, the WCPD officer shall follow the procedures in Section 5-2.6 and in Section 5-2.7 during the initial investigation.
- d. If the CICL is brought to the station by a private citizen and the CICL has not been subjected to physical and medical examination, the WCPD Officer shall:
- 1) Immediately bring the child to a medical professional for physical examination. The WCPD officer shall fill out the referral letter form in Annex F with the attached feedback form in Annex G;
  - 2) Maintain a safe distance from the child and the medical professional while the latter conducts the examination so as to respect and promote the privacy of the child;
  - 3) Interview the private citizen who apprehended the child and assist him in filling out the Initial Contact Report Form in Annex B;
  - 4) Assist the private citizen in drafting the affidavit of apprehension and ask the private citizen to sign such affidavit;
  - 5) Take custody of the child; and
  - 6) Proceed to Initial Investigation as provided in Chapter 5.

All apprehensions involving CICL shall be referred to the WCPD. The WCPD shall determine who shall investigate the case in accordance with Section 5-2.

### **Section 4-3 Receiving Reports or Cases Referred or Reported by Educational Institutions**

Upon receiving a report from an educational institution regarding an offense committed by a student within the institution, the WCPD officer or any available unit shall proceed directly to the educational institution concerned and shall follow the procedures set forth under Section 3-9.

If the CICL has already been apprehended by the educational institution's security officers and/or by the administration, the following rules shall apply:

- a. Assist the person who apprehended the child in preparing an Affidavit of Apprehension which shall contain the following information:
  - 1) When, where, why and how initial contact was conducted
  - 2) Whether handcuffs, or other instruments of restraint was used during initial contact.
  - 3) Whether force was used in effecting initial contact.
  - 4) Whether weapons or any illegal effects were recovered from the child.
- b. Assist the person who apprehended the child fill up the Initial Contact Report Form in Annex B;
- c. If the CICL had not yet been physically or medically examined, immediately bring the child to a medical professional for physical and medical examination;
- d. Upon completion of the required documents for the turnover, the responding officer shall discreetly escort the child or student with their parents or guardians out of the school to go to the police station.

#### **Section 4-4 Where the Case was Filed because Diversion Failed in the Barangay**

Where a case involving a CICL is referred by the barangay to the police station because Diversion was not desirable, appropriate, or Diversion has failed at their level, the following procedures shall be followed:

- a. The case shall be referred to the WCPD Officer for reassessment if diversion can still be conducted at the law enforcement level by following the processes set out in Section 6-2.
- b. If Diversion is still appropriate, the WCPD Officer shall conduct diversion in accordance with Chapter 6.
- c. If Diversion is not desirable or appropriate, the WCPD Officer shall investigate the case unless it is not cognizable by the WCPD. In which case, the case shall be referred to the general investigation or to the appropriate operating unit for the investigation of the crime in accordance with Section 5-2.

## **Section 4-5 Duties of the Police Officers upon Receiving the CICL at the Police Station**

The WCPD or any police officer who received the physical custody of the child shall:

- a. Ensure that the child is placed in a safe and comfortable place, providing an area in the police station where the child may temporarily stay without experiencing any form of threat, fear or anxiety.
- b. Ensure that the privacy of the child and the confidentiality of the case is respected.
- c. Assess and address the immediate needs of the child;
- d. If the child is hungry, thirsty or otherwise tired, the police officer shall try to the best of his/her ability to address the basic needs of the child;
- e. Be sensitive to the needs of the child especially those which the child may not communicate.
- f. If the child cannot understand the language or local dialect or suffers from disability, immediately get an interpreter or refer the child to an appropriate agency or person such as a social worker, a mental health professional, the CSWDO, the City Health Office etc.
- g. If the child is injured or is suffering from any condition that may need immediate action, the police officer shall refer the child to the appropriate office or agency, otherwise the police officer shall as much as possible alleviate the suffering of the child.

## **Section 4-6 Prohibited Acts while a Child is in the Police Station**

**6.1 Vulgar language.** All duty-bearers shall not use vulgar or profane words against, or in the presence of, the CICL.

**6.2 Detention.** CICL shall never be detained in a police station lock-up, or referred to jails managed by BJMP or any law enforcement agency, provincial jails and other similar facilities.

**6.3 Contact with adult offenders and offenders of the opposite sex.** Pending turnover of the physical custody of the child to the LSWDO or the other appropriate persons or authorities, the police officer shall ensure that the child shall be temporarily secured in an area separate from that of the opposite sex and adult offenders, and shall not be placed inside the detention cell or jail.

**6.4 If prohibited acts were committed while the child is in the police station.** If the acts mentioned above were committed while the child is in the police station, the police officer concerned shall report the incident immediately to the WCPD.

The WCPD Officer shall record these facts in the Pink Blotter or in the Mandatory Registry, conduct an investigation regarding the matter and file the appropriate criminal and administrative cases.

## CHAPTER 5

### INITIAL INVESTIGATION

The initial investigation is the stage after initial contact, when police officers gather relevant evidence regarding the case and about the CICL. At the level of the PNP, the initial investigation is composed of the following processes:

- a. Processing of the CICL;
- b. Investigating the crime committed;
- c. Making an entry in the police blotter or Mandatory Registry as provided in Section 8-1 and Section 8-3;
- d. In appropriate cases, taking the statement of the child;
- e. Referring the custody of the CICL;
- f. Referring the case of the CICL; and
- g. Preparing the initial investigation report.

The conduct of the initial investigation shall be guided by the principle of the best interest of the child and consideration for the concerns and needs of the victim.

#### Section 5-1 Processing of the CICL

In all cases, the processing of the CICL shall be conducted by the WCPD. The processing of the child shall include the following procedures:

- a. Notifying the parents/guardians of the CICL within eight hours from initial contact;
- b. Notifying the Local Social Welfare and Development Office and the PAO within eight hours from initial contact;
- c. Recording the personal circumstances of the child and filling out the intake form in Annex C or D;
- d. Determining the age of the child;
- e. Gathering evidence if the child is dependent, abandoned, neglected and/or abused; and
- f. Taking the fingerprint and the photograph of the child.

The processing of the CICL shall be done within eight hours from the time of the apprehension of the CICL. In all cases, the physical custody of the CICL shall be turned-over to the LSWDO within eight hours even though the initial investigation is not yet terminated. The temporary physical custody of the child, pending turn-over of custody to the LSWDO, may also be given to an NGO that is licensed and accredited by the DSWD, a faith-based organization, a foster parent, or a member of the BCPC who is selected based on the criteria set by the DILG.

**1.1 Sending notices to parents and LSWDO.** Immediately upon receipt of the custody of the child, the WCPD Officer or any police officer shall:

- a. Notify the parents and/or guardians of the child and shall request their immediate presence in the police station and to bring any proof of the age of the child.
- b. Notify the LSWDO and PAO that a CICL is in custody of the WCPD.
- c. Record these facts in the Pink Blotter or Mandatory Registry, including the responses of the persons or officers concerned.

**1.2 Interviewing the CICL and filling up the intake form.** Upon receipt of the custody of the CICL, the WCPD Officer shall interview the child and shall fill out the intake form in Annex C or D;

**a. What to ask during initial interview**

The WCPD shall interview a child, only for the purpose of:

- 1) Determining the child's personal circumstance including among others, his or her name, name of his or her parents, the child's date of birth, and home address.
- 2) Determining the age of the child in accordance with Section 5-3.1.
- 3) Determining if the child is Dependent, Abandoned, Repeat Offender, Neglected or Abused (DARNA).
- 4) Determining if the child had been hurt or otherwise injured by the apprehending officer. If the child alleges that he/she was hurt/injured by the apprehending officer, the WCPD shall proceed in accordance with Section 5-1.2d.

**b. What not to ask during the initial interview**

The WCPD and/or any police officer in contact with the CICL shall never ask the child about the crime that has just been committed except in the following cases:

- 1) The CICL is not criminally liable because he/she is 15 years old or below, or even 15 years old above but did not act with discernment;

- 2) The CICL agreed to undergo diversion as mentioned in Chapter 6 and the CICL and his/her parents or guardians have signed the Consent to Diversion Form;
- 3) The CICL is willing to make a statement. In which case, the rules set forth in Section 5-3.1 shall be followed; or
- 4) The CICL is subjected to a legal and proper custodial investigation as provided in Section 3-3.2.

No police officer shall compel any child to make any statement or provide any information that might incriminate the child.

**c. How to conduct the interview**

The WCPD Officer who interviews the child shall:

- 1) Conduct the interview in a child friendly manner which allows the child to participate and express herself/himself freely;
- 2) Ensure that the apprehending officer is not present during the interview of the CICL;
- 3) Conduct the interview in a place that will promote the confidentiality, security and comfort of the CICL;
- 4) Immediately notify and summon the parents or guardians if the child's parents are not yet present;
- 5) Explain the purpose of the interview;
- 6) Ensure that the interview is child-friendly and non-threatening;
- 7) Be patient in managing the child;
- 8) Avoid unnecessary interruptions, distractions and/or participation from non-parties during the interview;
- 9) Use simple and understandable language in taking the statement of the child;
- 10) Listen to what the child says and take note of what the child actually says during the interview;
- 11) 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
- 12) Assure the child and his/her parents of the confidentiality of the case.

The WCPD Officer shall interview the CICL separately from the victim. The WCPD should avoid face-to-face confrontation unless both the victim and CICL are ready to listen to the other party.

The WCPD officer shall, in any statement or information made by the child referring to the crime, require the presence of the following persons:

- (a) The child's counsel of choice or in the absence thereof, a lawyer from the PAO;
- (b) The child's parents, guardians, or nearest relative, as the case maybe; and
- (c) LSWDO.

**d. Where the CICL had been hurt, injured or abused by the apprehending officer**

If the CICL had been hurt, injured or abused by the apprehending officer or by any citizen, the WCPD shall treat the CICL as a victim in so far as the incident is concerned.

The WCPD shall follow the protocol for investigating, reporting and disposing a child abuse case.

**1.3 Determining the Age of the Child.** The best evidence to prove the age of a child is an original or certified true copy of the Certificate of Live Birth. In the absence of a Certificate of Live Birth, similar authentic documents such as baptismal certificate and school records or any pertinent document that show the date of birth of the child such as but not limited to, the dental records, travel papers, etc. may be admitted.

The law enforcement 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 or the National Statistics Office (for a copy of the birth certificate);
- c. School where 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).

If the above documents cannot be obtained or pending receipt of such documents, the law enforcement officer shall exhaust other measures to determine the age of the child by:

- a. Interviewing the child and obtaining information that indicate 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 age.

In case of doubt as to the age of the child, the WCPD shall resolve the doubt in favor of the child's minority because CICL enjoy the presumption of minority.

The WCPD shall ensure that the child shall enjoy all the rights of a CICL, until the child is proven to be 18 years old or older, at the time of the commission of the crime.

The WCPD may obtain the assistance of the LSWDO, the BCPC, the NSO, the DepEd and other agencies in gathering documents and other relevant information in ascertaining the age of the child.

**1.4 Gathering evidence if the child is DANA.** The WCPD Officer processing the child shall to the best of his/her abilities gather evidence that may prove that the child is:

**Dependent** – the child is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause desires to be relieved of the child's care and custody; and is dependent upon the public for support, as provided in Art. 141(1), Title VIII of P.D. 603.

**Abandoned** – the child has no proper parental care or guardianship or when the child's parents or guardians have deserted the child for a period of at least six (6) continuous months, as provided in Art. 141(2), Title VIII of P.D. 603.

**Neglected** –the child's basic needs have been deliberately unattended or inadequately provided, as provided in Art. 141(3) of P.D. 603.

**Abused** –upon the evaluation of the LSWDO, the child is determined to be maltreated, whether habitual or not, as defined in Section 3(b) of Republic Act No. 7610, or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" ["R.A. 7610"].

The WCPD Officer shall record the findings in the Pink Blotter or Mandatory Registry and shall turn over the physical custody of the child and refer the case according to the rules and procedures provided under Section 5-4.

**1.5 Taking the fingerprint and photograph of the child.** In taking the fingerprint and photograph of the CICL, the following rules shall be followed:

- a. In all cases, the child shall be treated with humanity and respect consistent with the promotion of the child's sense of dignity and worth;
- b. The fingerprint and photograph shall be taken in such a manner that the CICL will not feel intimidated, harassed or disrespected;
- c. The fingerprint and the photograph of the child shall only be taken by a WCPD officer of the same gender;

- d. The fingerprint and photograph shall be taken inside the WCPD office or in a place where the privacy of the procedure may be observed, away from the presence of persons other than the parents/guardians, DSWD member or counsel of the child;
- e. The taking of the fingerprint and the photograph shall not be made in the presence of the victim, if there is, or of the media;
- f. In taking the fingerprint of the CICL, the WCPD Officer shall ensure that the forms used are not labeled with the words “**criminal**”, “**youth offender**”, “**juvenile delinquent**” or other such similar terms;
- g. In taking the photograph of the CICL, the standard mug shot wall shall not be used as a background. Lateral view shall not be photographed and the nametag shall not be used. It is sufficient that said photograph be taken in such a manner that the physical attributes of the child are captured;
- h. The CICL's fingerprint and photograph files shall be kept separate from those of adults and be made confidential. They may be inspected by law enforcement officers only when necessary for the effective discharge of their duties or upon prior authority of the court; and
- i. The fingerprint and photograph shall be removed from the files and destroyed according to the rules and procedures provided under Chapter 8 Section 8-6.2.

**1.6 Procedure for destroying the records of the CICL.** The fingerprint and photograph shall be removed from the files and destroyed in the following circumstances:

- a. If the case against the child is not filed, or is dismissed; or
- b. When the child reaches twenty-one (21) years of age and there is no record that the child committed an offense after reaching eighteen (18) years of age.

**1.7 Observance of Confidentiality of the records of the CICL**

- a. The right to privacy of a CICL shall be respected at all stages of the proceedings. As such, all records and proceedings involving children in conflict with the law, from initial contact until the final disposition of the case, shall be considered privileged and confidential.
- b. The records of a CICL shall not be used in subsequent proceedings, whether criminal, civil or administrative, for cases involving the same CICL as an adult, except when beneficial to the CICL and upon his/her written consent.
- c. The encoding of the data into the e-blotter shall be done exclusively by WCPD Officers who have assigned username and password.

## Section 5-2 Investigating the Crime Committed

In investigating the case, the following rules and procedures shall apply:

- a. The crime shall be investigated by the general investigation unit or the appropriate operating unit who has jurisdiction over the case. If the case is cognizable by the WCPD, the case shall be investigated by the WCPD. However, the management and handling of the CICL shall be endorsed to the WCPD at all stages of the investigation.
- b. The crime shall be investigated in accordance with the PNP Police Operational Procedures.
- c. If the general investigation or the appropriate operating unit as a matter of strategy decides to conduct a custodial investigation, the procedures in Section 5-3.2 shall be followed.
- d. If the CICL has already undergone diversion proceedings, as mentioned in Section 4-1, the investigator-on-case shall never use as evidence against the CICL the admission made by the child in the diversion proceedings.
- e. The investigator-on-case shall coordinate closely with the WCPD in order to promote the best interests of the child while the investigation of the case is ongoing.
- f. The investigator-on-case shall ensure that the confidentiality of the case is protected according to Chapter 9.

### **2.1 Where the CICL is used or induced by another person or by a syndicate.**

When during the investigation of the case, it has been discovered that the child has been used or otherwise induced by another person or group of persons to commit the offense, the IOC shall gather all evidence for purposes of filing the appropriate cases against the user or inducer.

**2.2 Where others participated in the commission of the crime.** The IOC shall investigate the case as to the participation of the CICL and the participation of other persons in the commission of the crime. If supported by evidence, the investigator-on-case shall file the appropriate cases against the CICL's co-participant in the crime.

**2.3 Assistance to the victim and his/her witnesses.** Unless the case is cognizable by the WCPD, the IOC of the general investigation shall interview the victim, observing the following:

- a. The IOC shall be sensitive to the needs of the victim and should understand that the victim may still be in a state of trauma.
- b. If the victim needs medical assistance, immediately provide one or refer the victim to the appropriate agency before continuing with the interview.
- c. Let the victim or complainant fill out the complaint form in Annex E.

- d. Verify the answers in the complaint form and let the victim tell the story of how the crime/offense was committed.
- e. Ask from the victim any document, photo, or object that may be used as evidence of the crime.
- f. Determine the needs of the victim as a consequence of the crime committed.
- g. Refer the victim to the WCPD Officer, who shall explain to the victim or complainant the processes and procedures of the Juvenile Justice and Welfare System.
- h. The WCPD shall ask the victim if he/she is willing to participate in the diversion proceedings.

**2.4 Report on the result of the investigation of the crime committed.** After investigating the crime committed, the investigator on case shall submit a report to the WCPD containing the following information:

- a. Who were involved in the crime? Determine if:
  - 1) The CICL was acting alone.
  - 2) There is evidence that the CICL committed the offense with another person.
  - 3) There is evidence that the CICL was used by another person or group of persons in committing the offense.
- b. What was the participation of the CICL?
- c. What was the crime committed?
  - 1) Whether the crime committed was a serious offense as enumerated in Section 5-4.4a;
  - 2) Whether the crime committed is punishable by imprisonment of six (6) years and below as provided in Annex I; or
  - 3) Whether the crime committed is punishable by imprisonment of more than six (6) years as provided in Annex I.
- d. When and where was the crime committed?
- e. How was the crime committed?
- f. Is there any reason that may compromise the safety of the CICL in the community?
- g. Is the victim willing to participate in the intervention/diversion proceedings?
- h. Other relevant information that may lead to the resolution of the case.

**2.5 Duties of the WCPD during the investigation of the crime.**

During the investigation of the case, the WCPD shall:

- a. Assist the IOC;
- b. Take custody of the CICL pending turn-over to the LSWDO, an NGO that is licensed and accredited by the DSWD, a faith-based organization, a foster parent, or a member of the BCPC who is selected based on a criteria set by the DILG. Ensure that the rights and best interests of the CICL shall be promoted and protected;
- c. Receive all relevant information from IOC, report and documents relating to the case of the CICL;
- d. Explain to the victim and/or complainant the processes and procedures of the Juvenile Justice and Welfare Act as amended;
- e. As provided in Section 8-1, enter into the Pink Blotter and encode into the CIRS and mandatory registry the relevant information about the case; and
- f. Maintain a separate folder as provided in Section 4 for each case of each CICL where the relevant documents of the case will be placed.

**2.6 When the child is abused.** If the child is abused as stated in Section 5-4.4c, the WCPD officer shall conduct a separate investigation as to the child abuse case. The WCPD shall follow the protocols and standard operating procedures in investigating child abuse cases and shall file the appropriate case, if it warrants.

**2.7 When the child has been hurt, tortured or injured during initial contact.** If the CICL has been hurt, tortured or otherwise injured, the WCPD officer shall continue investigating the case in order to find out who were responsible for injuries sustained by the child. The WCPD officer shall file the appropriate cases if the police officer finds evidence to support a criminal case.

**2.8 Where the victim is also a child.** The WCPD is primarily responsible for the management of cases involving both the CICL and the child victim. The investigating officer shall:

- a. Call the social worker to provide assistance and take protective custody of the child victim;
- b. Physically separate the CICL and his or her parents or guardians, from the victim;
- c. Place the child victim 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 CICL under their physical custody while the interview with the victim is being conducted;
- e. Refrain from displaying bias for or against the CICL or the child victim;

- 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; and
- g. The investigating officer may suggest a brief cooling-off period prior to the face to face confrontation.

## **Section 5-3 Taking the Statement of the Child**

**3.1 Where the child is willing to make a statement.** The following procedures shall be followed where the child is willing to make a statement regarding the crime that was committed or his/her participation therein:

- a. Only a trained WCPD Officer shall take the statement of the child;
- b. The child shall only make a statement in the presence of (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) child's parents, guardian, or nearest relative, as the case may be; and (3) LSWDO;
- c. 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;
- d. No law enforcement officer shall compel any child to make any statement or provide any information that might incriminate the child. The law enforcement officer shall have the duty to inform the child of his or her rights under the Constitution and under RA 7438;
- e. The WCPD shall ensure that all statements signed or thumb marked by the child during the investigation shall be witnessed by the child's parents or guardian, the LSWDO, and counsel in attendance, who shall likewise affix their signatures to the said statement;
- f. The interviewer shall prepare a written statement in the very language used by the child and not in the language used by the police officer;
- g. In all cases, the interviewer shall follow the procedures in interviewing a child as prescribed under Section 5-1.2c;
- h. The WCPD Officer may forego the presence of the child's counsel where the child is not criminally liable; and
- i. Where the child agrees to undergo Diversion as mentioned in Chapter 6, the statement of the child under this provision can never be used as evidence against him/her.

**3.2 Custodial investigation.** If as a matter of strategy in investigating the case, the general investigation or the operating unit in charge of the investigation of the case decides that a custodial investigation shall be conducted, follow the procedures laid down in Section 5-3.1.

**3.3 Where the child admits his/her responsibility.** Where a child admits his/her responsibility for the crime, this admission shall never be used against the child through denial of privileges and opportunities, discrimination in treatment, or imposition of any form of liability or punishment by reason of such admission.

## **Section 5-4 Turning over the Physical Custody of the Child and Referring the Case of the Child**

**4.1 How to turn over the physical custody of a child.** In all cases, the law enforcement officer shall turn over the physical custody of the child to the proper person/s or agency immediately after the processing of the child but always within 8 hours from apprehension.

The physical custody of the child shall be turned over to the LSWDO or other accredited NGO even if the initial investigation has not yet been terminated and always in accordance with the following rules and procedures:

- a. The WCPD shall fill out the Referral Letter Form as provided in Annex F.
- b. The WCPD shall ensure that whoever receives the physical custody of the child shall sign the proper receipt of the physical custody. The receipt shall clearly state:
  - 1) The name and age of the child as well as other relevant information about the CICL;
  - 2) The time and place of receipt of the physical custody;
  - 3) The name, rank and designation of the person who turned over the physical custody of the child; and
  - 4) The name, rank and designation of the person who received the physical custody of the child.
- c. The WCPD shall comply with other documentary requirements that the agency to whom the custody shall be referred may require.
- d. In transporting or turning over the custody of the child, the responding officer shall ensure that the child is not subjected to humiliation and embarrassment, and that the child is separated from adult offenders during transit.

**4.2 How to refer the case of a child.** The case of the child shall be referred to the proper person/s or agency as provided below but always in accordance with these procedures:

- a. The WCPD shall fill out the Referral Letter Form as provided in Annex F. If the case of the child will be referred to the same office to whom the physical custody of the child shall be turned over, the WCPD may prepare only one referral letter which shall state both purposes.
- b. Whenever a case is referred and documents need to be submitted, the WCPD Officer shall submit the records of the case in a sealed envelope with the "CAR CASE" or "CICL CASE", written conspicuously on the upper right-hand corner of the face of the envelope, with appropriate receipts for the documents.

#### **4.3 If the child is a CAR**

##### **a. Custody of a CAR**

If after the initial investigation, it has become clear to the WCPD Officer or to the IOC that the child is not a CICL but a CAR, the police officer, in coordination with the Barangay Council for the Protection of Children (BCPC) and in consultation with the LSWDO, shall immediately release the custody of the child to his/her parents or guardians. If the child is DANA as determined pursuant to Section 5-1.4, the custody of the child shall be referred to the LSWDO.

##### **b. Case of CAR**

For purposes of determining the proper secondary intervention program, the WCPD Officer shall refer the case of the CAR to the Barangay through their Barangay Council for the Protection of Children (BCPC).

#### **4.4 If the child is a CICL aged 15 years old or below**

##### **a. The crime committed is a serious crime**

If the crime committed is any of the following serious crimes:

- 1) Parricide;
- 2) Murder;
- 3) Infanticide;
- 4) Kidnapping and serious illegal detention where the victim is killed or raped;
- 5) Robbery with homicide or rape;
- 6) Destructive arson;
- 7) Rape;

- 8) Carnapping where the driver or occupant is killed or raped; or
- 9) Offenses under Republic Act No. 9165 punishable by more than twelve (12) years of imprisonment, the following rules and procedures shall apply:
  - (a) The WCPD Officer shall immediately turn over the physical custody of the child to the LSWDO or the DSWD.
  - (b) The WCPD Officer shall properly refer the case of the child to the LSWDO.
  - (c) The WCPD Officer shall close the investigation of the criminal case insofar as the CICL aged 15 years old or below is concerned, as provided under Section 5-4.4e. However, the investigation against his or her co-accused who is above 15 years old shall proceed.

**b. If the CICL is a repeat offender**

If the CICL has previously committed an offense before and he/she has been subjected to a community-based intervention program, he/she is deemed a repeat offender. In these cases, the following rules and procedures shall apply:

- 1) The WCPD Officer shall turn over the physical custody of the child to the LSWDO.
- 2) The WCPD Officer shall properly refer the case of the child to the LSWDO, with a request that a petition for involuntary commitment and placement of the child in a “Bahay Pag-asa” be made to the appropriate Family Court.
- 3) The WCPD Officer shall close the investigation of the criminal case as provided under Section 5-4e.

**c. If the CICL is DANA**

If the child is DANA, the WCPD Officer shall turn over the physical custody of the child to the LSWDO and the WCPD Officer shall properly refer the case of the child to the LSWDO.

The WCPD Officer shall close the investigation of the criminal case as provided under Section 5-4.4e

**d. In all other cases**

In all other cases, the following rules and procedures shall apply:

- 1) The WCPD Officer shall release the child to the parents or guardians, after consultation with the LSWDO.

- 2) The WCPD Officer shall refer the case of the CICL to the Barangay through their Barangay Council for the Protection of Children and to the LSWDO.
- 3) The WCPD shall explain to the CICL and his/her parents that he/she meet with the LSWDO and shall undergo intervention program.
- 4) The WCPD Officer shall close the investigation of the criminal case as provided under Section 5-4.4e.

**e. Closing the case of CICL not criminally liable**

Since a child who is 15 years old or below is not criminally liable, the WCPD officer shall close the criminal case except:

- 1) When the child had been used by an adult or any other persons to commit the offense in which case the WCPD officer shall follow the procedures under Section 5-2.1;
- 2) When there is a co-accused and the co-accused is an adult or a CICL who is more than 15 years old and who acted with discernment. In which case, the WCPD officer shall follow the procedures under Section 5-2.2;
- 3) When the child had been hurt, tortured or otherwise injured as a consequence of the commission of the offense in which case the WCPD officer shall follow the procedures under Section 5-2.7.

The WCPD officer shall explain to the victim or the complainant that while the criminal case is closed, the case will be referred to the LSWDO and/or the barangay in order for the child to undergo intervention program. The purpose of the intervention program is to rehabilitate the child.

**4.5 If the CICL is more than 15 years old**

**a. The CICL committed a serious offense**

If the child is more than 15 years old and the crime committed is punishable by more than six (6) years of imprisonment, the WCPD officer shall:

- 1) Notify the parents or guardians, LSWDO and PAO within eight hours from Initial Contact;
- 2) Turn over the physical custody of the CICL to the LSWDO within eight hours from Initial Contact;
- 3) Refer the case of the child to the LSWDO for the initial determination of discernment;

- 4) Wait for the initial determination of discernment report by the LSWDO. Depending on the procedures being followed by the LSWDO, the determination of discernment can take as long as seven days. In this case, the initial investigation shall remain open until the determination of discernment is received from the LSWDO;
- 5) Explain to the victim and/or the complainant that if the LSWDO determines that the CICL did not act with discernment when he committed the offense, the case cannot be filed before the prosecutor's office. Instead, the CICL will undergo intervention program. If the LSWDO determines that the CICL acted with discernment, the case may be filed before the Prosecutor's office, but may be subjected to Diversion if eligible; and  
**(NOTE: No case against the CICL shall be filed before the prosecutor without the determination of discernment by the LSWDO.)**
- 6) Assure the victim/complainant that they will be informed immediately of any actions that may be taken after the processes are completed.

**b. The CICL committed a non-serious offense**

If the child is more than 15 years old and the crime committed is punishable by not more than six (6) years of imprisonment, the WCPD shall:

- 1) Turn over the custody of the CICL, who is determined to be a dependent, abandoned, neglected, or abused child (DANA), to the LSWDO;
- 2) Consult the LSWDO before releasing the CICL to his/her parents/guardians, if the CICL is not a DANA;
- 3) Refer the case of the CICL to the LSWDO for the initial determination of discernment;
- 4) Wait for the initial determination of discernment report by the LSWDO. Depending on the procedures being followed by the LSWDO, the determination of discernment can take as long as seven days. In this case, the initial investigation shall remain open until the determination of discernment is received from the LSWDO;
- 5) No case against the CICL shall be filed before the prosecutor without the determination of discernment by the LSWDO;
- 6) Explain to the victim and/or the complainant that if the LSWDO determines that the CICL acted with discernment, the case may be referred to the Barangay for Diversion Proceedings or the WCPD may facilitate Diversion, if warranted. Assure the victim/complainant that they will be informed immediately of any actions that may be taken after the processes are completed; and

- 7) Assure the victim/complainant that they will be informed immediately of any actions that may be taken after the processes are completed.

**c. Receiving the Initial Determination of Discernment**

**1) No Discernment**

If the LSWDO determines that the child did not act with discernment at the time of the commission of the offense, the WCPD shall prepare the initial investigation report in accordance with Chapter 5 Section 5-6

If the physical custody and/or the case of the child is still with the WCPD, the WCPD officer shall follow the process in Section 5-4.4 and Section 5-4.7 as to where the physical custody of the child shall be turned over and the case shall be referred. The WCPD shall close the case as provided under Section 5-4.4e.

**2) With Discernment**

If the LSWDO determines that the child acted with discernment at the time of the commission of the offense, the WCPD shall prepare the initial investigation report in accordance with Section 5-6.

If the CICL committed an offense punishable by more the six years imprisonment, the WCPD Officer shall prepare the necessary documentations and assist the victim/complainant in filing the case before the prosecutor's office.

If the CICL committed an offense punishable by not more than six years imprisonment, the WCPD may conduct diversion at the law enforcement level or refer the case to the Barangay Council for the Protection of Children where the child resides in accordance with Section 6-1. If the crime is victimless, the WCPD shall refer the case to the LSWDO who shall conduct diversion.

**4.6 Where to refer the case if the child is not a resident of the city or municipality.** If the child is not a resident of the city or of a barangay under the jurisdiction of the police station, the WCPD Officer shall turn over the physical custody of the child to the LSWDO of the place where the offense was committed.

**4.7 When the custody of CICL cannot yet be turned over.** In cases when the child is apprehended at night time or during weekends, or where the LSWDO is not available to receive referrals for CICL cases, the WCPD shall ensure that the child shall be temporarily secured in a safe area within the station.

The WCPD shall ensure that the CICL are separated from the opposite sex and adult offenders, and shall not be placed inside a detention cell or jail. The custody of the CICL may also be referred to an NGO that is licensed and accredited by the DSWD, a faith-based organization, a foster parent, or a member of the BCPC who is selected based on the criteria set by the DILG. The custody of the CICL shall be referred to the appropriate agency or person at the soonest possible time.

**4.8 When the LSWDO requests the PNP to safekeep a child.** If the LSWDO requests the PNP to safe-keep the child, the WCPD shall observe the following procedures:

- a. The responsibility and accountability over the child still resides with the LSWDO and the WCPD Officer only acts as a safe-keeper.
- b. The LSWDO shall write to the Chief of Police of the station, through the WCPD Officer, a referral letter which shall clearly state the following:
  - 1) The reason why the LSWDO cannot take the physical custody of the child;
  - 2) The reason why the PNP should take physical custody of the child;
  - 3) That the request is a last resort after exerting all efforts to find a suitable place for the child; and
  - 4) The duration of safekeeping shall not be beyond eight hours from initial contact during weekdays. If the child is apprehended or brought to the police at night time or during weekends, or where the LSWDO is not available to receive referrals for CICL cases, the duration shall last only until the LSWDO resumes operation in the morning or after the weekends.
- c. While in his/her custody, the WCPD Officer shall ensure that the child is placed in a safe and comfortable place, providing an area in the police station where the child may temporarily stay without experiencing any form of threat, fear or anxiety and that the privacy of the child and the confidentiality of the case is respected.

### **Section 5-5 Duty to Maintain Strict Confidentiality**

From the time of taking custody of the child in conflict with the law, the law enforcement officer and all duty-bearers shall handle the case of the child with utmost confidentiality.

### **Section 5-6 Preparing the Initial Investigation Report**

H. The WCPD shall prepare the initial Investigation Report as provided under Annex

## CHAPTER 6

### DIVERSION AT THE POLICE INVESTIGATION STAGE

Diversion refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL, on the basis of the child's social, cultural, economic, psychological or educational background, without resorting to formal Court proceedings.

Diversion process shall be centered on the restorative approach, and as far as applicable, shall use restorative justice processes, which may include but not limited to:

- a. victim offender mediation;
- b. community and family group conferencing;
- c. circle sentencing;
- d. peacemaking circles;
- e. reparative probation and community boards and panels and
- f. existing community accepted justice practices that embody restorative justice.

#### **Section 6-1 When Diversion may be Conducted at the Police Investigation Stage**

Diversion may be conducted at the law enforcement level when:

- a. After the conduct of diversion proceedings at the *Katarungang Pambarangay* level, the child or the child's parents or guardian do not consent to a diversion, and the Punong Barangay forwards the case of the child;
- b. After the conduct of the initial investigation, the WCPD Officer determines that the child is above 15 but below 18 years of age, acted with discernment and allegedly committed an offense, that is not victimless crime, with an imposable penalty of not more than six (6) years of imprisonment. Otherwise, the WCPD Officer may refer the case of the child to the *Katarungang Pambarangay* Level for the conduct of diversion.

Otherwise, the WCPD Officer may refer the case of the child to the *Katarungang Pambarangay* Level for the conduct of diversion.

## Section 6-2 Determination if Diversion is Appropriate and Desirable

The WCPD Officer shall determine if diversion is appropriate and desirable, based on the following factors:

- a. Nature and circumstances of the offense charged;
- b. Frequency and the severity of the act;
- c. Personal circumstances of the child (e.g. age, maturity, intelligence, educational attainment, etc.);
- d. Influence of the family and environment on the growth of the child;
- e. Reparation for the injury to the victim;
- f. Weight of the evidence against the child;
- g. Safety of the community; and
- h. Best interest and welfare of the child.

The determination that diversion is appropriate and desirable or not shall be documented through the form provided in Annex I. It shall be included in the child's folder.

**2.1 If Diversion is appropriate.** If diversion is appropriate, the WCPD Officer shall call on the child and the child's family and shall explain the objective of the Diversion Proceedings, the value of diversion, and the consequence of not undergoing diversion.

If the CICL agrees to accept responsibility over the offense committed, the WCPD shall let CICL and his/her parents sign the Consent to Diversion Form.

If the CICL does not agree to diversion, the WCPD Officer shall refer the case to the prosecutor's office. The case records shall be forwarded within three days from the time the CICL or his parents/guardians conveyed their decision not to proceed with diversion.

**2.2 If Diversion is not appropriate.** If diversion is determined to be not appropriate and desirable, the WCPD Officer shall prepare the necessary documentations and assist the victim/complainant in filing the case before the prosecutor's office. A document certifying that diversion was found to be not applicable or desirable shall then be issued. The case records shall be forwarded to the Prosecutor's Office within three days from determination that diversion is not appropriate.

In referring the case to the prosecutor, the WCPD Officer shall follow the procedures in Section 5-4.2.

### **Section 6-3 Diversion Committee and the Case Manager**

After the CICL and his/her parents/guardians gave their consent to diversion, the WCPD Officer shall constitute a diversion committee, which shall be chaired by the WCPD Officer and shall be composed of, but not limited to, the following:

- a. Local Social Welfare and Development Officer;
- b. Member of the Barangay Council for the Protection of Children;
- c. Member of Task Force on Child and Youth Development in Barangay;
- d. NGO Representative;
- e. Representative of a faith-based organization;
- f. Representative of a people's organization; and
- g. Lawyer from the Public Attorney's Office.

The diversion committee shall assign a case manager (preferably the social worker from the LSWDO or the BCPC member) to the case. The diversion committee shall also assign a facilitator (preferably the WCPD Officer) who will take the lead in conducting the diversion proceedings. The diversion committee shall determine the proper tertiary intervention according to the process laid down under Section 6-4.

### **Section 6-4 Determining the Proper Intervention**

**4.1 Assessment of family and CICL strengths, risks and needs.** The Diversion Committee (preferably the social worker) shall assess the following:

- a. Current level of family functioning;
- b. Nature, extent and causes of risk factors related to offending;
- c. Risk of reoffending;
- d. Safety issues regarding the community, family and CICL;
- e. What are the strengths and talents of the CICL; and
- f. What are the services needed by the CICL.

**4.2 Diversion Program Planning.** After the assessment, the diversion committee shall meet and develop a plan on how to manage the case of the CICL. In formulating and implementing a diversion program, the following principles shall be considered:

- a. Application of restorative justice principles;
- b. Use of positive measures;
- c. Full mobilization of all possible resources, which include the family, volunteers, schools and other community institutions;

- d. Effective, fair and humane dealing with the child; and
- e. Promotion of the well-being of the child.

The case plan shall clearly state the following:

**Outcomes** – which are the positive result which, when achieved, reduce risk of delinquent behaviors.

**Goals** – behaviorally stated actions that the family, CICL and the case manager hope to accomplish which will move the CICL toward his/her individual outcome.

**Evaluation method** – measurement of goal achievement.

**Services** – those actions which will be provided by the barangay or other agencies to assist the family and the CICL in accomplishing specific goals.

**Time frame** – indicates how often and how long the services will be provided.

In formulating the Diversion Program, the individual characteristics and the peculiar circumstances of the CICL, including but not limited to the cultural, social, economic and religious background of the child, shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a Diversion Program for the child:

- a. Child's feelings of remorse for the offense committed;
- b. Parents' or legal guardians' ability to guide and supervise the child;
- c. Victim's view about the propriety of the measures to be imposed;
- d. Availability of community-based programs for the rehabilitation and reintegration of the child; and
- e. Record of prior offenses, if any.

The diversion program shall include adequate socio-cultural and psychological interventions and services for the child.

#### **4.3 Diversion Programs that may be implemented in the law enforcement level**

The following programs may be provided to the CICL as diversion programs:

- 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. Attendance in trainings, seminars and lectures on anger management skills, problem solving and/or conflict resolution skills, values formation and other skills which will aid the child in dealing with situations which can lead to the repetition of the offense;
- h. Participation in available community-based programs, including community service;
- i. Participation in education, vocation and life skills programs; and
- j. Confiscation and forfeiture of the proceeds or instruments of the crime.

**4.4 Duration of the Diversion Program.** Since diversion programs should be individualized, the diversion committee shall decide on how long the child shall undergo depending on strengths, risks, and needs of the child.

## **Section 6-5 Diversion Proceedings**

**5.1 Custody of CICL during Diversion.** Pending the conduct of the diversion proceedings, the custody of the child shall be given to the parents, guardians, relatives or any other responsible person in the community, taking into consideration the best interest of the CICL.

**5.2 Preparation to conferencing.** The facilitators to the diversion proceedings shall talk separately to the victims and the CICL. The facilitators shall ensure that they understand the case thoroughly.

During the interview, with the victim and his/her witnesses, the facilitator shall ask the victim if he/she is willing to participate in the diversion proceedings. The facilitators shall explain to the victims the consequences of participating and not participating in the conferencing.

If the victim is not willing to participate in the diversion proceedings, the facilitator shall refer the victim to the WCPD Officer who shall explain to the victim how to file a civil case against the CICL for the payment of the civil liability.

Despite the unwillingness of the victim, the facilitator shall proceed with the diversion proceedings by conducting the Diversion Dialogue as provided under Section 6-5.4. If the victim agrees to participate in the diversion proceedings, the facilitators shall prepare the parties to conduct the Restorative Justice Conferencing, Mediation or Conciliation as provided under Section 6-5.3.

During the preparation phase, the facilitators shall:

- a. Ask the child about the circumstances of the offense, the motives or purpose behind the offense and the factors that led the child to commit the offense.
- b. Ask the child about some personal circumstances, including details of the child's parents and family, peers and educational status.
- c. Make the CICL understand the consequences of his/her actions and the corresponding responsibilities.
- d. Ensure that the child understands and realizes his/her accountability; make the child feel remorse for his or her actions; and guide the child to take responsibility for repairing the harm done, in lieu of the filing a formal case in the Court.

**5.3 During conferencing.** At the time and place agreed upon, the facilitators, the CICL and the victim shall meet in order to address the effect of the consequences of the crime committed.

If applicable, the facilitators shall utilize the process of restorative justice conferencing. Otherwise the facilitators may use other forms of dispute resolution such as mediation and conciliation.

The facilitator shall ensure that the proceedings are child-friendly and sensitive to the needs, welfare and the protection of the rights of the CICL. The facilitators shall use a language that is simple and understandable to the CICL.

The conferencing shall be conducted in a place where the identities of the child and the parties concerned are kept confidential. There shall be enough privacy to avoid unnecessary interruptions, distractions and/or participation from non-parties that could humiliate or make the child feel uncomfortable.

If during the conferencing the victim, the CICL and the facilitator have reached an agreement on how to resolve the effects of the crime committed, a diversion contract shall be prepared and signed by the victim, the CICL and his/her parents, and the facilitator.

If the victim does not agree to the program, the diversion contract shall still be signed by the CICL and the diversion committee. The facilitators shall advise the victim on how to file a separate civil case for the settlement of the civil liability of the CICL.

If the CICL and his/her parents/guardian do not accept the diversion program, the diversion proceedings is deemed terminated and the WCPD Officer shall prepare the necessary documentations and assist the victim/complainant in filing the case before the prosecutor's office.

If after 45 days from the signing of consent to diversion, the CICL and his/her parents cannot come to agree to the diversion program, the diversion proceedings is deemed terminated and the WCPD officer shall prepare the necessary documentations and assist the victim/complainant in filing the case before the prosecutor's office.

**5.4. Diversion Dialogue (if the victim does not agree/participate to diversion proceedings).** If the victim does not agree to the diversion proceedings, the facilitator shall hold a diversion dialogue with the CICL and his or her parents. In the dialogue, the facilitator shall present and discuss with the CICL and his or her parents/guardians the diversion program determined by the Diversion Committee. Upon acceptance by the CICL and his/her parents/guardians of the diversion program, a diversion contract shall be signed by both the CICL and his/her parents and the facilitator.

If the CICL and his/her parents/guardian do not accept the diversion program, the diversion is deemed terminated and the WCPD Officer shall refer the case to the prosecutor for the proper investigation and filing of the case. The case records shall be forwarded within three days from the time the CICL or his parents/guardians conveyed their decision not to proceed with diversion.

#### **5.5 Diversion Contract: Acceptance, Form and Content**

The Contract of Diversion containing the Diversion Program shall be effective and binding, if accepted by the child and the parents or guardian of the child.

The contract shall be in writing and signed by the:

- a. Child;
- b. Parents or guardian of the child;
- c. WCPC and
- d. LSWDO

The Contract of Diversion shall contain the individualized diversion program, and shall stipulate the rights, responsibilities or accountabilities of the child, the parents or guardian and the offended party, when applicable.

The Contract of Diversion places the responsibility or accountability upon the child to restore the harm done, in view of the offense committed. As such, the Diversion Committee must shall endeavor to obtain the agreement of the offended party in the formulation of the individualized diversion program contained in the Contract of Diversion by:

- a. Explaining to the offended party the benefits of forgiveness and diversion, and the need to reform the CICL within the auspices of the community, instead of detention homes or rehabilitation centers, once the CICL expresses remorse and a willingness to ask for forgiveness from the offended party; and
- b. Assuring the offended party that the LSWDO, together with the local government and the community, will be responsible for reforming and monitoring the CICL through various diversion programs.

However, the acceptance of the offended party is not required for a Contract of Diversion to be valid.

## **Section 6-6 Implementation and Case Management**

The diversion contract shall be implemented and supervised by the case manager. The case manager shall monitor the implementation of the contract and shall prepare the necessary progress reports.

The child, together with the parents or guardians, shall present themselves to the case manager and to the WCDP Officer, at least once a month or oftener for reporting and evaluation of the effectiveness of the program.

The progress of the case shall be reported to the Intervention Committee who shall evaluate and direct the extension or closure of the case.

## **Section 6-7 Failure of Diversion**

In case the CICL and/or his/her parents fail to comply with the terms and conditions of the contract of diversion, the Diversion Committee shall decide if the CICL shall be given another chance or shall refer the case to the LSWDO for proper disposition.

If upon referral to the LSWDO, the Social Welfare Officer certifies the failure to comply with the Diversion Contract, the WCPD Officer shall inform the victim of such fact and shall assist the victim in filing the case before the Prosecutor's Office. The case records shall be forwarded within three days from the time the CICL or his parents/guardians conveyed their decision not to proceed with diversion.

## **Section 6-8 Termination and Closure of Diversion**

Upon the favorable recommendation of the case manager, the Diversion Committee after evaluating the case and the progress of the case shall direct the termination and closure of the case.

A successfully completed diversion program shall be considered as case resolved.

## **Section 6-9 Suspension of Prescriptive Period of the Offense**

**9.1 During Diversion Proceedings.** The period of prescription of the offense shall be suspended until the completion of the Diversion Proceedings, but shall not exceed a period of 45 days.

**9.2 During the implementation of the Diversion Program.** The period of prescription of the offense shall be suspended during the effectivity of the Diversion Program, but shall not exceed a period of two years.

## CHAPTER 7

### RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW

Every CICL 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 upon 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 or 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 appropriate to their 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. The CICL shall be conveyed separately to or from court. The CICL shall await hearing of his or her own case in a separate holding area. A CICL shall have the right to maintain contact with his or 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 liberty before a Court or other competent, independent and impartial authority, and the right to a prompt decision in such action;
- f. The right to bail and recognizance, in appropriate cases;
- g. The right to testify as a witness for his or her own behalf, under the Supreme Court Rule on the Examination of a Child Witness;
- h. The right to privacy to be fully respected and protected at all stages of the proceedings;
- i. The right to diversion, if the child is qualified and voluntarily avails of the same;
- j. The right to receive judgment, where the penalty is proportionate to the gravity of the offense, and where the CICL's best interest, the rights of the victim and the needs of society, are all taken into consideration by the Court, consistent with the principle of restorative justice;
- k. The right to have restrictions on personal liberty limited to a minimum, and where discretion is given by law to the Judge to determine whether to impose a fine or a term of imprisonment, the imposition of a fine shall be preferred as the more appropriate penalty;
- l. 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. The right to practice his other rights, under the existing laws, rules and regulations.

## CHAPTER 8

### MAINTAINING RECORDS OF THE CASE AND REGISTRY OF THE CICL

All police officers who are working on the case of a child shall ensure a faithful recording of all pertinent information of all CICL and CAR, in order to guarantee the correct application of the provisions of R.A. No. 9344 as amended, without prejudice to provisions of the law, implementing rules and regulations and this Manual on the confidentiality of records and proceedings.

#### Section 8-1 Maintaining the Pink Blotter for CICL

Only the WCPD shall make an entry in the Pink Blotter. The information about the case containing five “Ws” and one “H” shall be recorded in the blotter and the CIRS/e-Blotter.

#### Section 8-2 Maintaining a Coding System for CICL Cases

Immediately upon receipt of a case involving a CICL, the WCPD Officer shall:

- a. Assign a reference number to the case;
- b. Assign an alias to the child;
- c. Assign a code in lieu of the information that may compromise the identity of the CICL such as:
  - 1) The address of the CICL;
  - 2) Name of the parents, guardians or relatives of the CICL;
  - 3) Other information that may point to the identity of the child.

The WCPD shall record this system of coding in the Pink Blotter and shall place a copy of the information in the CICL Folder. Immediately after assigning the codes, the WCPD officer shall provide a copy of the codes to the Investigator on the Case.

### **Section 8-3 Making an Entry in the Police Blotter and the PNP IRS**

In making an entry to the Police Blotter and the PNP Incident Reporting System (IRS), the IOC may make an entry in the Police Blotter but only the WCPD shall make an entry in the PNP IRS. In order to preserve the confidentiality of the case and to protect the identity of the CICL, only the assigned codes shall be used in making an entry in the IRS.

### **Section 8-4 Maintaining a CICL Folder**

The WCPD shall maintain a folder for each case of every CICL. It shall have the words "CICL FOLDER" on its upper right hand corner to ensure confidentiality.

All relevant documents and data, which include, but not limited to the following which shall then be placed in the CICL Folder:

- a. The information in the IRS or in other documents;
- b. The case summary; (Annex A)
- c. The intake form; (Annex C or D)
- d. The photograph and the fingerprint of the CICL;
- e. The initial contact report; (Annex B)
- f. The medical examination report;
- g. The complaint form; (Annex E)
- h. Referral letters to and from the WCPD involving the case; (Annex F)
- i. Feedback forms sent and received by the WCPD; (Annex G)
- j. Determination of Discernment;
- k. Initial Investigation Report; (Annex H)
- l. Determination of that Diversion is appropriate;
- m. Consent to Diversion;
- n. Diversion Contract; and
- o. Other relevant documents.

## **Section 8-5 Use of Records of CICL**

As provided in Section 43 of the Juvenile Justice and Welfare Act as amended, the records of a CICL shall not be used in subsequent proceedings, whether criminal, civil or administrative, for cases involving the same offender as an adult, except when beneficial to the offender and upon the offender's written consent.

Collective information and statistics generated from the system shall only be used for research, policy, program development, monitoring and evaluation purposes.

## **Section 8-6 Sealing of Records and Removal of Fingerprints and Photograph**

**6.1 Sealing of records.** All records of the CICL in the custody of the WCPD and other units shall be sealed by order of the court. The case shall be treated as if it never occurred. All index references shall be deleted and in case of inquiry, all police officers shall reply that no record exist with respect to the child concerned.

**6.2 Removal of fingerprint and photograph.** The fingerprint and photograph of a CICL shall be removed from the files and destroyed:

- a. if the case against the child is not filed, or is dismissed; or
- b. when the child reaches 21 years of age and there is no record that the child committed an offense after reaching 18 years of age.

## CHAPTER 9

### ENSURING CONFIDENTIALITY

All police officers who are working on the case of a child shall:

- a. Ensure the confidentiality of the case and protect the identity of the CICL;
- b. Consider as privileged and confidential the records and proceedings involving CICL from initial contact until final disposition of the case;
- c. Exclude the public and other police officers who are not working on the case from the proceedings and from the area where the CICL is held in custody;
- d. Ensure that the records of a CICL 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; and
- e. Ensure that the records of a CICL shall not appear in any certificate which will be issued by the PNP including police clearances.

#### Section 9-1 Ensuring Confidentiality in Handling Documents

All police officers who are working on the case of a child shall:

- a. 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 shall not disclose any information to the public, particularly the media, which reveals the identity of the CICL and his or her family;
- b. Print the words “CAR CASE” or “CICL CASE” on the upper right hand corner of investigation reports and other similar documents to ensure confidentiality.
- c. Ensure that the records of the case shall be submitted to appropriate agencies in a sealed envelope with the “CAR CASE” or “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.

## **Section 9-2 Medical Examination Results**

The results of the medical examination of the CICL shall be kept confidential, unless otherwise ordered by the Family Court.

## **Section 9-3 When Records may be Disclosed**

The disclosure of confidential records may only be done upon Order of the Court. The records of the CICL may only be disclosed to persons specifically enumerated in the Order of the Court permitting such disclosure, and subject to such conditions as the Court may impose. Therefore, all police officers who are working on the case of a child shall:

- a. Ensure that the parties understand that the case is confidential and remind them especially the victim and/or the complainant that the records shall not be disclosed directly or indirectly to anyone for any purpose whatsoever; and
- b. 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 under the Department of Justice (see Appendix C).

## **ANNEXES**

**Annex "A"**

**CASE SUMMARY**

Date of Initial Contact : \_\_\_\_\_

Date of Initial Investigation : \_\_\_\_\_

Date of Summons : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of first meeting with CICL : \_\_\_\_\_

**Annex "B"**

**INITIAL CONTACT FORM**

Date/Time/Place:

\_\_\_\_\_  
Name of Apprehending Officers/Private Citizen:

\_\_\_\_\_  
Name and age of the CICL if known:

\_\_\_\_\_  
Narrative on how the crime was known by the Apprehending officers/Private Citizen:

\_\_\_\_\_  
Narrative on how the CICL was taken into custody:

\_\_\_\_\_  
Are there illegal objects found in the body of the CICL?

\_\_\_\_\_  
Is the CICL being used by other persons?

\_\_\_\_\_  
Was the procedure in this protocol followed? Why?

\_\_\_\_\_  
Was force used? Why?

\_\_\_\_\_  
Was handcuff and/or other instruments of restraint used? Why?

\_\_\_\_\_  
What are the needs of the child as observed by the Apprehending Officers/Private Citizen? What had been done?

\_\_\_\_\_  
Was the CICL hurt or harmed by other persons? Narrate Circumstances.

\_\_\_\_\_  
To whom was the CICL turned over?

**Annex “C”**

**INTAKE FORM**

Republic of the Philippines  
 NATIONAL POLICE COMMISSION  
 Philippine National Police

\_\_\_\_\_  
 \_\_\_\_\_

**INTAKE FORM FOR CHILDREN AT RISK (CAR)**

Profile of the Child																						
1. Name of CAR	2. Age	3. Date of Birth																				
4. Sex	5. Civil Status ___ single ___ with live-in partner ___ others: _____	6. Educational Attainment ___ elem. level ___ elem. Graduate ___ HS level ___ HS graduate ___ Out-of-school ___ College ___ Others: _____ \																				
7. Address/Contact Nos.	8. Name of Parents/Guardian																					
B. Status /Type of the Case																						
9. Offense/Ordinance Violated																						
<table border="0"> <tr> <td>___ curfew</td> <td>___ mendicancy</td> </tr> <tr> <td>___ truancy</td> <td>___ trespassing</td> </tr> <tr> <td>___ parental disobedience</td> <td>___ public urination</td> </tr> <tr> <td>___ anti-smoking/drinking</td> <td>___ sniffing of rugby</td> </tr> <tr> <td>___ disorderly conduct</td> <td>___ prostitution</td> </tr> <tr> <td>___ public scandal</td> <td>___ status offenses</td> </tr> <tr> <td>___ harassment</td> <td>___ others: _____</td> </tr> <tr> <td>___ drunkenness</td> <td></td> </tr> <tr> <td>___ vandalism</td> <td></td> </tr> <tr> <td>___ gambling</td> <td></td> </tr> </table>			___ curfew	___ mendicancy	___ truancy	___ trespassing	___ parental disobedience	___ public urination	___ anti-smoking/drinking	___ sniffing of rugby	___ disorderly conduct	___ prostitution	___ public scandal	___ status offenses	___ harassment	___ others: _____	___ drunkenness		___ vandalism		___ gambling	
___ curfew	___ mendicancy																					
___ truancy	___ trespassing																					
___ parental disobedience	___ public urination																					
___ anti-smoking/drinking	___ sniffing of rugby																					
___ disorderly conduct	___ prostitution																					
___ public scandal	___ status offenses																					
___ harassment	___ others: _____																					
___ drunkenness																						
___ vandalism																						
___ gambling																						

10. Time/Date/Place Where Alleged Violation Committed	11. Time/Date/Place Rescue of	12. Disposition Referred to: <input type="checkbox"/> LSWDO <input type="checkbox"/> BCPC <input type="checkbox"/> DSWD <input type="checkbox"/> NGO <input type="checkbox"/> Bahay Pag-asa <input type="checkbox"/> Others: _____
13. How many times rescued? <input type="checkbox"/> once <input type="checkbox"/> twice <input type="checkbox"/> thrice <input type="checkbox"/> others: _	14. Records of previous violations committed: 1. _____ 2. _____ 3. _____ 4. _____	
<b>C. Basic Information of the Informant</b>		
15. Name	16. Age/Sex	17. Address/Contact Nos.
18. Relationship to the Child	19.	20.

Prepared by:

\_\_\_\_\_

Conformed by:

\_\_\_\_\_  
Name and Signature of Parent/Guardian

\_\_\_\_\_  
Name and signature of child

**Annex "D"****INTAKE FORM**

Republic of the Philippines  
**NATIONAL POLICE COMMISSION**  
 Philippine National Police

\_\_\_\_\_

\_\_\_\_\_

**INTAKE FORM FOR CHILDREN IN CONFLICT WITH THE LAW (CICL)**

1. Person/Unit Reporting	2. Date Accomplished	3. Referring Party and Contact		
4. Investigation/Case No.	5. Name of Investigation/Interview			
<b>A. Offense Data</b>				
6. Time/Day/Month/Year of Commission	7. Place of Commission			
8. Offenses Committed <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Rape  <input type="checkbox"/> Incestuous Rape  <input type="checkbox"/> Attempted Rape  <input type="checkbox"/> Acts of Lasciviousness  <input type="checkbox"/> Sexual Harassment  <input type="checkbox"/> Prostitution/White Slave Trade  <input type="checkbox"/> Trafficking in Person (RA9208)  <input type="checkbox"/> Pornography  <input type="checkbox"/> Murder  <input type="checkbox"/> ESTAFA/BP22  <input type="checkbox"/> Infanticide  <input type="checkbox"/> Kidnapping  <input type="checkbox"/> Arson  <input type="checkbox"/> Carnapping         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Physical Injuries (Domestic Violence)  <input type="checkbox"/> Physical Injuries (Other Circumstances)  <input type="checkbox"/> Abduction/Kidnapping/Arbitrary Detention  <input type="checkbox"/> Child Labor  <input type="checkbox"/> Child Trafficking (RA 7610)  <input type="checkbox"/> Other Forms of Child Abuse  <input type="checkbox"/> Homicide  <input type="checkbox"/> Parricide  <input type="checkbox"/> Theft/Robbery  <input type="checkbox"/> Other crimes, specify _____  <input type="checkbox"/> Offenses under RA9165         </td> </tr> </table>			<input type="checkbox"/> Rape <input type="checkbox"/> Incestuous Rape <input type="checkbox"/> Attempted Rape <input type="checkbox"/> Acts of Lasciviousness <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Prostitution/White Slave Trade <input type="checkbox"/> Trafficking in Person (RA9208) <input type="checkbox"/> Pornography <input type="checkbox"/> Murder <input type="checkbox"/> ESTAFA/BP22 <input type="checkbox"/> Infanticide <input type="checkbox"/> Kidnapping <input type="checkbox"/> Arson <input type="checkbox"/> Carnapping	<input type="checkbox"/> Physical Injuries (Domestic Violence) <input type="checkbox"/> Physical Injuries (Other Circumstances) <input type="checkbox"/> Abduction/Kidnapping/Arbitrary Detention <input type="checkbox"/> Child Labor <input type="checkbox"/> Child Trafficking (RA 7610) <input type="checkbox"/> Other Forms of Child Abuse <input type="checkbox"/> Homicide <input type="checkbox"/> Parricide <input type="checkbox"/> Theft/Robbery <input type="checkbox"/> Other crimes, specify _____ <input type="checkbox"/> Offenses under RA9165
<input type="checkbox"/> Rape <input type="checkbox"/> Incestuous Rape <input type="checkbox"/> Attempted Rape <input type="checkbox"/> Acts of Lasciviousness <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Prostitution/White Slave Trade <input type="checkbox"/> Trafficking in Person (RA9208) <input type="checkbox"/> Pornography <input type="checkbox"/> Murder <input type="checkbox"/> ESTAFA/BP22 <input type="checkbox"/> Infanticide <input type="checkbox"/> Kidnapping <input type="checkbox"/> Arson <input type="checkbox"/> Carnapping	<input type="checkbox"/> Physical Injuries (Domestic Violence) <input type="checkbox"/> Physical Injuries (Other Circumstances) <input type="checkbox"/> Abduction/Kidnapping/Arbitrary Detention <input type="checkbox"/> Child Labor <input type="checkbox"/> Child Trafficking (RA 7610) <input type="checkbox"/> Other Forms of Child Abuse <input type="checkbox"/> Homicide <input type="checkbox"/> Parricide <input type="checkbox"/> Theft/Robbery <input type="checkbox"/> Other crimes, specify _____ <input type="checkbox"/> Offenses under RA9165			
<b>B. Offender's Data [CICL]</b>				
9. Complete Name and Alias	10. Sex	11. Age and Date of Birth		
12. Civil Status <input type="checkbox"/> single <input type="checkbox"/> live-in <input type="checkbox"/> others _____	13. Highest Educ. Attainment <input type="checkbox"/> no formal educ. <input type="checkbox"/> elementary level <input type="checkbox"/> elementary graduate <input type="checkbox"/> high school level <input type="checkbox"/> high school graduate <input type="checkbox"/> college level <input type="checkbox"/> others	14. Nationality		
15. Previous Record: <input type="checkbox"/> yes Specify case/s: _____ _____ _____ _____	16. Occupation	17. Address		

18. Relationship to Victim	19. Identifying documents presented: <input type="checkbox"/> birth certificate <input type="checkbox"/> form 138/school records <input type="checkbox"/> baptismal certificate <input type="checkbox"/> barangay certificate <input type="checkbox"/> others: _____	
<b>C. Evidence Data</b>		
20. Weapons/Mean Used <input type="checkbox"/> firearms <input type="checkbox"/> bladed weapon <input type="checkbox"/> blunt instrument <input type="checkbox"/> fist/kick <input type="checkbox"/> others: specify _____	21. Motive/Cause <input type="checkbox"/> sex/lust <input type="checkbox"/> peer pressure <input type="checkbox"/> jealousy/passion <input type="checkbox"/> misunderstanding <input type="checkbox"/> revenge <input type="checkbox"/> family trouble <input type="checkbox"/> poverty <input type="checkbox"/> others: _____	22. Suspect under the influence of : <input type="checkbox"/> drugs <input type="checkbox"/> alcohol <input type="checkbox"/> others: _____
<b>D. Case Disposition</b>		
23. Disposition <input type="checkbox"/> referred to BCPC/LCPC/LSWD/DSWD <input type="checkbox"/> filed to prosecutor's office <input type="checkbox"/> filed in court <input type="checkbox"/> under police investigation <input type="checkbox"/> referred to other agencies <input type="checkbox"/> others: _____	24. Victim under the custody of: <input type="checkbox"/> DSWD <input type="checkbox"/> NGO/PO <input type="checkbox"/> others: _____	
<b>E. Diversion Mechanisms</b>		
25. Police Diversion Mechanisms Employed <input type="checkbox"/> offender-victim conference administered <input type="checkbox"/> parties wilfully settled case the police <input type="checkbox"/> if minor, police issued warning <input type="checkbox"/> if minor, child asked to perform community service		
<b>F. Incident Brief</b>		
<b>G. Identifying Information About the Complainant</b>		
26. Name	27. Age/Sex	28. Address
29. Relationship to the CICL		
<b>H. Victim's Data</b>		
30. Complete Name and Alias	31. Sex/Gender	32. Age and Date of Birth

<p>33. Place of Birth</p>	<p>34. Highest Educ. Attainment                  ___ no formal educ                  ___ elementary                  ___ high school                  ___ college                  ___ others: specify</p>	<p>35. Civil Status                  ___ single                  ___ married                  ___ with live-in partner                  ___ others ___</p>
<p>36. Nationality</p>	<p>37. Present Address</p>	<p>38. Provincial Address</p>
<p>39. Parents/Guardian Name:                  Name of father: _____                  Name of mother: _____                  Name of guardian: _____</p>	<p>40. Employment Information/                  Occupation</p>	<p>41. Identifying Documents Presented</p>
<p>42. Contact Person/Address/Contact Nos.</p>		

Prepared by:

Approved by:

\_\_\_\_\_  
 Name/Designation/Signature

\_\_\_\_\_  
 Name/Designation/Signature

**Annex "E"**

**COMPLAINT FORM**

Republic of the Philippines  
NATIONAL POLICE COMMISSION  
Philippine National Police

\_\_\_\_\_  
\_\_\_\_\_

**WOMEN AND CHILDREN PROTECTION DESK COMPLAINT FORM**

_____	- against -	_____
Complainant		CICL
_____		_____
Address		Address

COMPLAINT

I/ WE hereby file this complaint against the above named respondent/s for violating my/ our rights and interests in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, I/ WE pray that the following relief/s be granted to me/ us in accordance with the law and/ or equity.

\_\_\_\_\_

Done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Complainant's Signature

\_\_\_\_\_  
Name and Signature of CICL

\_\_\_\_\_  
Name and Signature of Parent/Guardian

Received and filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Name and Signature of WCPD Investigator

**Annex "F"**

**REFERRAL FORM**

Republic of the Philippines  
NATIONAL POLICE COMMISSION  
Philippine National Police

\_\_\_\_\_  
\_\_\_\_\_

**REFERRAL FORM**

Date: \_\_\_\_\_

I. To/For: \_\_\_\_\_  
(Name of Head/Institution/Agency)

II. Identifying Information of the CICL\

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Birthday: \_\_\_\_\_

Case Category: ( ) CAR ( ) CICL  
III. Background information about the Child's Case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Reasons for Referral:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Intervention/Services Requested:

\_\_\_\_\_  
\_\_\_\_\_

Referred by:

Approved by:

\_\_\_\_\_  
Name, Designation, Signature

\_\_\_\_\_  
Name, Designation, Signature

**Annex "G"**

**FEEDBACK FORM**

Republic of the Philippines  
NATIONAL POLICE COMMISSION  
Philippine National Police

\_\_\_\_\_  
\_\_\_\_\_

**FEEDBACK FORM**

Date: \_\_\_\_\_

I. Name of Agency/LGU Where the child was referred to \_\_\_\_\_  
Date of Referral: \_\_\_\_\_

II. Identifying Information

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_ Birthday: \_\_\_\_\_

III. Services Rendered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: \_\_\_\_\_  
Name, Designation, Signature

**Approved by:**

\_\_\_\_\_  
Name, Designation, Signature

**Annex "H"**

**INVESTIGATION REPORT**  
Republic of the Philippines  
**NATIONAL POLICE COMMISSION**  
Philippine National Police

\_\_\_\_\_  
\_\_\_\_\_

**INVESTIGATION REPORT**

Date: \_\_\_\_\_

I. Profile of the Child:

Name: \_\_\_\_\_ Nickname/ Alias: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_  
Highest Educational Attainment: \_\_\_\_\_  
\_\_\_\_\_

II. Background information of the case:

Place and data of alleged offense committed: \_\_\_\_\_  
\_\_\_\_\_  
Violation/ Offense: \_\_\_\_\_  
\_\_\_\_\_

Date and Time of Apprehension: \_\_\_\_\_  
\_\_\_\_\_

Place of Apprehension: \_\_\_\_\_

III. Status of the Case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Actions taken based on the agreement made including schedules

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. Remarks/ Evaluation

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VI. Recommendation/s

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---

---

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VII. Other Attachments (other supporting documents, if needed)

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\_\_\_\_\_  
Name & Signature of Investigator

\_\_\_\_\_  
Name & Signature of the CICL/CAR  
Date: \_\_\_\_\_

\_\_\_\_\_  
Name & Signature of the Parent  
Date: \_\_\_\_\_

## Annex "I"

## TABLE OF PENALTIES

## Not more than six (6) years of imprisonment (Non-Serious Offenses)

Direct Assaults
Indirect Assaults
Causing Serious Disturbance in a Public Place, Office or Establishment
Giving False Testimony (defendant sentenced to any other afflictive penalty; to a correctional penalty or a fine or was acquitted)
Giving False Testimony to Favor Defendant
Giving False Testimony in a Civil Cases
Unfair Competition, Fraudulent Registration of Trademark, Tradename or Services Mark
Death in a Tumultuous Affray (persons inflicting physical injuries cannot be identified)
Giving Assistance to Suicide that is not Consummated
Discharge of Firearm
Intentional Abortion (without violence but with consent)
Unintentional Abortion
Abortion Practice by Woman Herself
Serious Physical Injuries
Less Serious Physical Injuries
Slight Physical Injuries and Maltreatment
Unlawful Arrest
Inducing Minor to Abandon His Home
Exploitation of Child Labor
Compulsion to Render Service in Payment of Debt
Abandonment of Persons in Danger or One's Own Victim
Abandonment of Minor
Abandonment of a Minor by Person Entrusted with his Custody
Qualified Trespass to Dwelling
Qualified Trespass to Dwelling with Violence/Intimidation
Other form of Trespass
Grave Threats – without Condition

Light Threats
Other Light Threats
Grave Coercion
Light Coercion
Unjust Vexation
Discovering Secrets Through Seizure of Correspondence
Revealing Secrets with Abuse of Office
Revelation of Industrial Secrets
Robbery in an Uninhabited Place or in a Private Building
Theft (value of thing stolen is less than P 12,000 / under circumstances enumerated in Par.3, Art 308 / offender acted under the impulse of hunger, poverty or difficulty of earning a livelihood)
Occupation of Real Property or Usurpation of Real Rights in Property
Estafa amount of fraud is more than P200 but not more than P12,000; fraud committed through the means described under Art. 315 ( 1-a,b,c), (2-a,b,c,e),(3-a,b,c) [Art. 315(b), (c) and (d)] Amount of fraud does not exceed P200 and fraud committed through the means described under Art. 315(2-d) [Art. 315 (d)]
Other forms of Swindling
Other Deceits
Fortune Telling
Removal, Sale or Pledge of Mortgaged Property
Adultery
Concubinage
Acts of Lasciviousness (victim is 12 years old and above)
Qualified Seduction
Simple Seduction
Consented Acts of Lasciviousness
Consented Abduction
Libel by means of Writing or Similar means
Threatening to Publish & Offer to Prevent such Publication for a Compensation
Prohibited Publication of Acts Referred to in a Course of Judicial Proceedings
Grave Oral Defamation

Slander
Slander by Deed
Incriminating an Innocent Person
Intriguing Against Honor
Reckless Imprudence / Imprudence and Negligence

**Victimless Crimes with Imposable Penalty of not more than six (6) years of Imprisonment (Non-serious offenses victimless)**

Espionage
Violation of Neutrality
Correspondence with Hostile Country (correspondence has been prohibited by the Government)
Flight to Enemy's Country
Interruption of Religious Worship
Offending the Religious Feeling
Conspiracy and Proposal to Commit Rebellion
Conspiracy and Proposal to Commit Insurrection
Participating in Sedition
Conspiracy to Commit Sedition
Inciting to Sedition
Acts Tending to Prevent the Meeting of Congress and Similar Bodies
Disturbance of Proceedings
Violation of Parliamentary Immunity
Attending Illegal Assemblies
Organizing Illegal Associations
Membership of Illegal Association
Disobedience to Summons Issued by Congress or Constitutional Commissions
Resistance & Disobedience to a Person In Authority or the Agents of Such Persons
Making an Outcry Tending to Incite Rebellion or Sedition in a Public Place, Meeting or Association
Burying with Pomp the Body of a Person Who has Been Legally Executed
Unlawful Use of Means of Publication & Unlawful Utterances

Alarms & Scandals
Delivery of Prisoners from Jail
Mutilation of Coins; Importation or Utterance of Mutilated Coins
Possessing with Intent to Utter/ Uttering or Selling false or Mutilated coins, without connivance
Counterfeiting, Importing & Uttering Instrument Not Payable to Bearer
Falsification of Legislative Documents
Falsification by Private Individual and Use of Falsified Documents
Falsification of Wireless, Cable & Telegraph & Telephone Messages
Use of Falsified Messages
Falsification of Medical Certificates, Certificate of Merit or Service
Using False Certificates
Manufacturing and Possession of Instruments or Implements for Falsification
Usurpation of Authority or Official Functions
Using Fictitious Name / Concealing True Name
Illegal Use of Uniforms or Insignia
Perjury
Machinations of Public Auctions
Monopolies & Combinations in Restraint of Trade
Importation & Disposition of Falsely Marked Articles Made of Gold, Silver or other Precious Metals
Grave Scandal
Possession of Picklocks or Similar Tools
Making Picklocks or Similar Tools
Theft of the Property of the National Library & National Museum
Altering Boundaries and Landmarks
Malicious Mischief
Other Mischief
Damaging Railways, Telegraph & Telephone Lines
Destroying or Damaging Statues, Public Monuments an Paintings

**More than six (6) years of Imprisonment (SERIOUS OFFENSES)**

Treason
Conspiracy to Commit Treason
Misprision of Treason
Inciting to war or Giving Motives for Reprisal
Correspondence with Hostile Country Correspondence was carried on in ciphers or Conventional Signs [Art. 120(2)] Notice or Information given through correspondence might be useful to the enemy [art. 120(3)] Offender intended to Aid enemy in giving such notice or Information through Correspondence [Art. 120(3)]
Piracy and Mutiny on the High Seas and on Philippine Waters
Qualified Piracy
Promoting, Maintaining or Heading a Rebellion or Insurrection
Participating or Executing the Commands of Others in a Rebellion or Insurrection
Leading, Directing or Commanding Others to Undertake a Coup D'Etat
Participating or supporting, Financing, Aiding in Undertaking a Coup D'Etat
Conspiracy and Proposal to Commit Coup D'Etat
Inciting to Rebellion or Insurrection
Leading Sedition – Principal in Consummated
Violation of Parliamentary Immunity – Principal in Consummated
Organizing Illegal Assemblies
Causing Disturbance or Interruption of a Tumultuous Character
Counterfeiting the Great Seal of Gov't; Forging Signature or Stamp of Chief Executive
Using Forged Signature or Counterfeit Seal or Stamp
Making & Importing & Uttering False Coins
Forging Treasury or Bank Notes, Importing & Uttering False or Forged Notes & Documents
Giving False Testimony Against Defendant ( defendant is sentenced to death/reclusion temporal/reclusion perpetua)
Immoral Doctrines Obscene Publications & Exhibitions & Indecent Shows
Corruption of Public Officials–Note: Imposable Penalty may be Higher than 6 years depending on the nature of the Corruption
Parricide

Murder
Homicide
Death in a Tumultuous Affray ( persons inflicting physical injuries can be identified)
Giving Assistance to Suicide
Giving Assistance to Suicide to the Extent of Doing the Killing Himself
Infanticide
Intentional Abortion (with violence)
Intentional Abortion (without violence and without consent)
Mutilation
Serious Physical Injuries (resulting to Insanity, Impotency or Blindness)
Administering Injuries Substance or Beverages resulting to Insanity, Impotency or Blindness
Rape
Sexual Assault
Kidnapping & Serious Illegal Detention
Slight Illegal Detention
Kidnapping & Failure to Return a Minor
Slavery
Grave Coercion (committed in violation of the exercise of the right of suffrage or to compel another to perform any religious act or to prevent him from exercising such right or from doing such right)
Robbery [Art. 294]
Attempted & frustrated Robbery committed Under certain Circumstances
Robbery with force upon things
Theft (value of things stolen is more than P12,000)
Qualified Theft
Fraudulent Insolvency
Destructive Arson
Damage Resulted in Derailment of Cars, Collision or other Accident
Acts of Lasciviousness (victim is under 12 years old)
Corruption of Minors
White Slave Trade
Forcible Abduction

Simulation of Birth, Substitution of One Child for Another & Concealment or Abandonment of a Legitimate Child

Usurpation of Civil Status for the Purpose of Defrauding offended Party or His Heirs

Estafa (amount of fraud is more than P200 and Fraud committed through the means described under Art. 315[2-d]) [Art. 315(a),(b) and (c)]

## DEFINITION OF TERMS

**Act** – refers to Republic Act No. 9344, as amended by Republic Act No. 10630.

**Abandoned** – when the child has no proper parental care or guardianship or when the child’s parents or guardians have deserted the child for a period of at least six continuous months, as provided in Art. 141(2), Title VIII of P.D. 603.

**Abused** – when upon the evaluation of the LSWDO, the child is determined to be maltreated, whether habitual or not, as defined in Section 3(b) of Republic Act No. 7610, or the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” [“R.A. 7610”].

**Bail** – refers to the security given for the release of the person in custody of the law, furnished by a bondsman or a bonding company, to guarantee the appearance of the person before any Court.

**Best interest of the child** – refers to the totality of circumstances and conditions that are most beneficial for the survival, protection and feelings of security of the child, and most likely to promote 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.

**Child** – refers to a person under the age of 18 (17 years and below).

**Child who is above 12 years of age** – refers to a child not older than 15 years but not younger who is at least than 12 years and one day. old.

**Child who is above 15 years of age** – refers to a child who is at least 15 years and one day old, but below 18 years.

**Children-at-risk (CAR)** – refers to children who are vulnerable or at-risk of behaving in a way that can harm themselves or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances.

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

**Court** – refers to a Family Court, or in places where there are no Family Courts, any Regional Trial Court.

**Dependent** – when the child is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause desires to be relieved of the child’s

care and custody; and is dependent upon the public for support, as provided in Art. 141(1), Title VIII of P.D. 603.

**Discernment** – refers to the capacity to understand the difference between right and wrong, and its consequences.

**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 the child's social, cultural, economic, psychological or educational background, without resorting to formal court proceedings.

**Diversion Program** – refers to the program that the child in conflict with the law is required to undergo after being found responsible for an offense, without resorting to formal court proceedings.

**Duty-bearer** – refer to persons who are responsible for providing care, addressing the needs and protecting the rights of a child within the Juvenile Justice and Welfare System.

**Educational Institution** – refers to a place where children are accepted as students to gain education. It includes both public and private and covers those institutions which provide elementary, secondary and/or tertiary education.

**Initial contact with the child** – refers to the apprehension or taking into custody of a CICL 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.

**Intervention** – generally refers to programmatic approaches or systematic social protection programs for children that are designed and intended to promote the physical and social well-being of the children; avert or prevent juvenile delinquency from occurring; and stop or prevent children from re-offending.

**Juvenile Justice and Welfare System** – refers to a system of dealing with CAR and CICL, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, reintegration and after-care to ensure the child's normal growth and development.

**Light Offense** – acts of misdemeanors against public order or safety such as, but not limited to, disorderly conduct public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.

**Mug shot (or booking photograph)** –refers to a photograph of the CICL taken after one is apprehended.

**Neglected** – when the child’s basic needs have been deliberately unattended or inadequately provided, as provided in Art. 141(3) of P.D. 603; or

**Offense** – refers to any act or omission punishable under special penal laws or the Revised Penal Code. For purposes of providing appropriate services for children, the term “offense” shall include violations of ordinances of local government units.

**Probation** – refers to a disposition under which a defendant, after conviction and sentence, is released, subject to the conditions imposed by the Court and the person is placed under the supervision of a probation officer.

**Recognizance** – refers to an undertaking, in lieu of a bail bond, assumed by a parent or custodian, who shall be responsible for ensuring the appearance in Court of the child in conflict with the law, whenever required.

**Referral** – refers to a process where a duty-bearer, within the juvenile justice and welfare system, endorses the CICL to the appropriate service provider for appropriate care or intervention. ‘Referral’ includes the endorsement of the victim for appropriate assistance and intervention.

**Serious Offense** – refers to an offense where the imposable penalty exceeds six years imprisonment.

**Non-Serious Offense** – refers to an offense where the imposable penalty is not more than six years imprisonment.

**Unoffending Parent/s** – refers to parent/s who had no participation in the commission of an offense.

**Victimless Crimes** – refers to offenses where there is no private offended party.

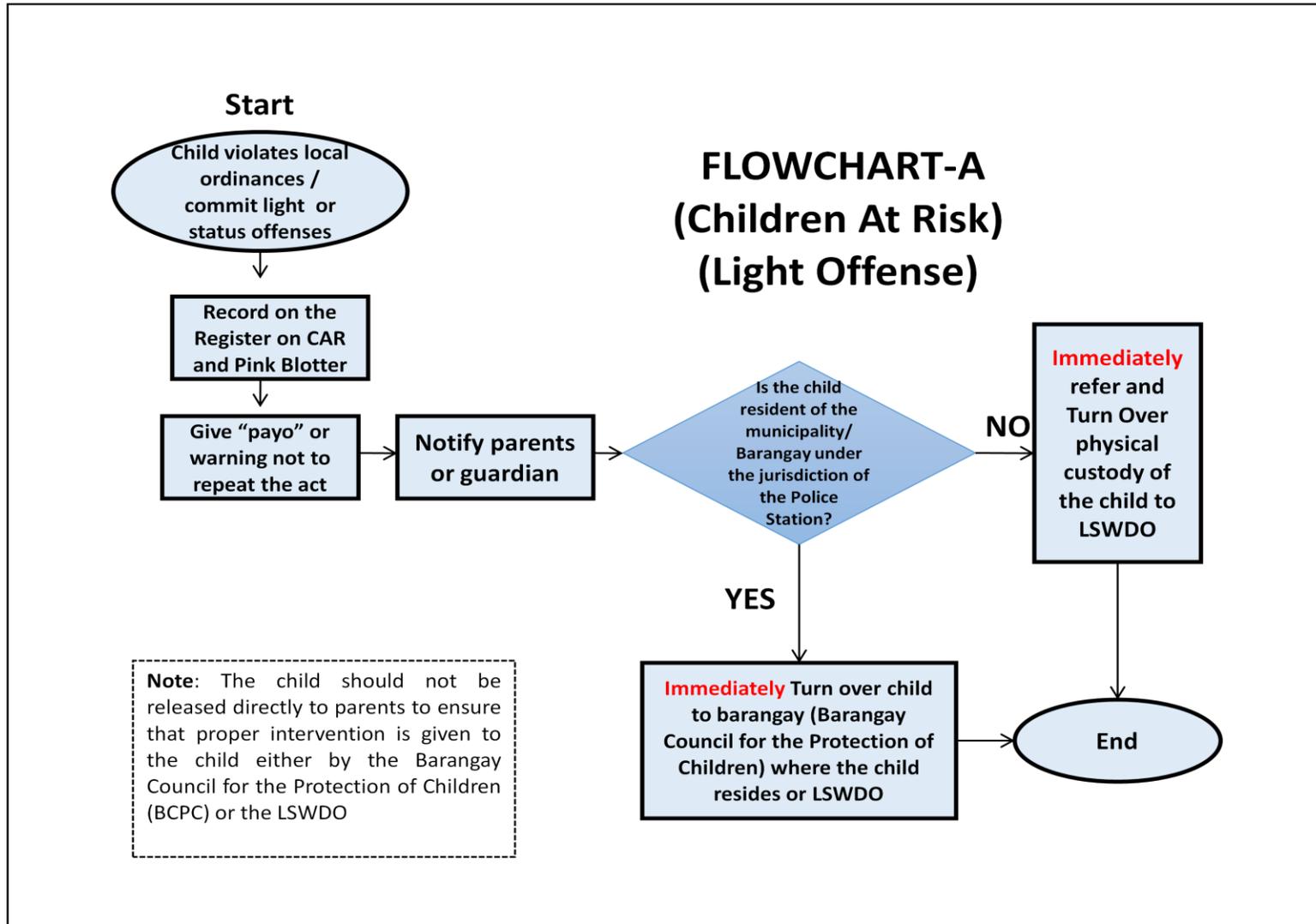
## TABLE OF ABBREVIATION

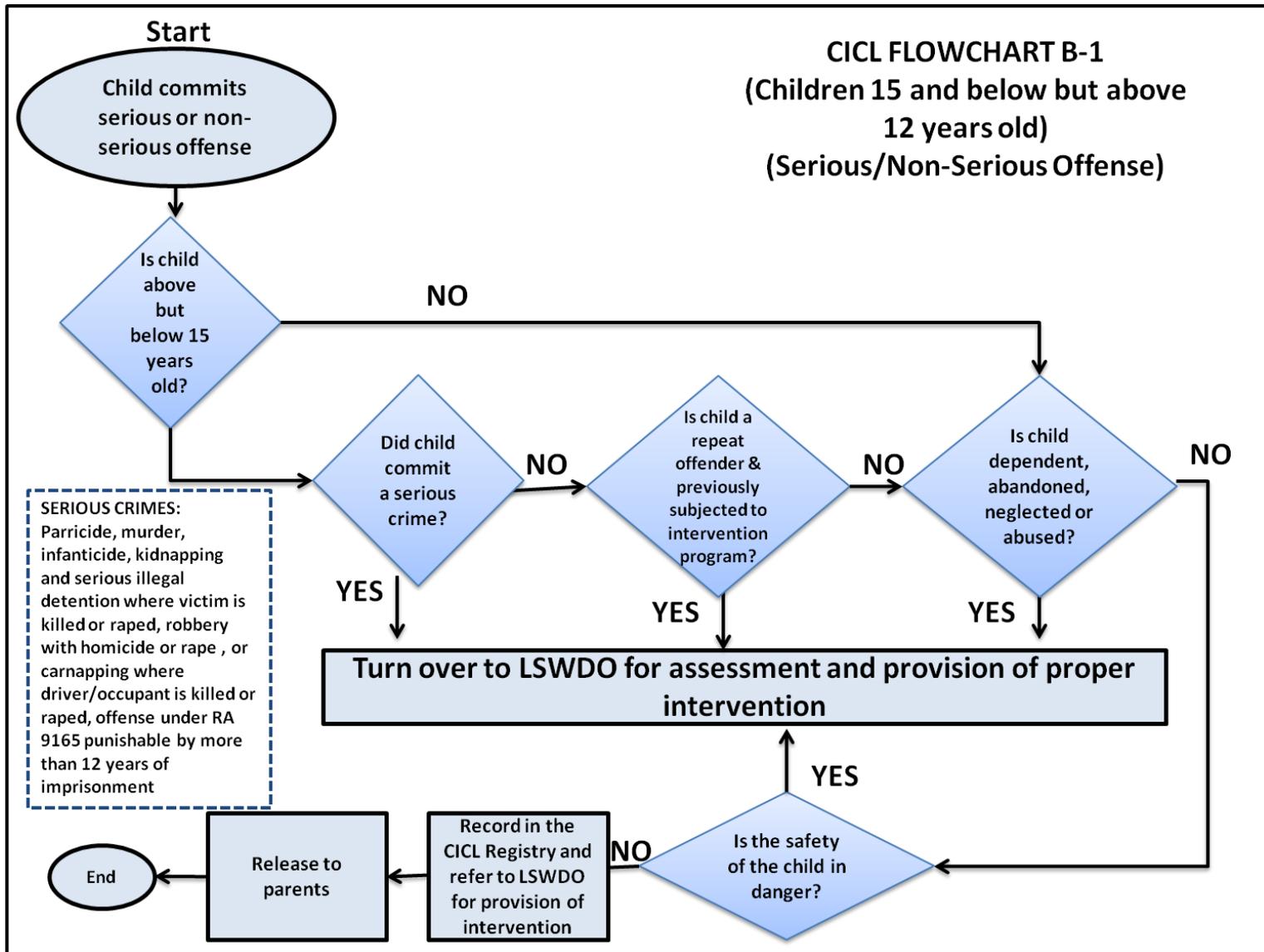
<b>BCPC</b>	Barangay Council for the Protection of Children
<b>BJMP</b>	Bureau of Jail Management and Penology
<b>CAR</b>	Child-At-Risk
<b>CICL</b>	Child in Conflict with the Law
<b>CPC</b>	Child Protection Committee
<b>DANA</b>	Dependent, Abandoned, Neglected and Abused
<b>DARNA</b>	Dependent, Abandoned, Repeat Offender, Neglected and Abused
<b>DSWD</b>	Department of Social Welfare and Development
<b>IOC</b>	Investigator-on-Case
<b>JJWA</b>	Juvenile Justice and Welfare Act
<b>JJWC</b>	Juvenile Justice and Welfare Council
<b>LSWDO</b>	Local Social Welfare and Development Officer
<b>PNP</b>	Philippine National Police
<b>IRS</b>	Incident Reporting System
<b>WCPD</b>	Women and Children Protection Desk

## **APPENDICES**

Appendix "A"

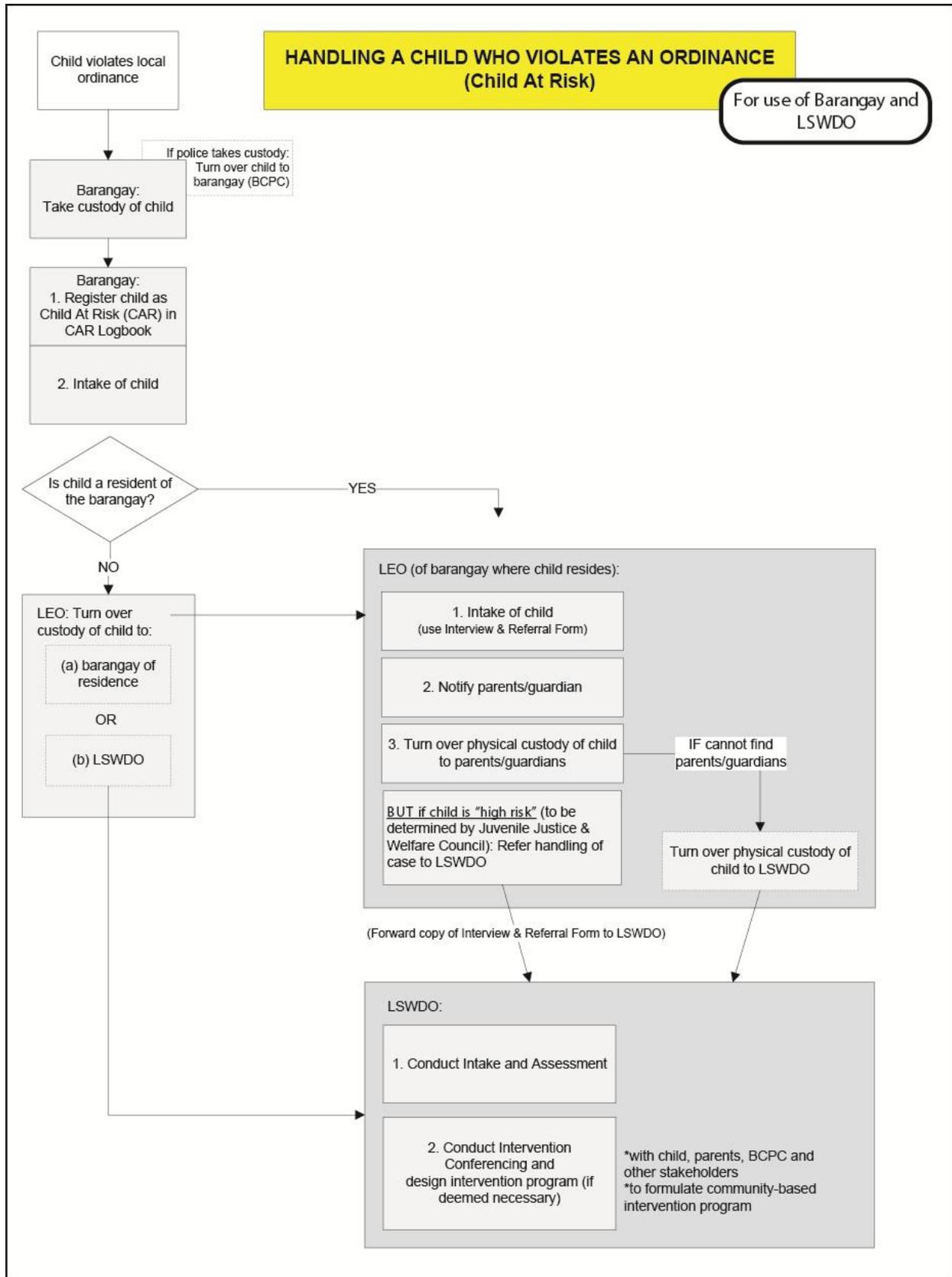
FLOWCHARTS FOR PNP

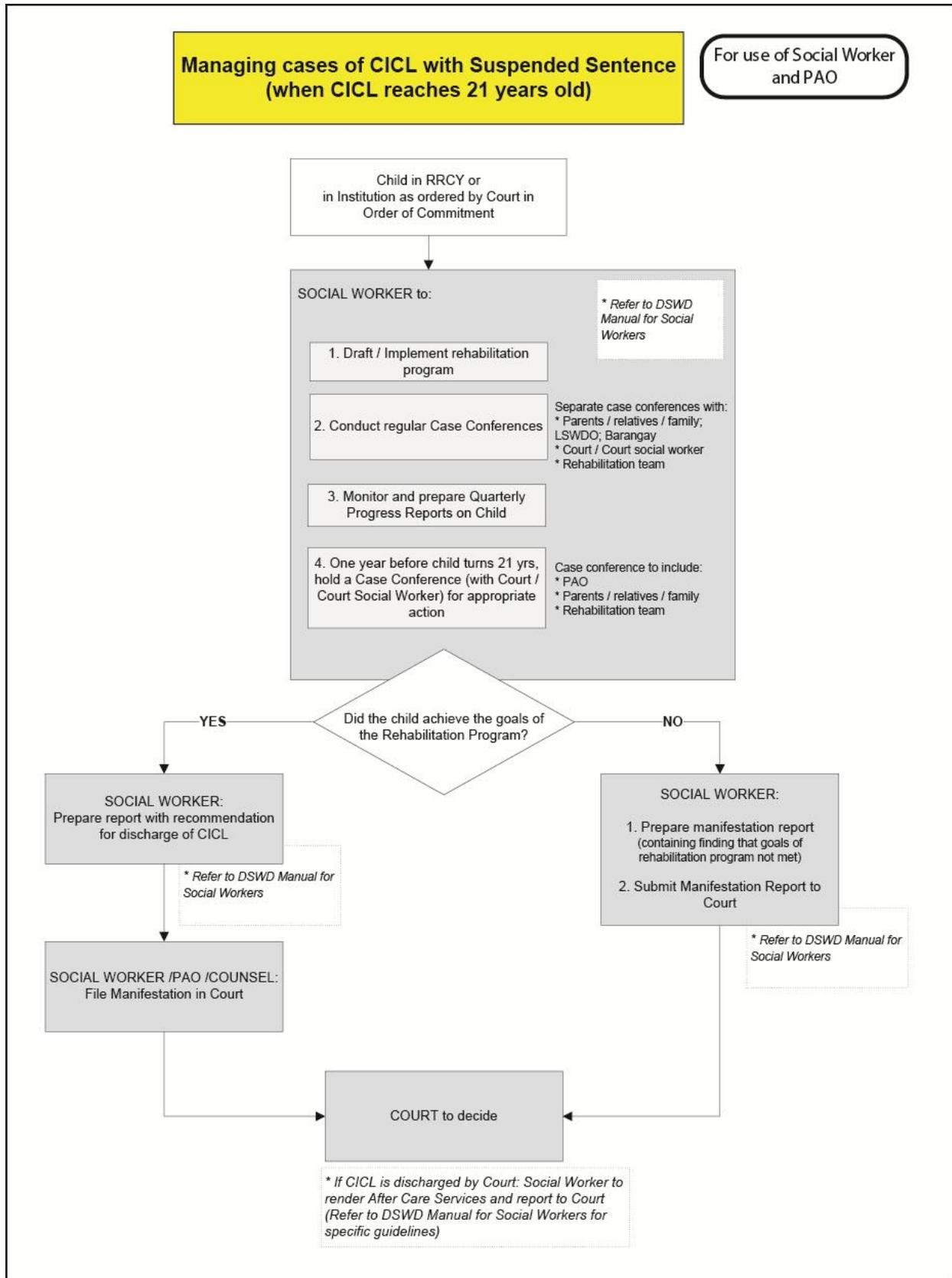


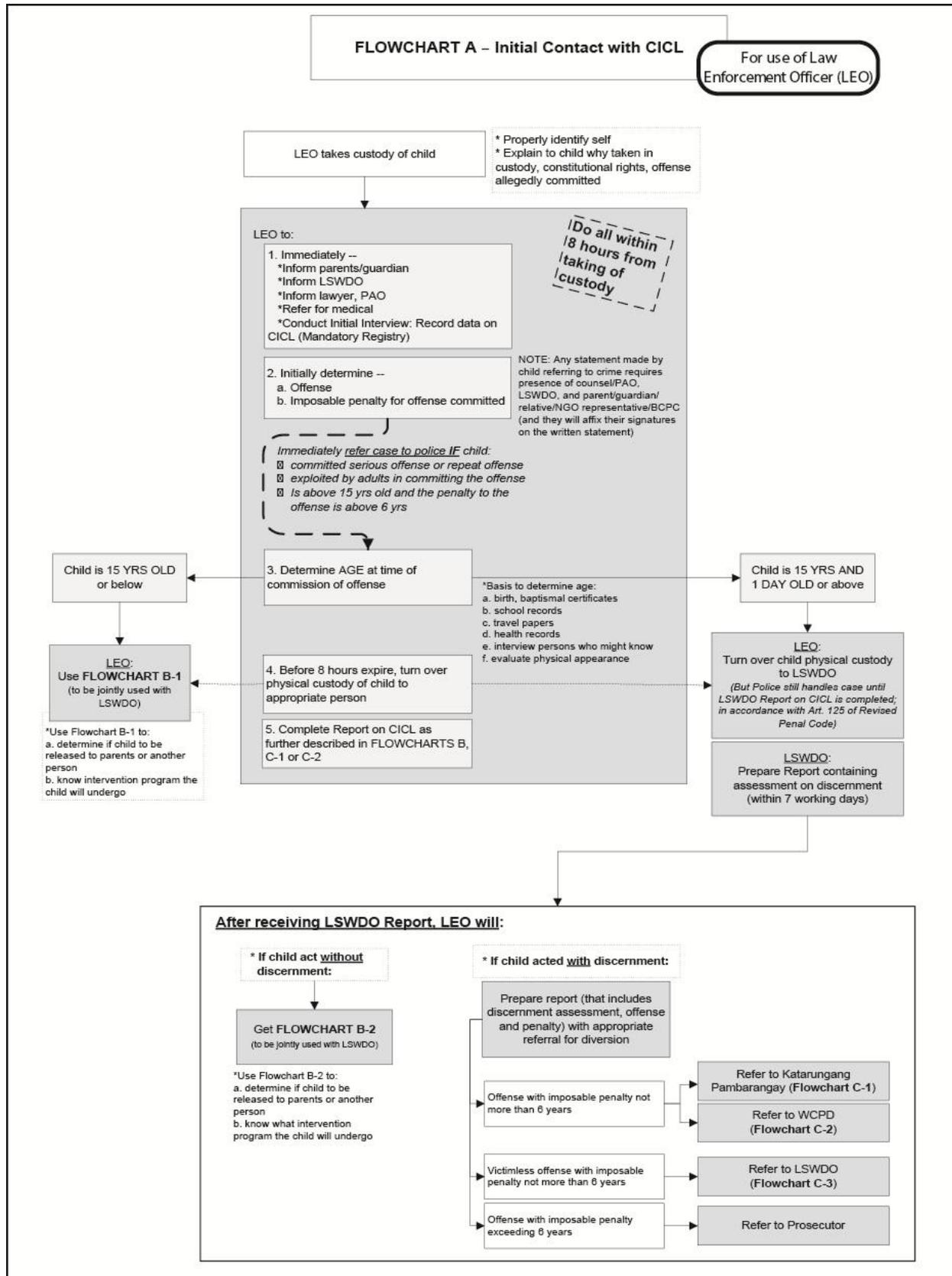


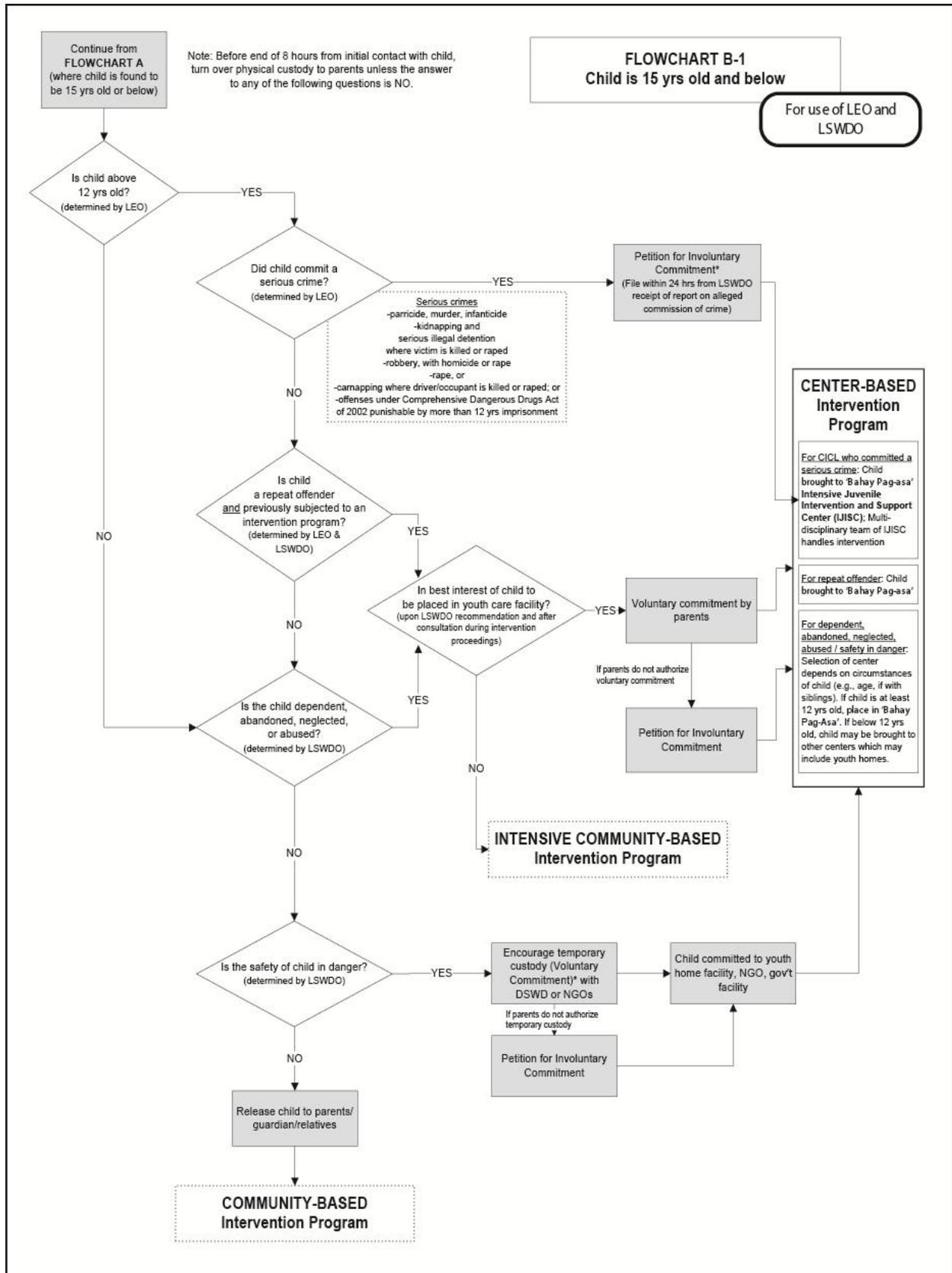
**Appendix “B”**

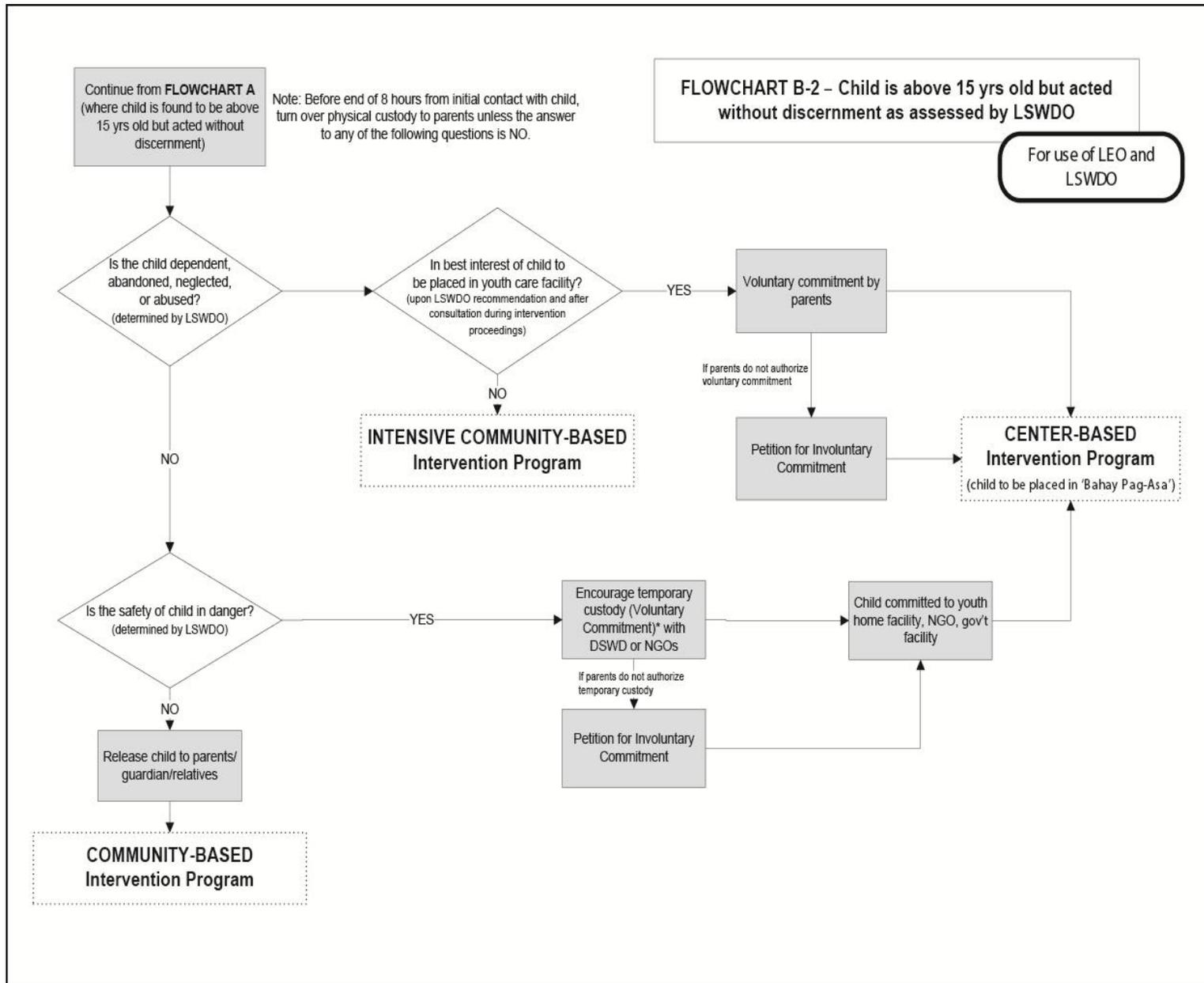
**Juvenile Justice and Welfare Council (JJWC)  
(CICL Flowchart References)**

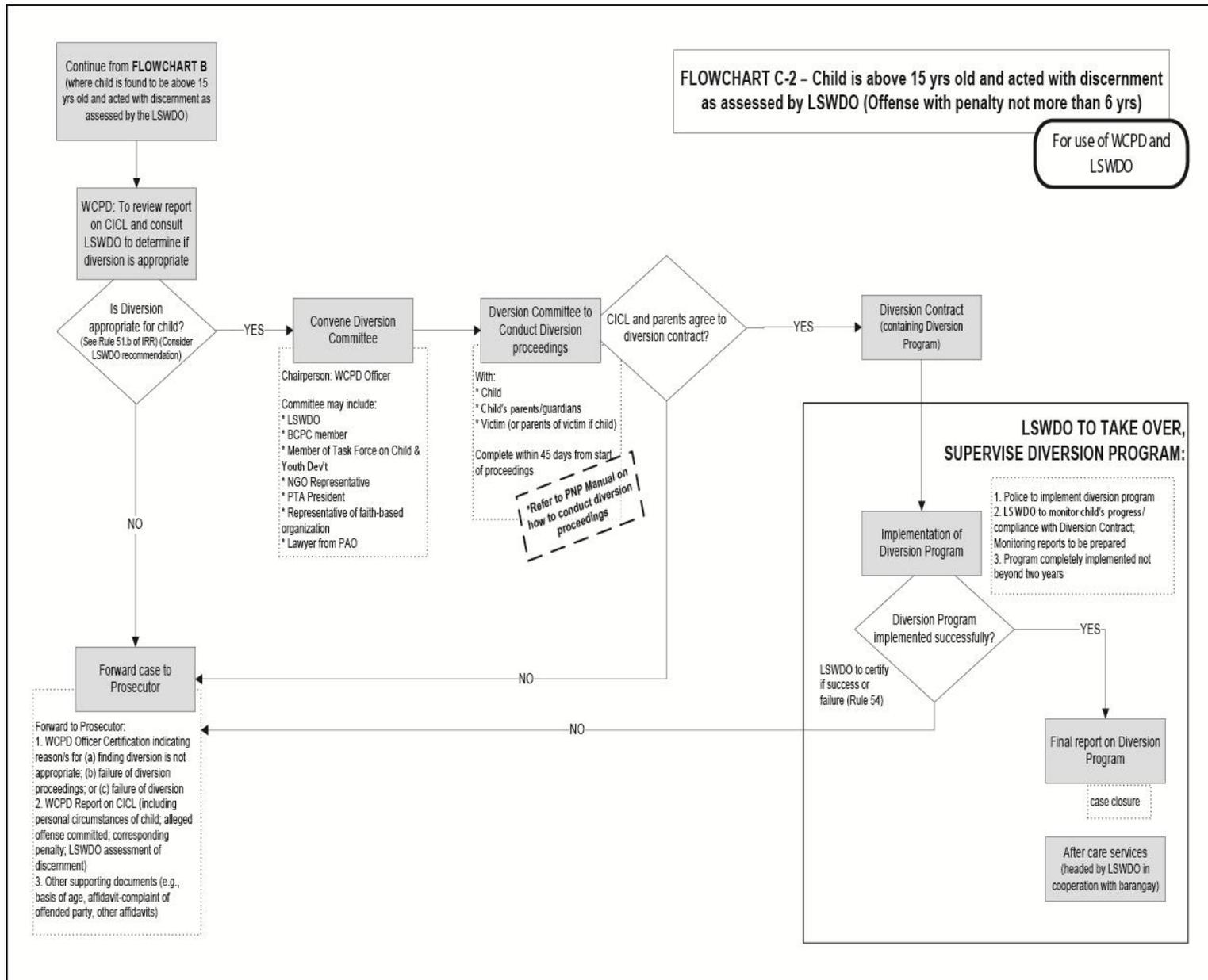


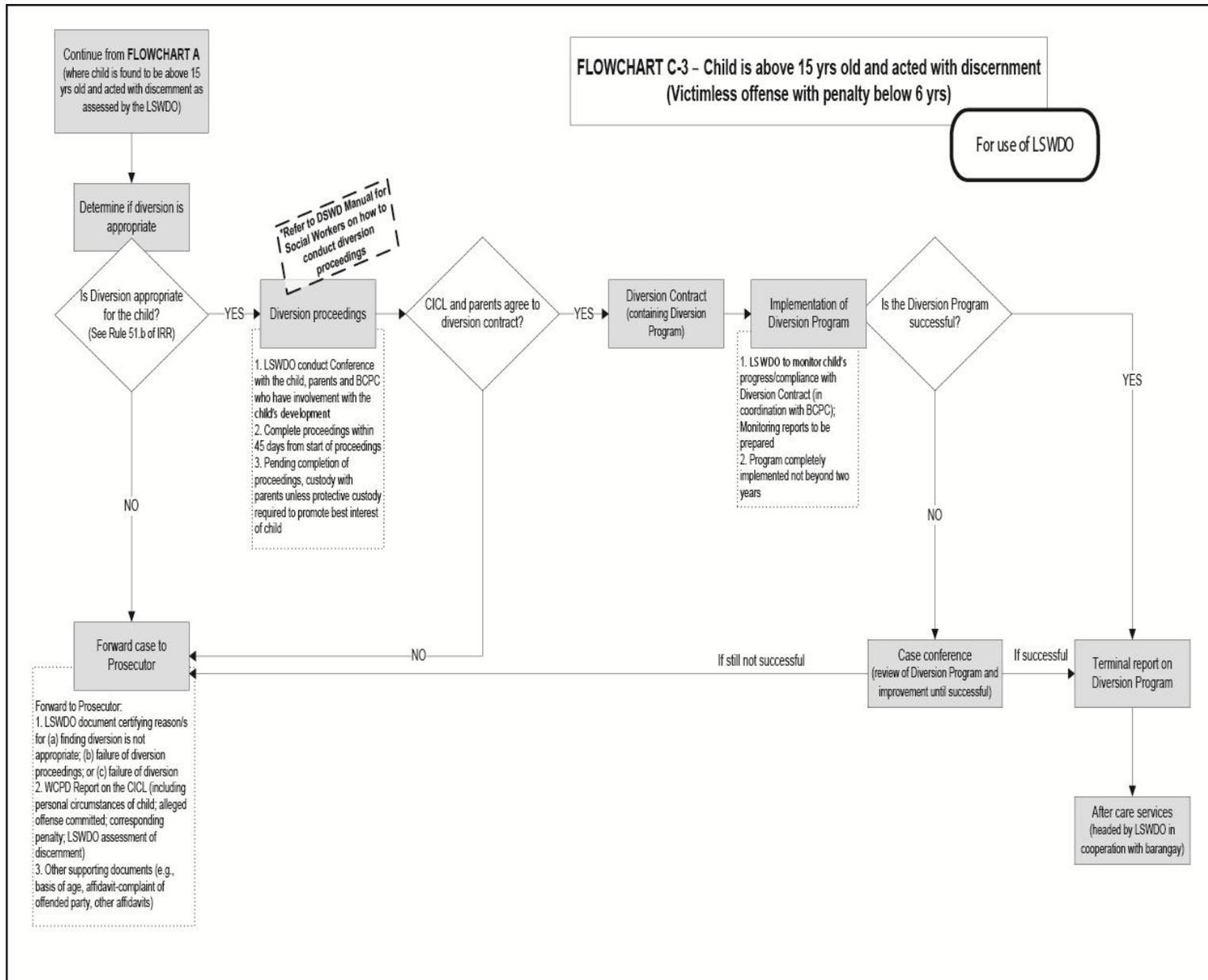












## Appendix “C”

# GUIDE FOR MEDIA PRACTITIONERS ON THE REPORTING AND COVERAGE OF CASES INVOLVING CHILDREN (Revised 2008)

## PRINCIPLES & GUIDE

### Principle 1

**Children have an absolute right to privacy. The highest ethical and professional standards in reporting and covering cases of children must be observed such that in all publicity concerning children, the best interests of the child shall be the primary concern.**

### Guide

1. In the best interest of the child, the identity of a child victim of abuse, child witness, CIAC or a CICAL shall not be disclosed whether directly or indirectly. No information that would lead to the identity of the child or any member of his/her family shall be published or broadcast.
2. Photographs, images, or video footage of the face or any distinguishing feature or information of a child victim of abuse, child witness, CIAC or a child in conflict with the law including his or her family members shall not be taken, published, or shown to the public in any manner.

Exception to this are missing children, children looking for their parents or relatives or any other similar cases where revealing the identity, is for the best interest of the child.

3. The disclosure of any private or graphic detail of the case, including the medico-legal findings, in public, is a violation of confidentiality provisions under the law.
4. The access, use or dissemination as well as the provision of records of a child shall be subject to sanctions under existing laws. Records, materials and other evidence recovered or confiscated during rescue operations of child victims are considered confidential when they form part of police, prosecution or court records.
5. In the best interest of the child, interview(s) of a child victim of abuse, child witness, child involved in armed conflict and a child in conflict with the law should be conducted only when the child interviewee is assisted by a psychologist or a social worker known to her or him. In this case, the media practitioner should take into consideration the level of comfort of the child when asking questions and the length of time spent in the interview. This is to prevent the child from further traumatization or victimization.

6. In reporting or covering cases on abuse and exploitation involving children, media practitioners are encouraged to discuss the issues surrounding the case rather than the personal circumstances of the victim.

## **Principle 2**

**The child's dignity must be respected at all times.**

### **Guide**

1. The use of sexualized images of children is a violation of the child's rights. Obscene or pornographic materials, videos, photographs and other related media should not be subjects of circulation, publication or broadcast as it is a violation of the right of the child to dignity and self-worth.
2. Crimes of violence by or against children must be reported factually and seriously without passing judgment, stereotyping, or sensationalism.
3. There should be a conscious effort to avoid sensationalism and exploitation of the child in need of any assistance. The release of the child's identity to elicit financial support or aid for the child's medical care is strongly discouraged.
4. The personal circumstance of the child which will tend to sensationalize the case must be avoided. The child's life should not be treated as a movie.

## **Principle 3**

**Children have the right to be heard. Access to media by children should be encouraged.**

### **Guide**

1. Whenever possible, give children access to media for them to be able to express their own opinions without inducement of any kind, in any manner or procedure affecting them.
2. When the child is the source of crime-related news or information, his/her identity should be protected at all times.

## Principle 4

**The mass media is a partner in the promotion of child rights and the prevention of child delinquency, and is encouraged to relay consistent messages through a balanced approach. Journalistic activity which touches on the lives and welfare of children must be carried out with sensitivity and appreciation of the vulnerable situation of children, so that children are not re-victimized or re-traumatized.**

### Guide

1. On media coverage of specific cases, the present as well as the long-term implications for the child's recovery, rehabilitation and reintegration shall be taken into consideration by all those involved in deciding on and implementing the said approaches to media coverage.
2. It is the responsibility of the media to verify the status of an organization which purports to speak or represent the child, before any airing, broadcasting or publication in behalf of the child. The organization must be duly accredited, registered or licensed by the Department of Social Welfare and Development (DSWD) or by any appropriate government agency.
3. Media is urged to undertake investigative journalism and to report on violations of children's rights, and other issues relating to children's safety, privacy, security, education, health and social welfare and all forms of exploitation and discrimination.
4. There are government agencies responsible for the care of children such as the Department of Social Welfare and Development (DSWD), or the local social welfare offices, Department of Labor and Employment (DOLE), Movie and Television Review and Classification Board (MTRCB), including private organizations or institutions which have adopted and are implementing guidelines on dealing with child sensitive coverage, reportage, and access to media. Media organizations are urged to develop their own internal policies and procedures aligned and consistent with these guidelines, including monitoring systems and protection mechanisms on the engagement of children in any media program to ensure that children are free from physical and psychological risks and that they are not exploited for commercial purposes.
5. Media organizations are encouraged to exercise self-regulation through responsibility in programming, publication or posting of any information affecting the physical, social, emotional, mental and moral development of the child. The publication of images or broadcast of programs containing information detrimental to child development should be shown or aired outside of the time slots allotted for children

## REFERENCES

Republic Act 9344 or the "Juvenile Justice and Welfare Act of 2006".

Implementing Rules and Regulations of RA 9344 issued by the Juvenile Justice and Welfare Council (JJWC) in 2006.

A.M. No. 02-1-18-SC entitled "Rule on Juveniles in Conflict with the Law" issued by the Supreme Court in 2006.

Guidelines for Media Practitioners on the Reporting and Coverage of Cases Involving Children Revised 2008.

Police Manual on the Management of Cases of Children in Conflict with the Law (2009)

Republic Act 10630 or "An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Social Welfare and Development, Appropriating Funds Therefor, and for Other Purposes."

Revised Rules and Regulations Implementing Republic Act No.9344, as amended by R.A. 10630 issued by the JJWC in 2014.

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Undersecretary Vilma Cabrera – Chairperson, JJWC  
Atty. Tricia Clare A. Oco – Executive Director, JJWC  
Maricris Calipjo-Cabural – Deputy Executive Director, JJWC  
Maria Lourdes F. Alcain – Division Chief, JJWC Policy Research and  
Development Division  
Esmeralda H. Distor – Project Development Officer III, JJWC Policy Research  
and Development Division

### **Directorate for Investigation and Detective Management (DIDM)**

PDIR BENJAMIN B MAGALONG –Director, DIDM  
PCSUPT JOSE MA VICTOR DF RAMOS – Deputy Director, DIDM  
NUP Vernadette Gonzales – Action NUP  
Ms. Jehaida Friginal – Writer, DIDM

### **Women and Children Protection Center (WCPC)**

PCSUPT ROSAURO V ACIO – Chief, WCPC  
PSSUPT MARIA ASUNCION DLP PLACINO – C, AVAWCD, WCPC  
PSSUPT NOEL R SANDOVAL – C, OMD, WCPC  
PSUPT SOFRONIO O BUMALAY – AC, ARMD, WCPC  
PSUPT NERI VINCENT D IGNACIO – AC, ATIPD, WCPC  
PSUPT NOEL L ABAY – Asst. C, ARMD, WCPC  
PSUPT EDER M COLLANTES – Asst. C, OMD, WCPC  
PSUPT MARY ANN DC IMUS – Asst. C, AVAWCD, WCPC  
PSINSP CATHERINE E TAMAYO – Legal Officer, WCPC  
PSINSP ARMIE CLAIRE M BELEN – Sec Chief, Intel and  
Investigation Sec, AVAWCD, WCPC  
SPO4 Josephine V Ybañez – Chief Clerk, WCPC  
SPO4 Rainerio S Marcos – Operations PNCO, WCPC  
SPO3 Evangeline R Villano – Investigator, AVAWCD, WCPC  
NUP Pacita B. Guevara – Action NUP  
Ms. Maria Luisa I. Brillantes – IT Officer, WCPC  
Mr. Rene S. Supe – IT Officer, WCPC  
Ms. Consuelo Maria G. Lucero – Legal Researcher, WCPC  
Mr. Emil John T. Manguerra – Writer, WCPC

### **JJWC Consultant**

Atty. Rommel Alim Abitria – Consultant-Writer, Executive Director of  
Humanitarian Legal Assistance Foundation (HLAF)



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