



# **STUDY ON DIVERSION AND ALTERNATIVE MEASURES TO DETENTION: A DOCUMENTATION OF GOOD PRACTICES**

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**Study on Diversion and Alternative  
Measures to Detention:  
A Documentation of Good Practices**

**Juvenile Justice and Welfare Council**

in support of

**United Nations Children's Fund- Philippines**



# **STUDY ON DIVERSION AND ALTERNATIVE MEASURES TO DETENTION: A DOCUMENTATION OF GOOD PRACTICES**

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Juvenile Justice and Welfare Council, Government of the Philippines, 2019

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In support of the United Nations Children's Fund-Philippines

# Foreword

The Juvenile Justice and Welfare Council (JJWC), as the policy making and coordinating body on the implementation of the Juvenile Justice and Welfare Act or RA 9344 as amended, in partnership with UNICEF-Philippines, made another step towards improving the juvenile justice and welfare system in the country. The documentation of good practices on diversion and alternative measures to detention do not only fulfill the research function of the JJWC but more importantly, address the findings of the UNICEF particularly on the dearth of information on the extent of application of diversion measures in our juvenile justice system. Although the study does not provide the whole picture on how diversion is practiced in the country, it gives the readers a glimpse on how to better handle the cases of children in conflict with the law (CICL) without resorting to the formal justice system. This knowledge product is both a reference material for case management and a recommendation for policy actions and programming.



This material contains the objectives, scope and limitations, ethical considerations and results of the study. The results of the documentation on the good practices of the 11 duty bearers are theme-based and follow the basic phases of the helping process. The themes include comprehensive and multi-disciplinary approach, participation of the child, role and capacity of the social worker, leadership of the family court judge, innovative program, and monitoring and documentation. Further, all documented duty bearers were carefully selected based on the criteria used for this research.

Along with the recommendations, this research report can give the readers an initial idea on how to apply restorative justice wherein reparation of harm caused by the offense is resolved without taking for granted the accountability of the CICL. It can also serve as an initial step for further studies on diversion and alternative measures to detention in the country. Lastly, it provides a benchmark that will attest to the efforts of the government, non-government organizations and development partners in achieving inclusive and rights-based protection to all children regardless of their circumstances.

  
**ROLANDO JOSELITO DELIZO BAUTISTA**  
DSWD Secretary / JJWC Chairperson

# Message

The passage of Republic Act No. 9344, otherwise known as The Juvenile Justice and Welfare Act of 2006, saw the creation of the Juvenile Justice and Welfare Council. The Council has been in the forefront of advancing the rights and welfare of children at risk and children in conflict with the law (CICL). Through its collaboration with other duty bearers at all levels of the juvenile justice system, non-government organizations and development partners, JJWC has achieved several significant milestones on the implementation of Republic Act No. 9344 as amended by Republic Act No. 10630. One of such milestones is the development of the Comprehensive National Juvenile Intervention Program (CNJIP) 2018-2022.



With the support of UNICEF-Philippines, the Council has ventured into research work with a “Study on Diversion and Alternative Measures to Detention: A Documentation of Good Practices”. The study is a collection of good practices of identified local government units and family courts in the implementation of diversion and alternative measures to detention. The actual experiences illustrated in the study proved that rehabilitation, without putting the CICL into the formal justice system, is possible. The children, regardless of their past circumstances, can grow into productive and law-abiding citizens, if given appropriate, participatory, child-sensitive and comprehensive intervention.

*“I am from nothing to somebody with direction in life”* declared one of the CICL interviewed for the study. The same theme may be gleaned from the stories of the other children interviewed. It is evident that whatever a person’s past struggles and mistakes experienced, everyone is capable of changing to become a better, empowered, and caring human being.

Hopefully, this study will help us appreciate alternative measures to detention such as diversion and understand the importance of mobilizing structures and mechanisms to uphold and implement restorative justice.

A handwritten signature in blue ink, appearing to be 'Aimee S. Torrefranca-Neri'.

**UNDERSECRETARY AIMEE S. TORREFRANCA—NERI**  
**DSWD Undersecretary for Operations - Juvenile Justice Welfare Alternate Chairperson**

# Message

The Juvenile Justice and Welfare Act (JJWA) as amended specifies that all laws, programs and policies concerning children in conflict with the law shall apply the principle of restorative justice. The application of restorative justice is highlighted by the implementation of diversion proceedings and programs. Likewise, as part of the commitment of the Philippines in the Beijing Rules, efforts to refrain CICL from being deprived of liberty such as promotion of pre and post alternative measures to detention are conducted by the Juvenile Justice and Welfare Council along with its development partners such as the UNICEF-Philippines.



Aside from the response measures being undertaken by the Council on the recommendations from the United Nations Children's Fund (UNICEF) studies on (1) Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law, and (2) Diversion Not Detention: A Study on Diversion and Other Alternative Measures for Children in Conflict with the Law in East Asia and the Pacific, this JJWC study provides additional literature on diversion and other forms of alternative measures to detention which may increase the awareness of the public on the same. This study also confirms the findings of previous studies that family-based interventions are effective mechanism to rehabilitate CICL. Parents or caregivers' participation from planning and implementation to monitoring of the cases is very important to ensure program completion and success. Commitment and capacity of the duty bearers such as social workers, judges, police officers, and barangay officials are likewise necessary ingredients to achieve effective and holistic results. With the collaboration of everyone involved including the victims and the community, we can transform the CICL into better individuals.

The study will likewise provide the duty bearers at the local and judiciary levels some strategies and techniques on how they will effectively handle cases of CICL. It can serve as one of their reference materials in ensuring proper implementation of the JJWA including diversion. For some, this study can be an eye opener on the gaps of their practices, which they need to improve and network with.

The documented good practices of the government agencies and non-government organizations in this study as well as the collection of success stories of CICL embody the greatness of providing second chances to children who committed offenses. This second chance also applies to their families and communities as they are provided the chance to perform their role in building an enabling environment for the children.

A handwritten signature in dark ink that reads "tricia oco".

**ATTY. TRICIA CLARE A. OCO**

Executive Director of JJWC Secretariat

# Message

The introduction of diversion and alternatives to detention in the Juvenile Justice and Welfare Act of the Philippines was a milestone and a progressive step toward the realization of the rights of children in conflict with the law. This upholds the international standards enshrined in the Convention on the Rights of the Child, the Beijing Rules, and the Riyadh Guidelines, among others. More importantly, it is a sign that the Philippines is ready to commit to the responsibility to protect these children.



The relentless clamor for success stories on the implementation of the juvenile justice law was felt as early as a year after its passage in 2006 and until its recent amendment. Therefore, this documentation is timely, but it is also needed to emphasize that restorative justice works and is the right approach in dealing with children in conflict with the law. After all, these children are victims of circumstance and are not born criminals. These good practices and success stories prove that given a chance, these children are capable of reparation and can reform without experiencing harmful punishment and violations against their rights as children.

UNICEF has always viewed the Juvenile Justice and Welfare Council as a strategic partner and a key stakeholder in promoting and protecting the rights of children in conflict with the law. Congratulations to JJWC for being the guardians of the Juvenile Justice and Welfare Act! We commend their initiative to document good practices in diversion and alternatives to detention that would hopefully inspire more local government support to the full implementation of the law.

Good practices as shown by the cities of Makati, Mandaluyong, Malabon, Quezon City, Naga, Batangas, and Davao in this documentation give us hope that the juvenile justice law is not only implementable but also a progressive leap toward the realization of children's rights. We are aware of several good practices in other cities and municipalities in the Philippines as well. We hope that these cities and municipalities inspire others and encourage everyone to work together to protect, promote, and fulfil children's rights.

Maraming salamat po!

  
**MS. OYUNSAIKHAN DENDEVNOROV**  
UNICEF-Philippines Country Representative



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# Acronyms

|                |                                                      |
|----------------|------------------------------------------------------|
| <b>BCPC</b>    | Barangay Council for the Protection of Children      |
| <b>BPA</b>     | Bahay Pag-asa                                        |
| <b>CAR</b>     | Children at risk                                     |
| <b>CICL</b>    | Children in conflict with the law                    |
| <b>DSWD</b>    | Department of Social Welfare and Development         |
| <b>FGD</b>     | Focus Group Discussion                               |
| <b>HIAF</b>    | Humanitarian Legal Assistance Foundation             |
| <b>JJWC</b>    | Juvenile Justice and Welfare Council                 |
| <b>KII</b>     | Key informant interview                              |
| <b>LCPC</b>    | Local Council for the Protection of Children         |
| <b>LGU</b>     | Local Government Unit                                |
| <b>LSWDO</b>   | Local Social Welfare and Development Office          |
| <b>OBET-JJ</b> | Outcome-based Education Training on Juvenile Justice |
| <b>OCC</b>     | Office of the Clerk of Court                         |
| <b>PAO</b>     | Public Attorney's Office                             |
| <b>RRCY</b>    | Regional Rehabilitation Center for Youth             |
| <b>RTC</b>     | Regional Trial Court                                 |
| <b>SSDD</b>    | Social Services and Development Department           |
| <b>UNICEF</b>  | United Nations Children's Fund                       |

# Definition of Terms<sup>1</sup>

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

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

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

**Community-based programs** refer to the programs provided in a community setting, developed for purposes of intervention, diversion, and rehabilitation of the child in conflict with the law, which are intended for the purpose of reintegrating the child into the family and/or community.

**Comprehensive Local Juvenile Intervention Program (CLJIP)** refers to the three to five-year comprehensive intervention program of the LGUs from the provincial to the barangay level designed to prevent children to be at risk of becoming and to reintegrate CICL to their families and communities. CLJIP may include primary (developmental in nature), secondary (preventive) and tertiary (protective) interventions.

**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 his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. At the court level, a child shall undergo diversion if the offense is punishable by imprisonment of not more than 12 years, regardless of fine or fine alone, regardless of the amount, and deemed proper for the best interest of the child. The case under diversion shall not be docketed as a regular criminal case but instead shall be assigned with a temporary case number.

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

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<sup>1</sup> Republic Act 9344, Section 4; DSWD Administrative Order 5; AM No. 02-1-18 SC

**Duty bearers** 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. In this study, duty bearers shall include the LSWDOs, courts, prosecutors, police units, and barangays.

**Innovativeness** refers to a practice that successfully introduces or reinvents tools or techniques so that policies, researches, or interventions will continue to be responsive to current needs, and adjust to trends or changes in the field of Social Protection.

**Intervention** refers to a series of activities, which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program, which may include counselling, skills training, education, and other activities that will enhance the emotional and psychosocial well-being of the child.

**Intensive Intervention** refers to a series of comprehensive activities based on individual case management plans provided to CICL who committed an offense for the second time or oftener, and who was previously subjected to a community-based intervention program, or to a neglected child under PD 603 who needs to be supervised by the Local Social Welfare and Development Officer.

**Juvenile Justice and Welfare System** refers to a system of dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, reintegration and after-care to ensure their normal growth and development.

**Offense** refers to any act or mission, whether punishable under special laws or the Revised Penal Code, as amended.

**Responsiveness** refers to a practice that contributes directly to achieving program objectives or goals, ensures that outputs are delivered fast with accuracy and reliability, or ensures services or interventions are delivered less than provisions in the Work and Financial Plan (WFP). However, it should not contradict or violate any program standard (e.g. fast completion of sub-projects but against procurement procedures).

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

**Sustainability** refers to enabling policies, funding mechanisms, and systematic monitoring and evaluation to ensure continuation of the program.

**Victimless Crimes** refer to offenses where there is no private offended party such as resistance & disobedience to a person in authority or the agents of such person, alarm and scandals, malicious mischief, and grave scandal.

# Executive Summary

The Juvenile Justice and Welfare Act, as amended, declares that the Philippines, as a State, shall apply the principles of restorative justice in all laws, policies and programs applicable to children in conflict with the law. This approach is mostly implemented through the process of diversion wherein the Diversion Committee at any level of the juvenile justice system shall try to resolve conflict with the maximum involvement of the CICL, the victim, and their respective families as well as the community. However, not all CICL cases are eligible for diversion. Hence, other alternative measures such as release on recognizance and bail are explored to ensure that children will not be detained and will be rehabilitated in accordance with their needs and circumstances.

The regional report of the United Nations<sup>2</sup> on diversion and alternative measures to detention found that there was limited information on diversion and recommended clear documentation of the results of the said measure to prove that it is effective. Another UNICEF-commissioned study<sup>3</sup> in 2015 noted that no studies so far have been conducted to evaluate the effects/impacts of diversion. Further, consolidation of the country's achievements in its efforts towards child protection, especially to augment the need to address issues concerning CICL was recommended. Hence, JJWC, in partnership with the UNICEF, initiated the documentation of good practices on diversion and alternative measures to detention. By drawing from shared experiences, this report seeks to flesh

out the common themes of good practices in diversion at different levels and identify and describe enabling factors. It is also designed for possible replication or innovation by other juvenile justice mechanisms in communities, law enforcement and the courts.

## Objectives of the Research

1. Obtain and document at least five (5) good practices on diversion and two (2) for alternative measures to detention, if possible, at different levels of the juvenile justice system (LGUs: LSWDO or barangay; PNP-WCPD; Prosecution Services; and Courts);
2. Determine and describe the effectiveness of these programs to the child in conflict with the law;
3. Document and recommend good practices on diversion and other alternatives to detention which can be replicated nationwide by barangays, police, social workers, prosecutors, courts, and NGOs; and,
4. Provide policy recommendations on good practice criteria and standards in diversion.

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<sup>2</sup> The United Nations Children's Fund (UNICEF) East and Asia Pacific (EAP) Regional Office conducted a regional study on diversion and other alternative measures to detention for CICL in EAP countries, including the Philippines, in 2017.

<sup>3</sup> Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law was conducted in 2015 and funded and commissioned by the UNICEF. The study aims to assess how the said programs contribute to the overall objectives of the juvenile justice and welfare administration in the Philippines.



## Good Practice Criteria

*Good practices in diversion or alternative measures to detention were identified by using the criteria adopted from DSWD Administrative Order No. 5 series of 2016. Said criteria include innovativeness, responsiveness and sustainability. Each criterion had specific statements which target respondents rated from zero (did not meet the standard) to three (exceeds standard).*

*Innovativeness has been identified in this study by initiating new techniques, tools or strategies in implementing diversion or other alternative measures to detention. Responsiveness, on the other hand, includes the variables that pertain to accomplishing targets, addressing CICL needs, cost efficiency, prevention of reoffending, behavioral change on the part of CICL and increase or decrease in the rate of juvenile offenses in the community. Lastly, sustainability and replicability have been referred to the existence of monitoring tools, degree of stakeholders' partnership, documentation, budget allocation and capacity building for the duty bearers.*

### Scope and Limitations/ Methodology

A total of 53 duty bearers from 11 regions of the country were targeted for the self-assessment survey. More than half of them participated in the survey and 17 duty bearers were identified with good practices in the implementation and monitoring of diversion or other alternative measures to detention based on the criteria used for this study. Timeframe of the documentation was from the initial implementation of alternative measures to detention such as diversion until the first quarter of 2017. The study does not intend to provide general description on how the diversion and alternative measures to detention is practiced in the country but only to inform other duty bearers on good and effective strategies in the diversion process.

The study employed three (3) phases of data collection to ensure that the documented duty bearers were selected carefully. These were self-assessment survey, data validation, and documentation. Key informant interviews and focus group discussions were used as methods during the validation and documentation. As noted, the study adopted the criteria in the DSWD-AO 5, s. 2016 "Good Practice Documentation Guideline" in screening the practices of the target duty bearers. Likewise, certain themes were used

in documenting good practices of validated duty bearers.

### Key Findings of the Self-Assessment Survey

From the 3,490 documented CICL cases obtained by the study, 2,051 (58.77%) completed diversion, 962 (27.56%) failed to complete the program, 370 (10.60%) were still undergoing diversion during the conduct of the survey while the rest (170 or 4.87%) were not updated due to lack of status data given by the respondents. With regard to other alternative measures to detention, there were 72 CICL cases placed in residential care facilities such as BPAs and RRCYs, 25 were out on bail, 21 were released on recognizance, and one (1) was on probation.

Majority of the duty bearers complied fully with the requirements of the diversion process such as the following: participation of involved parties especially the CICL and their parents/caregivers, signing of diversion contract, the existence of multi-disciplinary Diversion Committee and the timeline on the conduct of diversion proceedings. All the surveyed Family Courts complied with the setting conference for the status and progress of the CICL relative to compliance with the

conditions of alternative measures to detention provided. These include ensuring that the language used in all proceedings of the CICL are understandable to all parties involved especially to the CICL; conduct of pre-trial conference where agreements are in writing and signed by the CICL and parents/guardian; and conduct of the hearing in a child-friendly manner.

In terms of good practice information, sustainability obtained the highest average score of responses among the LSWDOs and barangays particularly on partnership/linkages in the implementation of diversion programs. On the other hand, the criterion with the lowest average score is innovativeness. With regard to the result of the survey among family courts, responsiveness obtained the highest average score. However, all courts agreed that there is no existing plan to capacitate the other duty bearers especially those who are not yet included in the Diversion Committee.

Based from these initial findings, duty bearers' implementation of diversion and other alternative measures to detention of CICL is consistent with the standards of the amended law. The principles of restorative justice, where involvement of all concerned parties to repair the harm inflicted by the offense and recognizing the rights and best interest of CICL, is observed to have been employed thoroughly by the duty-bearers. As validated, they provide the utmost priority and utilize their best abilities to encourage all the parties to agree on the engagement of the CICL to diversion or other alternatives to detention.

It is also noted that participation of all involved parties (victim, CICL and their respective families and communities) and existence of partners/linkages are among the key enabling factors for successful alternative measures to detention such as diversion. Although innovativeness is low among duty bearers relative to the implementation of the said measures, several creative strategies

have been employed to ensure that the child is rehabilitated and reintegrated with the family or community.

## **Good Practice Documentation**

The documentation of good practices of the following duty bearers was arranged by themes and basic phases of the helping process. Helping process is the constructive helping in a collaborative process through which an experienced helper (counselor, social worker, BCPC member, judge) empowers a person seeking help (client/CICL) to define, strategize, and implement meaningful change<sup>4</sup>. The worker-client relationship is grounded in trust and respect. In social work, helping process is generally composed of assessment, planning, intervention/implementation, evaluation and termination.

### **A. Planning Phase**

#### **1. A Comprehensive Approach in Implementing Diversion: The Makati City Experience**

Makati City institutionalized a comprehensive and multi-disciplinary approach in handling CICL cases in the form of its Comprehensive Local Juvenile Intervention Program (CLJIP). Throughout the CLJIP implementation, the City, through its Social Welfare and Development Office, was able to mobilize and equip with necessary competencies a team of licensed social workers, psychologists, paralegals, members of other city departments and agencies such as Public Employment Service Office (PESO) and Peace and Order Committee (POC), guidance counselor, representatives of faith-based communities, and the police to work together for the welfare of the City's

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<sup>4</sup> University of Idaho (2018). Helping Process: Psychology 478/578. Retrieved from [https://www.webpages.uidaho.edu/psyc478www/topics/helping\\_process.htm](https://www.webpages.uidaho.edu/psyc478www/topics/helping_process.htm)



children. The program was also a result of the consultation conducted with children and youth representatives of the City.

## ***2. Multi-disciplinary Diversion Committee and Leadership: The RTC Branch 106-Quezon City Experience***

The harmonious working relationship between the members of the multi-disciplinary committee is important to effectively handle CICL cases in a timely manner. This enabling and collaborative approach is very evident in the case of Regional Trial Court Branch 106 of Quezon City. Further, the level of judicial involvement of the presiding judge, Judge Angelene Mary Quimpo-Sale, was observed to be a key driver in the conduct of diversion. Judge Sale mentioned that under her jurisdiction, the best interest of the CICL is upheld and prioritized; she is always cognizant of the child's accountability, particularly in the reparation of harm caused by the CICL's offense. She exerts efforts so that both the CICL and the complainant (victim) understand the concept of justice as this is deemed to result in the genuine resolution of conflict between the child and the community.

## ***3. Strengthening Local Capacities by Collaborating with NGOs/CSOs: The Barangay Longos and Barangay Concepcion, Malabon City Experience***

The collaboration of the City of Malabon and its barangays with Humanitarian Legal Assistance Foundation (HLAF) resulted to the downloading of technical assistance on advocating and implementing the JJWA. Members of the BCPC in Barangay Longos and Concepcion shared that their participation in HLAF's series of workshops, which topics include BCPC structuring, children's rights, resource mobilization, project proposal development and networking with other programs and service providers were

instrumental to their increased understanding of restorative justice and awareness on the rights of the children including CICL. The engagement helped them to develop and enhance their knowledge, skills and attitudes in implementing diversion, monitoring of cases, resource mobilization and providing after-care services.

## ***4. Participation of the Child in Conflict with the Law in Designing and Implementing an Individualized Diversion Program: The Naga City Experience***

Members of the Naga City Diversion Committee especially its social workers ensure that the CICL is involved in the planning, implementation and monitoring of his/her diversion program. With the involvement of the children, social workers are ensured that they would complete the program as the interventions are based on their interests and capacities. Further, children become more responsible and committed toward rehabilitation. Since their interests and skills are considered in the design of the program, the Committee believes that the program will not only be completed but will also maximize their talents, regain their confidence and self-esteem, and make them feel that they are important, and realize their accountabilities.

## **B. Implementation Phase**

### ***1. Role of the Court Social Worker and Priority to Alternative Measures to Detention: The RTC Branch 1 Batangas City Experience***

The court social workers of the RTC Branch 1-Batangas City conduct the assessment on the cases filed in court. In coordination with the LSWDO, they conduct home and collateral interviews to comprehensively assess the situation and circumstances of the child, his/her

family, and community to identify the appropriate measure for his/her rehabilitation. Their assessment report forms part of the determination of the Diversion Committee whether to subject the child for diversion or not. During the implementation of diversion program, they coordinate with the LSWDO and require the child to report in their respective offices to track the progress of the case.

According to Atty. Glenda King, Branch Clerk of Court, Judge Florencio Arellano provides premium to the recommendations of the social workers specifically when the recommendation is for the discharge of the CICL from supervision after the objectives of disposition are achieved. He also refers to the assessment of the court social worker in prioritizing the release of CICL under suspended sentence to parents as part of their disposition measures. If the immediate family is not prepared to take custody, supervise, and monitor the child, the court social worker explores the possibility of tapping the child's other close relatives. While the RTC Branch 1-Batangas City considers the gravity of the offense as a factor whether a CICL is eligible for alternative measures to detention, the court social worker emphasizes that the best interest of the child and their community is also the utmost consideration in the disposition of cases.

## ***2. Capacity of the Social Worker: The Calamba City Experience***

It is important that a social worker has a clear understanding of his/her roles and is competent enough to perform his/her daily tasks so that there is confidence and trust from other members of the juvenile justice system. This is very evident from the experience of Mr. Nicolas Regalario, local social worker of Calamba City. Because of capacity and

efforts he demonstrated, the treatment of the prosecutors on the protocol of handling CICL cases has changed. They now appreciate and understand the essence of providing more time in coming up with reports on discernment. Likewise, he was able to mobilize the community, particularly the BCPC members, to perform their responsibilities in managing cases. By teaching other duty bearers and partners on the standard protocol in conducting diversion and providing intervention for CICL within their respective levels, he can ensure that the best interest and rights of the children are protected and promoted throughout the implementation of the program.

## ***3. Innovative Diversion Program: The Barangay Mintal Experience***

It is essential that interventions provided in the diversion program sustain the interest of the CICL. Officials of Barangay Mintal in Davao City recognize this philosophy; hence, they tapped an external organization to help them provide a venue where children can use their time productively. To keep children who are members of different gangs away from unnecessary conflict and to prevent them from re-offending, they are encouraged to engage in boat rowing (Dragon Boat) as a sport. The Dragon Boat training is a unique element on the diversion program of Barangay Mintal. Through the training, the children developed discipline and demonstrated understanding of the importance of teamwork. The diversion program paved the way for them to leave risky activities and serve as good role models to their peers.

## C. Monitoring and Evaluation/Documentation

### 1. *Monitoring: The Davao City Experience (Poblacion and Paquibato Districts)*

What sets Davao City apart from most LGUs in this study is the appointment of a licensed social worker in each of its 182 barangays. Provision of a dedicated social worker in the barangays allows the localized reporting and immediate response to the various needs for basic services within the districts of the City especially for CAR and CICL. With a more focused and smaller community to serve, social workers, together with the members of the BCPC, regularly monitor the cases and if modifications are necessary, they provide immediate action plans. Both districts have responsive monitoring systems where objectives and outputs of the program are clearly and properly stated so that it is easier for them to track the development of the case. They also use measurable indicators such as attendance to trainings or seminars, number of hours dedicated on community services in the barangay, completion of ALS or regular attendance to formal school, etc. to reinforce the accountability of the child in the program. Some of their monitoring strategies are house-to-house visits and “kamustahan” which is conducted monthly.

### 2. *Record Keeping and Data Management: The Mandaluyong City Experience*

One of the defining characteristics of the Mandaluyong City Social Welfare and Development Office is its practice of record keeping. The social worker handling CICL cases in the City sees the value of proper documentation as proof of its program implementation. By

having a clear baseline data, Mandaluyong City can easily assess whether the programs designed for their CICL are effective or not. The data is also an instrumental reference for incoming employees in the Social Welfare and Development Office in instances when the outgoing officer is no longer available to do proper turnover.

The comprehensive record keeping of the Mandaluyong CSWDO also translates into approval and support of its comprehensive plans and other initiatives for CICL.

### **Voices of Youth Champions**

As part of the research process, selected youth (former CICL) were interviewed through a focus group discussion to validate the findings of the study and gather their success stories of rehabilitation and reintegration. These youth, 23 males and five (5) females, aged 16-23 years old, were identified by the documented duty bearers (barangay, LGU, family courts) because they completed their diversion program and had been successfully reintegrated in their families/communities.

In general, interviewed youth champions of the documented research sites seemed to be highly satisfied with each of their diversion programs. When asked to rate their diversion programs from 1 to 10 with 1 being the lowest and 10 being the highest, former CICL gave an average rating of 9.56. The maximum rating was 10 while the minimum score was recorded at 6.

Youth champions shared that through the interventions provided within their respective diversion programs or release in recognizance, they realized the importance of family, which encouraged them to spend more time

with their parents and siblings than their peers. Also, they disclosed that they became more disciplined and had improved self-esteem and spiritual growth. Their leadership potentials had been discovered, developed, and/or enhanced.

Positive changes especially on their physical features and on how they manage their anger have been observed. Some have been equipped with skills for future employment and are no longer seen as delinquent or “salot” by their respective communities. In sum, diversion or alternative measures to detention has been very significant on the current lives of the youth champions, which they claim is more beautiful and better than their lives before they underwent the program.

### NGOs Good Practices

Documented duty bearers for this study reveal that support from the civil society organizations (CSO) and non-government organizations (NGO) are vital in the success of their diversion program as well as on the rehabilitation of the child. In this study, seven (7)<sup>5</sup> out of the 11 documented duty bearers explicitly mentioned having direct engagement with the NGOs and CSOs for the implementation of their respective diversion programs or alternative measures to detention.

The good effects brought by the CSOs/NGOs on the implementation of diversion program or alternative measures to detention show that they have notable practices which help them

to become more effective and efficient. These practices are also worthy to be documented to see how they are doing it and to further understand why the duty bearers are appreciative to have them during the course of their actions for CICL rehabilitation and reintegration.

There are four (4) NGOs purposively identified in this documentation, namely, Humanitarian Legal Assistance Foundation, Inc. (HLAF), PREDA Foundation, Inc., Child and Family Services Philippines, Inc (CFSPI), and Magone Home After Care Services.

PREDA, an NGO since 1974, provides professional and genuine care to children. It has an open facility for the CICL of which services do not only revolve on the routine and developmental activities but also extend to the family as the social workers conduct home visits and counseling as strategies to prepare the caregivers/parents on the reintegration of their children. The open center environment of Preda New Dawn Home for Boys also develops or strengthens the attitude of trust and respect of the children to other people. Their therapeutic approach allows the pent-up emotions of children to be released that makes their assessment better, which in turn provides interventions that are more appropriate to the CICL.

HLAF has been instrumental on the functionality of some BCPCs in Malabon City. The series of trainings provided to barangay officials and members helped them to have improved competencies on resource mobilization, planning and handling child protection programs including management of CICL cases. CSFPI on the other hand, contributes to the rehabilitation of children under diversion program through an intensive life skills and technical training

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<sup>5</sup> Makati City, Barangay Concepcion and Longos of Malabon City, Barangay Mintal, Davao City, Naga City and Mandaluyong City either explicitly stated that their partnership with NGOs/CSOs helped them to deliver the necessary interventions for the CICL or scored high in the partnership/linkages indicator of good practice rating

program. The NGO emphasizes life skills because these enable children-participants to be more effective in handling common life situations. Likewise, it uses a multi-disciplinary approach to make sure that all duty bearers such as the local social worker, barangay captain, parents of the CICL and other relevant parties including the complainant are involved in the decision making concerning the child's rehabilitation. In this way, the agency could ensure a holistic response to the child's situation, healing of the wounds brought by the offense in consideration of the victims, and mobilization of resources.

Similar with CSFPI, Magone Home After Care Services provides life and technical skills trainings for CICL especially those for reintegration or independent living. It promotes a victim-work approach in rehabilitating CICL as it attempts to establish contact and reconciliation between the youth and his victim or complainant, including the barangay and community. This is to ensure that the harm done by the offense will be healed and the relationship restored. With this, the child is made to realize his/her accountability and becomes more committed in completing the program and making amends to the offense made.

## Conclusion

Results of this documentation of good practices on diversion and/or other alternative measures to detention have found that the duty bearers comply with the international and national plans and policies on juvenile justice and welfare system. Most of the documented duty bearers comply with 16 out of 30 minimum rules for the administration of juvenile justice system under the Beijing Rules and some have complied with 24 rules.

Further, this documentation of the good practices attest that there are sufficient initiatives on the ground that adopt and support the national framework or plan of action.

While the documentation of good practices shows the work needed to be done from different levels of governance, the experience of Filipino children who are in conflict with the law on diversion seems to be promising given the low rate of reoffending and high satisfaction rating from the CICL themselves. The documented implementation of diversion or alternative measures to detention likewise shows the development achieved by the country toward realizing child protection in the past decades.

## Recommendations

The following are the recommendations of the research:

### LGU

- For LSWDO to ensure efficient assessment on the readiness of parents on the reintegration of CICL;
- Institutionalization of CLJIP that includes incorporation of budget for its programs and activities such as diversion in the Local Development and Annual Investment Plan of the LGUs (from the barangay to the provincial level);
- Strengthen the link to other councils for the protection of children from the barangay to the provincial level to harmonize efforts and maximize each strategies and programs in promoting and protecting the rights of all children including CAR and CICL;
- Establish and strengthen engagement and partnership with non-government organizations, development partners, and other stakeholders in providing programs

and services to CICL such as diversion and preventing juvenile delinquency; and,

- Establish effective record keeping and data management on CAR and CICL cases using information management technology. The LGUs may consider maximizing and institutionalizing the National Juvenile Justice and Welfare Information System (NJJWMIS) to be provided by the JJWC.

### **JJWC**

- Fully cascade the Integrated Care Management Protocol (ICMP) to all barangays, LSWDOs and concerned police personnel to ensure effective coordination and referral mechanism on handling CICL and CAR cases;
- Develop and strengthen the paralegal, para-social and other necessary competencies of the duty bearers, which include but are not limited to facilitation of child-sensitive proceedings, restorative justice approaches, rights-based programming, implementation, monitoring and evaluation; and,
- Strengthen advocacy programs at all levels of governance to promote restorative justice, diversion and alternative measures to detention to duty-bearers.

### **Duty bearers (barangay, LSWDO, police, prosecutor and family courts)**

- Ensure the integration of planned programs and services for CAR and CICL in their respective agency's annual work and financial plans; and,
- Ensure meaningful child participation especially in the planning and monitoring of diversion programs.

### **DSWD**

- Develop a manual on positive and effective parenting and family-based

interventions specifically designed for diversion program.

### **DepEd**

- Effectively cascade the DepEd Guidelines on Managing CAR and CICL cases by providing proper capacity building activities; and,
- In partnership with the LGU, conduct advocacy activities in schools including parents and teachers' association (PTA) on RA 9344, as amended, to create awareness on the proper treatment and prevent stigma and labelling of CICL.

### **DILG**

- Ensure continuous training of the officials and relevant personnel on JJWA implementation from the barangay to the provincial level;
- Strengthen the monitoring mechanism on the compliance of the LGUs on RA 9344 as amended; and,
- Explore, maximize or strengthen the coordination and collaboration with existing inter-agency bodies and other regional mechanisms in providing technical assistance and monitoring to LGUs.

### **Supreme Court Committee on Family Courts and Juvenile Concerns (SC-CFCJC)**

- In partnership with the JJWC, fully cascade the final version of the Outcome-Based Education Training on Juvenile Justice (OBET-JJ) modules to all judges and personnel of all family courts in the Philippines.

### **UNICEF**

- Consider developing a comprehensive Communication for Development (C4D) strategy to increase the awareness and appreciation of the public on restorative justice including the promotion of diversion and other alternative measures to detention,

and prevent stigmatization and labelling of the CICL. This initiative may be conducted through collaboration with different government and non-government actors.

# Background of the Study

RA 9344, otherwise known as the Juvenile Justice and Welfare Act (JJWA), declares that the Philippines shall observe restorative justice in all its policies, programs and plans applicable to children in conflict with the law (CICL). Restorative justice emphasizes healing by facilitating the active participation of the offender, the victim and the community in hearing out the facts and feelings of those involved, and identifying and implementing solutions, which are attuned to the best interests of all parties involved. Since the approach is about balancing the rights of the offenders, rights of the victims, and concern for public safety and crime prevention, restorative justice calls for a proportionate response which is a much more sustainable and effective response to reducing the likelihood of a repeat offense. While applicable to offenders of all ages, restorative justice is especially important to children who committed a crime to provide them with a more positive approach in dealing with offenses and stop the process of a young offender turning into an adult offender.<sup>6</sup>

In the Philippines, the application of restorative justice is not completely new as indigenous people and local communities resolve conflicts without resorting to formal justice proceedings. This community-based local justice system has been institutionalized under Presidential Decree 1508 or the Katarungang Pambarangay Law, which was later revised under Republic Act 7160 or the Local Government Code of 1991.<sup>7</sup>

With regard to CICL cases, the principle of restorative justice is mostly implemented through the process of diversion. Under R.A. 9344, as amended, diversion process is

required to be centered on the restorative approach, and as far as applicable, shall use restorative justice processes, which may include but are not limited to: (a) victim offender mediation; (b) community and family group<sup>8</sup> 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. In formulating and implementing a Diversion Program, the duty bearers shall ensure to (a) apply restorative justice principles in accordance with Rule 7; (b) use positive measures; (c) fully mobilize all the possible resources, which include the family, volunteers, schools and other community institutions; (d) deal with the child in an effective, fair and humane manner; and (e) promote the well-being and best interest of the child.<sup>8</sup>

Each level of the juvenile justice and welfare system (barangay, police, LSWDO, prosecutor, court) shall have a **Diversion Committee** who shall facilitate the proceedings and services appropriate to the needs of the child. Diversion proceedings for cases that have an imposable penalty of six (6) years and below are administered by the Diversion Committee at the barangay level under the Katarungang Pambarangay or law enforcement level while those with penalty of above six (6) years but below 12 years of imprisonment are subjected under prosecutor or court diversion, depending on the gravity of the offense. The Local Social Welfare Development Office (LSWDO) of every city or municipality is mandated to facilitate the diversion of victimless offenses. If the case is not eligible for diversion, other alternative measures to detention such as but are not limited to recognizance or commitment of a "bond assumed by a parent or custodian who

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<sup>6</sup> UNICEF, "Toolkit on Diversion and Alternatives" ([https://www.unicef.org/tdad/index\\_55653.html](https://www.unicef.org/tdad/index_55653.html), 2010)

<sup>7</sup> Juvenile Justice and Welfare Council, "Response to Asia Pacific Council for Juvenile Justice (APCJJ) Request for Information" (2016).

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<sup>8</sup> Juvenile Justice and Welfare Council, 2016



shall be responsible for the appearance in court by the juvenile in conflict with the law when required", close supervision, or placement in family, educational setting or home are provided.<sup>9</sup>

The United Nations regional study on diversion and alternative measures to detention found that a number of countries in the region, including the Philippines, have child-specific legislation that incorporates provisions of diversion. However, the study also reveals that there is limited information to what extent diversion has been used. It likewise noted the need to clearly document the results of diversion to prove that the measure is effective. Similarly, the Universalis's<sup>10</sup> evaluation on intervention and rehabilitation programs in residential facilities and diversion programs for CICL, noted that no studies so far have been conducted to evaluate the effects/impacts of diversion. Further, it recommended the consolidation of the country's achievements in its efforts towards child protection especially to augment the need to address issues concerning CICL. Hence, JJWC in partnership with the UNICEF initiated a documentation of good practices in diversion and alternative measures to detention. By drawing on their shared experiences, this report seeks to flesh out the common themes of good practices in diversion at different levels and identify and describe enabling factors, which can be replicated by other duty bearers.

### Objectives of the Research

1. Obtain and document at least five (5) good practices on diversion and two

(2) for alternative measures to detention, if possible, at different levels of the juvenile justice system (LGUs: LSWDO or barangay; PNP-WCPD; Prosecution Services; and Courts);

2. Determine and describe the effectiveness of these programs to the child in conflict with the law;
3. Document and recommend good practices on diversion and other alternatives to detention which can be replicated nationwide by barangays, police, social workers, prosecutors, courts, and NGOs; and
4. Provide policy recommendations on good practice criteria and standards in diversion.

### Scope and Limitations of the Research

In the absence of a baseline data on the breadth and depth of the implementation of the diversion program and alternative measures to detention in the Philippines, a non-probability purposive survey sampling was adopted to identify duty bearers who practice the mandated program. While this documentation relied on the reporting of duty bearers for its initial data collection, data validation was conducted to ensure the objective reporting of practices and compliance to the requirements of the law.

A total of 53 duty bearers from 11 regions of the country answered the self-assessment survey. Only 30 duty bearers (56.60%) returned their respective accomplished questionnaires, 17 of which were identified with good practice in the implementation and monitoring of diversion or other alternative measures to detention based on the criteria used for this study. Timeframe of the documentation was from the initial implementation of Diversion until the first quarter of 2017. Respondents of the study were members of the Diversion Committee typically composed of LSWDO social workers, members of the BCPC, WCPD Officers, and school representatives. The CICL who completed the diversion program or

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<sup>9</sup> Juvenile Justice and Welfare Council, 2016

<sup>10</sup> Universalis is a management consulting firm based in Montreal Canada which specializes in monitoring and evaluation, strategic management, results-based management, institutional and organizational performance assessment, capacity building, and project management. It is the firm that was commissioned to conduct the Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law.

alternative measures to detention and identified by the selected duty bearer were also consulted to triangulate the information gathered from the self-assessment questionnaire and data validation.

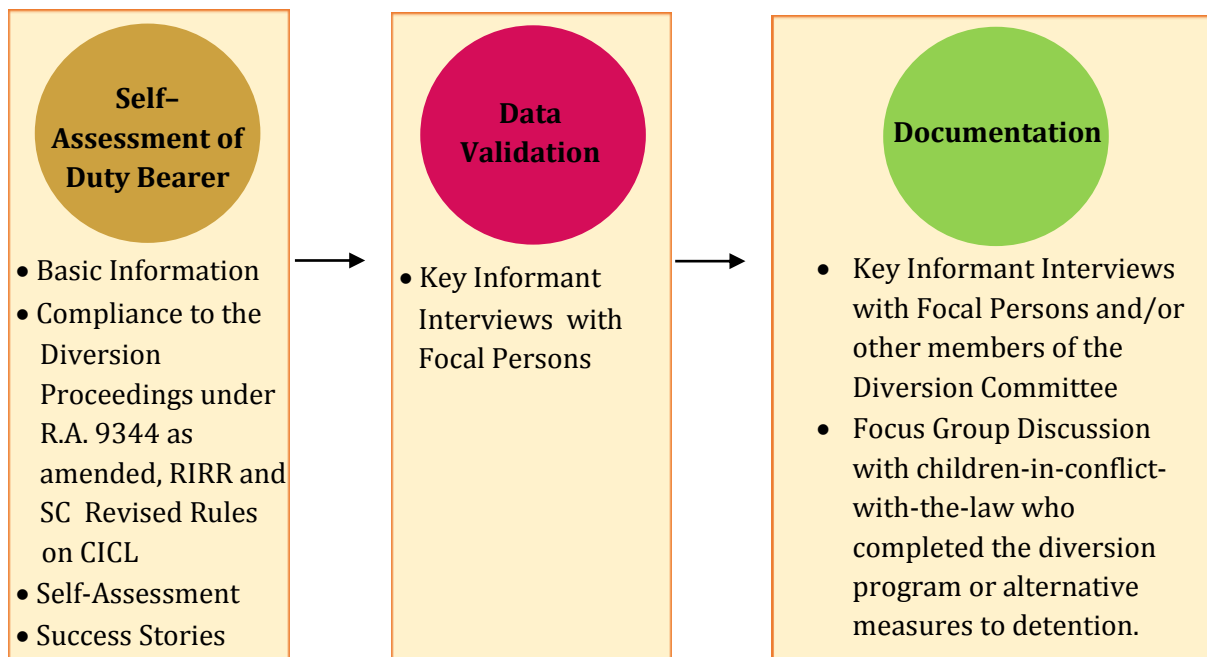
Further, the study does not intend to describe how diversion and alternative measures to detention are practiced in the country but only to inform other duty bearers on good and effective strategies in the diversion process and serve as one of the references to be popularized and included in the JJWC Diversion Toolkit for duty bearers.

# Methodology

The research design for the documentation of good practices on diversion and alternative measures for detention employed a combination of quantitative and qualitative tools. A rapid desk review of relevant documents such as the legislations, memorandum circulars, department orders, court proceedings, periodic monitoring reports and other reports deemed relevant and recommended by the JJWC and UNICEF was initially conducted by the JJWC Secretariat to design the self-assessment questionnaire sent to duty bearers. The questionnaire was used to systematically evaluate the duty bearers who adhered to the minimum requirements of the diversion and alternative measures to detention and

adopted the measure in such a way that will effectively address the unique need of the CICL while imposing accountability over the offense made by the child. Duty bearers who were identified to have (a) complied with the minimum requirements and (b) scored above the minimum weighted score were then subjected to a data validation to substantiate the scores noted in each good practice criterion. The data validation conducted by the Consultant and JJWC Research Team focused on getting the means of verification for each module featured in the self-assessment questionnaire. Figure 1 describes the research methodology in documenting the good practices in diversion and alternative measures.

**Figure I. Data Collection Methods**

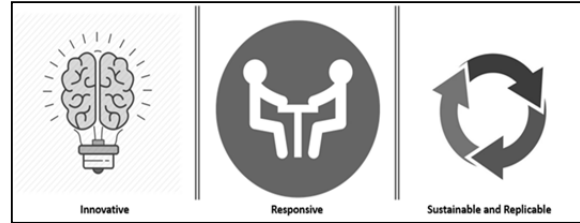


## A. Self - Assessment Survey

The self-assessment questionnaire was designed by the JJWC based on the extensive review of the literature on diversion and alternative measures to detention in the Philippines (see Appendix 2A). The questionnaire covered four key assessment areas: basic information, compliance to diversion proceedings, information on the good practice of Diversion Program (self-rating) and success story/ies. An additional section on compliance with the Supreme Court Revised Rules on CICL was provided to the survey instrument for the Family Courts or Regional Trial Court branches that facilitate CICL cases (see Appendix 2B). The basic information aimed to establish the history of implementing the diversion and alternative measures to detention such as the number of years implementing the measure, monitoring and documentation of practices in handling CAR and CICL, and extent of providing diversion to the children (the total number of handled CICL, the total number of ongoing, completed and failed diversions). Compliance was referred to the minimum requirement in the implementation of the diversion such as adherence to the eligibility criteria and procedures of diversion as laid out by RA 9344 as amended and its RIRR, presence and convening of a multi-disciplinary diversion committee, proper case management, commitment to the individualized diversion contract and laying out the transition to after-care services. The next section (information on the good practice of diversion/alternative measures to detention) asked the duty-bearer to evaluate themselves against the three good practice criteria: innovativeness, responsiveness and sustainability and replicability.<sup>11</sup>

<sup>11</sup> As defined by DSWD AO No. 5, s. 2016, a practice is **innovative** if it successfully introduces or reinvents tools or techniques so that policies, researches, or interventions continue to be responsive to current needs, and adjust to trends or changes in the field of Social Protection. Among these many challenges is ensuring fast, responsive, and quality service delivery in the context of the "new normal".

**Figure 2. Criteria for Good Practice Documentation**



**Table 1. Good Practice Rating**

| Score | Rating Description          |
|-------|-----------------------------|
| 0     | Did not meet the standard   |
| 1     | Partially meet the standard |
| 2     | Meet the standard           |
| 3     | Exceeds the standards       |

The final weighted score of 2.5 was used to identify duty bearers who would be shortlisted for the data validation. In lieu of data on the total number of successful diversion and alternative measures to detention of CICL implemented by the duty bearer, success stories were noted to document case studies of children who underwent said measures and were known to be fully accountable on their offense by completing the tasks and programs entailed in their diversion contract.

A **responsive** practice may contribute directly to achieving program objectives or goals, ensure that outputs are delivered fast with accuracy and reliability, or ensure services or interventions are delivered less than provisions in the Work and Financial Plan (WFP). However, it should not contradict or violate any program standard (e.g. fast completion of subprojects but against procurement procedures).

**Sustainability and replicability** refers to enabling policies, funding mechanisms, and systematic monitoring and evaluation to ensure continuation of the program. Once these mechanisms have been installed and these have been properly documented, the practice has the potential to be replicated by others as a solution to issues or concerns in their locality

## B. Data Validation

The second phase of the data collection is the validation of the information noted in the self-assessment questionnaire. The JJWC Research Team and consultant conducted Key Informant Interviews (KI) with duty bearers (family court judges, LSWDO and BCPC members) to verify their answers in compliance and explore possible success stories (See Appendices 2D and 2E).

## C. Documentation

The results of the data validation were used to identify the short list of duty bearers for the documentation. The documentation is focused on the themes identified prior and during the data validation. The documentation employed KIIs with the duty bearers (LSWDO, BCPC members, members of the family courts and/or judges) and FGDs with CICL who completed the diversion or alternative measures to detention.



The Research Team conducted a joint data validation in Davao from July 13-14, 2017. The interviews and consultations were attended by members of the BCPC, barangay social workers, District Officers and youth champions (former CICL).

## D. Ethical Considerations

The following conditions were observed throughout the study particularly during the data validation and documentation:

1. A Data Collection Protocol-Child Protection Policy was prepared by

- the consultant to be followed by the research team (See Appendix 3);
2. There was an informed visit to the respective offices of selected duty-bearers;
3. The research team explained in the local language (Tagalog, Bikol and Cebuano/Ilonggo) the nature and objectives of the study;
4. Participation of the research subjects was voluntary. A consent form both for parents/guardians (See Appendix 4) and children (Appendix 5) was presented and explained by the research team. By affixing their signature in the form, they agreed to participate in the research and allowed the use of their photographs for the documentation of the research project;
5. Confidentiality of the documents, information and other related materials gathered for the research was strictly observed and explained to the respondents. The field notes, accomplished questionnaires and audio recordings were only accessible to the research team;
6. The FGD guide questions for respondents who completed either diversion or alternative measures to detention did not dwell on the cause of their offense but emphasized the impact and effect of the diversion or alternative measures to detention to their lives; and
7. The names of the children in the featured success stories were changed for their protection and to avoid stigmatization and labelling. (An asterisk was used to help readers identify that their real name was changed).

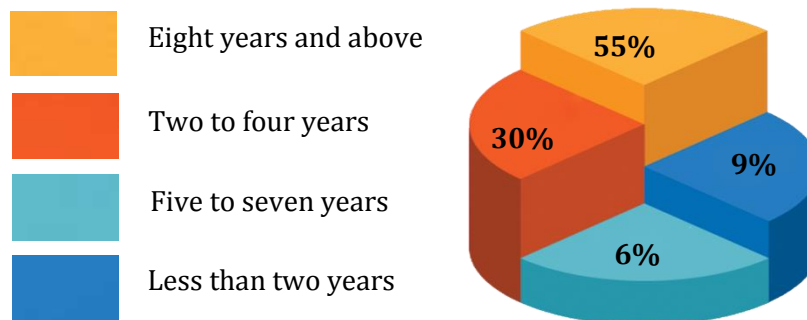
# Key Findings

## Results of the Self-Assessment Survey

The Juvenile Justice and Welfare Act of the Philippines was enacted in 2006 and amended in 2013 by R.A. 10630. Even prior to the amendment, R.A. 9344 already required the diversion of eligible children in conflict with the law from the regular court

trial and proceedings. Findings in the research revealed that majority of the duty bearers (55%) were implementing diversion for more than eight (8) years, followed by duty bearers who started practicing diversion only for two (2) to four (4) years (30%).

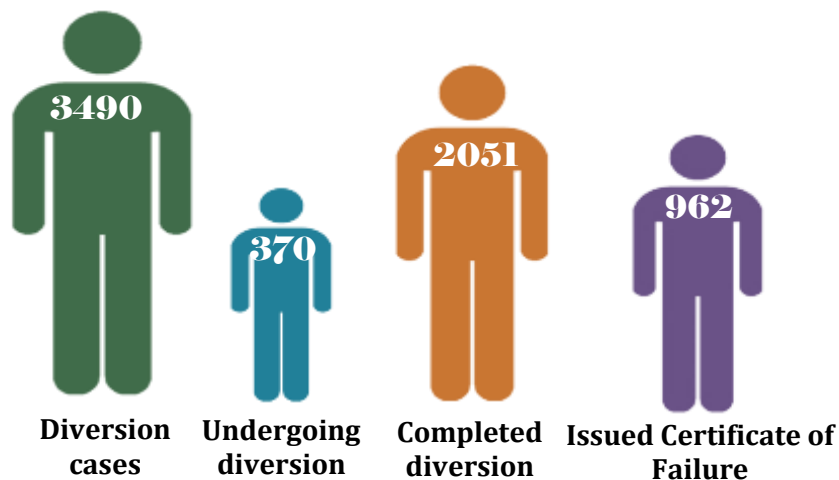
**Graph 1. Number of years implementing the diversion**



The average number of documented CICL cases was noted at 164 – majority (124). While most CICL cases are eligible for diversion, only 60.62% (2,051 cases) were noted to have completed the program.

Failure to comply with the contract of diversion shall give the offended party the option to institute the appropriate legal action as provided for under Rule 54(c)<sup>12</sup> of the Revised IRR of RA 9344 as amended.

**Figure 3: Total Number of CICL and Diversion Cases Gathered in the Study**



<sup>12</sup> Rule 54.c RIRR of R.A. 9344 as amended: Failure to comply with the terms and conditions of the Contract of Diversion, as certified by the LSWDO, shall give the offended party the option to institute the appropriate legal action. In cases where there is failure of diversion at the Barangay level, the Punong Barangay who conducted the Diversion Proceedings, upon a finding of failure to comply, may refer the case of the child to the law enforcement officer or Prosecutor, as if there is no consent to the diversion, or that diversion is not appropriate and desirable for the child, as provided in Section 29 of the Act. In cases where the offense committed is a victimless crime, the LSWDO that conducted the diversion proceedings, upon a finding of failure to comply, may refer the case of the child to the Prosecutor, as if there is no consent to the diversion or that diversion is not appropriate and desirable for the child, as provided in Section 29 of the Act.

The next table shows the number of documented CICL cases which underwent and completed diversion per different level of the juvenile justice system.

Based on the table, 3,490 CICL cases were subjected to diversion. Out of these diversion cases, 2,051 (58.77%) completed the program, 370 (10.60%) were still undergoing their diversion program during the time of data collection, 962 (27.56%) were issued with certificates of failure and 107 (3.07%) unidentified status of diversion cases as the

surveyed duty bearers did not give information.

LSWDO-Quezon City, an institution practicing diversion for over eight years, was observed to be an outlier of this statistics. The city was noted for having the highest documented CICL cases (2,737). Eighty percent (80%) of these cases (2,189) were eligible for diversion but only 59% (1,291) were documented to have completed their Diversion Programs

**Table 2. Number of CICL Cases Referred and Underwent Diversion per Level of the Juvenile Justice System**

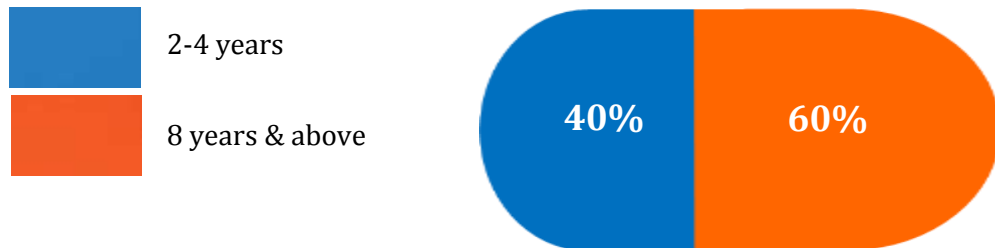
| Surveyed Duty Bearer | No. of actual diversion cases | No. of CICL cases completed diversion | No. of CICL cases undergoing diversion | No. of CICL cases provided with Certificate of Failure | No. of information obtained on the status of other cases that are subjected to the diversion |
|----------------------|-------------------------------|---------------------------------------|----------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Barangay             | 105                           | 65                                    | 12                                     | 19                                                     | 9                                                                                            |
| LSWDO*               | 3,039                         | 1,714                                 | 331                                    | 916                                                    | 78                                                                                           |
| Prosecutor           |                               |                                       |                                        |                                                        |                                                                                              |
| Police               |                               |                                       |                                        |                                                        |                                                                                              |
| Family Courts        | 346                           | 272                                   | 27                                     | 27                                                     | 20                                                                                           |
| <b>Total</b>         | <b>3,490</b>                  | <b>2,051</b>                          | <b>370</b>                             | <b>962</b>                                             | <b>107</b>                                                                                   |

*\*LSWDOs have not been able to specify if the given numbers of CICL cases, which have been provided with diversion, are all victimless crimes or have been referred by other duty bearers for their proper disposition.*

With regard to courts practicing alternative measures to detention (ROR, bail, etc.), 60% of the courts mentioned that they have been exploring options other than detention in

handling CICL cases for over eight (8) years while 40% have been practicing for only two (2) to four (4) years.

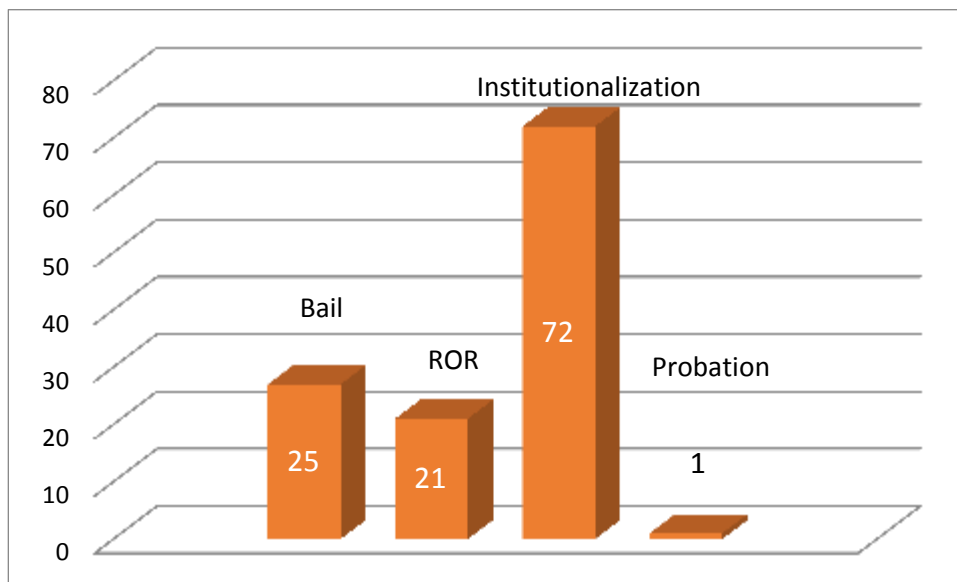
**Graph 2: Number of years implementing alternative measures to detention**



Based on gathered data from four (4) family courts, the total number of documented CICL who were released on recognizance is 21

while those released on bail is 25. Seventy-two (72) CICL were committed to a residential care facility by the courts.

**Graph 3: Documented Cases on Alternative Measures to Detention**





### ***Compliance to Diversion (Barangay/LSWDO/Prosecutor Level)***

With regard to their compliance to the diversion, majority (81%) of the duty bearers shared that their Diversion Committee is multi-disciplinary while 19% said that they have no MDT. Almost all duty bearers (93%) stated that they only proceed with the diversion proceedings after obtaining the consent of the child and his/her parent/guardian who also agreed to participate in diversion. Likewise, most duty bearers (94%) require the signing of a diversion contract between the CICL and his or her parents/guardian and the Diversion Committee. These data have been validated during KII with selected duty bearers in NCR where participation of CICL in the diversion is informed and voluntary. Further, one of the duty bearers emphasized the importance of the child's participation in planning the Diversion Program to ensure 100% compliance and completion. It is also noted during the validation that the Diversion Program is individualized based on the needs and gravity of the offense of the child. This is to ensure that the interventions are appropriate and effective for the rehabilitation and reintegration of the CICL with their family and/or community.

Most duty bearers (90%) said that they conduct the diversion proceedings within 45 days from referral of the CICL case who acted with discernment to the Diversion Committee and with full compliance of the protocol indicated in RA 9344 as amended by RA 10630 and its revised implementing rules and regulations. Minority (10%) disclosed that they were not able to comply fully with these requirements of the diversion process. These survey results were seconded by the data gathered during validation, as most of the duty bearers were able to discuss the process accordingly and follow the eligibility requirements of the child for diversion.

All (100%) duty bearers shared that the implementation of the Diversion Program is

being monitored by the assigned LSWDO social worker or a member of the Diversion Committee. The monitoring processes often happen in the form of house visitation and case conferences in coordination with the BCPC. Most duty bearers track the individual progress of the child through their monitoring logbooks, daily journals, progress notes and counselling forms. Majority (87%) provide at least six months of after-care services to the CICL while a few (13%) offered either more or less than six months. After-care services often come in the form of continued participation to barangay trainings, seminars and other youth-oriented activities. Parents of the CICL are also invited to participate in the Family Development Sessions, livelihood trainings and education seminars.



The BCPC Child Status Monitoring Logbook serves as one of the tools used to track the CICL's compliance with their Diversion Contracts.

### ***Attitude towards Compliance to the Diversion (Barangay/LSWDO/Prosecutor)***

With regard to the mediation between the CICL, the victim (if any), their respective families and the Diversion Committee, almost everyone (93%) strongly agree that this is conducted in a room away from interruptions, participation or eavesdropping of non-parties. Three percent (3%) agreed that there is a need for a safe and private environment for the mediation process while the remaining 3% disagreed to having this arrangement. Most duty bearers (87%)

strongly agree that the Diversion Contract and proceedings must be explained in the local language or dialect understandable to the CICL.

When asked about the process of adopting the diversion contract, majority (93%) strongly agree and seven percent (7%) agree that there is a need to explain to the CICL and their families the objective of the diversion, its value, and the consequence of refusing the program. This has been further affirmed by the key informants as they shared that the advantages and disadvantages of the diversion and formal court proceedings are explained to all involved parties. Ninety-seven percent (97%) of the duty bearers either strongly agree or agree in investigating the circumstances of the offense and motives behind the CICL's offense through home visits and collateral interviews while only three percent (3%) disagree to the process of examining the factors that led the CICL to commit the offense. All mentioned that an integral part of the diversion is that the CICL understands his/her actions and its corresponding responsibilities. In the same manner, majority strongly agree (87%) while 13% agree that the CICL must realize his/her accountability for the action and envisage remorse as a crucial process of the restorative justice. Same results have been obtained during the validation as most of the key informants shared that they selected diversion in order for the child to realize and be accountable for his/her mistakes. They also noted that diversion provides a second chance or hope for the CICL to have a more positive direction towards life. It also provides means to take the stigma of being criminal away from the CICL as they involved the community for their rehabilitation and reintegration which also raises awareness and legally they are diverted from having criminal records.

### *Compliance with Supreme Court Administrative Matter No. 02-1-18 (Revised Rule on CICL) by the Family Courts*

The survey of compliance in Family Courts revealed that all courts ensure a multi-disciplinary Diversion Committee and they monitor the progress of the CICL ordered to undergo alternative measures to detention by coordinating with the LSWDOs. Most of the clerks of court usually maintain a separate case docket or logbook for cases involving CICL while others disclose that they only keep a separate record sometimes. Further, all the Family Courts claimed to comply with setting conferences for the status and progress of the CICL relative to compliance with the conditions of provided alternative measures to detention such as release on recognizance and commitment to a youth care facility, ensuring that the language used in all proceedings of the CICL are understandable to all parties involved especially to the CICL, conduct of pre-trial conference where agreements are in writing and signed by the CICL and parents/guardian, and conducting hearing in a child-friendly manner.

### *Good Practice Information*

In terms of good practice information, sustainability obtained the highest average score of responses among the survey respondents (LSWDOs and barangays) particularly on partnership/linkages in the implementation of diversion program with an average score of 2.04. On the other hand, the criterion with the lowest average score is innovativeness. As validated, most of the duty bearers typically do not initiate and employ their own and unique techniques and strategies but rather follow the standard protocol which are required under the law, rules, and policy issuances. Nevertheless, it is worthy to note that some duty bearers provide more creative interventions such as involving CICL to theatre groups, painting of public walls, barangay employment for payment of civil liability, and other activities

that are appropriate to the interest and capacity of the child.

For the specific variables, partnership/linkages and improvement on participation of involved parties in the implementation of diversion obtained the highest average scores with 2.27 and 2.22 respectively. Majority of the duty bearers (96%) either strongly agreed or agreed that parents/family members had active participation on the diversion process. It is likewise worthy to note that most of the duty bearers claimed that their respective diversion programs meet the expressed needs/concerns of the CICL appropriately. Further, only a small percentage of those who completed diversion re-offended.

With regard to the result of survey to courts, responsiveness (attainment of the program's objectives, addressed needs of the client, improved participation of parties, cost efficiency, prevention of reoffending, behavioral change) obtained the highest average score with 2.16 or equivalent rating of meeting the standards. Same with the LSWDOs and barangays, partnership and participation of all involved parties are the variables where good practice is reflected and employed in the courts. However, all courts agreed that there is no existing plan to capacitate the other duty bearers on handling CICL cases especially those who are not yet included in the Diversion Committee. This result is consistent with the interview with one of the judges of the family courts that the branch clerk of court who is the administering authority of court diversion lacks training on handling CICL cases. Capacity building activities can make their assessment as a Diversion Committee more appropriate and relevant to the needs of the CICL without taking for granted the best interest of the complainants.

Based from these initial findings, duty bearers' implementation of diversion and other alternative measures to detention of CICL is consistent with the standards of the

amended law. The principles of restorative justice where involvement of all concerned parties to repair the harm inflicted by the offense and recognizing the rights and best interest of the CICL is observed to have been employed thoroughly by the duty bearers. As validated, they provide utmost priority and utilize their best abilities to encourage all the parties to agree on the engagement of the CICL to diversion or other alternatives to detention.

It is also noted that participation of all the involved parties (victim, CICL and their respective families and community) and existence of partners/linkages are among the possible enabling factors for successful alternative measures to detention such as diversion. Although innovativeness is low among duty bearers relative to their implementation on the said measures, several creative strategies have been employed to ensure that the child is rehabilitated and reintegrated with the family or community. Further, results of the survey and validation show that the program addresses or meets the needs of the CICL and reduces the incidences of re-offending as the programs and services are individualized or based on the needs and capacities of the child and family. Also, parents have been involved in the implementation of the program.

# Good Practice Areas

The following subsection reflects the findings observed during the documentation of selected duty bearers in the course of the research process. The good practice areas are organized following the phases of the helping process through diversion and other alternative measures to detention as summarized below:

## a. Planning Phase

This phase is ideally done by a social worker through a case management approach with other members of the Diversion Committee. It is the most significant part of the helping process as it determines the cause and circumstances of the child that brought him/her to commit the offense and the needs and strengths and capacities of the CICL and family. Obtaining accurate information and assessing the same and building rapport and trust with all the involved parties (victim and CICL) are initiated during this stage. This is also the phase where the Diversion Committee or equivalent mechanism (i.e. BCPC) meets to discuss the case and works for the application of restorative justice and rights-based approach to programming. It provides venue for the Committee to determine the eligibility of the child to diversion or refer the case to the appropriate level of the juvenile justice system for proper disposition. In this phase, the setting of goals and laying out of the groundwork for the application of interventions and strategies to rehabilitate and reintegrate the CICL, and repair the harm done to the victim and community are employed.

## b. Implementation Phase

This is the action-oriented or change-oriented phase where goals and plans are carried out through specific tasks and activities. During this phase, the role of the CICL and his/her family and even community becomes bigger as they are the main responsible persons in the conduct and completion of the agreed diversion program. High level of participation is expected among the involved parties. Likewise, through the guidance of a social worker or concerned Diversion Committee member, the CICL starts to become aware of his or her strengths and recognize incremental progress in restoring the relationship with the victim and family as well as his/her rehabilitation.

## c. Monitoring and Evaluation/Documentation

This phase is very important as it assesses if the interventions employed are of quality, effective, responsive and still workable. It helps determine exactly when the diversion program or disposition measure is on track and when changes or modifications may be needed. It also serves as a venue to keep the Committee and/or victim abreast on the progress of the CICL.

In terms of evaluation, the Committee or concerned people determines the overall impact of the diversion program or disposition measure to the child, family and the community. It answers if the interventions are achieving the results aimed at the level of the child, such as preventing him/her from committing another offense. Documentation, on the

other hand, is vital to prove the evaluated effectiveness or non-effectiveness of the program.

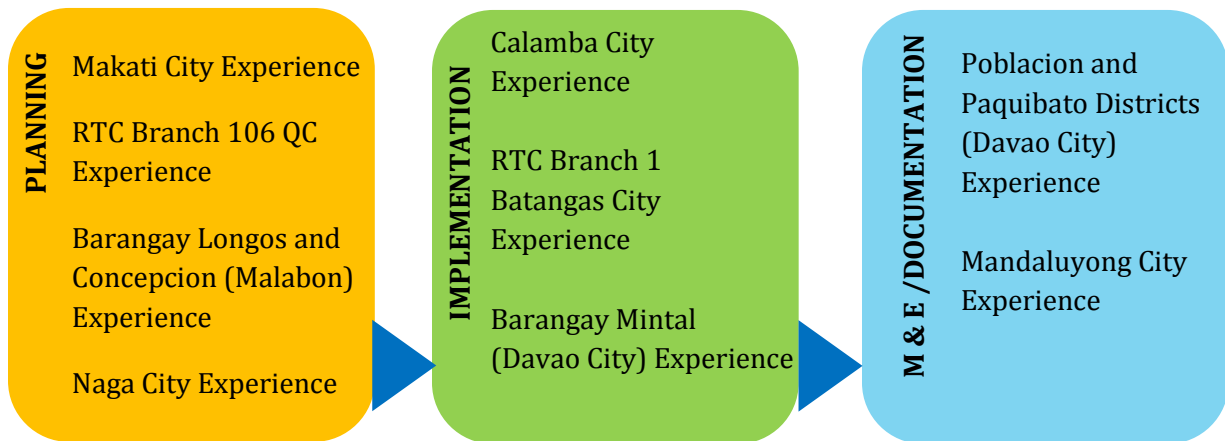
Documentation provides a point of reference for duty bearers on how and when a specific activity is conducted. It keeps a record of tasks or interventions provided, strategy used and changes occurred during and after the program.

A documentation report is one of the best sources of knowledge on how diversion or

alternative measures to detention is implemented. Further, a well and updated documented program can better encourage support from authorities to continue and fund its implementation.

Each duty bearer has been identified to embody a theme that features the enabling factors of the program planning, implementation, and monitoring as well as the lessons learned from the facilitating factors and the example of the good practice distinguished from a duty-bearer.

**Figure 4. Good Practice Documentation of Diversion and Alternative Measures to Detention**



## A. PLANNING PHASE

### *Good Practice Thematic Area: A Comprehensive Approach in Implementing Diversion*



The Filipino children's rights to protection was clearly laid out in the 1987 Philippine Constitution and bolstered by the country's commitment as a State Party to the UN Convention on the Rights of the Child. Local and international laws highlight the protection of three (3) categories of children who come in contact with the justice system: children who are victims of crimes, children who serve as witness to the judiciary process, and children who are in conflict with the law. Of these three (3) categories, CICL are often the most neglected and difficult to operationalize in the multiple levels of child

protection system. Given the Philippine's punitive penal culture, social workers and members of the Barangay Council for the Protection of Children still find difficult to organize a comprehensive intervention approach to CICL a decade after the adoption of the Juvenile Justice and Welfare Act.

To be able to achieve the transformative potential of restorative justice of finding solutions, which promotes repair, reconciliation, and reassurance, duty bearers are called upon to thoroughly evaluate the status of a child to be able to come up with effective interventions.

## The Makati City Experience



### Good Practice Criteria

*The LSWDO of Makati City secured a total weighted average of 2.58 from the good practice rating. Efficiency (cost is lower than the expected expenses) and availability of human and financial resources are the indicators which exceed the standards in implementing diversion. As validated, the BCPCs in Makati City are very involved in the implementation and monitoring of its diversion program. They use the existing available resources to augment the needs of CICL and their family. Most of the interventions do not need monetary resources as they are in the form of community service, counselling and other psychosocial activities. With this, LSWDO-Makati City seldom uses additional funds in diverting children from the formal criminal justice system. Further, LSWDO-Makati City personnel express that they have enough human and financial resources to facilitate CICL cases. This has been validated by the existence of a Comprehensive Local Juvenile Intervention Program (CLJIP) which is integrated with its Local Development Plan (LDP).*

### Strategy and Implementation

#### *Effective Consultation with the CAR and CICL.*

In an unprecedented move among local government units in the country, Makati gathered over 200 fraternity and gang leaders together with the representatives from youth organizations in the highly urbanized city in 2009 to discuss the issues surrounding the youth. It was during this symposium that the CAR and CICL were able to air their concerns on their families, communities, education and employment. The city's different departments and agencies, particularly the Peace and Order Council, were able to lay out the government's initiatives to help the youth become productive and responsible citizens of the City. Programs introduced include the Public Employment Service Office's assistance to out-of-school-youths, the Department of Education's ladderized education program, and the Social Welfare Department's skills training which provides the youth's much needed experience to secure a decent job.

The consultation made it possible for the CAR and CICL to express their sentiments in a non-threatening environment and provided a venue for the youth to influence their local leaders in coming up with youth-oriented

programs tailored with their needs and interests. By grouping the youth into six (6)

clusters according to the youth's expressed needs, the consultation process was able to flesh out the specific concerns and prompted the youth in coming up with their own agenda and means of involvement.

*Capacitating Duty Bearers.* Committed to its juvenile justice intervention program and community-based program on juvenile justice and welfare, the Makati City government allotted a budget for the capacity building of its front-line service workers such as city social workers and members of the Barangay Council for the Protection of Children from the 33 barangays of Districts I and II.

The series of seminars and workshops hosted by the City Government were focused on tracking the increasing juvenile crime rate in Makati. It also prompted duty bearers to look into the bigger picture should the city fail to formulate an effective program that would address the issues and concerns of its youth.

Moreover, the workshops equipped the frontliners with the perspective firmly grounded in child rights and child protection in dealing with CICL. More than intensifying

the city's efforts to track down CICL, duty bearers were called upon to strengthen the assessment of the CICL's situation while ensuring their legal and constitutional rights in the schools and communities. This approach emphasized the role of the city social workers and members of the BCPC in initiating and fostering collaboration with other stakeholders such as parents, educators, law enforcers, and CSOs.

### ***Institutionalization of CLJIP in the Lens of Multi-Disciplinary Approach.***

The institutionalization of the multi-disciplinary approach in handling CICL under a comprehensive plan of the LGU ensures sustainability of the process. In 2015, the Makati City adopted the city ordinance on comprehensive local juvenile intervention plan reinforcing the "role of the City Government of Makati as a strategic partner in advancing efforts to strengthen the implementation of the Comprehensive Local Juvenile Intervention Plan by aligning programs and activities with the Department of Social Welfare and Development through sustainable application of systems, policies and procedures which can be further utilized through developing awareness and monitoring accomplishments of the said intervention plan."

Through the ordinance, the Makati City Council for the Protection of Children



Makati CSSD's Diversion Committee during the conduct of documentation of good practices

(MCCPC) was tasked to create a designated group, the Local Project Management Team, to craft the mandated Comprehensive Local Juvenile Intervention Plan with the period of 2015-2017 as its starting point. The same is

integrated with the LGU's annual investment plan with a total budget amounting to Php1,628,472.00 covering all the programs, projects and activities for the prevention of juvenile delinquency among CAR and rehabilitation and reintegration of CICL with their families and communities.<sup>13</sup>

Three years after its implementation, the Makati City Social Welfare and Development Office was able to mobilize a team of licensed social workers, psychologists, paralegals, members of other city departments and agencies such as PESO and POC, guidance counselor, representatives of faith-based communities, and the police to work together for the welfare of the City's children. The same team gathered as members of the Diversion Committee to discuss the offense committed by the child, and the most appropriate course of action for the CICL. If a child committed an offense with victims, the same team provide technical assistance to the members of the concerned BCPC in managing the diversion of the CICL at the barangay level. Makati City was able to ensure a comprehensive approach to diversion by incorporating the expertise of the representatives from different agencies of the city government.

### **Success Stories**

Both former CICL respondents from Makati City shared that they were very satisfied with their Diversion Programs. Angeli\* disclosed that no one outside their immediate family knew that she was apprehended for misconduct and had to undergo the Diversion. Angeli shared that the confidentiality of the process helped her realized her wrong decisions and how she can make it up with her mother for causing trouble in their family.

Anton\*, on the other hand, was stereotyped as a troublemaker in their community. He was often confronted for talking back to adults, disregarding the barangay curfew, and even for vandalism. Since no one really

<sup>13</sup> Makati City Government "Annual Investment Program of 2016" (2016)



bothered to file a case against him, complaints filed against Anton ended with counselling, which, more often than not, fell on deaf ears. Anton's wake-up call came in the form of a street side brawl with an old friend. The incident left Anton's friend in a critical medical condition needing months to recuperate.

Given the gravity of Anton's offense and his history of offenses at age 17, the members of the BCPC sought the help of the City Social Welfare Officer in assessing whether diversion is still optional and appropriate for Anton. Luisa, the City Social Welfare Officer, requested the City Psychologist to help her in assessing Anton's case and a paralegal to explain to him the laws surrounding his case. Since it was the first time that Anton was apprehended and the family of the victim was open to any appropriate and lawful interventions for him, the Diversion Committee suggested for Anton to undergo the diversion.

To date, Anton is currently doing paid IT work for their barangay in Makati. Anton recalled that his sessions with the School Guidance Counselor and the City Psychologist made him realize that the primary reason he was defiant to any laws and rules was to get the attention of his parents and express his discontent in their family relationship. More importantly, his talks with the city's paralegal officer made him realize that he was accountable and may incur criminal liability for the situation of his friend in the hospital. While the law accords him a second chance to rectify his wayward decisions, he must still find a way to compensate his friend for the damages he caused. A significant part of Anton's diversion program is the payment for the medical bills incurred for his friend's hospitalization.

## ENABLING FACTORS

**Effective Consultation with CAR and CICL**

**Capacity-building of duty bearers**

**Institutionalization of the comprehensive and multi-disciplinary approach for CICL**

## LESSONS LEARNED

Youth/CICL consultation process allows the duty bearers a glimpse of effective programs that will truly curb juvenile delinquency and recurrence of offense among CICL.

More than equipping duty bearers with skills for mediation and counselling, capacity-building geared towards the transition of belief from retributive justice to genuine restorative justice. It also ensures that social workers, members of the barangay council, and other frontline service officers have the appropriate mindset in dealing with CICL.

Through the ordinance, the Makati City Council for the Protection of Children (MCCPC) was tasked to create a designated group, the Local Project Management Team, to craft the mandated Comprehensive Local Juvenile Intervention Plan with the period of 2015-2017 as its starting point. The same is integrated with the LGU's annual investment plan with total budget amounting to P1, 628, 472.00 covering all the programs, projects and activities for the prevention of juvenile delinquency among CAR and rehabilitation and reintegration of CICL with their families and communities (Makati City Government, 2016)

## GOOD PRACTICE EXAMPLE

**Local Government of Makati City**

**A Comprehensive Approach in Implementing Diversion**

## Good Practice Thematic Area: *Multi-disciplinary Diversion Committee and Leadership*



The Family Courts in the Philippines have exclusive jurisdiction to hear and decide cases of children above 15 years but below 18 years of age who are alleged as, accused of, or adjudged of committing a crime (CICL) as well as children who are victims of abuse, neglect, exploitation and discrimination (CAR). Anchored to the State's commitment to promote the welfare of all children and consistent to the principles laid out by the United Nations Convention on the Rights of the Child, Family Courts were established by virtue of Republic Act No. 8369 to implement the State's policy of providing a system of adjudication for children in conflict with the law which considers their unique circumstances.

Republic Act 9344 as amended by R.A. 10630 provides the legal framework for the alternative measures in the juvenile justice measures ranging from (1) diversion from formal judicial proceedings, (2) alternatives to pre-trial/trial detention in the form of

recognizance or bail, (3) measures to minimize time in pre-trial/trial detention through bail or recognizance, close supervision, intensive care, or placement in the family, (4) exploring alternatives to post-trial detention such as suspended sentence plus care, guidance, supervision, drug-alcohol treatment, group counselling & probation, and (5) procedures to minimize time in post-trial detention.

***Multi-disciplinary Diversion Committee.*** A child in conflict with the law is often a manifestation of a much deeper issue of complex nature, thus, requiring a multi-disciplinary approach in providing interventions as well as in ensuring the accountability of the CICL and the liability of the child's parents or guardian. The presence of an LSWDO social worker, prosecutor, PAO lawyers and other partners such as mental health professionals, representatives from concerned NGOs and educators, ensures a holistic approach in addressing the child's and even the victim's varying needs. Social workers can tap into the wide array of

support services that the state can offer such as assistance from initial contact to reintegration and after-care, ensuring that psychosocial interventions are accessible to the CICL and his/her family and even to the complainant. The availability of the prosecutor and the lawyers from the Public Attorney Office (PAO) guarantee that both the complainant and the accused fully comprehend the legal framework surrounding the complaint, the diversion proceedings, the available alternative measures to detention and facilitate the genuine implementation of restorative justice. Health professionals help understand the physical, mental and psychological well-being of the child and can offer directives on optimal approaches for rehabilitation and social reintegration. The Diversion Committee delivers crucial services to a CICL wherein they must convene to initially discuss the circumstances surrounding the offense of the CICL. After the diversion proceeding, members of the committee meet with the CICL and his/her family including the complainant to discuss the policies and procedures in administering justice when a child is involved.

In the Philippine judiciary system where practitioners are often assigned with multiple cases at any point in time, the harmonious working relationship between the members of the committee as well as their personal commitment to prioritize cases of CICL ensure effective handling of CICL cases in a timely manner.

***Leadership of the Presiding Judge.*** The presiding judge has the final authority to direct and scrutinize the diversion proceeding and the prescribed program for a CICL in accordance to the principles of restorative justice. As such, presiding judges must address the needs of both the CICL and the complainant.

Family Court Judges have an important role to play in ensuring that the rights of a child in contact with the judicial system, whether as

child-victim, witness or as a CICL, are promoted by duty bearers. They can influence their fellow judicial officers and drive changes that will ensure that court proceedings are compliant to the laws relating to children.

## The Quezon City Regional Trial Court Branch 106 Experience



### Good Practice Criteria

*The Quezon City Regional Trial Court Branch 106 secured a final weighted average of 3.93 from the good practice rating. The leadership of the presiding judge and collaboration of members of the court's Diversion Committee facilitated the implementation of a highly responsive diversion program. Further, the seamless coordination between the presiding judge, the clerk of court and the city's social worker allowed the adoption and enhancement of existing tools and techniques of the diversion. While lacking a document that can guide the assessment of CICL cases, members of the committee have noted ease in understanding and replicating the protocol put in place in evaluating CICL cases brought before the Family Court.*

As a Family Court, Branch 106 caters to CICL cases in Quezon City. It was observed that most CICL cases handled by the court are children from low-income and/or dysfunctional families, and have parents who have barely finished their primary schooling.

The Diversion Committee of the Quezon City Regional Trial Court Branch 106 is composed of Atty. Amy Rivas-Magdalena, Clerk of Court and Chairperson of the said Committee, Prosecutor Hector Buenaluz and Prosecutor Caroline Tobias, Atty. Ronald Parungao of PAO, and Ms. Sheila Baro, a licensed social worker of the Quezon City Social Services and Development Department (SSDD).

Prosecutor Buenaluz shared that upon initial contact with the CICL, they must determine whether the CICL is indeed a minor and whether s/he acted with discernment. The inquest prosecutor works closely with the social worker from SSDD to confirm the CICL's age and to assess discernment. R.A. 9344 as amended provides that the authority to conduct initial assessment of discernment is with the local social worker. Should there be uncertainty with the CICL's age, an inquest disposition requesting for determination of age through medical certificate or medical examination is given to the SSDD social worker. If the findings reveal that the CICL is below 15 years old and/or acted without discernment, the CICL will bear no criminal liability and will exit the judicial system. The

CICL will then be referred for an intervention program under the SSDD. However, if the CICL is beyond 15 years old but less than 18 and has been assessed to have acted with discernment, the fiscal will then determine the impossible penalty of the offense. If the impossible penalty is above 6 years but below 12 years, Prosecutors Buenaluz and Tobias will refer the case to court. Atty. Rivas-Magdangal disclosed that the Quezon City Office of the Clerk of Court (OCC) assesses if the CICL's case has an impossible penalty of above 6 years but below 12 years. She assigns a special CICL docket number indicating that the accused is a minor and that the case number shall not be accessible for public viewing unlike regular filed cases. Branch 106 also keeps a different record for CICL cases separate from the documentation of regular filed cases in compliance with the Supreme Court Revised Rules on CICL (A.M. NO. 02-1-18-SC).

Atty. Rivas-Magdangal coordinates with the Committee to discuss the case. They have also shared that as a team, they instruct Ms. Baro or the concerned social worker, to conduct assessment on the psychological, socio-economic and family functioning of the child, which can help them in the assessment on the nature and circumstances of the offense. Said results of assessment will be reviewed and discussed by the Committee members through a conference. There are two (2) case conferences held in Branch 106. The first one

is conducted with the Diversion Committee to determine the eligibility of the child to diversion based on the initial assessment conducted by the LSWDO social worker. Regardless of the decision, they forward the report or minutes of their meeting to then presiding judge, Judge Mary Angelene Quimpo-Sale. After Judge Sale reviews the report of the Committee, she will then issue the court order for the schedule of the second case conference with the attendance of the Diversion Committee, CICL, complainant and their respective parents or guardians. The court order includes an instruction for the LSWDO social worker to submit a comprehensive case study report on or before the meeting. According to Judge Sale, the case study report is needed not only for assessment but to discuss the case in front of all the parties during the conference. This is to validate the information and let the other party know the personal life of the child and circumstance of his/her offense. It is worthy to note that this strategy encouraged the QC SSDD social workers to improve and ensure individualization of their reports.

When all parties, particularly the CICL and his/her family, agreed with diversion, signing of contract will take place and then they will agree with the Diversion Program. According to Prosecutor Buenaluz, he also draws the concern of complainant in the identification of Diversion Program but the interventions shall still emphasize a change on the part of CICL.

Although other Family Courts may practice similar procedures, the Quezon City Regional Trial Court Branch 106 stands out for their Diversion Committee's genuine commitment to bring justice to the victim while ensuring that the rehabilitation of the CICL is also secured in the process. True to the essence of facilitating restorative justice, its Diversion Committee members consult with each other to fully understand the situation and sentiments of their clients and conceive approaches that will be acceptable and in the best interest of both parties.

Further, the level of judicial involvement of Judge Sale was observed to be a key driver in the conduct of diversion in Branch 106. Consultation with the members of the Diversion Committee indicated that they have learned more on handling CICL cases while working with Judge Sale. The judge's close engagement with the clients and members of the Committee pressed them to self-study, coordinate, and consult their colleagues.

Judge Sale also ensures that all partners especially the Committee are involved in the process, which should be a child-sensitive procedure. She has emphasized the importance of open communication and respect with each and among partners.



The members of the Diversion Committee of RTC Branch 106 (Quezon City) typically consult each other for strategies in dealing with CICL cases and courses for the Diversion

Judge Sale ensures that the circumstances of the child that brought him/her to commit the crime as well his/her civil liabilities must be fully explained to both parties in a language that they can comprehend. In this way, the CICL and family are ensured to have informed choice. It is also through this way that the court ensures that justice is comprehensible to the CICL and the complainant in the hope that this will lead to genuine resolution of conflict between the child and the offended party.

Moreover, she ensures that the CICL feels remorse and sincerely apologizes to the offended party and accept accountability. She always upholds and prioritizes the best interest of the CICL but without taking for granted his/her accountability and reparation of harm caused by the offense.

Judge Sale said that in her court, Diversion Programs are individualized as they add or reduce the services indicated in the standard package of program interventions based on the needs and circumstances of the child. She also regularly monitors the progress of the CICL through the progress and monitoring reports submitted by the LSWDO.

***Considerations in adopting alternative measures to detention.*** To minimize the time spent by the CICL in the youth detention homes, Judge Sale explores possible alternatives such as release of the child on bail, mediation, plea bargaining, release on recognizance, and payment of civil liability. At times, she also suggests a combination of these interventions such as the institutionalization of the CICL to a residential facility until the youth is ready to be reintegrated into the community through proper guidance of the family or a designated guardian.

It has been highlighted that certain conditions must be met prior to the release on recognizance of the child to the parents or guardians such as ensuring that the family/guardian or nearest relative has a psychosocial and economic capability to provide proper guidance and attend to the needs of the child. In the absence of these conditions, Judge Sale often orders the placement of the CICL to a youth home or residential facility until the assigned social worker can find a suitable guardian. CICL are also placed in residential facilities for rehabilitation purposes. Occasionally, parents request the placement of their children in the residential facility to keep them away from the influence of their peers, receive alternative education, life skills training and livelihood skills and improve the child's self-esteem in the process. Judge Sale emphasizes the crucial role played by the SSDD social worker in determining whether an alternative measure to detention is in the best interest of the CICL.

## Success Stories



Former CICL in Quezon City shared that they were very satisfied with the guidance and respect that they received when Judge Sale was conducting the hearings on their respective cases in court. One (1) former CICL also mentioned that she felt her case progressed quite faster than they expected since they were typically prioritized in Branch 106.

Another former CICL mentioned that the family intervention that their parents received while their children were inside the youth facility also prepared the parents to take on a more active role in setting acceptable behavior of their children when they go back home. This complementary intervention provided to parents and CICL are effective in curbing recidivism.

## ENABLING FACTORS

**Multi-disciplinary  
Diversion Committee**

**Leadership of the Presiding  
Judge**

## LESSONS LEARNED

A multi-disciplinary Diversion Committee can facilitate the genuine adoption of the restorative justice process by ensuring that the rights of the complainant is secured while ensuring that the rights of the accused child is observed in the process. The presence of the social workers, mental and health professionals, lawyers, and teachers in the Committee offers a holistic approach in designing the Diversion Program which is responsive to the different needs of the CICL.

The commitment of the presiding judge ensures that the relevant laws are enacted in CICL cases. The judge can also influence fellow judicial practitioners to consider and prioritize alternative measures to detention especially if it is for the best interest of the CICL

## GOOD PRACTICE EXAMPLE

Quezon City Regional  
Trial Court Branch 106

**Multi-Disciplinary  
Diversion Committee  
and Leadership**



## Good Practice Thematic Area: ***Strengthening Local Capacities by Collaborating with NGOs/CSOs***

The capacity and competency of duty bearers are central to the effective implementation of diversion at any level of governance. Social workers, members of the barangay and city council, prosecutors, judges and even court clerks all require certain capacities to be able to plan, manage, oversee, employ available resources, decide, and take initiatives that will support the realization of restorative justice particularly in the context of diversion of CICL.

Institutional capacity entail procedures, frameworks and management systems that affect the level of ability at any level of governance (city or barangay) to enforce child-sensitive accountability mechanisms to CICL. Individual capacity, on the other hand, refers to specific areas of expertise of the duty bearer – for example mediation skills of the *lupon* or the skill for influential counselling of social workers. It is important to strengthen these capacities to achieve sustainable and effective implementation of diversion among children in conflict with the law who have differing needs.

Social workers and members of the barangay council, being always at the front line of child

protection services, play a vital role in ensuring a compliant and effective implementation of diversion for children in conflict with the law. One of the key approaches adopted by the City of Malabon is strengthening the capacities of its local officials by engaging partners to augment the limited technical and financial capability of their duty bearers. Two barangays, Barangay Longos and Concepcion, had shown exemplary results born out of their collaboration with one of the NGOs advocating for the rights of children and proper implementation of juvenile justice in the country.

Duty bearers who were documented to have compelling success stories of their former CICL were all skilled in understanding and following the laws surrounding children in conflict with the law. Despite having the same constraints and limitations, these duty bearers have excelled by being able to properly manage, phase interventions and explore strategies that are both compliant to the law yet timely and effective for their clients.

### ***The Barangay Longos and Barangay Concepcion, Malabon City Experience***



#### **Good Practice Criteria**

*Barangay Longos and Concepcion in Malabon City garnered a final weighted average of 3.78 from the good practice rating. The re-activation of the Barangay Council for the Protection of Children and their thorough understanding of the principles of restorative justice empowered the two barangays to address the issues of the CICL in their communities and effectively reduced the number of re-offending youths. The technical assistance provided by their stakeholders and proper documentation of all stages of their diversion ensured the replicability of the practice. The two duty bearers were also noted to adopt the protocol endorsed by the JJWC in diversion and even pitched in their own innovations particularly in the monitoring and documentation of CICL cases.*

## Strategy and Implementation

***Initiative of the Council Members in seeking potential partners.*** While Barangay Concepcion was included in the first batch of barangays trained by Humanitarian Legal Assistance Foundation, (HLAF) Inc., Barangay Longos only heard about the trainings provided to the peers through the City Social Worker. Knowing the gaps in knowledge and attitude of the other council members in working with CICL from their communities, Miss Edna Morit, a barangay councilor, reached out to their City Social Worker and requested for further training on juvenile justice and strategies in implementing diversion. She mentioned that their council members needed technical support in the implementation of policies and programs for the protection of CICL and CAR.

After months of follow-up calls and messages, Miss Morit was informed that their barangay was finally included in the upcoming training of HLAF.

***Understanding the value of restorative justice in steering CICL from crime.*** One of the challenges in implementing an effective diversion is the lack of understanding among duty bearers themselves of the principles of restorative justice and how it protects the right of the victims while enforcing accountability among CICL. Acknowledging *“the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his/her reintegration”*<sup>14</sup> is crucial in urging duty bearers to facilitate mediation and eventual healing of the victim and the CICL. Members of the BCPC in Barangay Longos and Concepcion shared that their participation in the workshops and seminars hosted by the HLAF were instrumental to their increased understanding of restorative justice and

awareness of the rights of the CICL. Once they learned how diversion can prevent the CICL from getting permanent criminal records and be an effective program to reduce reoffending rates, council members started prioritizing diversion as part of their Barangay Annual Investment Plans. BCPCs were also activated and started exploring potential strategies that they can use to address the needs of their CICL given the typical demographics in their communities.

***Strengthened capacity of duty bearers to implement diversion.*** The collaboration of the City of Malabon and its barangays with HLAF resulted to the downloading of technical assistance on advocating and implementing diversion. The trainings focused on involving the children and youth in the juvenile delinquency prevention and implementation program. Aside from BCPC orientation and the introduction to the comprehensive local juvenile intervention planning, the training also equipped local officials coming from various backgrounds with paralegal, parasocial, and organizing skills – competencies necessary in implementing community-based diversion.

As a result of these engagements, the performance of the BCPC of each barangay has been improved. According to Mr. Eduardo G. Antoja Jr., Barangay Secretary of Barangay Concepcion, prior to the partnership, BCPC members had a poor blotter system in the community. CAR and CICL cases were often noted together with other cases of child abuse and more sinister forms of crimes and violations. Months of training yielded to a more efficient tracking system of child cases in the community. Further, they were able to implement the law properly by administering the cases, which can be diverted in their level. Despite the decrease in the referral of cases to LSWDO, their coordination with the same for appropriate program intervention to CICL strengthened. Mr. Antoja shared that the engagement with HLAF helped them to develop and enhance their knowledge, skills, and attitudes in implementing diversion,

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<sup>14</sup> Section 2 of RA 9344

monitoring of cases, and providing after care services. They were able to establish functional committees within the Council that caters different services to various concerns of children in their community.



Likewise, they are now equipped with capacities to carry out parent effectiveness seminars which pave the way for them to be partners of the municipal links in the conduct of Family Development Sessions under the Pantawid Pamilya Program of the national government in their barangay. Ms. Morit has similar responses on the impact of the HLAFF's technical assistance on their barangay. In fact, they are encouraged to go beyond what is expected of them as they continuously seek and employ innovative diversion programs to ensure holistic rehabilitation and reintegration of the CICL with the community.

### Success Stories

On weekends, Kenneth\* who committed theft, works in a repair shop fixing broken appliances such as electric fans, televisions and radios to help save money for school. At age 19, he is currently enrolled in the technical-vocational livelihood track in a public senior high school but the supervisor in the shop considers his skills as that of a professional in repairing appliances comparable to those who have secured TESDA certification. He acquired his technical skills during the completion of his diversion program in Barangay Longos, Malabon City.

BCPC of Barangay Longos selected diversion as an appropriate measure to rehabilitate Kenneth because the child admitted the offense, the complainant forgave him, the offense was not punishable of more than six (6) years of imprisonment and Kenneth was observed to have commitment to change and correct his mistake. As part of the diversion contract, Kenneth would participate in the barangay skills training program. Part of the said training was to assist in the repair shop of appliances for which he received a small amount of payment. His earnings were then used to compensate for the damages Kenneth incurred when he committed the misdeed.

Months after receiving his certificate of completion, Kenneth still recalls his journey in the diversion as very satisfactory. Both of his parents are unemployed; thus, they have a hard time paying for the damage Kenneth caused. The inclusion of skills training in Kenneth's Diversion Program was not only helpful in making him personally accountable for the offense that he did but also taught him how to channel his interest and skills in a more productive way.

*"Nagpapasalamat po ako kasi nabigyan ako ng pagkakataong makapagbago. At kahit papaano nakakatulong po ako kina nanay at tatay ngayon sa trabaho."*

*"I am thankful for the chance to change. I am also able to help my parents through my work."*

- Kenneth, 19 years old

Kenneth's narrative is a concrete outcome of a capacitated and fully functional Barangay Council for the Protection of Children. Barangay counselors from Barangay Concepcion recall that prior to the technical assistance provided to the villages in Malabon, most BCPC have little knowledge and skills on how to serve their young population. Through the initiative of their fellow council members and support from the Barangay Chairpersons, Barangay Longos and Concepcion benefited from the trainings and workshops offered by HLAF in their communities.

## ENABLING FACTORS

**Initiative of the Council Members in resource mobilization and tapping the NGOs/CSOs**

**Understanding the value of restorative justice in steering CICL from crime**

**Strengthened capacity of duty bearers to implement diversion**

**Support from the Local Chief Executive (Barangay Chairman/Chairwomen)**

## LESSONS LEARNED

Couple with commitment and initiative to perform the mandated functions, duty bearers at any level of juvenile justice system shall explore the available and existing human, technical and financial resources.

The acknowledgment of the BCPC's functions in preventing and responding to juvenile delinquency, with the ultimate goal of ensuring the overall development of children paved the way for the reactivation and/or strengthening of the BCPCs in implementing diversion.

Equipping the necessary competencies for the effective facilitation of diversion may ensure successful rehabilitation and reintegration of the child.

The administrative, political and financial support of the local chief executive at the local level is a very important factor to ensure implementation of any program for CICL and enhance the competencies of the personnel in delivering their functions. Thus, it is imperative to enable the LCE to understand and appreciate the significance of RA 9344 as amended including his or her roles and responsibilities on its implementation.

## GOOD PRACTICE EXAMPLE

Malabon City –  
Barangays Longos and  
Concepcion

**Strengthening Local Capacities by Collaborating with NGOs/CSOs**

## Good Practice Thematic Area: *Participation of the Child in Conflict with the Law in Designing and Implementing an Individualized Diversion Program*



Jonel, a former CICL from Naga City, shares his hopes with other children who are in conflict with the law. He shows his appreciation to the City Government for the support extended to him and his family by serving the youth in his community.

The advent of technology has dramatically changed the way children learn and respond to stimuli. What was effective teaching in 2005 might already be obsolete in 2015. Similarly, an intervention plan, which is effective for one CICL raised in one community, may not necessarily be compelling to another CICL raised in the same community. Duty bearers are now being pressed to come up with a standard Diversion Program compliant to the letters of the law yet at the same time, flexible enough to customize the learning experience of the CICL in a way that is both timely and relevant. Ensuring the child's right to participation is fulfilled in the crafting of the Diversion Program is instrumental in coming up with a responsive, child-centered and individualized Diversion Program for the CICL.

For the past decade, leading institutions such as the Juvenile Justice and Welfare Council, the Department of Social Welfare and Development, the Department of the Interior and Local Government, CSOs and multi-lateral institutions had been actively pushing for a

paradigm shift from retributive to restorative approach to juvenile justice. The passing of the Juvenile Justice and Welfare Act in 2006 and its amendment, R.A. 10630, in 2013 paved the way for the adoption of the novel/innovative approach in handling cases of children in conflict with the law and children at risk. Most of the research and capacity building activities done by different stakeholders for the past decade focused on the how-to of the diversion, why it is effective in dealing with CICL and the current practice of duty bearers. Much less had been said on how the roster of intervention plans is adopted in the Diversion Program. The same may be customized, adapted and improved depending on the background, character and need of a child.

## The Naga City Experience



### Good Practice Criteria

*The LSWDO of Naga City secured a total weighted average of 3.40 from the good practice rating. Based on survey results, Naga City implements diversion at par from the standards as it scores “3” in innovation, attainment of target needs of the client, availability and use of monitoring tools, partnership/linkages, and documentation. Naga City strictly observes that children are involved in the planning of the diversion program, which includes the specific interventions and services to be provided. The capacity and interest of the child and his/her immediate environment are considered to ensure that the child will rehabilitate and reintegrate effectively with his or her family/community. They even go beyond what are usual activities in the diversion program. They employ other strategies that can encourage the CICL to complete the program. The LSWDO also maximizes the available resources and partners to ensure effective delivery of services. As a result, the targets and objectives specified in the contract are achieved on time.*

Having implemented the Diversion for more than eight (8) years, the social workers in Naga City are familiar with the conduct of the program at the local level.

After being notified by the law enforcement officer that a child has been apprehended for an offense, the LSWDO social worker immediately visits the child for assessment and confirmation that he/she is indeed a minor. If the child is below 15, an intervention plan will be crafted to address the observed needs of the client. If a minor is noted to be above 15 years old but below 18 years old, the social worker in Naga is inclined to return the minor to his parents unless circumstances would indicate that it would be against the best interest of the child. Within a week after the initial contact with the child, the social worker makes an assessment of the child’s discernment in the commitment of an offense. Should the child be found to have acted without discernment, the social worker will manage the case similar to clients below 15 years old. For minors who acted with discernment in a victimless crime and with imposable penalty not exceeding six (6) years, the social worker

will determine if diversion is in the best interest of the child. If diversion is undesirable, the case will be referred to a prosecutor. If diversion is feasible, the social worker meets with the CICL and his/her parent to develop an appropriate Diversion Program in coordination with the BCPC, teachers, and members of the religious sector, if available.

### Strategy and Implementation

**Working for and with the child.** In this phase, the social worker proactively asks the CICL’s interests, activities they are good at and their hopes for the future.

*“Tinanong ako ni Mam kung saan ako magaling. Sabi ko gusto kong sumali sa Palarong Bikol. Magaling kasi ako sa basketball. Pero hindi ako varsity sa school.”*

*“I was asked what activities I excel. I told her that I wanted to join the Palarong Bikol. I am good in basketball but I was not a member of the varsity team in school.”*

- Jericho\*, 21 years old, former CICL



When the Naga City social worker develops the Diversion Program, CICL are also being heard and are actively involved in the process. Both CICL and their parents are tasked to participate in family counseling, attend seminars on anger management and problem solving, participate in community activities, make restitution to victim and pay fines. But more than that, the social worker makes it a point to help the CICL gain confidence in his/her skills by building on their talent as part of their individualized Diversion Program – whether be it in sport or academic skills.

***Building on Parent Effectiveness.*** Parents should be the primary source of guidance for CICL and as such, social workers prioritize parenting programs to develop effective parenting skills. Parents and guardians are typically cooperative and comply with the program. Within the course of the CICL's Diversion Program, social workers also observe an improvement in the knowledge and attitudes of parents toward child rearing, a decrease in child beating in some instances and increase in the efforts to talk to the child and explain wrong doings.

Since Naga City implements community-based Diversion Programs, social workers

find it effective to work beside parents who are supportive of the transformation of the CICL. As one of the City Government's CLJIP outcomes, social workers ensure that the children are successfully rehabilitated and reintegrated to their families through family therapy. As part of the program, the CSWDO provides effective parenting and responsible parenthood seminars and individual counselling to parents. It also links with religious organizations to provide psychosocial and spiritual activities to parents to make them more effective in nurturing a home with love, care and understanding among members of the family.

Effective parents are also instrumental in the customized Diversion Program of the CICL. Typically, social workers manage 15 cases at a time, often more than that. Parents provide the necessary push for their children to excel in their field and supply the frequent reminder that these individualized tasks are ways for the CICL to show their genuine reform.

### **Success Stories**

Jericho's\* record indicates that he was apprehended for violation of the local ordinance of curfew. His community-based intervention program provided a venue for him to air his sentiments to his mother. As a result, his parents were required to attend the Parent Seminars hosted in their barangay. Through the seminar, the parents were expected to become more understanding with Jericho, which would eventually result to an improved relationship for both. Now 21 years old and working in the city, Jericho looks back at the experience with a smile since he is able to develop his self-confidence through sports and at the same time, got a chance to make amends with his parents.

Jonel\*, on the other hand, had a very different experience. He was 17 years old when he was apprehended for committing theft in the public market. Since his parents were not able to provide proof of his age, he was forced



to spend the night in the city jail. Jonel said it was the longest night he ever had – feigning sleep so as not to get the attention of his cellmates, he could easily smell the sweat of the next person inside the jail. He dared not to make a sound.

After providing the necessary documents proving Jonel's age, Ms. Shiela, the social worker talked with Jonel the following morning. It was revealed that Jonel's family was undergoing a financial crisis and he was so hungry when he made the decision to shoplift the food item in the public market. Jonel's father, a carpenter, was with him when he met with Ms. Shiela. He was so surprised with the incident since Jonel never had any trouble before and was considered a good student in school.

Part of the Diversion Contract that Jonel signed indicated that he would participate in anger and problem management seminars of the City. Being absent in school for a few weeks, his parents were asked to make sure that Jonel would go back to school. On top of the counselling that both Jonel and his parents received, they were also referred for financial assistance from the City Government. The summer following the incident, Jonel was recommended to participate in the summer job program of the

City to earn extra money to support his academic expenses for the incoming school year. Jonel's case was never disclosed to anyone except to his parents and classroom adviser.

Notable in the diversion program of Naga City is the inclusion of activities of which the client is good at. Since Jonel, during the planning stage, mentioned that he was good at playing basketball, the social worker included basketball as one of his activities in the diversion program. His participation in the said sports activity was not limited with playing. He was also encouraged to organize basketball tournaments in his community. With this strategy, Jonel did not only enjoy the intervention but his organizing skills and leadership potentials were developed.

Six years after the incident, Jonel is now an ALS teacher advocating for the return to education of Naga City's children at risk. He shares that he can connect more with these kids since he has a personal understanding of how it feels to stop schooling and the typical shame that one encounters when they initially attend the lesson. He says that as an ALS teacher, his goal is to encourage out-of-school youth to try education again and entice them, if possible, to give formal education a second chance.

## ENABLING FACTORS

**Working for and with the child in designing and implementing Diversion Program**

**Building on Parent Effectiveness**

## LESSONS LEARNED

Getting the child's participation, involvement and commitment to his/her Diversion Program ensures that the program is responsive to the needs and strengths of the child, the accountability is commensurate to the capacity of the child, and the completions of tasks and conditions under the program result to genuine transformation in the life of the CICL. Remorse and accountability is immediately recognizable when the child owns up to the efforts that he/she is capable of doing to make amends to the victim and the community.

Investment in a truly effective family intervention program can enhance the awareness and parenting skills among parents and communities' ability to providing support and driving positive influence on the values of children.

## GOOD PRACTICE EXAMPLE

Naga City Local Social Welfare and Development Office

**Child's Participation in Developing and Implementing the Individualized Diversion Program**

## B. IMPLEMENTATION PHASE

### Good Practice Thematic Area: *Role of the Court Social Worker and Priority to Alternative Measures to Detention*



“The court and LSWDO social workers posed for a picture with the JJWC Research Team after the documentation of the RTC-Branch 1 (Batangas City)’s good practice”

The capacity of the Court or LSWDO social workers to properly assess, monitor, and report the evaluation of their clients (CICL) play a crucial role in the effective case management of a CICL. Social workers draw up reports that describe and assess the background of the child detailing aspects of the family, health and education to be able to determine the best course of action in response to the child’s offense. These case study reports are especially relevant in deciding on ‘borderline cases’ of diversion such as re-offending CICL or cases wherein the Diversion Committee is uncertain

whether diversion or an alternative measure to detention is suitable for a child. Social workers are also instrumental in shaping up the appropriate diversion program or alternative measures to detention under a disposition measure that would address the unique need of a child including provision of necessary support to the child and his/her family to complete the program requirements. Further, social workers function as the monitoring officers who track and oversee the supervision orders of the court alongside the child’s family, school and community.

## The Batangas City Branch 1 Experience



### Good Practice Criteria

*The Batangas City Regional Trial Court Branch 1 noted a final weighted average of 3.20 from the good practice rating. Through the initiatives of the court social worker and close coordination with the LSWDO, Batangas RTC Branch 1 effectively addressed the needs and issues of the CICL brought in its court. The practical use of various means of monitoring tools such as journals, counselling and house visits guaranteed the effectiveness of the post-trial alternative measures to detention. The court adopted the typical strategies laid out by the Supreme Court and conformed to the set standards especially for CICL on suspended sentence.*

### Strategy and Implementation

On the conduct of diversion, before the possible arraignment, the Diversion Committee composed of the branch clerk of court, assigned court and LSWDO social workers, lawyers of minor and complainant, public prosecutor, CICL and parents of the child and complainant, convene for a meeting to discuss the case if the same is qualified for diversion. The process, advantages and conditions of the program is fully explained to all involved parties especially to CICL, parents and complainant. They ensure that discussions during the conference have been understood and agreed by the involved parties. Conditions in the diversion contract are varied based on the nature of the case and CICL's circumstances. The same is signed and implemented. The LSWDO and court social workers work together for the monitoring of cases particularly on the compliance of the child and parents in the diversion program.

The court also ensures that methods employed in handling/facilitating children's cases particularly during hearings are child-friendly. Discussions on cases are held privately at the court's office away from public audience.

### The Role of the Court Social Worker

**Building Trust with Clients.** The Batangas City court social workers mentioned that the

process of court diversion or alternative measures to detention starts with building rapport and trust with the CICL and their parents. The court social worker, together with the LSWDO social worker, comes up with an intervention plan with the child and family, which is typically composed of skills training, informal education, and job placement. She also coordinates with other partner agencies to ensure provision of complementary interventions.

**Coordination with the LSWDO Social Worker.** The Batangas City court social workers typically work hand in hand with the LSWDO social workers in tracking the progress and rehabilitation of the CICL. Aside from the quarterly meeting with the CICL, the court social workers also rely on the continuous assessment of their colleagues from the LSWDO to determine if the program shall be terminated or extended based on the progress of the CICL. Likewise, a periodic progress report is submitted to Judge Florencio Arellano for reference in deciding CICL cases.

**Monitoring.** In terms of monitoring, CICL are required to report quarterly in the court. If the child fails to comply with this requirement, their parents are directed to attend the meeting. CICL are also directed to write journals indicating their daily activities and significant experiences. These journals serve as the starting point of discussions and

interviews with parents, barangay officials and home visits that are usually conducted by court social workers, in coordination with the LSWDO social workers. It also helps the social workers and the Diversion Committee in monitoring the compliance of the CICL with the program.

***Assessment for Diversion and Disposition Measures of CICL under Suspended Sentence.*** The court social workers lead the assessment on whether the child will be subjected to diversion or not. They base their assessment from the collateral interviews, home visits and one-on-one interview with the CICL and family. Their assessment report forms part of the determination of the Diversion Committee on the diversion of the CICL case. Further, according to Atty. Glenda King, Branch Clerk of Court, Judge Florencio Arellano, presiding judge of RTC Branch 1, 4<sup>th</sup> Judicial Region, provides premium to the recommendation of social workers especially when the recommendation is for the discharge of CICL from supervision after the objectives of disposition has been achieved.

***Priority to Post Trial Alternative Measures to Detention.*** It is worthy to note that Judge Arellano prioritizes the release of the child to their parents on their disposition measures for CICL under suspended sentence. For this intervention, the judge considers the willingness and capacity of the parents to provide close supervision and guidance. If immediate family is not prepared to take custody, supervise and monitor the child, the court social worker explores the possibility of tapping the child's other close relatives. Otherwise, the child will be placed in a youth care facility such as the DSWD Regional Rehabilitation Center for Youth or National Training School for Boys.

While the Batangas City RTC Branch 1 considers the gravity of the offense as a factor whether a CICL is eligible for alternative measures to detention under their disposition measure, the court social worker emphasizes that the best interest of the child and their

community is also of utmost consideration in the disposition of cases.

The court, with the assistance of the LSWDO, also ensures that the child who has been reintegrated with the parents is provided with an intervention plan that typically consists of financial assistance, trainings on employable skills, livelihood assistance or job placement, counselling services and enrolment to Alternative Learning System (ALS) of DepEd, if out of school. Conditions are also set by the court to ensure that the child is guided properly and complies with the conditions set under the disposition measure. Such conditions may include, but not limited to, child and parents' reporting to the court or LSWDO and non-relocation of the child unless a request is submitted to and approved by the judge. It is also important that the CICL will not be involved in any further offense – minor or major, and that the child will participate in community service and other services provided by the LSWDO or barangay.

### **Success Stories**

Most of the former CICL rated their experience and results of the alternative measures with 10 out of 10. They shared that the disposition measure helped them realize the effects and consequences of their previous actions; hence they became more mindful with the decisions that they make. Further, former CICL appreciate the chance to change their lives for the better outside the jails and detention centers. Former CICL also noted that the entire experience made them realize the gravity of their offense and promised themselves not to engage in similar actions, which could land them in jail and would cause suffering to their families and communities, especially to their parents. They started to value their freedom and their relationship with their family better and appreciated the monitoring and supervision of their parents in their daily affairs after overcoming the challenge.

Former CICL observed that the treatment of their relatives and communities have significantly improved as they are no longer labelled as delinquents (*salot*), noting that the stigma they have felt during the initial stages is replaced with acceptance, respect and trust. Others claim that they are now invited to certain social gatherings and activities by their relatives or neighbors whereas they have been shunned before. This has been verified by a LSWDO social worker who describes the difference on the treatment to the CICL, which she has observed before and during or after the program. Seeing the transformation of the child from being labelled as the community headache or black sheep of the family to being a law-abiding and productive citizen, the community now shows respect and acceptance to the child. Recidivism is no longer observed in the cases they handle.

Rey\*, who committed theft, mentioned that his experience with the court, including the interventions provided to him such as enrolment to ALS, provision of school supplies, food assistance to family, counselling, and involvement to community service in the barangay brought significant changes in his life - physical, spiritual and psychosocial aspects. He became closer to his parents. He observes that his community treats him better now, as there are no longer labels attached to him. He is very happy with the results of the interventions because he has learned to do things properly and within the bounds of law. He is now aware that he can get what he desires without inflicting harm to others and disobeying the law.

*“Natugunan po lahat, yung pananalig ko sa Diyos, pisikal na anyo, ang dami pong nagbago, ang daming natulong sa buhay ko.... sila nagturo na matakot ka sa mga kakalabasan ng gagawin mo, kailangan mag-isip ka muna bago mo gawin... Ang daming pinagkaiba, dati ilang sila (barangay o kapitbahay) at iniisip na mukhang wala akong gagawing mabuti, ngayon ok na.*

*Malayo na daw sa dating ako. Nagpapasalamat ako kay Judge at sa magulang ko, kung hindi nila ako inalalayan baka nakakulong ako... Happy ako kasi sa buhay ko ngayon hindi katulad ng dati na gagawa ako ng masama para makuha ko lang gusto ko, ngayon sa mabuting paraan ko na kinukuha yung perang tinustos ko sa sarili ko at sa tulong ko sa magulang.”*

- Rey

## ENABLING FACTORS

**Designation of court social worker focused on managing the cases of CICL**

## LESSONS LEARNED

A social worker who is focused in handling the case of the CICL under diversion or disposition measure can provide the Diversion Committee and the judge a thorough understanding of the background of the CICL and the circumstances surrounding the offense. The court social worker can also prescribe a suitable and effective intervention program addressing the specific needs of the child and the complainant.

**Monitoring of CICL case**

The strict monitoring of CICL at the community level provides a more thorough sense of accountability not just of the CICL but also of the complainant. Monitoring ensures that aspects of the disposition measures are followed and that the community is involved in the process of healing by following through the progress of the child in making amends with the victim/complainant, and reintegration in the society.

**Close coordination with the LSWDO Social Worker**

Close coordination of the court social worker to the LSWDO social worker ensures a seamless implementation of the program.

## GOOD PRACTICE EXAMPLE

**Batangas City Regional Trial Court Branch 1**

**Role of Court Social Workers and Priority to Alternative Measures to Detention**

## Good Practice Thematic Area: *Capacity of the Social Worker*



“Mr. Regalario during an interview with a CICAL in Calamba, Laguna”

While social services and the justice system are two distinct spheres, cases of children in conflict with the law require the social worker’s familiarity and cadence in the country’s judicial system to be able to make a positive and sustainable impact in the child’s behavior, circumstances, and future decision-making.

One of the challenges in implementing programs for CAR and CICAL in the Philippines is the reality of heavy workload assigned to social workers, the lack of working knowledge on laws surrounding child rights and child protection and even simply the nature of their work, which requires presence in responding to subpoenas and appearing in court for issues pertaining to CICAL.

### *The Calamba, Laguna Experience*



#### Good Practice Criteria

*The LSWDO of Calamba City garnered a final weighted average of 2.55 from the good practice rating. As validated, they have regular budget for the CICAL and CAR concerns including diversion and always keep track with the progress of the CICAL cases. Likewise, the duty bearer has conformed with the set standard and guidelines in implementing diversion among CICAL. The commitment and clear understanding of the social worker on the process ensured the responsive conduct of diversion in the City. By soliciting the support of the members of the BCPC from the different barangays in Calamba, the LSWDO effectively addressed the varying needs of its CICAL despite human resource constraints.*



At nine o'clock in the morning, Mr. Regalario, the lone social worker handling CICL cases in the local government unit of Calamba, is rushing to get back to the office after securing snacks for the series of meetings he has that day. The night before that, he had to stay up late coordinating with the police who had questions on a child in conflict with the law that they apprehended the week before. The weekend prior to that, he had to accompany another minor who needed to be brought to a rehabilitation facility 65 miles away from the City. The day, which should have been spent sleeping or catching up with household chores, was devoted to making sure that the police bring in the CICL to the facility safe and sound. This is just a typical work week for Mr. Nicolas Regalario as the social worker assigned to managing cases of CICL in the City.

### **Strategy and Implementation**

In a city with a population of about 400,000, being the only social worker tasked to cater to the needs of the CICL and CAR is no easy feat. In a job typically defined by constant interruptions, urgent cases, and piling paper work, efficient prioritization of cases, resource mobilization and building the capacity of other duty bearers are crucial to get things done for the best interest of the children in one's jurisdiction.

***Coordination and Collaboration with DILG, LCPC, BCPC and NGOs to augment resource constraints.*** Given the limited staff members of the LSWDO who can help him to facilitate the increasing number of CICL cases in the City, Mr. Regalario, in support of his management, coordinated with the City (Local) Council for the Protection of Children and local DILG to organize the BCPC and equip its members with the necessary competencies to perform their function under RA 9344 as amended. Through the issuance of DILG Memorandum, barangay chairpersons were encouraged to attend the capability building activities along with their respective staff members. The DILG in

partnership with the City's LCPC and SWDO, conducted orientations on special laws pertaining to child protection and meetings in the formation and establishment of the BCPCs. Further, Mr. Regalario ensured that he was able to maximize the available resources in the City to support this initiative. In partnership with the Open-Heart Foundation and Consuelo Foundation, the LSWDO was able to train barangay officials, staff members and volunteers on children's rights, restorative justice and proper handling of cases involving minors. Through these capacity-building activities, the barangay officials became aware of their roles and responsibilities in streaming children's rights and proper implementation of RA 9344 including diversion.

The engagement of DILG and LCPC, of which CSWDO is a member agency, to the barangays did not stop with capacity-building. They also conduct monthly meetings with the Barangay Women and Children Concerned Desk through the support of PNP-WCPD on the monitoring of children's cases. Reports of said monitoring are submitted to CSWDO for consolidation and reference. Through this collaboration, the referral system of child related cases including CICL has been institutionalized at the barangay level. Protocol on handling CICL cases is now strictly observed and implemented. There is continuous coordination and collaboration between the LSWDO and BCPCs in handling CICL and CAR cases at their respective levels (i.e. monitoring of CICL's compliance with diversion contract, attendance of the families in the positive parenting sessions, and provision of community service to CICL).

According to Mr. Regalario, the initiative to empower and capacitate the BCPC members of the 54 barangays of Calamba City is very beneficial as the coordination has become smooth and cases elevated to LSWDO has been decreased as the Katarungang Pambarangays and BCPCs have already knowledge on the protocol. The late-night calls or the necessity to visit the community

on weekends grew less. The barangays have become active partners of the LSWDO in the implementation of programs and services for CAR and CICL such as diversion.

### ***Clear Understanding of the Role Played by the Social Worker in the Diversion Process.***

After being notified by the City's WCPD on the arrest of a minor, Mr. Regalario immediately assesses the circumstances and urgent needs of the child. If the CICL is found to reside outside the jurisdiction of Calamba City, he immediately facilitates the turn-over of the child to the social worker of the LGU where the child resides. During the turn-over, he makes sure that the initial assessment report, CICL's medical certificate and other documents related to the apprehension of the child is provided to the receiving LGU.

If the CICL is found to be a victim of abuse, abandoned or neglected, he immediately files a court petition for involuntary commitment of the child. The child will then be referred to a foster care or youth facility while waiting for the court's decision on the petition.

Within a week from the turnover of the child to the Calamba LSWDO, Mr. Regalario makes sure that he completes the assessment of discernment of the child in the accused crime. The presence or absence of discernment must be based on (1) facts and circumstances surrounding the case, (2) level of education and school performance of the child, (3) the child's appearance, attitude and demeanor before, during and after the commission of the crime, and (4) assessment of the psychologist or psychiatrist if necessary. The report on discernment will then be submitted to the referring law enforcer. Should the child have acted without discernment, he will not be liable to any legal repercussions and will be prompted to undergo an intervention program. If the child is above 15 years of age but below 18, acted with discernment, committed a victimless crime with an imposable penalty not exceeding six (6) years, the social worker determines whether Diversion is in the best interest of the child. He then prepares a

social case study report, which serves as the basis for the recommendations for the CICL's appropriate interventions. The report also includes a narrative of the CICL's needs and situation of his/her family. If Diversion is deemed appropriate for the child, Mr. Regalario convenes the Diversion Committee, which is often attended by the members of the BCPC, representative from the school where the child is enrolled, and police representative. The meeting discusses the circumstances of the child and proposed course of action by the different members of the Diversion Committee. Should the CICL and his/her family agree to the suggested intervention during the Diversion Proceeding, they will sign the contract to signify the commencement of the Diversion Program.

In the next phase, Mr. Regalario works closely with the Punong Barangay with assistance from the members of the BCPC for the implementation of the Diversion Program. The suggested time frame for the program is at least six months to one year. During the monitoring period, he mobilizes support structures such as the Kagawad and other barangay workers to (a) visit the CICL and his family, (b) interview neighbors, teachers and other relevant figures in the life of the CICL to assess behavioral progress and (c) require the CICL to report at least once a month in the office to assess whether the rehabilitation goals are being achieved or not.

### **Success Stories**

When RJ\* was apprehended for theft in 2015, he thought it was the end of the world for him. At the age of 16, he heard a lot of horror stories from older friends who were caught by the police and were sent to jail. He never thought that he would be in the same situation for committing a petty crime with a couple of his friends in the public market. Upon arrest, he was detained for a few hours. Since his family cannot provide evidence of his age.

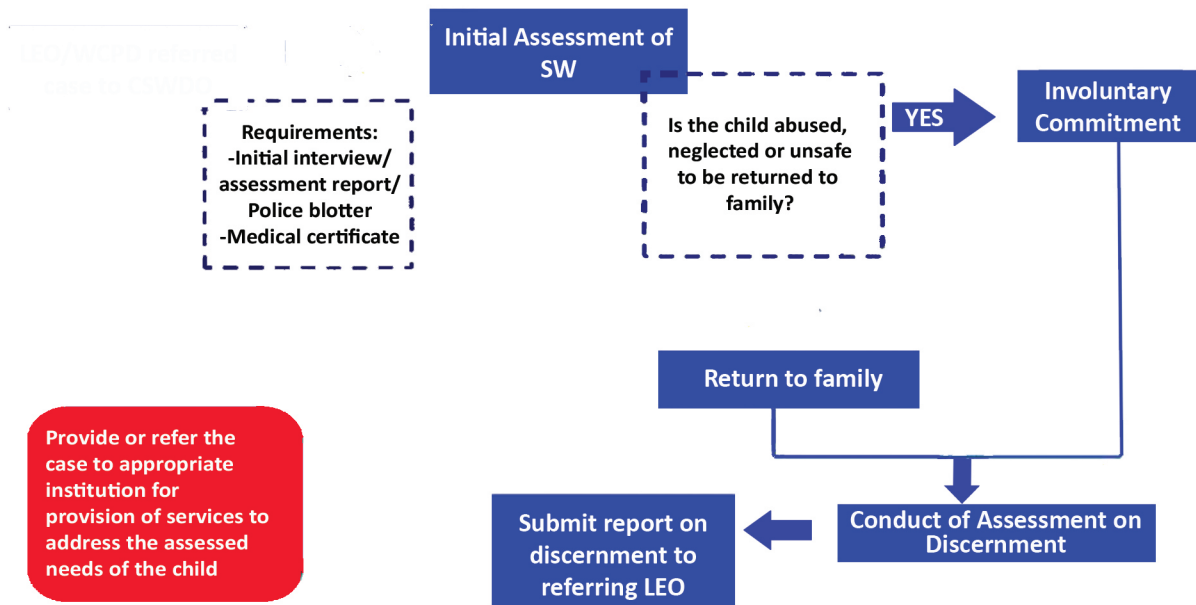
Mr. Regalario was notified of RJ's arrest early in the wee hours of August 2015. Despite the pile of scheduled activities he had that day, he went to the police station to provide immediate assistance to the child. He made initial assessment, which includes probing and determining RJ's age. He also provided assistance to RJ's family to secure the document proving he was a minor.

From that day on, Mr. Regalario worked closely with RJ. They spent hours talking about RJ's life and his mindset when he committed the offense. Despite making a mistake, RJ felt that he had found a friend in Mr. Regalario. Through his help, RJ was able to discuss his issues with his mother, which paved the way to reconciliation in their strained relationship.

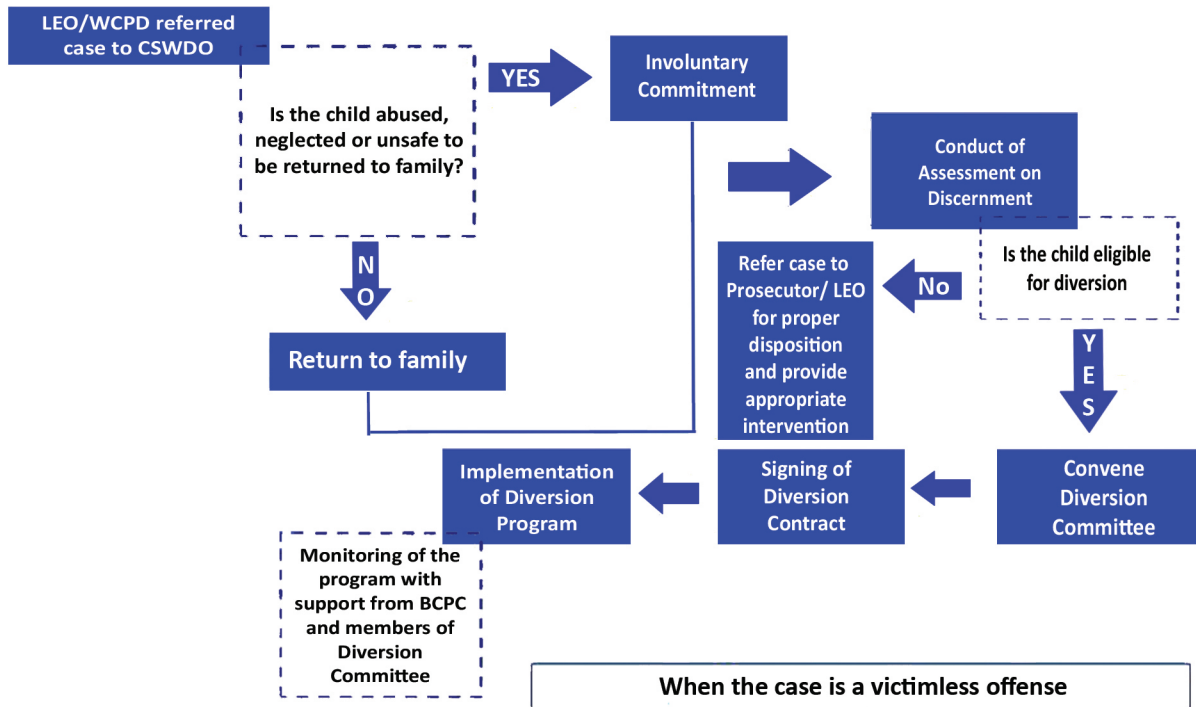
RJ was eventually committed to the Second Chance Home in Calamba while waiting for the result of his Diversion Proceeding. He shared that the time spent away from his family and friends made him realize the freedom and relationships that he would lose if he would continue aggravating the law. He needed to turn a new leaf and Mr. Regalario had been instrumental in giving him that.

RJ shares that the design and implementation of his Diversion Program helped him find ways to be more productive of his time, rediscover his desire to learn, and develop a healthy respect for the law. Eighteen (18) months after completing his program, RJ went back to the Calamba LSWDO to inspire fellow CICL to make a better life and serve as a proof that even CICL like him can still change given the right nudge and opportunity.

Figure 5: Calamba CSWDO Practice Flowchart on Handling CICL Cases



When the case has been referred by the police and not victimless offense



When the case is a victimless offense

## ENABLING FACTORS

**Resource Mobilization and prioritization of CICL cases**

**Empower and build the capacity of other duty bearers, partners and other stakeholders**

## LESSONS LEARNED

Efficient prioritization of cases and resource mobilization hinge on the reality that a social worker has only a limited time, human and financial resources in a day to attend to all the cases of CICL in their jurisdiction. The ongoing process of setting proper expectation with clients and supervisors, setting goals in a day or a week and recognizing better and new strategies for a practical, simple, yet systematic and robust day is crucial to a job with multiple and fluid demands.

Empowering and building the capacity of other duty-bearers, such as the BCPCs, the partners and other stakeholders is the key to ensuring that the program is implemented as planned. By teaching other duty-bearers and partners on the standard protocols in conducting diversion and providing intervention for CICL within their respective levels, the best interest and rights of the children are promoted.

## GOOD PRACTICE EXAMPLE

Calamba City, Laguna

**Capacity of the Local Social Welfare and Development Office Social Worker**

## Good Practice Thematic Area: Innovative Diversion Program



Due to the technical and often rigid nature surrounding the assessment of eligibility and implementation of diversion strategies in handling CICL, most social workers and members of the Barangay Council for the Protection of Children often subscribe to the menu of interventions as indicated in the Comprehensive National Juvenile Intervention Framework such as doing community service, attendance in relevant workshops and seminars, and participation in competency and life-skills development activities. While these interventions are often adopted to guide the youth in rethinking their

lives and moving forward from their past mistakes without getting a permanent criminal record, these prescriptive programs may not always address the specific needs of the CICL and thus, may fail to curb the possibility of misdemeanor or re-offending.

In a society where the barangay council is just but a handful group of adults, some on a volunteer status, guiding energetic and passionate young individuals who often mingle with like-minded peers, how do duty bearers ensure that the options offered by the Diversion Programs are truly effective yet innovative and engaging to the CICL?

### ***The Barangay Mintal, Davao City Experience***



#### **Good Practice Criteria**

*The thorough understanding of restorative justice by the members of the Diversion Committee at the barangay level facilitated the adoption of an effective diversion. This was attested by the zero recurrence of repeat offense by former CICL. Moreover, by fostering a genuine relationship and building the trust with their youth, Barangay Mintal was able to enhance the typical programs of diversion to work around the strengths and weaknesses of their CICL while ensuring the CICL's realization of accountability from their former misdeeds in the process. It was also observed that the barangay had an efficient documentation system in place which made the innovations on diversion easily understood and replicable by other duty bearers.*

Barangay Mintal is categorized as an urban barangay from the third district of Davao City. With a total population of 12,518, Barangay Mintal is just a small village in comparison with its neighboring barangays.

Having a poverty incidence of 20.5% during the first quarter of 2015, council members of the Barangay Mintal BCPC disclosed that two of the most common offenses committed by the CICL in the community were theft and illegal use of industrial glue (rugby). Further, it was also noted that gang ramble was a frequent occurrence in the community.

The BCPC in Barangay Mintal, Davao City had been implementing their Diversion Program for CICL for more than four (4) years. Despite input of various interventions, the barangay social workers and council members have observed that most of their youth completing the Diversion Program were repeatedly exposed to the same anti-social activities and often involvement in crimes involving their peer groups.

Several interviews with former CICL and their families further revealed that stigma in the community is one of the common challenges faced by the youth accused or adjudged to having committed a crime. CICL often bear the stigma of criminal behavior, which makes it more difficult for them to be accepted back into their communities. In other cases, CICL earn a reputation among their peers as being 'cool' for being accused of a crime, yet sidestepping jail time since they are still minors. CICL are the victims in both scenarios since they are subjected to an intensified pressure to engage in any form of misdemeanor.

### **Strategy and Implementation**

**Fostering Relationship with CICL.** As a starting point, social workers and council members should win the confidence of their clients – CAR, CICL and their families. By building trust with the youth and gaining genuine understanding of the lives of CAR

and CICL, social workers and members of the BCPC get to know the youth more – their strengths and weaknesses, their fears and interests, and the circumstances that tempt or led them to commit a crime. Having direct access to the experience of CICL before, during, and after the Diversion enable duty bearers to think of customized approaches in implementing the diversion program so as to address the usual challenges faced by the youth when they go back to their communities. Paying attention to the interests and strengths of a child enabled members of the Diversion Committee to imagine other effective intervention plans outside the usual tasks which could be both effective in helping the youth realize their remorse and at the same time, play on their strengths so as to inspire them towards more productive use of their time even after the delivery of the program.

**Tapping available resources.** BCPC members of Barangay Mintal understand that they cannot rely on their own resources to come up, support, and sustain effective programs for their youth especially CAR and CICL. As such, the Barangay Mintal Council, headed by their Barangay Captain, started asking their network for potential partnership in addressing the needs of their CAR and CICL.

When then Barangay Mintal Councilor Rey Amador Bargamento approached the Base Camp Dragon Boat Team, he was only considering an opportunity of community look into the possible engagement and training of the youth by the rowing team indicate that the program is an ideal venue for the CICL to channel their passion and energy into sports. The discipline imparted by the Base Camp trainers during their Saturday sessions helped the CICL to develop teamwork and practice the value of respect to authority and property as a crucial component of a healthy society. More importantly, the sports tapped into the leadership potential of CICL.



At ease with their mentors. Former CIGL pose for a selfie in between break of the Data Validation of Barangay Mintal Diversion Program.

**Structured Program.** It must be clarified that the inclusion of the training by the Base Camp Dragon Boat Team is not a stand-alone Diversion Program but rather it is part of a set of interventions included in the Diversion Contracts of the CIGL in Barangay Mintal, Davao City.

Similar to other diversion proceedings, the CIGL and their parents initially meet with the Diversion Committee to discuss the personal circumstances of the child, the offense committed, its corresponding penalty and the assessment of the social worker on the child's discernment in acting on the offense. Members of the Committee then raise their suggestions for the Diversion Program (Participation in the training of the dragon boat rowing team, urban gardening, etc.) as documented in the Diversion Contract. Should the child and his/her parent agree to the requirements of the Diversion Contract, they will affix their signatures in the document then the program commences.



*"Iyang si Jose\*, .... dating leader yan ng isang malaking gang dito sa Davao. Nung nahuli siya ng mga pulis at dinala sa barangay, nakita namin ang potential ng bata sa leadership. Ngayon, isa na siya sa mga youth leaders namin sa barangay. Pag 'yan ang nagsalita sa mga kapwa niya kabataan, sumusunod talaga."*

*"Dati kami ang humahabol sa mga CIGL – habol as in habol in a violent way. After what we started in 2016, ang mga CIGL na ang pumupunta sa barangay namin. Biro nga ng isang kagawad namin, 'Mingaw man kayo kay wala ng riot'."*

*"Jose... who used to be the leader of a big gang here in Davao. When the police brought him here in the barangay, we immediately saw his leadership potential. He is now a youth leader in the barangay. Whenever he says something, his peers follow his lead."*

*"We used to chase after CIGL – the chase was often in a violent way. After the program in 2016, the CIGL are the ones who go to the barangay. One of our council members jests, it gets lonely now that there are no riots'."*

*- Then Barangay Mintal Councilor Rey Amador Bargamento*



The training from Base Camp serves as the unique element in the CICL's diversion contract. Every Friday night, CICL in Barangay Mintal gather in the barangay hall for dinner in preparation for their early training the following day. As early as six o'clock in the morning, everyone is geared up to take the 30-minute travel to the seashore where Base Camp is housing their boats. Upon arrival, CICL greet their instructor and prepare for a thirty-minute stretching exercise.

During the first three weeks of training, the CICL just familiarize themselves with the paddling commands and simulate the movements required in carrying and rowing the boat. On their fourth week, the CICL team is deemed ready to lift the 600-pound boat into the shore and do the actual paddling. The exercise often last for two to three hours. Before noon, the CICL team prepares to return the boat into the Base Camp site and share their lunch before heading back to the barangay hall of Barangay Mintal. The entire activity often leaves the CICL exhausted yet satisfied with their work.



Gino\* expresses his gratitude to the Barangay Mintal social worker and BCPC members for giving him a chance to change his life for the better through the Diversion.

*“Sabay sabay po kami dapat pag-row as a team kasi ‘pag hindi, may possibility na mag-break ang gitna ng boat. Masaya ako kasi kasama ko ang mga kaibigan ko dito.*

*Na-challenge din ako kasi mahirap mag-paddle. Dapat parang may iisa kaming isip*

*tsaka aware at mag-follow sa commands ng Team Captain.”*

*“We should row in unison as a team otherwise; there is a possibility for the boat to break in the middle. I am happy with the training since I get to spend time with my friends.*

*I was also challenged since it was difficult to paddle. We should practice team work and be aware to follow the commands of the Team Captain.”*

*-Gino\*, 17 years old, former CICL*

### Success Stories

Former CICL of Barangay Mintal share that the training and discipline they received when they were completing their Diversion Programs were instrumental in their lives as they continue their education or proceed to find their own work in the private sector or in the government.

All the ten (10) former CICL are now tagged as Youth Champions of the city. Instead of leading their friends in engaging with illegal and risky activities, these Youth Champions now serve as role models for their peers.

## ENABLING FACTORS

**Fostering Relationship with CICL**

**Tapping available resources**

**Structured Diversion Program**

## LESSONS LEARNED

Gaining the trust and confidence of CAR and CICL and their families provide the social workers and members of the Diversion Committee a better understanding of the circumstances of the child. Genuine understanding of the children's strengths and weaknesses, as well as their daily environment, enables duty bearers to draft a more effective program which addresses the needs of their clients.

One percent (1%) of IRA from the barangay is often not enough to craft and sustain responsive programs for children. It helps to explore potential partnership with CSOs and other organizations within the locality to augment the limited resources of the barangay.

A structured Diversion Program is crucial especially if the duty bearer is implementing innovative interventions with the children. The structure ensures that the key principles of restorative justice are still being adhered to by the program implementers.

## GOOD PRACTICE EXAMPLE

Barangay Mintal, Davao City

**Innovative  
Diversion Program**

## C. MONITORING AND EVALUATION/DOCUMENTATION

### *Good Practice Thematic Area: Monitoring*



Manang Linda\* was teary eyed as she shared appreciation of the barangay social worker for continuously guiding James\* even after a year of completing his Diversion Program. She noted that their family's relationship had improved immensely after James' encounter with the law.

The purpose of program monitoring is often two-fold: (1) to identify the shortcoming in the delivery of tasks as laid out during the planning stage and (2) to improve the accountability of the target population and other stakeholders. In the context of a Diversion, strong monitoring mechanism is essential to support and sustain compliance of all signatories of the diversion contract.

In most cases, monitoring of CICL cases comes in the form of logbooks, diaries, monthly scheduled meetings in the social worker's office or in a barangay hall and the periodic attendance to skills training and community activities. Often, social workers

and other members of the Diversion Committee complement these formal mechanisms with informal means of monitoring such as 'kumustahan' in the barangay and unscheduled visit in the CICL's schools and communities. While these monitoring practices were observed in the work of most duty bearers, how does one differentiate an effective monitoring from ineffective ones? What are the indicators that a duty bearer should consider to ensure that follow through is not done simply as compliance but rather to facilitate genuine accountability of the CICL and remorse for the wrongdoing?

## The Davao City Experience (Paquibato and Poblacion Districts)



### Good Practice Criteria

*The districts of Paquibato and Poblacion from Davao City secured a total weighted average of 3.07 from the good practice rating. It has been noted that based on their self-assessment ratings, both districts are high in improved participation of involved parties in diversion, addressed needs of CICL, monitoring, and documentation. During the data validation, it has been observed that the family or relatives of the CICL are involved in monitoring the compliance of the CICL in the conditions indicated in their respective contracts. The district offices ensure that at least one (1) relative participates in the implementation of program to guide and encourage the CICL to successfully complete the same and eventually rehabilitate and reintegrate with the community. The availability of social worker in each barangay also helps in the easy monitoring of the child's progress. The social worker, given the manageable work load, is able to assess and reassess the problems and needs of CICL and family and provide the appropriate interventions. Likewise, the availability of enough financial resources for each district allows the social workers to provide after care services for sustainability of the positive effects provided by the diversion program.*

What sets Davao City apart from most LGUs in this study is the appointment of a licensed social worker in each of its 182 barangays. This number allows localized reporting and immediate response to various needs for basic services within the districts of the City especially on the needs of the CAR and CICL. For example, when a child in conflict with the law is apprehended by the police for an alleged commission of a crime, the social worker who conducts the initial assessment while the child is still in the custody of the police is often someone familiar to the community where the child has been raised – knowledgeable of the child's background down to the street where he/she has been raised.

With a more focused and smaller community to serve, social workers, together with the members of the BCPC, often conduct a regular house-to-house visit with the child and his/her parent to track whether the terms and conditions laid out in the Diversion Contract is being followed. It is also more feasible to conduct a regular case conference to discuss the progress of the child with his/her parent or guardian. Having a dedicated social worker in each barangay

makes it more viable to do case counselling whenever necessary.

### Strategy and Implementation

**Measurable intermediate outcomes during and after the diversion program.** Social workers from the Paquibato District of Davao City shared that they have a three-fold objective in monitoring the Diversion Program they implement: (1) to assess the compliance of the child and his/her guardian, (2) make sure that progress is being made, and (3) ensure that all aspects of the Diversion Contract are still appropriate within the program and the possible modifications, if necessary. Indicators are being developed to evaluate if these objectives are met in the program implementation.

The outcome of the first objective is easier to monitor since it only asks whether each item of the Diversion Contract had been followed (i.e. Does the child attend the spiritual formation activity every Sunday afternoon? Did the child enrol in formal or informal schooling? Did the parents participate in the Parent Effectiveness workshop of the

barangay?). The second objective is more nuanced since this no longer follows the yes or no category. Social workers mentioned that in this case, they utilize the assessment report they prepared at the onset of the diversion. The report typically details (a) the facts and circumstances of the child when he/she committed the offense, (b) the status of his or her education, (c) his or her appearance, attitude and demeanor before, during, and after the commission of the crime and (d) assessment of a psychologist if applicable. These details in the report does not only serve as a reference in designing the individualized program for the CICL but also as measurable indicators in tracking the progress of the child while interventions are made and the sustainability of their impact even after the child has been issued a Certificate of Completion at the end of his/her Diversion Program. This strategy ensures that the house visit, counselling and monthly 'kumustahan' are directed.

The strategies of monitoring remain the same for both districts during the conduct of the Diversion Program and in after-care, which typically last for six (6) months to one (1) year.

The City's social workers also conduct monitoring to ensure that the interventions identified in the diversion contract are still appropriate and responsive to the needs of the child.

In Jenny's\* Diversion Contract, her parents agreed to accompany her to and from the school to ensure that she would no longer be swayed to spend time with her former peers who already dropped out of school. Two months into the program, her parents and social worker observed that Jenny no longer showed an inclination to visit her former hangout place. To demonstrate trust and confidence in Jenny's self-discipline, her social worker and parents both agreed that they would no longer accompany Jenny on her way to school but rather she would only

have to observe a curfew at four in the afternoon.

The decision to modify the conditions of Jenny's program is based on the reality that it will not be possible for the parents to be ever present in each step of Jenny's decision-making process and a recognition that part of the intervention is to ensure increased sense of self-accountability of Jenny. The decision to stay away from peers who instigate delinquency must be a personal choice. This behavior modification must only be prompted and sustained through proper guidance and reminders from Jenny's parents.

**Proper Documentation.** To ensure that the interventions/activities are implemented and objectives in the contract are accomplished, proper documentation of the process including the compliance with the Diversion contract and the results is being observed by the social worker in the districts of Paquibato and Poblacion. This include proper filing of logbooks of CICL, compilation of their diary entries on certain days, reflection papers after attending counselling or seminars in the church and evidence of progress in school. For instances when a child has to pay for the damage in property he/she caused, the social workers also keep track of the amount already paid by the CICL, if this is compliant to the agreed terms of payment and if not, the reason for the delay or inability to pay and possible means of income to complete the payment.

### **Success Stories**

Some CICL in Davao shared that they initially felt that the terms of their Diversion Contract were strict since they were no longer allowed out of the house after six o'clock in the evening and were required to go back to school. Months into the program, they realized that the required tasks from them were in fact still easy compared to spending time away from their families or being admitted to a youth care facility.

James\* was only 16 when he was apprehended by the police for theft. Bereft of parents and staying only with an aunt since he was young, James usually does what he wants without regard to the rules imposed by his relatives. When he was arrested, and brought into a youth facility in Davao while awaiting the result of his diversion proceeding, James had a better appreciation of his aunt and cousins who never got tired of visiting him. When he was finally reunited with his family for the duration of his Diversion, James promised to himself that he would no longer be engaged in any form of crime.

Manang Linda\*, James' 64-year-old aunt, also noticed an improvement in his behavior since he now helps in the family business of selling food for lunch at a nearby school. James wakes up very early in the morning, a habit he picked up when he was at the youth facility, to chop wood they will use for cooking. Prior to going to school, he makes sure that he prepared all the necessary pots and other cooking ingredients Manang Linda will need for the day. In the afternoon, he helps by going around the community to sell the remaining food from Manang Linda's stall.

## ENABLING FACTORS

**Measurable indicators during and after the Diversion Program**

**Responsive Monitoring System**

**Proper Documentation**

## LESSONS LEARNED

Measurable indicators are hinged on the objectives of the Diversion Program. It emphasizes the changes desired for the CICL and how to verify whether these changes had been achieved. Measurable indicators reinforce the accountability of the child in the program since the points of observation are realistic and must be easily determined.

Responsive monitoring systems ensure that the Diversion Program implemented for the child is appropriate to his/her needs and capacities. This also incentivizes the CICL to exceed the improvement he/she can achieve during the program. In other cases, responsive monitoring may address unforeseen negative impact of a certain intervention.

Proper documentation is a tangible proof to determine if the objectives of the diversion program are accomplished and tracks the efforts made by the child to make amends to his or her self, family, victim (if any), and community. It also serves as the basic document reviewed in deciding whether a child has successfully completed his/her diversion program or not.

## GOOD PRACTICE EXAMPLE

Districts of Paquibato and Poblacion, Davao City

**Monitoring of CICL cases**

## Good Practice Thematic Area: Record Keeping and Data Management



“Accomplishment reports of Mandaluyong-CSWDO on CICL and CAR from 2012-2016”

Documentation serves as the foundation of an effective monitoring and evaluation framework. If an occurrence was not written down, there will be no proof that the event materialized. This principle is especially relevant in advocating, planning, tracking and evaluating the efforts that duty bearers do for children in need of special protection such as children in conflict with the law. The processes and outcomes achieved both of diversion and alternative measures to detention must be properly documented to ensure transparency, accountability and follow through whenever necessary. Data gathered during the program implementation is fundamental to identify the lessons learned, encountered issues and challenges and strategies, which may be replicated. Monitoring and documentation can also pave the way for the allocation of appropriate budget for the implementation of programs and services for CICL and CAR.

One of the basic questions asked among duty bearers during the data validation of this research is the total number of CICL cases reported, monitored, or served in their respective localities. Only a handful of duty bearers were able to identify the number of their target and served clients in a specific time. Given the LGUs myriad of issues and concerns, the absence of data on CAR and CICL is particularly troubling since the government unit has no definitive basis whether the situation of its youth has been improving or deteriorating over the years. It is not enough that social workers cite specific cases since these case studies/reports often time fail to represent the experience of the population.



## The Mandaluyong City Experience



### Good Practice Criteria

*The LSWDO of Mandaluyong City garnered a final weighted average of 3.47 from the good practice rating. Based on the survey results, its current practice exceeds with the standards in the implementation of diversion particularly on meeting or addressing the needs of the CICL, no report of re-offending, efficiency in terms of intervention cost, availability and use of monitoring tools to track the progress of CICL, partnership and linkages, availability of regular budget that has been integrated in the LGU's annual investment plan, enough human resources to facilitate diversion cases and updated and well-documented information on its diversion and other programs and services to CICL and CAR. Similar with the other duty bearers documented for this study, LSWDO-Mandaluyong City has innovative diversion programs for eligible CICL, provides comprehensive and multi-disciplinary approach to cases, have good monitoring system in partnership with the BCPC and strong collaboration with partner NGOs and CSOs. However, its regular and complete documentation of the activities and services related to the rehabilitation and reintegration of CICL in a community-based approach makes it distinguishable and unique from other duty-bearers. Its commitment to have well-documented interventions provide better opportunities for the LSWDO to implement more and appropriate services not only for CICL but also to all the children in the City.*

### Strategy and Implementation

**Effective Record Keeping.** One of the defining characteristics of the Mandaluyong City Social Welfare and Development Office is its practice of record keeping. The social worker handling CICL cases in the City sees the value of proper documentation as proof of its program implementation. By having a clear baseline data, Mandaluyong City can easily assess whether the programs designed for their CICL are effective or not. The data is also an instrumental reference for incoming employees in the Social Welfare and Development Office in instances when the outgoing officer is no longer available to do proper turnover.

The comprehensive paper-based record keeping of the Mandaluyong CSWDO also translates into the exhaustive detailing of the progress achieved by the CICL undergoing diversion. This practice allows the City's social worker with hard evidence on the changes observed on the child upon intake and during the last stages of his/her diversion program.

**Proper Data Management.** Section 43 of the Juvenile Justice and Welfare Act details the procedure in securing the information collected from CICL. While collective information may be requested for research, planning and evaluation purposes, documents such as intake reports, assessment, diversion contract, diaries and other relevant information shared by the child and his/her family are secured in their respective CICL folders by the Mandaluyong CSWDO. These folders are labelled confidential which only the social worker in-charge has access to.

Each unit in the Department produces accomplishment reports. These accomplishment reports are produced in three (3) hard copies for the records of Local Council for the Protection of the Children (LCPC), personnel in charge and as office files. Soft copies of these folders are also generated to serve as back up document. Further, all collective and individual data bear proper labels (i.e. CONFIDENTIAL – CICL, Public Document - Fiscal Year 2016 – 2017, etc).



Documentation report on the 12-module life-skill workshops continuously implemented by Mandaluyong CSWDO despite Sinag-Pangarap stopped its operations. Other activities on diversion and community-based interventions are documented and filed into one (1) folder

On a different note, the proper recording of partnership with CSOs in the City and the activities enacted from this collaboration made it possible to continuously implement the same program even without the support of the CSO. In 2013, the Mandaluyong CSWDO worked with Sinag-Pangarap, a non-stock, non-profit organization working for CICL, in the implementation of the 12-module workshops to enhance the life skills of CICL. Topics range from self-awareness, listening, negotiation and leadership, among others. These life skills workshops run for six (6) months and are followed by a retreat and actual application of the children's learnings. Application of their learnings also serves as community service of the CICL.

As mentioned by Ms. Arlene Gampal, social worker in-charge of community-based diversion, they deploy CICL to do community service where they can demonstrate efficiently their skills and talents. For her, this is what makes their community service for CICL different from other LGUs.

CICL and their parents maintain that the modules run by the Mandaluyong CSWDO are effective in building the self-esteem and leadership of the youth as well as helpful in honing the parenting skills of their parents or guardians. This was further affirmed by

Lucas\*, who was once described as a “stubborn” and “troublesome” child in their barangay. He proudly said that through his diversion program, he realized the value of family and choosing the right company of friends. His mother on the other hand, realized the importance of time to bond with her children. Now, Lucas is a scholar and student leader of an organization. He became closer to his mother and they provide more time for each other.



## ENABLING FACTORS

**Effective Record Keeping and Proper Documentation**

**Budget Allocation**

## LESSONS LEARNED

Effective recordkeeping and proper documentation is a tangible proof of the accomplishments of the unit, department, barangay, city or court. It also provides evidence if the allotted fund has been provided or used for the intended beneficiaries or programs. It is also the basis of the head of the agency or Local Chief Executive to determine if a program is worthy to be funded. Likewise, it can give the duty bearers a basis to determine if the specific strategy needs to be continued or not. On the level of the child's compliance on the diversion program, documentation helps on the assessment which intervention is effective or not. It provides venue to seek other alternatives to make the program successful.

Appropriate budget allocation will ensure implementation of programs, projects and activities in an organization. Likewise, the program implementers/duty bearers shall ensure that the budget is utilized on the intended purposes.

## GOOD PRACTICE EXAMPLE

Mandaluyong City Social Welfare and Development Office

**Record Keeping, Data Management and Budget Allocation**

# Young Voices

Former CICL who completed the diversion or other alternative measures to detention is referred in this study as **youth champions** as they have been able to champion the trials they have encountered before, during, and after the commission of the offenses as well as the challenges during their diversion or disposition program. The term “youth champion” for this study was initially used during the data validation with the research participants from Davao City.

These youth champions have been interviewed in groups or individual to determine the effects of diversion or release on recognizance/disposition measures in their present lives. The following are the results of the discussions/interviews.

## *The youth champions’ evaluation on striking a balance in establishing the CICL’s accountability and securing child rights*

Contrary to the common misconception that diversion and alternatives measures to detention are proof that the society places no accountability to minors and thus, nurture negligent citizens, the tools of restorative justice highlight the process of bringing together the parties involved in a specific offense, typically the offender, the victim, and their community, to sit together and resolve the discord caused by the infraction and its implication to everyone involved. The engagement of the parties involved, particularly child offenders, in planning, adoption and monitoring of the restorative justice process is the central feature of building accountability among the young members of the society. It is then imperative to look at how CICL perceive their experience of the diversion process or alternative measures to detention and hear out their recommendation for a more meaningful participation in establishing accountability.

In general, youth champions seemed to be highly satisfied with each of their diversion programs. When asked to rate their diversion programs from 1 to 10 with 1 being the lowest and 10 being the highest, former CICL gave an average rating of 9.56. The maximum rating was 10 while the minimum score was recorded at 6.

Youth champions shared that through the interventions provided within their respective diversion programs or release in recognizance, they realized the importance of family, which encouraged them to spend more time with their parents and siblings than their peers. Also, they disclosed that they became more disciplined and had improved self-esteem and spiritual growth. Their leadership potentials had been discovered, developed, and/or enhanced.

Positive changes especially on their physical features and on how they manage their anger have been observed. Some have been equipped with skills for future employment and are no longer seen as delinquent or “salot” by their respective communities. In sum, diversion has been very significant on the current life of the youth champions, which they claim is more beautiful and better than their lives before they underwent the program.

## **What worked?**

### *Recognition of Rights and Child-friendly Processes by Authorities*

Former CICL were mostly appreciative on the recognition of their rights by the legal authorities such as the PNP.

*“Nagpapasalamat po ako kasi dumating agad si Sir (Regalario) para sabihin na menor de edad pa lang ako.*

*Hindi po ako kinulong sa selda nung aleng pulis.”*

*“I was grateful that Sir (Regalario) came in immediately when I was apprehended. I was not detained in jail by the police lady.”*

*- RJ\*, youth champion*

When RJ\* was apprehended in 2015, his family was immediately summoned to the precinct by the police officer of the town's Women's and Children's Protection Unit. At the same time, Mr. Regalario, Calamba's designated social worker, was also informed that a minor was apprehended by the local police. Since his parents were not able to immediately verify RJ's age, Mr. Regalario made sure that RJ would be placed in a holding area away from the other adult prisoners held in the precinct.

It is encouraging to note that law enforcement officers follow a child-sensitive process during their initial contact with the child as stated in Section 21 of RA 9344. Police authorities are often aware that a distinct process leading to diversion or alternative measures to detention may be followed in the case of a child offender and that a child-sensitive apprehension is just the first step in the implementation of that process. In particular, the practice of holding a CICL under investigation in a secured quarters away from the opposite sex and adult offenders is a crucial step in ensuring the rights of a CICL.

**Family Conferencing as Program Intervention.** Another common practice in diversion, which former CICL found helpful in realizing their mistakes and leaning away from further infraction, is the conduct of family conferencing. The family conferencing is often mediated by the social worker or a designated member of the BCPC. The meeting is attended by the CICL, their parents and other stakeholders who have an influence on the child such as educators (teachers/guidance counselors) and local

spiritual leaders. A representative from the relevant police unit, Public Attorney's Office and the Prosecutor's Office may also be invited to provide information on the case.

The agenda of the meeting is to provide a child-friendly and non-threatening environment to discuss the offense committed by the child and come up with a restitution plan. The process aims to unearth the root cause of the child's offense and for the family to decide on how to address the issues raised by the child and prevent the recurrence of the crime.

In the case of Jonel\*, a former CICL who was apprehended for theft, he was able to openly discuss his distress knowing that he and his siblings had nothing to eat and face the prospect of dropping out of school due to poverty. By understanding the socio-economic condition of the family, the city social worker was able to tap available resources such as, including Jonel's parents, in the city livelihood program and enrolling Jonel into the city's student employment program, which effectively helped in augmenting the family's income. Jonel's parents also attended the city's Parent Effectiveness Seminar while Jonel received complimentary guidance counselling from the local priest and his homeroom adviser.

Similarly, the Family Conferencing was helpful in James'\* case. Adopted by his aunt, James never met his biological parents and became rebellious during his teenage years. When James was apprehended, it was decided that he needed to stay in the temporary shelter in Davao. James' aunt and older cousins were religious in attending the meetings facilitated by the barangay social worker and continued to follow up on his case so he can go home. During the family conferencing, James was able to voice out his frustrations on his parents and his adoptive family were able to assure their love and concern for James' well-being. When James was finally able to go home, his aunt and cousins noticed great improvement in James'

behavior. He started helping in the family's business of delivering food in the market and focused on his studies.

**Participation of the Child in the Program Formulation.** Another significant aspect of diversion preferred by the youth champions is their engagement in the planning process of the program. By asking the input of CICL in the planning phase of their diversion programs, duty bearers not only ensure an individualized program for the child but also (1) effectively establishes greater accountability on the CICL by reflecting on the offense made and finding ways to make amends to the victim and/or community as well as (2) maximizes the strengths of the clients that may lead to regain self-worth or improved self-esteem.

For instance, when Jericho was asked about his talents and interests by the city social worker during the planning phase of his diversion program, he immediately thought that he could only say he is proud of his skills in basketball. With nothing else to be proud of at this point in time, Jericho wanted to place his best foot forward and use basketball to show his community that he is a changed child after undergoing diversion. As part of his individualized program, basketball was included as an activity that Jericho needed to attend to. Instead of just playing basketball to channel Jericho's excessive energy, the BCPC also decided to tap Jericho's leadership skills by inviting him to participate in organizing basketball tournaments in the barangay. Jericho helped in the logistics of the tournaments, inviting friends to join teams and keeping everyone calm and fair during the heated games. Upon reflecting on this experience, Jericho shared his happiness when he was able to show to his parents and friends that he did well on a leadership task.

*Naisip ko po may kwenta pa pala ako. Hindi lang pala ako pasaway."*

*"I realized that I matter. I was not just a mere nuisance."*

- *Jericho\*, youth champion*

The input of the CICL in the whole diversion process facilitates a more meaningful participation and leads to lower recidivism as demonstrated in the case of Jericho and other CICL in the documentation project.

### What Worked?

- Recognition of rights and child-friendly processes by authorities
- Family conferencing as program intervention
- Participation of CICL in program formulation

**Efficient Assessment of Parent/Caregiver's Readiness and Prioritization to Child's Reintegration to Families.** One of the central features of diversion is bringing the CICL back to his parents unless there is clear evidence of dependency, abandonment, neglect or abused. In court proceedings, bail or release on recognizance indicates that the detained child shall be released by the court to his/her parents or a suitable guardian. Institutionalization or detention of the CICL while awaiting trial must only be done as a last resort and for the shortest possible period.

Youth champions share, however, that it usually takes days if not weeks before they can go back to their own homes. They are typically brought into temporary shelters while waiting for the social worker's assessment on the readiness of their parents to supervise the CICL once they get home. The separation often causes further anxiety to the child offender.

Interviewed former CICL mentioned the need to make the parents' assessment more efficient and prioritize the return of the child to their homes especially if there are no indication of abuse, neglect and exploitation. The reunion of the CICL and their parents were cited as an opportune time for the parents to practice a more effective parenting

style and for the children to seek proper guidance as they made sense of the crime that they committed and how they can make things right. This process of restitution may be made more effective by adopting the Family Group Conferencing wherein professional social workers, law enforcement officers, spiritual leaders and other community stakeholders can support the family in honing their children into better law-abiding citizens.

***Provision of After Care Services.*** A youth champion share that the after-care services after completion of diversion or other alternative measures to detention may be further improved by exploring livelihood options of CICL's families and the continued educational assistance especially for CICL who wants to go back to formal education.

#### **What can be improved?**

- Efficient assessment of parent/caregiver's readiness and prioritization to child's reintegration to families
- Provision of after care services

# Conclusion and Recommendations

Research findings from the good practice documentation of diversion and alternative measures to detention reveal that while the Juvenile Justice and Welfare Act was enacted in 2006, only 55% of the surveyed duty bearers have been implementing diversion for more than eight (8) years. The surveyed duty bearers shared that they have handled a total of 3,490 CICL cases. Among CICL cases eligible for diversion, majority (58.77%) have completed their programs.

Among the Family Courts, more than half of the respondents shared that they explored options other than detention in handling CICL cases for over eight (8) years - 21 released on recognizance, 25 released on bail, and 72 committed to residential care facilities.

The methodology adopted in identifying potential duty bearers for the good practice documentation of diversion and alternative measures to detention enforced four composite indicators in the compliance with the legal framework surrounding diversion:

(1) having a multi-disciplinary diversion committee, (2) securing the consent of the child and parent/guardian, (3) following the Diversion Contract and Proceedings, and (4) establishing monitoring mechanisms.

Of the 53 respondents (barangays, LGUs, prosecutors, courts), 81% shared that they have multi-disciplinary Diversion Committee.

Almost all duty bearers (93%) stated that they only proceed with the diversion program after obtaining the consent of the child and his/her parent/guardian who also agrees to participate in the program. In the same manner, most duty bearers (94%) require the signing of a diversion contract between the CICL and his/her parents/guardian and the Diversion Committee and 90% complied with the requirement of conducting diversion proceedings within 45 days from referral of the CICL case who acted with discernment to the Diversion Committee. Everyone mentioned that the implementation of the diversion program is being monitored by the assigned LSWDO social worker or a member of the Diversion Committee, such as the court social workers.

With regard to sustainability and replicability, six (6) out of the 11 documented duty bearers were observed to follow proper documentation with sufficient details on implementation, and lessons learned or challenges encountered for easy replication. The regular budget for the diversion program integrated with the agency's strategic plan, annual work and financial plan or procurement plan is also a promising feature seen among most of the documented duty bearers which allows sustainability of the practice. Innovativeness, on the other hand, was only characterized in four (4) of the documented duty bearers. While this is already a good indication since a number of duty bearers from the barangay level to the



## Good Practice Criteria

*Of the three criteria used to filter the nine (9) good practices, all duty bearers were observed to have excelled in assuring a responsive program for their CICL. This shows an encouraging data since all documented duty bearers are committed to achieving the targets and goals set for each of their CICL cases at the start of the diversion proceeding. The high level of responsiveness among documented duty bearers also attests to the effectiveness of diversion and alternative measures to detention in curbing reoffending.*



municipality and courts have initiated enhancements of the tools, techniques, or strategies provided by the JJWC, other duty bearers must still be capacitated to explore potential interventions which may be more effective than the existing menu of intervention plans.

Enabling factors such as having a multi-disciplinary diversion committee, capacitated duty bearer, participation of the CICL in determining the course of his/her diversion program and effective monitoring of the program may be prompted to establish a truly effective and unique diversion program for the child in conflict with the law.

The presentation and validation of the research findings further highlight the relevance of creating an individualized diversion program for different CICL. The individualized program is a good indicator on the capacity of a duty bearer to implement an effective diversion program. By handpicking relevant aspects of the existing menu of intervention plans and creating new ones that is tailored-fitted to the issues encountered by the child, the uniqueness of the diversion contract captures the specific context of a child offender. A step-by-step process guiding the child to make amends for his past misdeed while providing support to the child's family and community in raising the child is also essential.

### ***Strides made to comply with national and international framework on child protection***

The fourth goal of the Sustainable Development Goals indicates the commitment to "*ensure inclusive and equitable quality education and promote lifelong opportunities for all*".<sup>15</sup> This is consistent with the Convention on the Rights of the Child's statement that State Parties should provide children in conflict with the law which states "*education and vocational training programmes and other alternatives to institutional care shall be available to ensure*

<sup>15</sup> UNICEF, "The 2030 Agenda for Sustainable Development" ([https://www.unicef.org/agenda2030/files/SDG-CRC\\_mapping\\_FINAL.pdf](https://www.unicef.org/agenda2030/files/SDG-CRC_mapping_FINAL.pdf), 2017)

*that children are dealt within a manner appropriate to their well-being and proportionate both to their circumstances and the offense.*" Further, Goal #16 states the need to "*promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*" which translates to the CRC's adherence to "*the rule of law at the national and international levels and ensure equal access to justice for all.*" The 16<sup>th</sup> goal also emphasize "*public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.*"

*"Restorative justice offers the hope and the possibility that those who have committed crimes can be rehabilitated and reintegrated back into the community."*

*Former Chief Justice Maria Lourdes P. A. Sereno  
3<sup>rd</sup> National Family Courts Summit, August 2017  
Theme: Diversion Not Detention  
Probing the Essence and Impact of Diversion on  
CICL*

The Philippines, a country committed to achieving the SDGs by 2030, and its government agencies such as the JJWC, has already made significant strides to meeting the international conventions' rights protection standards. The documentation of these 11 duty bearers in their implementation of diversion and alternative measures to detention for CICL attests to the development achieved by the country to child protection in the past decade.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice otherwise known as the "The Beijing Rules" adopted by the General Assembly in 1985 provides specific guidelines in dealing with CICL, which is compatible with the Philippine legal system<sup>16</sup>. The table on the next page summarizes the good practices adopted by Philippine duty bearers and courts in lieu of the standards set by the Beijing Rules and

<sup>16</sup> UNICEF, "United Nations Standard Minimum Rules for the Administration of Juvenile Justice" (1985)

sheds light to aspects of the international framework on child protection stakeholders needs to catch up on.

Further, this documentation of the good practices on diversion and alternative measures to detention attest that there are sufficient initiatives on the ground that adopt and support the national framework or plan of actions. In particular, Outcome 11.3 of the Third Philippines' National Plan of Action for Children (NPAC) states, *"restorative justice and welfare system for children at risk and children in conflict with the law through the effective implementation of the law and coordination among stakeholders in a protective and enabling environment is institutionalized."* The strategies formed and success stories told by the courts and duty bearers affirm that upholding and promoting youth participation in juvenile delinquency prevention policies and processes, including restitution to damaged community resources and victim compensation is possible and the decreased rate of reoffending is commendable.

While the documentation of good practices show the work needed to be done from different levels of governance, the experience of Filipino children who are in conflict with the law on diversion seems to be promising given the low rate of reoffending and high satisfaction rating from the CICL themselves.

**Table 3. Established Capabilities of Courts and Duty Bearers vis-à-vis the Standard Minimum Rules for the Administration of Juvenile Justice**

| Minimum Rules for the Administration of Juvenile Justice                                                    | Established Capabilities by Courts and Duty Bearers |                 |                                              |           |              |                  |              |                             |            |  |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------|----------------------------------------------|-----------|--------------|------------------|--------------|-----------------------------|------------|--|
|                                                                                                             | Makati City                                         | Quezon City RTC | Barangay Longos and Concepcion, Malabon City | Naga City | Batangas RTC | Mandaluyong City | Calamba City | Barangay Mintal, Davao City | Davao City |  |
| 1. Fundamental Perspectives                                                                                 | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 2. Scope of the Rules and definitions used                                                                  | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 3. Extension of the Rules                                                                                   |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 4. Age of criminal responsibility                                                                           | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 5. Aims of juvenile justice                                                                                 | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 6. Scope of discretion                                                                                      | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 7. Rights of juveniles                                                                                      | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 8. Protection of Privacy                                                                                    | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 9. Saving clause                                                                                            |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 10. Initial contact                                                                                         | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 11. Diversion                                                                                               | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 12. Specialization within the police                                                                        | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 13. Detention pending trial                                                                                 | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 14. Competent authority to adjudicate                                                                       | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 15. Legal counsel, parents and guardians                                                                    | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 16. Social inquiry reports                                                                                  | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 17. Guiding principles in adjudication and disposition                                                      | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 18. Various disposition measures                                                                            | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 19. Least possible use of institutionalization                                                              | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 20. Avoidance of unnecessary delay                                                                          | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 21. Records                                                                                                 | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 22. Needs for professionalism and training                                                                  | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 23. Effective implementation of disposition                                                                 | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 24. Provision of needed assistance                                                                          | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 25. Mobilization of volunteers and other community services                                                 |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 26. Objectives of institutional treatment*                                                                  |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 27. Application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations* |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 28. Frequent and early recourse to conditional release*                                                     |                                                     |                 |                                              |           |              |                  |              |                             |            |  |
| 29. Semi-institutional arrangements                                                                         | ✓                                                   | ✓               | ✓                                            | ✓         | ✓            | ✓                | ✓            | ✓                           | ✓          |  |
| 30. Research as a basis for planning, policy formulation and evaluation**                                   |                                                     |                 |                                              |           |              |                  |              |                             |            |  |

Standards 26, 27 and 28 falls outside the scope of the research study. Standard 30 is a mandate of the Juvenile Justice and Welfare Council which serves as the basis of conducting the research on good practices for diversion and alternative measures to detention.

# Recommendations

The Philippines has several policies in place that detail the protocol in handling children in conflict with the law at initial contact until the final verdict which could be in the form of a suspended sentence. At best, this documentation of good practices has chronicled 11 duty bearers who have excelled in the implementation of diversion and exploring alternatives to detention. However, majority of the duty bearers - whether they are at the barangay level, municipal level, prosecutor or courts - are still struggling in their implementation. The recommendations detailed here attempts to address the systemic and operation issues of diversion and alternative measures to detention.

## Local Government Units

- For LSWDO to ensure efficient assessment on the readiness of parents on the reintegration of CICL. Close monitoring and guidance to the CICL's family once the child returned to the family must also be practiced to ensure that the agreements made by the CICL's family with the court or the duty bearer is kept all throughout the diversion program;
- Institutionalization of CLJIP that includes incorporation of budget for its programs and activities such as diversion in the Local Development and Annual Investment Plan of the LGUs (from the barangay to the provincial level). Also, CLJIP shall include awareness raising and community supported activities that will prevent and address juvenile delinquency. These will not only maintain peace and security in the community and reduce or deter crimes but also will encourage greater participation among the constituents in the rehabilitation of CICL;

- Strengthen the link to other councils for the protection of children from the barangay to the provincial level to harmonize efforts and maximize each strategies and programs in promoting and protecting the rights of all children including CAR and CICL;
- Establish and strengthen engagement and partnership with non-government organizations, development partners and other stakeholders in providing programs services to CICL such as diversion and preventing juvenile delinquency; and
- Establish effective record keeping and data management on CAR and CICL cases using information management technology. The LGUs may consider maximizing and institutionalizing the National Juvenile Justice and Welfare Information System (NJJWMIS) to be provided by JJWC.

## JJWC

- Fully cascade the Integrated Care Management Protocol (ICMP) to all barangays, LSWDOs and concerned police personnel to ensure effective coordination and referral mechanism on handling CICL and CAR cases. In partnership with member or coordinating agencies, JJWC shall also continuously conduct capacity-building and technical assistance to duty bearers at the national, regional, and local levels to ensure compliance with the existing guidelines on managing CICL and CAR cases at their respective jurisdictions. (i.e. PNP Manual on Handling CICL and CAR Cases, Barangay Protocol on Handling CICL and CAR Cases, DepEd Guidelines on Managing CICL and CAR Cases);

- Develop and strengthen the paralegal, para-social and other necessary competencies of the duty bearers, which include but is not limited to facilitation of child-sensitive proceedings, restorative justice approaches, rights-based programming, implementation, monitoring and evaluation; and
- Strengthen advocacy programs at all levels of governance to promote restorative justice, diversion and alternative measures to detention to duty-bearers.

#### ***Duty bearers (barangay, LSWDO, police, prosecutor and family courts)***

- Ensure the integration of their planned programs and services for CAR and CICL in their respective agency's annual work and financial plans; and
- Ensure meaningful child participation especially in the planning and monitoring of diversion programs. By inviting the CICL to pitch in on their diversion programs' objectives, programs and activities, duty bearers are establishing a more sustainable approach to the child's rehabilitation.

#### ***DSWD***

- Develop a manual on positive and effective parenting and family-based interventions specifically design for diversion program.

#### ***DepED***

- Effectively cascade the DepEd Guidelines on Managing CAR and CICL cases by providing proper capacity building activities; and,
- In partnership with the LGU, conduct advocacy activities in schools on RA 9344 as amended to create awareness

on the proper treatment and prevent stigma and labelling of CICL.

#### ***DILG***

- DILG shall ensure continuous training of the officials and relevant personnel on JJWA implementation from the barangay to the provincial level. These trainings will facilitate awareness building and sensitization of duty bearers on the importance of embracing the restorative justice principle in preventing juvenile delinquency, achieving long term development and peace and order;
- Strengthen monitoring mechanism in the compliance of the LGUs on RA 9344 as amended. The agency may likewise institutionalize the inclusion of the presence and implementation of CLJIP in the Child Friendly Local Governance Audit (CFLGA) to encourage compliance at the local level; and
- Explore, maximize or strengthen the coordination and collaboration with existing interagency bodies and other regional mechanisms in providing technical assistance and monitoring to LGUs.

#### ***Supreme Court Committee on Family Courts and Juvenile Concerns (SC-CFCJC)***

- In partnership with JJWC, fully cascade the final version of Outcome-Based Education Training on Juvenile Justice (OBET-JJ) modules to all judges and personnel of all family courts in the Philippines.

#### ***UNICEF***

- To consider developing a comprehensive Communication for Development (C4D) strategy to increase awareness and appreciation of the public on restorative justice including promotion of diversion and other alternative measures to

detention, and prevent stigmatization and labelling of the CICL. This initiative may be conducted through collaboration with different government and non-government actors.

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# *Appendices*

## Appendix 1

# *Good Practice Documentation of NGOs/CSOs' Assistance on the Implementation of Diversion Program and other Alternative Measures to Detention*

Documented duty bearers for this study reveal that support from the civil society organizations (CSO) and non-government organizations (NGO) are vital in the rehabilitation and reintegration of the children in conflict with the law. Assistance can be in the form of capacity building, financial assistance, psychosocial and/or spiritual interventions or placement in a residential care facility.

In this research report, five (5)<sup>17</sup> out of 11 documented duty bearers explicitly mentioned having direct engagement with NGOs and CSOs for the implementation of their respective diversion programs or alternative measures to detention. Some of them scored high in the partnership and linkages indicator of the good practice rating. Through these organizations' programs and services, works of the duty bearers for children's rehabilitation were made easier and even more effective.

The good effects brought by the CSOs/NGOs on the implementation of diversion program or alternative measures to detention show that they have notable practices which help them to become more effective and efficient. These practices are also worthy to be documented to see how they are doing it and to further understand why the duty bearers are appreciative to have them during the course of their actions for CICL rehabilitation and reintegration.

One (1) of the explicitly stated NGOs in the report namely Humanitarian Legal Assistance Foundation, Inc. (HLAF) has been identified to be part of the documentation while the rest, PREDA Foundation, Inc., Child and Family Services Philippines, Inc (CFSPI), and Magone Home After Care Services, are selected purposively based on the professional encounters and reports from the JJWC Secretariat both at the national and regional levels.

This documentation was not integrated in the main body of the research report because the identified research samples were limited only to the duty bearers at the different levels of the juvenile justice system (LSWDO, barangay, PNP, family courts and prosecutor). Further, the selection of target NGOs/CSOs did not undergo the required methodological process for this study. But since it is worthy to promote their good practices for possible replication or partnership, it has been agreed to append this documentation to serve as reference to all duty bearers and other concerned agencies at all levels of governance and the justice system.

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<sup>17</sup> Makati City, Barangay Concepcion and Longos of Malabon City, Barangay Mintal, Davao City, Naga City and Mandaluyong City either explicitly stated that their partnership with NGOs/CSOs helped them to deliver the necessary interventions for the CICL or scored high in the partnership/linkages indicator of good practice rating

## ***Dynamic program and open-center environment for children in conflict with the law: the PREDA approach***



**Olongapo City** - People's Recovery, Empowerment and Development Assistance (PREDA) was established in Olongapo City in 1974 to promote the rights of women and children. Its primary goal is to help children in conflict with the law and victim-survivors of child abuse and human trafficking. PREDA runs Bukang Liwayway, a home that brings together male children in conflict with the law, into communal living, set in a countryside setting in Zambales. Every year, an average of 70 children and youth mostly from Metro Manila live in the facility. Currently, there are 31 children and youth in the home, 27 of whom have no court cases and referred for diversion.

**Open center.** Bukang Liwayway is where PREDA implements a rights-based program for children in conflict with the law. It is an open center; there are no guards, no gates and fences. Children can leave if they want.

According to Fr. Shay Cullen, PREDA founder, 90% decide to stay. "If you treat children well, and they undergo a set of activities they can

participate in, they have reason to stay," he says.

Most children and youth admitted to the center are referred by city social welfare and development offices that provide case files containing history, recommendations, progress report and an intervention plan for each child. The top referring local government units are Marikina, Pasay, Mandaluyong, and Bulacan.

As a general rule, only those who are 16 years old and below are admitted, preferably children with no legal case to save financial resources from travelling to Manila to attend court hearings.

**Admission to the center.** "We ensure we have talked to the child before he arrives at the center," Francis Bermido, then PREDA Executive Director, says. "We assign a group of children to welcome him, give his kit of basic personal needs," he adds. "Children at Bukang Liwayway all live in one dormitory, where activities are open to everyone. New participants are briefed about the program

*they will undergo at the center and how long they are expected to stay. To provide transition, new clients stay for several days in an individual room to give them time to adjust to the environment at the center before they move to the dormitory,” Bermido explains.*

Ten (10) professional staff implement PREDA’s program at Bukang Liwayway Home for Boys: one (1) social worker, two (2) psychologists, one (1) coordinator, six (6) facilitators who are all college graduates; and two (2) cooks as auxiliary. “*We do not engage house parents,’ Fr. Cullen reveals. “Based on our experience, it is easier to train professionals to implement activities in the program. They also tend to be more effective, because it is their field,”* he explains.

**Formal, non-formal education and emotional needs .** All referred children in the center, either under diversion program or not, undergo standard programs at the facility. They attend similar sessions and activities though the in-charge social worker provides individualized interventions for the unique needs and issues of the child.

Program in the center also includes education. For those following the formal school system, they are enrolled in a nearby elementary or high school. Others follow the Alternative Learning System (ALS) facilitated by mobile teachers in the province of Zambales. In coordination with Technical Education and Skills Development Authority (TESDA), youth are trained in vocational skills like welding under a national certification program. The center’s program is six (6) months, after which, a child is supposed to be ready to return to his family. Although in some cases, they stay up to one year, or even longer for those with a legal case.

Therapy sessions are also held to enable participants to express their feelings and emotions. These sessions draw out violent tendencies and negative coping mechanisms, thereby enabling facilitators to identify

further ways to help the child address his problems. Sessions trigger emotions by touching family history. This together with other sets of activities help facilitators assess the child’s emotional and psychological needs.

**Parent/care givers’ participation.** A child visits his family during the program so he can share his concerns. This is also a chance for the staff to learn and observe the child’s behavior in his home environment. Center staff also visits families to discuss issues, conduct counseling, and communicate updates on the progress of their child, assess their behavior and perceptions on his case. Visit to families are also done to prepare them for their child’s return to the family. Children assessed to be ready for reintegration have home-stays, a period of two weeks at home in preparation for their eventual returns to their family and community.

PREDA also conducts recreation activities with parents and CICL to improve family bonding and relationship. Parents are also required to attend orientations on positive discipline, effective parenting, and family planning. Said activities are conducted in the center and guided by the center’s psychologists and facilitators.



**Participation of referring LSWDOs.** Referring LSWDOs are invited to attend case conferences to discuss updates on children, including those undergoing diversion. The

center also provides case summary reports including photo documentation to referring LSWDOs for monitoring and reporting purposes. *“During our jail visits, we ensure to drop by the Social Welfare and Development Office to provide updates, if they have referred a case to us”,* PREDA social worker says.

### **Graduation from the program.**

Graduation from the center’s program is six (6) months to one (1) year at most. For children with critical cases like foundlings and children without traceable biological families or relatives, it may take longer.

Readiness to be reintegrated is measured against a set behavioral checklist, including the child’s active participation in his program. This also relies greatly on the recommendation of the social worker at the center. The center also considers the readiness of the family. In a final case conference, the case of each child completing the program is reviewed and finally decided if the child is ready to return home.

*‘We treat each case differently, although we have observed children who come to the center from similar backgrounds,’* Francis Bermido states. He adds, *“This happens during individual sessions with each child.”*

**Reintegration and aftercare.** After the child’s reintegration, the staff continues to conduct occasional visits to get in touch with them and learn how they are doing. Daryl Jade Abaya, a psychologist and coordinator of Bukang Liwayway says, *“Aftercare, monitoring and follow up after reintegration to family is very important. We have a partnership with the social welfare and development offices from cities where children come from. But this is one area we hope to further strengthen. The objective of the program is to address behavioral roots of problems of children in conflict with the law, so that they will be able to return to their families and not return to their previous behavior.”*

**A chance to change.** *“Bukang Liwayway gave me a chance to reform. I learned new skills aside from completing high school,”* Byron shares. *“All children who commit crimes should have the same chance,”* he adds.

Fr. Cullen likewise says three (3) months into the program, they begin to see changes in the behavior of children. They see tangible improvement in their participation to activities, the way they relate with their peers and their compliance with house rules.

The open center environment, which PREDA practices, does not only change the behavior of the children at the center. It also develops and strengthens their attitude of trust and respect to other people. Since the management do not strictly prohibit the children to go outside the facility, as they trust the children’s desire to change for a better life, the CICL reciprocates this trust by showing respect and obedience to the rules of the facility. The center staff believes that the children will bring these developed trust and respect on their reintegration and future endeavors in their respective families and communities.

PREDA believes that effective rehabilitation of CICL, along with robust treatment and developmental program interventions, relies in an environment that treats children as family members and not prisoners; this is what helped 306 children who completed its program since 2015.

## ***Multi-disciplinary Collaboration in life-skills and technical education as component of diversion (Child and Family Services Philippines, Inc.)***

Each year, three (3) groups of 25 children in conflict with the law complete a four-month cycle of life skills, technical training, and job placement. Some trainees are referred by the Regional Rehabilitation Center for Youth (RRCY) of the Cordillera Administrative Region, and local government units in Benguet, as part of their rehabilitation and diversion program, respectively. Each referral to the agency is guided by an agreement (or diversion contract) which includes expectations from participants, referring agencies and CFSPI. Performance of the trainee is discussed during the case conference with referring social workers representing local government units.

**Baguio City**-CFSPI began as a sanctuary for street children in Baguio City in 1987. A study conducted by UP Baguio commissioned by the organization in 1995, however found out that there was no organization focused on serving needs of children in conflict with the law that services to these children were fragmented and that families and barangay leaders were not involved in the interventions. Inspired by these findings, the organization shifted from an initial plan for a residential to a day center for children in conflict with the law implementing activities on restorative justice.

The organization envisions creating a holistic program that allows men and women to have an opportunity to develop their full potential through caring, healing, and teaching framework. This involves participation of the child, their families, and the government at various levels including local legislative bodies.

CFSPI contributes to the rehabilitation of children under diversion program through an

intensive life skills and technical training program. The center emphasizes life skills because these enable children-participants to be more effective in handling common life situations. Modules include communication skills development where participants are trained on how to handle various communications situations like properly introducing one's self, making inquiries, placing orders, using the telephone, handling job interviews and writing simple application letters. Rather than just lectures, the center lets program participants experience the communication situations like calling some partner offices, making inquiries or putting orders. Call recipients give feedback on trainee performance and suggest points for improvement.

Other modules in the program are basic life support and first aid - a training conducted in partnership with the Baguio City Bureau of Fire Department to enable participants to contribute to disaster management activities once they are reintegrated to their communities. They also train on gender, reproductive health, cooperation and teamwork, and effective parenting since they will eventually have their own families while some already have children.

Technical training is done after a month into the life skills program. The course offered at present is welding for a National Certification Level 2 (NC2) for two months. Participants then undergo job placement in a partner company. The hiring company gives periodic feedback on the trainee's performance at work, which gives the center staff an idea on what particular guidance the child needs.



The center coordinates with barangay and municipal councils sending children and youth to train in its program. They are informed on the performance, updates on children in diversion, and discuss issues and needs. In some cases, the center trains municipal and barangay representative on how they can help children in conflict with the law. They also lobby for greater policy and programming support including fulfilment of the 1% budget allocation for child protection programming. The center also orients barangay child protection councils to appreciate the law and to better respond to the needs of children.

Elita Herrero, a social worker and Restorative Justice Program Director of the center says, *“Diversion program effectiveness is measured in terms of completion. This means they (CICL) are dedicated to it and see its relevance to their life. Their lives were unstructured before they joined our program. They are not used to having routines and schedules,”* she notes. Other measures of effectiveness are non-commission of other crimes and participation in activities of the local government units where they came from.

Part of diversion is for children to recognize responsibility and accountability for their actions. After life skills and technical skills training, children and youth in diversion program do community service as a way to manifesting remorse and owning responsibility for their actions. This is done in coordination with selected local social welfare development offices and barangay councils for the protection of children. This component improves the relationship between the child and the community. This improvement helps heal the child as it helps establish acceptance by the community. The performance of the child in the community service is then communicated to the victim of the child so they too learn how their offender is making positive progress towards reform. Graduates continue to get in touch with the institution through social media, periodic alumni gatherings or visits to the center. Most

graduates recognize that the most significant impact of the institution is to have helped them develop a positive change in behavior through the life skills modules. *“This is what leaves a mark on them; this is what stays with them. The life skills remain relevant and useful to them,”* Elita Herrero reveals.

***The Multi-disciplinary Approach.*** One of the most noteworthy practices of CFSPI is the multi-disciplinary approach in implementing its programs and services to CICL. The agency makes sure that all duty bearers such as the local social worker, barangay captain, parents of the CICL and other relevant parties are involved in the decision-making on the child’s rehabilitation. Although CFSPI does not provide direct case management, its staff makes sure that they are able to discuss with concerned duty bearers the issue or problem they have observed or assessed. As mentioned, the discussion is done with all relevant duty bearers and not only with the responsible party. Involvement of other parties in the case conference helps in the identification of possible measures to address the problem. One example is a case where the child was observed to have frequent absences in the sessions. It was found out that the child and his family could not support the transportation expenses going to the agency. Hence, during the case conference, it was agreed that the barangay should support the child’s transportation expenses while the parents should strictly monitor and encourage their son to attend the sessions at CFSPI. The barangay, despite not being the responsible party, was identified as the agent of change to help the child toward his rehabilitation. Through the multi-disciplinary approach, the agency was able to mobilize resources, which it could not provide for the children.

## ***Enabling the functionality of barangay instruments in addressing needs of children in conflict with the law: The practice of Humanitarian Legal Assistance Foundation (HLAF)***

**Ortigas Center, Philippines**-Policy advocacy and capacity building are key programming areas of Humanitarian Legal Assistance Foundation (HLAF). It collaborates with local government units and civil society organizations to increase their capacity to establish policies and programs to solve unjust and inhumane detention, especially of women and children. Certain barangays in Quezon City, Navotas City, Malabon City and Caloocan City count among the local government units that are trained with and by the organization.

In June 2014, HLAF began training barangay leaders in Navotas and Malabon on child protection programming. Barangay Concepcion in Malabon City is among the participants.

The trainings began on the formation and functionality of the Barangay Council for the Protection of Children (BCPC). Members of the BCPC then trained on the modules on BCPC structuring, children's rights, resource mobilization, project proposal development and networking with other programs and service providers. Barangay councilors, BCPC members, barangay staff, school teachers, police officers, barangay police, local members of the ladies' brigade, and Barangay Pacification Committees (Tagapamayapa) were some of the selected participants by the barangay to attend in their series of trainings.

HLAF also trained Barangay Concepcion in strategic planning that resulted to mainstreaming juvenile interventions into the barangay plan. It paved the way to the allocation of a barangay budget for child

protection and children at risk programming activities to address physical, mental and emotional needs of CICL and CAR. The Alternative Learning System for out-of-school youth, employment of their parents through the cash-for-work program, and counselling have become components of the barangay program for CICL.

After training barangays on networking, HLAF trained skilled barangay leaders to manage cases of children at risk and children in conflict with the law. In this training, participants are equipped with skills in interviewing, documenting, filing and managing cases. Participants learn theories on child development, the helping process, and psychodynamics of children in conflict with the law. Trained barangay leaders manage cases and implement diversion.

The project educated BCPCs to take advantage of programs of the Department of Social Welfare and Development, Public Employment Service Office, Technical Education and Skills Development Authority and other city level programs, that provide services and address various needs of children at risk and children in conflict with the law. Another example of this is referring the children for consultation to the barangay clinic to treat a condition or for general health check-up.



***HLAF effects on Barangay Concepcion's diversion.*** Through the technical assistance of HLAF, Barangay Concepcion was able to mainstream child protection as shown by its



allocation of the 1% of the Internal Revenue Allotment for child protection programs. Along with increased investment, Barangay Concepcion developed a set of actions for managing children who have been in conflict with the law.

Mr. Eduardo Antoja, Jr., BCPC Focal Person admits that before training with HLAF, the BCPC and other concerned local staff do not know what to do with children who committed offenses. They would immediately refer the case to the local social welfare development office of the City Government of Malabon.

Now, they changed 360 degrees on how they manage cases of CICAL. The barangay has started to establish its Committees including the team who will facilitate the cases of children who are above 15 years old and below 18 years old and are eligible for diversion at the barangay level. They also facilitate some of the activities in the diversion program of the CICAL who have been referred by the City Social Welfare and Development Office.<sup>18</sup>

Barangay Concepcion has defined process on cases under community-based interventions and those for diversion. For CICAL under court diversion, in coordination with the local social worker and other members of Diversion Committee, the branch clerk of court prepares contract agreement for each case. Program of diversion at the barangay level starts with a counselling session, which is usually attended by the BCPC chairperson (barangay chairperson). During this session, the diversion contract is discussed. The CICAL then signs a diversion contract to get them to commit to the program. The program includes 30 days of community service by the

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<sup>18</sup> Family Courts in Malabon City refer CICAL cases who are under court diversion to the local social welfare development office for the implementation of diversion program. Same cases are then coordinated by LSWDO to the concerned barangays for the provision of services available at latter's level. The LSWDO serves as coordinating and monitoring body while the barangays directly implement some of the agreed interventions.

CICAL in the barangay, which aside from fulfilling a service, also gives barangay leaders the opportunity to deeply understand the issues why children violate laws. Activities assigned to them include participation in the monthly clean up which helps them appreciate caring for their community. CICAL are given a Children's Notebook where they document their lessons and thoughts as they fulfil assigned duties. The agreement needs the consent of parents so they are aware and will be able to support the progress of their children.

CICAL under diversion in Barangay Concepcion are likewise referred to the Development Committee to help them either to return to formal school or attend Alternative Learning System. Para-social workers coordinate with teachers in these programs to inform them about the background of the child and the diversion program.

The barangay observed a 50% drop in cases of CICAL since 2014, through strengthening of the functionality of their barangay council for the protection of children. They helped CICAL to be reintegrated to their families (in some cases in the provinces) and helped them become productive through livelihood activities. Some children who completed the diversion program returned to thank the barangay personnel who helped them. Para-social workers and other BCPC members continue to support children who graduated from the barangay diversion program by visiting them and by providing practical guidance and encouragement.

Coordination with the Pantawid Pamilyang Pilipino Program (4Ps) is also done since most of those with cases are beneficiaries of the program. Their attendance in 4Ps is also monitored to ensure that family attends family development sessions and other training modules. The child/youth is asked to report regularly to the barangay office for a duration of three to six (3-6) months for the diversion. The para-social workers also take part in counselling and recording the

progress of those following court diversion. The city social worker consults the BCPC if the child/youth has complied with the contract and make recommendations.

HLAF localized child protection by building the capacity of the barangay council for the protection of children to address needs of children at risk and children in conflict with the law. It also built the capacity of skilled community members to manage cases, implement diversion program and provide aftercare support. It also led barangay leaders to fulfil the budget requirement for child protection programming. Lastly, it allowed the barangay to be empowered and think outside the box to mobilize resources and strategies to be more effective in the delivery of services to the children including CICL.

## *Magone Home Aftercare Services*



**Liloan, Cebu-**Magone Home Aftercare Services is a referral center for children in conflict with the law. Beginning with an initial project cycle in 2010 to 2013, this is an initiative of the Society of Don Bosco Philippines-Southern Province to facilitate the reintegration of children to their families and communities.

Magone Home works in close coordination with its partners to identify participants to its training program. Partners like barangay leaders, local government units in the province of Cebu and Bohol, and other non-government organizations prepare an initial list of youth to be referred to the center. Once partners have list for candidates, a meeting is held with Magone Home personnel to discuss the said list and follow-up activities. Clients are usually those who are under diversion program or those who will be reintegrated to their family and community or independent living.

Another activity in the selection process is a camping organized by the local government unit. This three-day immersion of prospective candidates at the center gives them an initial experience of the life at the facility and encounter experience from current residents in the facility. Those who retain interest after the immersion undergo psychological and other tests as an initial evaluation of the candidates' suitability to live with others in the facility for ten (10) months.

The program in the center starts in February each year. Modules on the first four (4) months focus on self-awareness, life-skills, behavioral manifestations of aggression, psychological classes, tutorials in English, as well as leadership training, and reproductive health. Others have the option to follow the Alternative Learning System. Retreats and other adventure-based activities are also part of the programs such as camping. Psychosocial sessions like family therapy are also provided.

Skills training begin in June. Residents can choose from welding, carpentry, and machining as areas of technical learning. Entrepreneurship skills such as soap-making, culinary and other skills are also provided in partnership with the municipality of Liloan. Training is scheduled during mornings.

Upon completion of technical skills, residents are then posted to the industry partners of the center for their job training. At this final stage, Magone Home's staff continue to monitor their capacity to adjust to their work environment by regular visits to their residence and to their employers.

#### ***Diversion Program at Magone Home.***

Magone Home training program is open to CICL under diversion program regardless of its level. Center staff meet with representatives of referring agencies at least three (3) times during the course of the program to provide updates on the status of the youth. Meetings also discuss how Magone Home and its referring partners can improve collaboration and services to children in conflict with the law. Presently, Magone Home is invited to be part of the diversion program of Cebu City.

Fifteen (15) youth underwent Magone Home's diversion program since it began in 2010. Almost all completed the modules and activities. Program effectiveness is measured through records of individual client indicating performance in various program activities; improved behavior supported by individual counselling; outputs from sessions with social workers; improvement in social skills indicated by quality of interaction with peers; feedback from meetings with implementing partners; completion of skills training and job placement; and, results of case analysis done by center staff. It is also measured in terms of restored social functioning once graduates live independent lives after training at Magone Home, as the experience of Ryan shows.

At 16 years old, Ryan was referred by Barangay Sambag Dos as part of its community diversion program. "I had no dreams then. I was happy to be able to eat three times a day. I wanted easy money. I did not bother about what was right or wrong, as long as I got money," he recalls. He joined Magone Home in 2015, inspired to try a new life, which meant, no vices, no daily dose of drugs, and no trespassing in people's properties.

He spent four months gaining a deeper understanding of himself and his peers through psychology sessions, counselling, seminars and faith-based activities where he felt truly accepted without being judged. By June, he was studying welding at the skills training center of Don Bosco Home for Boys which eventually led to him being posted for an on-the-job training in October. By this time, he began earning his keep. He began to save some money. "I began to manage my time. I think what I am today began during that time," he recalls.

"I was growing up as a teenager. I have many questions about myself; I asked why I was going through what I went through. I learned the importance of making right decisions. The psychological decisions helped me a lot in this area," Ryan shares. On the other hand, the skills training ensured he had a source for his daily needs. "Without the opportunity my skills training provided me, I would probably return to what I was before I joined Magone Home", he reveals.



Ryan recognizes challenges in his journey. It was evident that everyone in the program had a case, and attitude and psychological baggage from their experiences, upbringing and environments. This made them predisposed to compete and to be at opposing ends during activities. The four months of team-building and psychological sessions helped him live productively with his peers. By the end of the program, he felt that he would miss the home, which was Magone Home. Indeed, the moment he stepped out upon completing the program, he was filled with sadness. He missed the happiness. He felt he was treated like a real person that he deserved. *"I felt loved, I felt cared for. I have not experienced this before,"* he reveals.

Ryan is now 21 years old and is in his second year following a degree program in psychology at the University of Cebu. Aside from his studies, he advocates for the protection of children in conflict with the law and a vocal campaigner. *"I refuse to accept lowering the minimum age of criminal responsibility,"* he emphasizes. *"It is unjust to imprison children. Children have no clear motivation at 13 years old. They can still change. There is life after committing a mistake."* His campaign audience includes barangay leaders, municipal and city mayors, and teachers, especially targeting those in favor of lowering the MACR.

Often, he uses his experience as an example. *"I am from nothing to somebody with a direction in life. A child is in the process of development. They are in the process of knowing themselves."*

This resonates with what Fr. Arvin Abatayo, Director of Magone Home says. "We are here to give them the best of what they could have availed, so that in the end, they can't blame the government, their families, the society, and the church. We give them the best possible intervention in terms of knowledge and skills."

Ms. Hazel Dinah Miel of the Regional Juvenile Justice and Welfare Committee of Region 7 recognizes the significance of the agency's practice on restorative justice or what they called victim-work. This approach attempts to establish contact and reconciliation with the youth and his victim or complainant, including the barangay and community. This is to ensure that the harm done by the offense will be healed and relationship restored. With this, the accountability of the child is also realized. This intervention is done with a lot of prudence and care in coordination with barangay leaders.

Fr. Abatayo further thinks the best part of Magone Home's program that can be replicated is its emphasis in establishing relationship with its clients, its concrete programs and its holistic approach that equips the person not only with skills but also with spiritual and psychosocial capacity to develop.

## Appendix 2A

### STUDY ON DIVERSION AND ALTERNATIVE MEASURES TO DETENTION: A DOCUMENTATION OF GOOD PRACTICES

Name of Court/Agency/Organization/Barangay/Unit/Office: \_\_\_\_\_  
Address: \_\_\_\_\_

***Instruction:*** Fill the blank or encircle the number that corresponds to your answer to each question/statement. Please note that the answers must be based on the actual implementation experience or result/outcome of the program/practice. If the statement/criterion is not applicable to your office, please do not put mark on the item and/or at the Rating Column and proceed to the next item. You can use extra sheet for your responses.

#### A. BASIC INFORMATION

1. Types of Diversion Program (Please see the attached list of services/interventions of diversion program checklist)
2. How many years have your office/agency been implementing the diversion program?  
1 - 0-1 year      2 - 2- 4 years      3 - 5-7 years      4 - 8 years and above
3. Based from your records, how many CICL cases have been referred to your office for diversion? (Referring Period is from the start date of implementation of your office's diversion program) Please specify: \_\_\_\_\_
4. Among the cases that have been referred for diversion, how many actually underwent or are undergoing the program? (Referring Period is from the start date of implementation of your office's diversion program) Please specify: \_\_\_\_\_
  - 4.1. Out of these cases, how many CICL are still undergoing the diversion program? Please specify: \_\_\_\_\_
  - 4.2. Out of these cases, how many CICL completed the diversion program as specified in their respective diversion contracts? Please specify: \_\_\_\_\_
  - 4.2. Out of these cases, how many CICL were provided with Certificate of Failure? Please specify: \_\_\_\_\_

#### B. COMPLIANCE TO DIVERSION PROCEEDINGS

1. We have a diversion committee that is multi-disciplinary.  
1- Yes      2- No

1.1 If yes, who are the members of your Diversion Committee (include their designation and agency/office) and what are their main duties/functions?

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1.2. If no, do you have a particular team, group, committee or taskforce whose members are participating and have responsibility in overseeing the diversion proceedings or in the implementation and monitoring of diversion programs to the CICL? If yes, how do you call it and who are the members?

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2. Who administers or spearheads your diversion proceedings and program?

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3. We only proceed/implement the diversion program after we obtained the consent of the child **and** his or her parent/guardian who also agreed to participate in the program.

1- Yes      2- No

4. There is a diversion contract signed by the CICL and his or her parents/guardian and all members of the Diversion Committee.

1- Yes      2- No

5. We monitor the implementation of the diversion program through the assigned LSWDO social worker or any member of the Diversion Committee.

1- Yes      2- No

5.1. How do you monitor your diversion program? (Please describe briefly your monitoring process)

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5.2. What tools are being used to monitor the program?

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Before we proceed to the signing of diversion contract, we explain to the CICL and his/her family the objective of the Diversion Proceedings, the value of diversion, and the consequence of not undergoing diversion

**C. GOOD PRACTICE INFORMATION OF DIVERSION PROGRAM**

Please provide a self-rating based on your current practice in implementing diversion program and in accordance with criteria provided. The description column is the description of the rating per criteria. Please note example below:

The criteria is “We are implementing the diversion in accordance with RA 9344 as amended”. The ratings are as follows:

- 0- We do not implement the diversion in accordance with RA 9344 as amended
- 1- We implement the diversion based on some provisions of RA 9344 as amended
- 2- We implement the diversion based on all the provisions of RA 9344 as amended
- 3- We implement the diversion based on all the provisions of RA 9344 as amended and with good and innovative practices.

If your office implements the diversion in accordance with all the provisions of the RA 9344 as amended but with no innovations and good practices. Then your rating is 2. Please note that your answers shall be based on your current practice and actual experience.

| CRITERIA                                                   | R<br>A<br>T<br>I<br>N<br>G | DESCRIPTION                                                                                                                                                                                                                                                                                                             | MEANS OF VERIFICATION                                                                                                  |                           |
|------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------|
|                                                            |                            |                                                                                                                                                                                                                                                                                                                         | Does your practice have any of these MOV/s?                                                                            | Y<br>E<br>S<br><br>N<br>O |
| <b>INNOVATIVENESS</b>                                      |                            |                                                                                                                                                                                                                                                                                                                         | Put check on the “Yes” column if your office has any of the indicated MOVs, otherwise, mark a check at the “No” column |                           |
| 1. The diversion program challenges the usual way of doing | 0                          | We use the same tools, techniques or strategies <sup>17</sup> provided by the JJWC and any related guidelines that are commonly and widely used by the LGUs/courts/police/prosecutors/barangay. However, sometimes we do not conform with the set standards, protocols and/or process flow charts of diversion program. | Illustration or description of new/improved tools/techniques/strategies vs. existing or old                            |                           |

<sup>17</sup> Tools, techniques or strategies refer to the JJWC Enhanced Process Flowchart in Handling CICL Cases, Barangay Protocol in Managing Cases of CAR and CICL, RA 9344 as amended by RA 10630 and the Revised Rules and Regulations of the Amended Law, Integrated Care Management Protocol, PNP Manual of Handling CICL Cases, etc.



**C. GOOD PRACTICE INFORMATION OF DIVERSION PROGRAM**

Please provide a self-rating based on your current practice in implementing diversion program and in accordance with criteria provided. The description column is the description of the rating per criteria. Please note example below:

The criteria is “We are implementing the diversion in accordance with RA 9344 as amended”. The ratings are as follows:

- 0- We do not implement the diversion in accordance with RA 9344 as amended
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- 2- We implement the diversion based on all the provisions of RA 9344 as amended
- 3- We implement the diversion based on all the provisions of RA 9344 as amended and with good and innovative practices.

If your office implements the diversion in accordance with all the provisions of the RA 9344 as amended but with no innovations and good practices. Then your rating is 2. Please note that your answers shall be based on your current practice and actual experience.

| CRITERIA                                                   | R<br>A<br>T<br>I<br>N<br>G | DESCRIPTION                                                                                                                                                                                                                                                                                                             | MEANS OF VERIFICATION                                                                                                  |                           |
|------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------|
|                                                            |                            |                                                                                                                                                                                                                                                                                                                         | Does your practice have any of these MOV/s?                                                                            | Y<br>E<br>S<br><br>N<br>O |
| <b>INNOVATIVENESS</b>                                      |                            |                                                                                                                                                                                                                                                                                                                         | Put check on the “Yes” column if your office has any of the indicated MOVs, otherwise, mark a check at the “No” column |                           |
| 1. The diversion program challenges the usual way of doing | 0                          | We use the same tools, techniques or strategies <sup>17</sup> provided by the JJWC and any related guidelines that are commonly and widely used by the LGUs/courts/police/prosecutors/barangay. However, sometimes we do not conform with the set standards, protocols and/or process flow charts of diversion program. | Illustration or description of new/improved tools/techniques/strategies vs. existing or old                            |                           |

<sup>17</sup> Tools, techniques or strategies refer to the JJWC Enhanced Process Flowchart in Handling CICTL Cases, Barangay Protocol in Managing Cases of CAR and CICTL, RA 9344 as amended by RA 10630 and the Revised Rules and Regulations of the Amended Law, Integrated Care Management Protocol, PNP Manual of Handling CICTL Cases, etc.

|                                                                                    |   |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                            |
|------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| things <sup>16</sup>                                                               | 1 | We use the same tools, techniques or strategies provided by the JJWC and any related guidelines that are commonly and widely used by the LGUs/courts/police/prosecutors/barangay. We likewise conform with the set standards, protocols and/or process flow charts of diversion program.                                                                                                                           | tools/techniques/strategies                                                                                                                                                |
|                                                                                    | 2 | We improve or enhance the tools, techniques or strategies provided by the JJWC and any related guidelines without violating the set standards, protocols and/or process flow charts of diversion program.                                                                                                                                                                                                          |                                                                                                                                                                            |
|                                                                                    | 3 | We initiated new techniques, tools and/or strategies following the standards, protocols and/or process flow charts of diversion program and have not been used or introduced for implementation by any organization.                                                                                                                                                                                               |                                                                                                                                                                            |
| <b>RESPONSIVENESS</b>                                                              |   |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                            |
| 2. The program contributes to achieving targets/objective/milestones <sup>18</sup> | 0 | The diversion program has little or no effect on achieving targets/objectives/goals of the program intervention or diversion contract. <i>(Example: We have a Diversion Committee but the diversion program failed to rehabilitate the CICL OR only 1% of CICL who underwent diversion completed the program.)</i>                                                                                                 | <ul style="list-style-type: none"> <li>• Assessment study/Impact evaluation</li> <li>• Accomplishment reports</li> </ul>                                                   |
|                                                                                    | 1 | The diversion program helps improve internal systems or mechanisms in the office but does not directly contribute to achieving targets/objectives/goals of the program intervention or diversion contract. <i>(Example: We have mandatory registry of CICL cases for easy tracking. However, most of CICL who underwent diversion program were not rehabilitated OR did not successfully complete the program)</i> |                                                                                                                                                                            |
|                                                                                    | 2 | The diversion program directly contributes to achieving targets in terms of quantity, quality and timeframe                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                            |
|                                                                                    | 3 | The diversion program exceeds targets or addresses other needs and issues of the CICL, which have not identified in the beginning of the diversion proceedings.                                                                                                                                                                                                                                                    |                                                                                                                                                                            |
| 3. The program contributes to address the expressed/assesse                        | 0 | The results of the diversion program did not meet or address the needs/problems of the CICL.                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Individual case records</li> <li>• Written or audio-visual testimony from the CICL, his or her family and/or community</li> </ul> |
|                                                                                    | 1 | The results of the diversion program partially met/addressed the needs/problems of the CICL.                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                            |
|                                                                                    | 2 | The results of the diversion program met/addressed the needs/problems of the CICL appropriately.                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                            |

<sup>16</sup> Adopted from Annex A-Good Practice Rubrics. In DSWD AO 05, s. 2016 "Documentation Good Practice Guideline".

<sup>18</sup> Ibid<sup>2</sup>

|                                                                               |   |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| d needs/problems of the CICL                                                  | 3 | The results of the diversion program practice exceed the expectations in meeting/addressing the needs/problems of the CICL. Other concerns in the child's immediate environment were also addressed.                                                |                                                                                                                                                                                                                                                                                           |
| 4. The diversion program prevents the CICL from re-offending.                 | 0 | After the completion of the diversion program, most of the CICL have been reported to have committed a more serious offense.                                                                                                                        | <ul style="list-style-type: none"> <li>• CICL progress reports</li> <li>• Testimonials (written/AVP)</li> <li>• Police/Barangay Records</li> </ul>                                                                                                                                        |
|                                                                               | 1 | After the completion of the diversion program, most of the CICL have been reported to have committed the same crime or another offense with similar penalty.                                                                                        |                                                                                                                                                                                                                                                                                           |
|                                                                               | 2 | After the completion of the diversion program, most of the CICL have never been reported for repetition of offenses.                                                                                                                                |                                                                                                                                                                                                                                                                                           |
|                                                                               | 3 | After the completion of the diversion program, all the CICL have never been reported for the repetition of offense and some became advocates, volunteers or members of an organization that helps in the rehabilitation and reintegration of CICLs. |                                                                                                                                                                                                                                                                                           |
|                                                                               | 0 | The diversion program is not efficient because the actual expenses is more than the estimated cost.                                                                                                                                                 |                                                                                                                                                                                                                                                                                           |
| 5. The diversion program demonstrates efficiency                              | 1 | The diversion program is efficient because the objectives have been met within the allocated budget. No difference between the expected cost and actual cost.                                                                                       | <ul style="list-style-type: none"> <li>• Financial reports</li> <li>• Accomplishment reports</li> </ul>                                                                                                                                                                                   |
|                                                                               | 2 | The diversion program is efficient because the objectives have been met with less than 10% savings from the expected/estimated expenditures/cost.                                                                                                   |                                                                                                                                                                                                                                                                                           |
|                                                                               | 3 | The diversion program is efficient because the objectives have been met with 10% or more savings from the estimated/expected expenditures/cost.                                                                                                     |                                                                                                                                                                                                                                                                                           |
|                                                                               | 0 | The interested parties such as CICL and his/her family, victim, the community and all the members of the Diversion Committee did not participate at all in the implementation of the program/intervention.                                          |                                                                                                                                                                                                                                                                                           |
| 6. The diversion program improves the participation of the interested parties | 1 | The interested parties such as CICL and his/her family, victim, the community and all the members of the Diversion Committee seldom participate in the implementation of the program/intervention.                                                  | <ul style="list-style-type: none"> <li>• Attendance/records during multi-disciplinary meetings</li> <li>• Minutes of meeting or progress reports of the CICL indicating the coordination/ collaboration with the multi-disciplinary team, parents of the CICL, victim or other</li> </ul> |
|                                                                               | 2 | The interested parties such as CICL and his/her family, victim, the community and all the members of the Diversion Committee participate in the implementation of the program/ intervention.                                                        |                                                                                                                                                                                                                                                                                           |
|                                                                               | 3 | The interested parties such as CICL and his/her family, victim, the community and all the members of the Diversion Committee have active participation in the implementation of the program/intervention.                                           |                                                                                                                                                                                                                                                                                           |

|                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. The diversion program has an impact to the community                                                                                                                             | <p>0 Increased rate of reported juvenile offenses after the inception of the program/practice in the community.</p> <p>1 No changes in the number of reported juvenile offenses and repetition of offenses of CICL in the community after the inception of the program/practice in the community.</p> <p>2 Reduced rate of reported juvenile offenses and no report on repetition of offenses after the inception of the program/practice in the community.</p> <p>3 No reported juvenile offenses after the inception of the program/practice in the community.</p> | interested members of the community.                                                                                                                                                                                                                                                                                     |
| 8. There is evidence of the effectiveness of the diversion program particularly on the changed behavior of the CIGL, realization of rights and accountabilities, etc. <sup>19</sup> | <p>0 The effectiveness of the practice is generalized (little to no evidence).</p> <p>1 Testimonials or subjective evidence are used to prove effectiveness.</p> <p>2 There is objective evidence to prove the effectiveness of the practice.</p> <p>3 Along with research-based evidence, the practice has received citations or have been proven effective through an audit or research.</p>                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Citations</li> <li>• Benchmark study</li> <li>• Statistics</li> <li>• Testimonials (written or AVP)</li> <li>• Client satisfaction result/survey</li> <li>• Research of private individual or group which is not directly connected/associated with the organization</li> </ul> |
| <b>SUSTAINABILITY AND REPLICABILITY</b>                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                          |
| 9. There is an existing monitoring tool to track the progress of the diversion program as well as the rehabilitation and reintegration                                              | <p>0 There is no existing monitoring tool to track the progress of the program or CIGL's rehabilitation and reintegration.</p> <p>1 The monitoring tools is seldom used to track the progress of the program or CIGL's rehabilitation and reintegration.</p> <p>2 The monitoring tool is regularly used to track the progress of the program or CIGL's rehabilitation and reintegration.</p> <p>3 The existing monitoring tool is used in the assessment of the program</p>                                                                                          | <p>Accomplished monitoring tool</p> <p>Written assessment on the results/findings of monitoring tool</p>                                                                                                                                                                                                                 |

<sup>19</sup> The practice instilled sense of responsibility and accountability to the child, increased awareness of children's rights, increased awareness of parents on their civil liabilities, and/or child expressed positive outlook in life.

|                                                                                                                                   |                                                                                                                          |                                                                                                                                                                                                   |                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| of CICL.                                                                                                                          | and CICL's progress that results into recommendations for improvement or change of intervention and/or process/strategy. |                                                                                                                                                                                                   |                                                                                                                                                                                                                 |
| 10. There is/are existing partners <sup>20</sup> in the implementation of the diversion program                                   | 0                                                                                                                        | No partnership established for the implementation of the diversion program                                                                                                                        | <ul style="list-style-type: none"> <li>• Memorandum of Understanding/Agreement with the partner</li> <li>• Signed resolutions</li> <li>• Documentation/case report</li> <li>• Donation records, etc.</li> </ul> |
|                                                                                                                                   | 1                                                                                                                        | The partners seldom provide support and assistance in the implementation of the diversion program                                                                                                 |                                                                                                                                                                                                                 |
|                                                                                                                                   | 2                                                                                                                        | The partners provide support and assistance, when sought, in the implementation of the diversion program                                                                                          |                                                                                                                                                                                                                 |
|                                                                                                                                   | 3                                                                                                                        | The partners have shared responsibility <sup>21</sup> in the implementation of the diversion program                                                                                              |                                                                                                                                                                                                                 |
| 11. All stages of the diversion program implementation are well documented with complete and up-to-date information <sup>22</sup> | 0                                                                                                                        | Written documentation does not provide sufficient details on implementation.                                                                                                                      | Documentation report or audio-visual material indicating the implementation, process, results and learnings or implications to replication of the program/practice                                              |
|                                                                                                                                   | 1                                                                                                                        | Written documentation has sufficient details on implementation but no sufficient information results.                                                                                             |                                                                                                                                                                                                                 |
|                                                                                                                                   | 2                                                                                                                        | Written documentation has sufficient details on implementation and results but no sufficient information on lessons learned or implications for replication.                                      |                                                                                                                                                                                                                 |
|                                                                                                                                   | 3                                                                                                                        | Written documentation has sufficient details on implementation, and lessons learned or implications for replication.                                                                              |                                                                                                                                                                                                                 |
| 12. There are existing available resources for the continuation of the diversion program                                          | 0                                                                                                                        | There is no regular budget for the diversion program (or for LGUs and barangays, the 1% of IRA is not allocated for CICL and CAR) and has no regular staff to facilitate the services             | <ul style="list-style-type: none"> <li>• Annual Work and Financial Plan</li> <li>• Annual Procurement Plan</li> <li>• Document on Agency's Strategic Plan</li> <li>• Annual Budget</li> </ul>                   |
|                                                                                                                                   | 1                                                                                                                        | There is a regular budget for the diversion program (or for LGUs and barangays, the 1% of IRA is allocated for CICL and CAR) but no regular staff to facilitate the services                      |                                                                                                                                                                                                                 |
|                                                                                                                                   | 2                                                                                                                        | There is a regular budget for the diversion program (or for LGUs and barangays, the 1% of IRA is allocated for CICL and CAR) and has regular staff to facilitate the services                     |                                                                                                                                                                                                                 |
| 13. There is an existing                                                                                                          | 3                                                                                                                        | The regular budget for the diversion program is integrated with the agency's strategic plan, annual work and financial plan and procurement plan and has regular staff to facilitate the services | <ul style="list-style-type: none"> <li>• Annual Work and</li> </ul>                                                                                                                                             |
|                                                                                                                                   | 0                                                                                                                        | There is no existing plan to capacitate other staff/officials or duty bearers who are not yet included in the Diversion Committee                                                                 |                                                                                                                                                                                                                 |

<sup>20</sup> Partners can be NGOs, CSOs, national agencies, LGUs, barangays and/or private companies, groups or individuals and/or community members/neighbors of the CICL.

<sup>21</sup> Shared responsibility refers to the sharing of decisions, accountability and resources to ensure effectiveness of the program/practice.

<sup>22</sup> Ibid. pg. 12

|                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>capacity building activity to other staff/officials of the office and/or duty bearers who are not yet included in the Diversion Committee</p> | <p>1 There is a plan to capacitate other staff/officials or duty-bearers who are not yet included in the Diversion Committee. However, the plan is not yet implemented due to lack of budget</p> <p>2 There are existing capacity-building activities provided to other staff/officials or duty bearers who are not yet included in the Diversion Committee and budget has been provided for the implementation.</p> <p>3 The budget for the capacity-building activities of other staff/officials or duty bearers who are not yet included in the Diversion Committee have been integrated annually in the agency's work and financial plan, procurement plan and investment plan.</p> | <p>Financial Plan</p> <ul style="list-style-type: none"> <li>• Annual Procurement Plan</li> <li>• Document on Agency's Strategic Plan</li> <li>• Annual Budget</li> <li>• Learning and Development Plan for Staff</li> <li>• Attendance to trainings</li> <li>• Project proposal for the capacity building activities.</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**D. OTHER SIGNIFICANT INFORMATION**

1. What are your strategies, mechanisms or techniques used to encourage the involved parties (CICL, victim and their respective families) to agree on the engagement of the CICL it diversion program? (Note: agreement shall be coupled with informed choice where the conditions, advantages and disadvantages of the diversion program as well as the responsibilities of both parties and civil liabilities and accountabilities of the CICL and his or her family are thoroughly explained).
2. Please provide one (1) case of CICL who successfully went through diversion proceedings and programs under your Diversion Committee. The said CICL has not been reported for repetition of offenses and has been rehabilitated. What do you think is the most important factor or input, which has contributed to the success of the program?  
*(Note: Example of facilitating factors: (1) existence of partners such as NGOs/CSOs, (2) active participation/support of the family and/or community, (3) performance of Diversion Committee members of their respective functions, (4) appropriateness of the interventions to the needs of the child, (5) well-planned contract, etc.)*

☺☺ Thank you for your participation ☺☺

**Attachment J**

***Please check what services/interventions your diversion program has. Check as many as applicable***

- Restitution of property
  - Reparation of the damage caused
  - Indemnification for consequential damages
  - Written or oral apology
  - Care, guidance and supervision orders
  - Counseling for the child in conflict with the law and the child's family
  - Attendance in relevant trainings, seminars and lectures
  - Participation in available community-based programs, including community service
  - Participation in education, vocation and life skills programs.
  - Confiscation and forfeiture of the proceeds or instruments of the crime
  - Written or oral reprimand or citation
  - Fine;
  - Payment of the cost of the proceedings
  - Institutional care and custody
  - Foster care
  - Alternative learning system
  - Attendance to seminars, trainings, vocational education and/or community activities
  - Provide competency and life skills development
  - Socio-cultural and recreational activities
  - Community volunteer projects
  - Leadership training
  - Social services
  - Home life services
  - Health services
  - Spiritual enrichment
  - Community and family welfare services
  - Continuing education program
  - Other alternative measures to detention of CICL. Please specify (use extra sheet if needed)
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_

**Appendix 2B**

**STUDY ON DIVERSION AND ALTERNATIVE MEASURES TO DETENTION: A DOCUMENTATION OF GOOD PRACTICES**

Name of Court: \_\_\_\_\_  
 Address: \_\_\_\_\_

**Instruction:** Fill the blank or encircle the number that corresponds to your answer to each question/statement. Please note that the answers must be based on the current practice, actual implementation experience or result/outcome of the program/practice. If the statement/criterion is not applicable to your office, please do not put mark on the item and/or at the Rating Column and proceed to the next item.

**FIRST PART**

**B. BASIC INFORMATION**

1. What type of **alternative measures**<sup>23</sup> to detention of CICL does your office usually/frequently implement?  
 1 – Release on Recognizance      2 – Release on Bail      3 – Commitment to RRCY/Bahay Pag-asa/Residential Facility  
 4-Probation
2. How many years have your office been implementing alternative measures to detention of CICL?  
 1 - 0-1 year      2 - 2-4 years      3 – 5-7 years      4 – 8 years and above
3. Based from your records, how many CICL cases have been ordered to undergo alternative measures to detention of CICL? (Referring Period is from the start date of implementation of your office’s alternative measure to detention)

| Alternative Measure                                             | No. of CICL cases | Out of these cases, how many have been issued with warrant after failure to comply with the conditions of the alternative measure? |
|-----------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Release on Recognizance                                         |                   |                                                                                                                                    |
| Release on Bail                                                 |                   |                                                                                                                                    |
| Commitment/Placement to Bahay Pag-asa/RRCY/Residential Facility |                   |                                                                                                                                    |
| Probation                                                       |                   |                                                                                                                                    |

<sup>23</sup> Alternative measures refer to the services or intervention provided to CICL, who commit offenses that are punishable of more than 12 years of imprisonment during pendency of the case and/or are not qualified or agreed with the diversion program. Interventions can be (1) release on recognizance, (2) release on bail, (3) in tensive care through commitment to Bahay Pag-Asa, RRCY or residential facility of the LGU and (4) probation, if found guilty.



4. How many years have your office/agency been implementing the **diversion program**?  
 1- 0-1 year      2 - 2- 4 years      3 – 5-7 years      4 – 8 years and above
5. Based from your records, how many CICL cases have been referred to your office for diversion? (Referring Period is from the start date of implementation of your office's diversion program) Please specify: \_\_\_\_\_
6. From these CICL cases, how many are actually eligible for diversion program? Please specify: \_\_\_\_\_
7. Among the cases that have been referred for diversion, how many actually underwent or are undergoing the program? (Referring Period is from the start date of implementation of your office's diversion program) Please specify: \_\_\_\_\_
  - a. Out of these cases, how many CICL are still undergoing the diversion program? Please specify: \_\_\_\_\_
  - b. Out of these cases, how many CICL completed the diversion program as specified in their respective diversion contracts? Please specify: \_\_\_\_\_
  - c. Out of these cases, how many CICL were provided with Certificate of Failure? Please specify: \_\_\_\_\_

**C. COMPLIANCE WITH THE AMENDED LAW/REVISED RULES ON CICL (AM NO. 02-1-18 S.C.)**

1. Who supervise or monitor the CICL ordered to undergo diversion program? Other alternative measure/s to detention (ROR, bail, commitment to BPA, etc.)?  
 Diversion Program: \_\_\_\_\_ Alternative Measure to Detention: \_\_\_\_\_
  2. The clerk of court maintains a separate case docket or logbook for cases involving CICL  
 1-Always      2- Sometimes/Seldom      3- Never
  3. The child is released to a willing and responsible parent, guardian, or nearest relative who is responsible for the child's appearance in the court.  
 1-Strongly Agree    2- Agree      3- Disagree    4- Strongly Disagree
  4. We monitor the implementation of our alternative measure to detention of CICL.  
 1-Yes      2- No
- 4.1. How do you monitor your alternative measure to detention of CICL? (Please describe briefly your monitoring process)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 4.2. What tools are being used to monitor the CICL?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

5. We ensure that the child or his or her representative is heard in all the proceedings affecting him or her.  
 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
6. We ensure that the language used in all proceedings of CICL cases is understandable to the child and his or her family/guardian  
 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
7. We conduct pre-trial conference where agreements are in writing and signed by the CICL and his or parent/guardian.  
 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
8. We set a conference for the status and progress of the CICL relative to his or her compliance with the conditions provided in the alternative measures to detention.  
 1-Always    2- Sometimes    3- Never
9. Hearings are conducted in child friendly manner, using non-derogative and understandable language to CICL.  
 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
10. All files, records and proceedings from the initial contact to the final disposition of the CICL case are kept in secured and safety place/storage that is not easily accessible to people except the family court's assigned records officer.  
 1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
11. All index references of discharge CICL cases are deleted and employees/officials reply "no record exists" to inquiries regarding to the CICL.  
 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree

**C. COMPLIANCE TO DIVERSION PROGRAM**

1. We have a Diversion Committee that is multi-disciplinary.  
 1-Yes    2- No
1. If yes, who are the members of your Diversion Committee (including their designation and agency/office) and what are their main duties/functions?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. If no, do you have a particular team, group, committee or taskforce whose members are participating and have responsibility in the facilitation of the diversion program for the CICL? If yes, how do you call it and who are the members?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. We only proceed/implement the diversion program after we obtained the consent of the child **and** his or her parent/guardian who also agreed to participate in the program.
  - 1- Yes      2- No
  
3. There is a diversion contract signed by the CICL and his or her parents/guardian and all members of the Diversion Committee.
  - 1- Yes      2- No
  
4. We monitor the implementation of the diversion program through the assigned LSWDO social worker or any member of the Diversion Committee.
  - 1- Yes      2- No

4.1. How do you monitor your diversion program? (Please describe briefly your monitoring process)

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4.2. What tools are being used to monitor the program?

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5. Before we proceed to the signing of diversion contract, we explain to the CICL and his/her family the objective of the Diversion Proceedings, the value of diversion, and the consequence of not undergoing diversion
  - 1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
  
6. We ensure that we have asked the CICL about the circumstances of the offense, the motives or purpose behind the offense and the factors that led the CICL to commit the offense.
  - 1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
  
7. We ensure that the CICL understand the consequences of the CICL's actions and the corresponding responsibilities.
  - 1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
  
8. We ensure that the CICL understands and realizes his or her accountability; feel remorse for his or her actions; and guide him or her to take responsibility for repairing the harm done through the diversion program
  - 1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree
  
9. The diversion contract and proceedings are explained in the local language understandable to the CICL.

1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree

10. Our diversion proceedings are conducted within 45 days from referral of the cases of a CICL who acted with discernment to the Diversion Committee and with full compliance with the protocols indicated in the RA 9344 as amended by RA 10630 and their revised implementing rules and regulations.

1-Yes    2- No

11. Mediation or intervention where CICL, victim (if any) and their respective families and other members of the Committee are conducted in a room away from interruptions, participation or eaves drop of non-parties

1- Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree

12. The family of the CICL actively participates in the diversion program

1-Strongly Agree    2- Agree    3- Disagree    4- Strongly Disagree

13. Our diversion program provides at least six months of after-care services to the CICL.

1-Yes    2- No

13.1. If yes, what are these after-care services?

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## **SECOND PART**

### **D. GOOD PRACTICE INFORMATION**

Please provide a self-rating based on your current practice in implementing diversion program or alternative measure/s to detention of CICL and in accordance with criteria provided. The description column is the description of the rating per criteria. Please note example below:  
The criterion is "We are implementing the diversion in accordance with RA 9344 as amended". The ratings are as follows:

4- We do not implement the release on recognizance in accordance with RA 9344 as amended

5- We implement the release on recognizance based on some provisions of RA 9344 as amended

6- We implement the release on recognizance based on all the provisions of RA 9344 as amended

7- We implement the release on recognizance based on all the provisions of RA 9344 as amended and with good and innovative practices.

If your office implements the release on recognizance in accordance with all the provisions of the RA 9344 as amended but with no innovations and good practices, then you should choose and encircle "2" as rating. Please note that your answers shall be based on your current practice and actual experience.

| CRITERIA                                                                                                                         | R<br>A<br>T<br>I<br>N<br>G | DESCRIPTION                                                                                                                                                                                                                                                                                                     | MEANS OF VERIFICATION                                                                                                  |                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                  |                            |                                                                                                                                                                                                                                                                                                                 | Does your practice have any of these MOVs?                                                                             | Y<br>E<br>S<br><br>N<br>O                                                                                                       |
| <b>INNOVATIVENESS</b>                                                                                                            |                            |                                                                                                                                                                                                                                                                                                                 |                                                                                                                        |                                                                                                                                 |
| 1. The diversion or alternative measure to detention of CICL challenges or reinvents the usual way of doing things <sup>24</sup> | 0                          | We use the same tools, techniques or strategies <sup>25</sup> provided by the Supreme Court, the JJWC and any related guidelines that are commonly and widely used by the Family Courts or RTCs. However, sometimes we do not conform to the set standards, protocols and/or guidelines in handling CICL cases. | Put check on the "Yes" column if your office has any of the indicated MOVs, otherwise, mark a check at the "No" column | Illustration or written description of new/improved tools/techniques/strategies vs. existing or old tools/techniques/strategies |
|                                                                                                                                  | 1                          | We use the same tools, techniques or strategies provided by the Supreme Court, the JJWC and any related guidelines that are commonly and widely used by the Family Courts or RTCs. We likewise conform to the set standards, protocols and/or guidelines in handling CICL cases.                                |                                                                                                                        |                                                                                                                                 |
|                                                                                                                                  | 2                          | We improve or enhance the tools, techniques or strategies provided by the Supreme Court, the JJWC and any related guidelines that are commonly and widely used by the Family Courts or RTCs without violating the set standards, protocols and/or guidelines in handling CICL cases.                            |                                                                                                                        |                                                                                                                                 |
|                                                                                                                                  | 3                          | We initiated new techniques, tools and/or strategies following the standards, protocols and/or guidelines in handling CICL cases, which have not been used or introduced for implementation by any organization.                                                                                                |                                                                                                                        |                                                                                                                                 |
|                                                                                                                                  |                            |                                                                                                                                                                                                                                                                                                                 |                                                                                                                        |                                                                                                                                 |
| <b>RESPONSIVENESS</b>                                                                                                            |                            |                                                                                                                                                                                                                                                                                                                 |                                                                                                                        |                                                                                                                                 |
| 2. The diversion or alternative measure to                                                                                       | 0                          | The diversion program or alternative measure to detention of CICL has little or no effect on achieving targets/objectives/goals of the intervention. <i>(Example: Our court has ordered the release of the CICL on recognizance but it did not contribute to the rehabilitation of the CICL.)</i>               | Assessment study/Impact evaluation                                                                                     | Assessment study/Impact evaluation                                                                                              |
|                                                                                                                                  | 1                          | The diversion program or alternative measure to detention helps improve                                                                                                                                                                                                                                         |                                                                                                                        |                                                                                                                                 |

<sup>24</sup> Adopted from Annex A-Good Practice Rubrics. In DSWD AO 05, s. 2016 "Documentation Good Practice Guideline".

<sup>25</sup> Tools, techniques or strategies refer to those sanctioned under the Supreme Court Revised Rules on Children in Conflict with the Law, JJWC, RA 9344 as amended by RA 10630 and the Revised Rules and Regulations of the Amended Law, Family Court-specific guidelines on handling CICL cases, etc.

|                                                                                                                               |   |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| detention of CICL contributes to achieving targets/objective/ milestones <sup>26</sup>                                        |   | internal systems or mechanisms in the office but does not directly contribute to achieving targets/objectives/goals of the program intervention. (Example: We created a monitoring system for the CICL cases who entered in diversion, however, most of them reoffended.)                   |                                                                                                                                                                            |
|                                                                                                                               | 2 | The diversion program or alternative measure to detention of CICL directly contributes to achieving targets in terms of quantity, quality and timeframe                                                                                                                                     |                                                                                                                                                                            |
|                                                                                                                               | 3 | The diversion program or alternative measure to detention achieves the targets or addresses other needs and issues of the CICL.                                                                                                                                                             |                                                                                                                                                                            |
| 3. The diversion or alternative measure to detention contributes to address the expressed/assessed needs/problems of the CICL | 0 | The results of the alternative measure to detention/diversion program did not meet or address the needs/problems of the CICL.                                                                                                                                                               | <ul style="list-style-type: none"> <li>Individual case records</li> <li>Written or audio-visual testimony from the CICL, his or her family and/or community</li> </ul>     |
|                                                                                                                               | 1 | The results of the alternative measure to detention/diversion program partially met/addressed the needs/problems of the CICL.                                                                                                                                                               |                                                                                                                                                                            |
|                                                                                                                               | 2 | The results of the alternative measure to detention/diversion program met/addressed the needs/problems of the CICL appropriately.                                                                                                                                                           |                                                                                                                                                                            |
|                                                                                                                               | 3 | The results of the alternative measure to detention/diversion program exceed the expectations in meeting/addressing the needs/problems of the CICL. Other concerns in the child's immediate environment were also addressed.                                                                |                                                                                                                                                                            |
| 4. The diversion or alternative measure to detention prevents the CICL from re-offending.                                     | 0 | After the dismissal of cases, most of the CICL who have been provided alternative measure to detention have been reported to have committed a more serious offense.                                                                                                                         | <ul style="list-style-type: none"> <li>CICL progress reports</li> <li>Testimonials (written/AVP)</li> <li>Police/Barangay Records</li> <li>Case dockets of CICL</li> </ul> |
|                                                                                                                               | 1 | After the dismissal of cases, most of the CICL who have been provided alternative measure to detention have been reported to have committed the same crime or another offense with similar penalty.                                                                                         |                                                                                                                                                                            |
|                                                                                                                               | 2 | After the dismissal of cases, most of the CICL who have been provided alternative measure to detention have never been reported for repetition of offenses.                                                                                                                                 |                                                                                                                                                                            |
|                                                                                                                               | 3 | After the dismissal of cases, all the CICL who have been provided alternative measure to detention, have never been reported for the repetition of offense and some became advocates, volunteers or members of an organization that helps in the rehabilitation and reintegration of CICLs. |                                                                                                                                                                            |
| 5. The diversion or program                                                                                                   | 0 | The diversion program/alternative measure to detention is not efficient because the actual expenses are more than the estimated cost.                                                                                                                                                       | <ul style="list-style-type: none"> <li>Financial reports</li> <li>Accomplishment reports</li> </ul>                                                                        |
|                                                                                                                               | 1 | The diversion program/alternative measure to detention is efficient because                                                                                                                                                                                                                 |                                                                                                                                                                            |

<sup>26</sup> Ibid2

|                                                                                                        |   |                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| alternative measure to detention demonstrates efficiency                                               |   | the objectives have been met within the allocated budget. No difference between the expected cost and actual cost.                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 2 | The diversion program/alternative measure to detention is efficient because the objectives have been met with less than 10% savings from the expected/estimated expenditures/cost. |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 3 | The diversion program/alternative measure to detention is efficient because the objectives have been met with 10% or more savings from the estimated/expected expenditures/cost.   |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6. The diversion program improves the participation of the interested parties                          | 0 | The interested parties such as CICL and his/her family or other members of Diversion Committee did not participate at all in the implementation of the diversion program.          | <ul style="list-style-type: none"> <li>Attendance/records during multi-disciplinary meetings (thru Diversion Committee)</li> <li>Minutes of meeting or progress reports of the CICL indicating the coordination/ collaboration with the multi-disciplinary team, parents of the CICL, victim or other interested members of the community (thru Diversion Committee)</li> <li>Attendance/records of hearings</li> </ul> |
|                                                                                                        | 1 | The interested parties such as CICL and his/her family or other members of Diversion Committee seldom participate in the implementation of the diversion program.                  |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 2 | The interested parties such as CICL and his/her family or other members of Diversion Committee participate in the implementation of the diversion program.                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 3 | The interested parties such as CICL and his/her family or other members of Diversion Committee have active participation in the implementation of the diversion program.           |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7. The diversion program has an impact to the community                                                | 0 | Increased rate of reported juvenile offenses after the inception of the diversion program                                                                                          | <ul style="list-style-type: none"> <li>Barangay/Police records on juvenile offenses</li> <li>Statistical comparative reports on juvenile delinquency</li> </ul>                                                                                                                                                                                                                                                         |
|                                                                                                        | 1 | No changes in the number of reported juvenile offenses and repetition of offenses of CICL in the community after the inception of the diversion program                            |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 2 | Reduced rate of reported juvenile offenses and no report on repetition of offenses after the inception of the diversion program                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 3 | No reported juvenile offenses after the inception of the diversion program                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8. There is evidence of the effectiveness of the diversion program or alternative measure to detention | 0 | The effectiveness of the practice is generalized (little to no evidence).                                                                                                          | <ul style="list-style-type: none"> <li>Citations</li> <li>Benchmark study</li> <li>Statistics</li> <li>Testimonials (written or AVP)</li> <li>Client satisfaction result/survey</li> </ul>                                                                                                                                                                                                                              |
|                                                                                                        | 1 | Testimonials or subjective evidence are used to prove effectiveness.                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 2 | There is objective evidence to prove the effectiveness of the practice.                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                        | 3 | Along with research-based evidence, the alternative measure to detention has received citations or has been proven effective through an audit or research.                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>particularly on the changed behavior of the CICL, realization of rights and accountabilities, etc.<sup>27</sup></p>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Research of private individual or group which is not directly connected/associated with the organization</li> </ul>                                                                                    |
| <b>SUSTAINABILITY AND REPLICABILITY</b>                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                 |
| <p>9. There is an existing monitoring tool to track the progress of the diversion program or alternative measure to detention as well as the rehabilitation and reintegration of CICL.</p> | <p>0 There is no existing monitoring tool to track the progress of the program or CICL's rehabilitation and reintegration.</p> <p>1 The monitoring tool is seldom used to track the progress of the program or CICL's rehabilitation and reintegration.</p> <p>2 The monitoring tool is regularly used to track the progress of the program or CICL's rehabilitation and reintegration.</p> <p>3 The existing monitoring tool is used in the assessment of the program and CICL's progress that results into recommendations for improvement or change of intervention and/or process/strategy.</p> | <p>Accomplished monitoring tool</p> <p>Written assessment on the results/findings of monitoring tool</p>                                                                                                                                        |
| <p>10. There is/are existing partners<sup>28</sup> in the implementation of the diversion program or alternative measure to detention.</p>                                                 | <p>0 No partnership established for the implementation of the alternative measure to detention or diversion program.</p> <p>1 The partners seldom provide support and assistance in the implementation of the alternative measure to detention or diversion program.</p> <p>2 The partners provide support and assistance, when sought, in the implementation of the alternative measure to detention or diversion program.</p> <p>3 The partners have shared responsibility<sup>29</sup> in the implementation of the alternative measure to detention or diversion program.</p>                   | <ul style="list-style-type: none"> <li>• Memorandum of Understanding/Agreement with the partner</li> <li>• Signed resolutions</li> <li>• Documentation report of Diversion Committee or equivalent</li> <li>• Donation records, etc.</li> </ul> |
| <p>11. The</p>                                                                                                                                                                             | <p>0 Written documentation does not provide sufficient details on implementation.</p> <p>1 Written documentation has sufficient details on implementation but no</p>                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Documentation report or audio-visual material indicating the</p>                                                                                                                                                                             |

<sup>27</sup> The practice instilled sense of responsibility and accountability to the child, increased awareness of children's rights, increased awareness of parents on their civil liabilities, and/or child expressed positive outlook in life.

<sup>28</sup> Partners can be NGOs, CSOs, national agencies, LGUs, barangays and/or private companies, groups or individuals and/or community members/neighbors of the CICL.

<sup>29</sup> Shared responsibility refers to the sharing of decisions, accountability and resources to ensure effectiveness of the program /practice.



|                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>implementation of the diversion program or alternative measure to detention at all its stages are well documented with complete and up-to-date information<sup>30</sup></p>          | <p>sufficient information results.</p> <p>2 Written documentation has sufficient details on implementation and results but no sufficient information on lessons learned or implications for replication.</p> <p>3 Written documentation has sufficient details on implementation, and lessons learned or implications for replication.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>implementation, process, results and learnings or implications to replication of the program/practice</p>                                                                                                                                     |
| <p>12. There are existing available resources for the continuation of the diversion program or alternative measure to detention of CICL.</p>                                            | <p>0 There is no regular budget for the court to oversee and monitor the CICL under the alternative measure to detention or diversion program and has no regular staff to facilitate the services</p> <p>1 There is a regular budget for the court to oversee and monitor the CICL under the alternative measure or diversion program to detention but no regular staff to facilitate the services</p> <p>2 There is a regular budget for the court to oversee and monitor all CICL cases under alternative measure or diversion program to detention and has regular staff to facilitate the services</p> <p>3 The regular budget for overseeing and monitoring the implementation of alternative measures to detention or diversion program for CICL is integrated with the court's strategic plan, annual work and financial plan and procurement plan and has regular staff to facilitate the services</p> | <ul style="list-style-type: none"> <li>• Annual Work and Financial Plan</li> <li>• Annual Procurement Plan</li> <li>• Document on Agency's Strategic Plan</li> <li>• Annual Budget</li> </ul>                                                    |
| <p>13. There is an existing capacity building activity to other staff/officials of the office and/or duty bearers who are not yet included in the Diversion Committee or equivalent</p> | <p>0 There is no existing plan to capacitate other staff/officials or court duty bearers who are not yet included in the Diversion Committee or equivalent committee or task force of the family court which oversee CICL cases ordered to undergo alternative measures to detention</p> <p>1 There is a plan to capacitate other staff/officials or court duty-bearers who are not yet included in the Diversion Committee or equivalent committee or task force of the family court to oversee cases of CICL ordered to undergo alternative measures to detention. However, the plan is not yet implemented due to lack of budget</p> <p>2 There are existing capacity-building activities provided to other staff/officials or court duty bearers who are not yet included in the Diversion Committee or</p>                                                                                                | <ul style="list-style-type: none"> <li>• Annual Work and Financial Plan</li> <li>• Annual Procurement Plan</li> <li>• Document on Agency's Strategic Plan</li> <li>• Annual Budget</li> <li>• Learning and Development Plan for Staff</li> </ul> |

<sup>30</sup> Ibid. pg. 12

|                                       |   |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                               |
|---------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| committee or task force of the family |   | equivalent committee or task force of the family court and budget has been provided for the implementation.                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• Attendance to trainings</li> <li>• Project proposal for the capacity building activities.</li> </ul> |
| 14. court                             | 3 | The budget for the capacity-building activities of other staff/officials or court duty bearers who are not yet included in the Diversion Committee or equivalent committee or task force of the family court have been integrated annually in the agency's work and financial plan, procurement plan and investment plan. |                                                                                                                                               |

#### E. OTHER SIGNIFICANT INFORMATION

1. What are your strategies, mechanisms or techniques used to encourage the involved parties (CICL, victim and their respective families) to agree on the engagement of the CICL it diversion program? (Note: agreement shall be coupled with informed choice where the conditions, advantages and disadvantages of the diversion program as well as the responsibilities of both parties and civil liabilities and accountabilities of the CICL and his or her family are thoroughly explained).
2. Please provide one (1) case of CICL who successfully went through the planned interventions after being ordered by your Court to undergo alternative measure to detention or diversion program. The said CICL has not been reported for repetition of offenses and has been rehabilitated. What do you think is the most important factor or input, which has contributed to the success of the program?  
(Note: *Example of facilitating factors: (1) existence of partners such as NGOs/CSOs, (2) active participation/support of the family and/or community, (3) performance of Diversion Committee or court duty-bearers of their respective functions, (4) appropriateness of the interventions to the needs of the child, (5) well-planned contract, etc.*)

☺☺ Thank you for your participation ☺☺

**Attachment I**

***Please check what services/interventions your diversion program has. Check as many as applicable***

- Restitution of property
  - Reparation of the damage caused
  - Indemnification for consequential damages
  - Written or oral apology
  - Care, guidance and supervision orders
  - Counseling for the child in conflict with the law and the child's family
  - Attendance in relevant trainings, seminars and lectures
  - Participation in available community-based programs, including community service
  - Participation in education, vocation and life skills programs.
  - Confiscation and forfeiture of the proceeds or instruments of the crime
  - Written or oral reprimand or citation
  - Fine;
  - Payment of the cost of the proceedings
  - Institutional care and custody
  - Foster care
  - Alternative learning system
  - Attendance to seminars, trainings, vocational education and/or community activities
  - Provide competency and life skills development
  - Socio-cultural and recreational activities
  - Community volunteer projects
  - Leadership training
  - Social services
  - Home life services
  - Health services
  - Spiritual enrichment
- Community and family welfare services
- Continuing education program
- Other alternative measures to detention of CICL. Please specify (use extra sheet if needed)
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_

**Data Validation: Good Practice Rubric<sup>31</sup>**

Interviewer:

Respondent:

Agency:

Contact Number:

Date of Interview:

Section A: Overview

1. Alin sa mga sumusunod na mga dibersiyon n gawain o alternatibong opsyon sa pangangasiwa ng CICL o CAR ang mga naisagawa ng inyong tanggapan sa nakalipas na mga taon. (Maglagay ng tsek sa naisagawang gawain)
  - Pagbabayad-pinsala sa ari-arian
  - Pagsasaayos ng napinsalang ari-arian
  - Pagbabayad- pinsala sa nagawang paninira
  - Paghingi ng tawad (written o verbal)
  - Care, guidance and supervision orders
  - Counseling para sa CICL at kanyang pamilya
  - Pagdalo sa mga trainings, seminars at lectures
  - Pagdalo sa mga available na community-based programs tulad ng community service
  - Pagdalo sa mga education, vocation at life skills program
  - Pagkumpiska sa mga napagbentahan o nabili mula sa nagawang krimen
  - Mahigpit na pangangaral (written o verbal)
  - Pagbabayad ng multa
  - Pagbabayad ng gastos ng proceedings
  - Institutional care and custody
  - Alternative learning system
  - Pagdalo sa mga seminars, trainings, vocational education and/or community activities
  - Pagbibigay ng competency and life skills development
  - Socio-cultural and recreational activities
  - Community volunteer projects
  - Leadership training
  - Social services
  - Homelife services
  - Health services
  - Spiritual enrichment
  - Community and family welfare services
  - Continuing education program
2. Mula sa mga nabanggit na gawain, masasabi mo bang unique o creative ang pagsasagawa ng dibersiyon para sa mga kabataan? Kung oo, paano ito naiba?
3. Naisagawa ba ang dibersiyon nang naaayon sa minimum na nakatalaga sa R.A. 9344? Paano mo nasabi? Ano ang mga pamantayan na sinundan ng Diversion Committee o tanggapan sa pagsasagawa ng dibersiyon?
4. Bakit ang diversion ang napiling opsyon para sa bata? Nakamit ba ng gawain ang layunin nito? Anu-ano ang mga mahalagang pagbabago sa bata na nakita sa pagpili ng diversion ng komite? Nakatulong ba ito upang hindi na bumalik sa hindi magandang

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<sup>31</sup> Rubric was adopted from the DSWD guideline in documenting Good Practices.

gawain tulad ng paglabag ng batas ang mga CICL? Naisagawa ba ang gawain nang naaayon sa takdang oras at budget or iba pang kinakailangang resources?

5. Mayroon bang step-by-step na prosesong sinundan ang tanggapan o Diversion Committee?  
Madali bang ulitin ang intervention na napili? May guideline ba na maaaring sundan ng ibang grupo or ahensya ng gobyerno upang maisagawa ang napiling opsyon na magdudulot nang halos kaparehong resulta?  
Naisagawa na ba ito ng ibang ahensya or organisasyon maliban sa inyong komite?

## Section B. Bilang ng mga Diversion Programs na nahawakan

Para sa sumusunod na katanungan, kailangan ng respondent na balikan ang kanilang datos ng mga nahawakang kaso ng CICL.

*Time Frame*      *Bilang ng CICL*      *Bilang ng CICL na*      *Bilang ng CICL na*      *Bilang ng CICL na*

|                    |           | <i>eligible sa diversion</i> | <i>nakatapos ng diversion Program</i> | <i>nakatapos ng diversion Program at hindi na naiulat na nakulong o nareklamo ulit sa pulisya o barangay</i> |
|--------------------|-----------|------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>2010 – 2016</i> | <i>50</i> | <i>30</i>                    | <i>20</i>                             | <i>10</i>                                                                                                    |

\* *Ang unang row ay maaaring gamiting halimbawa sa pagsagot sa table na ito.*

1. Anu-ano ang inyong batayan o mechanics para masabing eligible ang isang bata sa diversion?
2. Kung hindi sang-ayon ang bata o kanyang pamilya sa diversion, itinutuloy pa ba ninyo ang programa sa CICL? Bakit o bakit hindi?
3. Alin sa mga sumusunod ang maaaring ipasok sa diversion? (*Maglagay ng tsek sa naaangkop na kaso*)
  - Ang bata ay 14 na taong gulang at nanggahasa (umakto ng may pag-intindi/pang-unawa/with discernment)
  - Ang bata ay 14 na taong gulang at nandukot (umakto ng may pag-intindi/pang-unawa/with discernment)
  - Ang bata ay 16 na taong gulang at nahuling nagbebenta ng ipinagbabawal na gamot (umakto ng walang pag-intindi/pang-unawa/ without discernment)
  - Ang bata ay 16 na taong gulang at nanggahasa (umakto ng walang pag-intindi/pang-unawa/ without discernment)
  - Ang bata ay 16 na taong gulang at lumabag sa curfew (umakto ng may pag-intindi/pang-unawa/with discernment)
4. Pumili ng isang kaso mula sa 1.4 at magbigay ng halimbawa kung paano ninyo gagawin ang diversion program para sa bata?

- Pumili ng isang kaso mula sa 1.4 na hindi maaaring ipasok sa diversion program at ano ang susunod ninyong hakbang ukol dito.

### Section C. Capacity Building

Sa nakalipas na tatlong taon, ibigay ang limang pinaka-nakatulong ng training na inyong nadaluhan ukol sa CICL.

| Title of Training | Topics Covered | Ilang beses kang nakadalo sa ganitong training sa nakalipas na 3 taon? | Funding Agency (e.g. LGU, JJWC, DepEd, NGOs) | Sa antas na 1 to 10, 1 bilang pinakamababa at 10 bilang pinakamataas, gaano ka-nakatulong ang training sa iyo sa pagsasagawa ng diversion programs? |
|-------------------|----------------|------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                |                                                                        |                                              |                                                                                                                                                     |
|                   |                |                                                                        |                                              |                                                                                                                                                     |
|                   |                |                                                                        |                                              |                                                                                                                                                     |

### Section D: Internal and External Support in the Implementation of the Program

- Mula sa kabuuang budget ng iyong tanggapan o sa programa para sa mga kabataan, ilang porsyento o magkano ang nilaang budget para sa mga serbisyo sa CICL and CAR noong 2015, 2016 at 2017?
- Sa kasalukuyan, mayroon ba kayong “partners” na mga LGUs, ahensya ng gobyerno, pribadong kumpanya, simbahan o indibidwal na sumusuporta at tumutulong sa inyo upang maisagawa ang diversion program? Anu-ano ang kanilang tungkulin sa pagsasagawa ng diversion?
- Mayroon bang monitoring tool o techniques na ginagamit ang inyong tanggapan upang malaman ang takbo ng diversion program ng CICL? Paano nyo ito ginagamit? Nakatulong ba ang monitoring tool upang mapadali ang inyong trabaho o makamit ang layunin ng diversion program? Kung oo, sa paanong paraan ito nakatulong? Kung hindi, paano mo ito nasabi?

**KEY INFORMANT INTERVIEW GUIDE QUESTIONS**  
***Family Courts/RTC Branches***

**Information on Diversion Program and Alternative Measures to Detention**

1. What are the different types of restorative justice practices that you have explored in the court (i.e. family group conferencing, restorative circles, victim-offender mediation, peace-making circles, reparative boards)?
2. Can you further elaborate on the different strategies explored by the court to minimize the time spent by the child in the detention homes?
3. What are the specific components, characteristics or features of these restorative justice practices?
4. What are the specific processes or procedure of these practices?
5. What are the factors to be considered in placing a CICL in a particular program (diversion or other alternative measures to detention)?
6. How does the court ensure the adoption of child-friendly justice principles? Can you cite specific examples when these principles are observed in your court/chamber?
7. Does the court keep record of the CICL's progress from the time their case was heard in the court until the termination/completion of their diversion program or other alternative measure to detention?

**Effectiveness of Diversion Program/Alternative Measures to Detention**

1. Does the diversion program or alternative measures to detention achieve its planned outputs and outcomes? If yes, to what extent it has achieved the results? If no, why?
2. Do these programs help in the reduction of recidivism particularly among those who completed it? If yes, to what extent have these programs contributed to reducing re-offending or recidivism among CICL?
3. What interventions or services are the most effective in meeting the needs of the CICL?

**Impact of the Measures**

1. What are the effects or outcomes of the program in the relationship of CICL to their respective families and vice-versa? To the family itself?
2. What are the effects or outcomes of the program in the community of the CICL?
3. Are there reports of decreased stigma or discrimination against the CICL due to the diversion program or alternative measures to detention? In what ways do these programs contributed to the same?
4. Have the diversion program contributed to the improved treatment to CICL? Yes or No? Please provide specific cases that can prove your answer (MOVs)?

**Sustainability**

1. What are the available internal and external support provided to courts in relation to the implementation of the diversion or alternative measures to detention program? How do they contribute to the success of the program?
2. What are the roles of the court social worker in facilitating diversion or alternative measures to detention of children? Does the court have enough manpower in the facilitation of CICL cases?

3. What are the enabling factors adopted by the court to ensure the successful implementation of the diversion or alternative measures to detention program?
4. Are the restorative justice practices integrated with court's overall operations? Why or why not?
5. What are the challenges in implementing restorative justice? Are there any issues with the development, legislation, policies, training and funding of the programs related to restorative justice? What are your thoughts in addressing these gaps?

### **Facilitating and Hindering Factors to Implementation**

1. What are the facilitating factors in the implementation and success of restorative justice practices?
2. What are the hindering factors or limitations in the implementation and success of restorative justice practices?
3. What will you recommend to address those limitations and improve the implementation of diversion and alternative measures to detention program?

### **Probing Questions for the Thematic Areas**

#### **Capacity of the Judge/other members of the Diversion Committee**

1. How long have you been handling CICL cases? How about the number of years leading diversion and alternative measures to detention programs for children who are in conflict with the law?
2. What are the trainings, workshops that you attended which you felt were helpful in your work handling CICL cases? How did these trainings prepare you in your line of work?
3. What are your strategies in assessing, monitoring and following through the myriad of cases that you're handling?
4. What sets these strategies apart from how other presiding judges typically handle CICL cases? Why do you opt to follow these strategies?
5. What do you think are the crucial characteristics and features of family courts to lead an effective restorative justice program? What are the necessary skills required from a judge and/or other members of the Diversion Committee to preside such programs?

#### **Family Interventions**

1. What are the specific family interventions that you initiated/suggested/recommended in the child's diversion or alternative measures to detention program? Why is this your strategy of choice?
2. How did these help in the reintegration of the child to his/her family and community?
3. How was the participation of the parents/guardians at the onset of the diversion? Were there any changes in their behavior or attitude at the end of the child's diversion program?
4. How did the family intervention helped in addressing the needs of the child and in ensuring less re-offense?

#### **Resource Mobilization**

1. What are the typical resources required to preside a restorative justice program?
2. Who are your active stakeholders in handling cases of CICL?
3. How did you learn about the organizations that you are currently working with? What are their contribution in ensuring an effective diversion program for the children? How do you ensure the close involvement of these stakeholders in the program?



4. What are the resources made available to the program? How did these help in the child's rehabilitation and reintegration to the community?

#### **Tailor-fitting of the intervention to the needs of the child**

1. What are the usual intervention programs that you are implementing with CICLs? How do you ensure that these generic tasks are aligned to the specific needs of each CICL? Can you cite specific example when this case is true?
2. What is the reception of the CICL on the approach?
3. What are the after-care services that you provide for the CICL? How do these strategies help in the further rehabilitation and reintegration of the child with his family and community?
4. What are the enabling factors to make this strategy a success?

#### **Support of the LSWDO and other members of the Diversion Committee**

1. What are the support/assistance provided to the diversion program by the LGU Head?
5. Did you have to advocate for the need of the CICL to these leaders? How did you advocate for additional resources and support for CICL cases? How do you ensure the close involvement of these stakeholders in the program?
2. How these inputs from the LGU/BCPC did made a difference in the life of the children?
3. What are the facilitating factors, which encouraged LGUs to commit more in the diversion program?

#### **Participation of the CICL in designing the diversion program?**

1. What are the usual diversion programs that you are implementing with CICL?
2. What is the frequency of the involvement of the CICL in designing and selecting diversion programs for them?
3. How did you facilitate the input of the CICL in designing their diversion program? What are the advantages and disadvantages (if any) of closely engaging the child in the design of their diversion program?
4. How was the implementation and monitoring of the diversion program different with other CICL cases that you handled?
5. Were there any differences in the outcome between a child who was closely involved in the design of their diversion plan and those who were not

## Appendix 2E

### **KEY INFORMANT INTERVIEW GUIDE QUESTIONS**

#### ***LSWDO/Barangay/Other Duty Bearers***

##### **Information on Diversion Program**

- What are the specific interventions or services to CICL using diversion approach?
- What are the specific components, characteristics or features of your diversion program?
- What are the specific processes or procedure of your diversion program?
- What are the factors to be considered in placing a CICL in particular intervention?

##### **Effectiveness of Diversion Program**

- Does the diversion program achieve its planned outputs and outcomes? If yes, to what extent it has achieved the results? If no, why?
- Do the diversion programs help in the reduction of recidivism particularly among those who completed it? If yes, to what extent have these programs contributed to reducing re-offending or recidivism among CICL?
- To what extent that the program contributed or helped the child to change his or her delinquent behaviour?
- Are the needs/problems of the children met/addressed? Why or why not?
- What interventions or services are the most effective in meeting the needs of the diversion participants?

##### **Impact of Diversion Program**

- What are the effects or outcomes of the program in the relationship of CICL to their respective families and vice-versa? To the family itself?
- What are the effects or outcomes of the program in the community of the CICL?
- Are there reports of decreased stigma or discrimination against the CICL due to diversion program? In what ways does the diversion program contributed to the same?
- Have the diversion program contributed to the improved treatment to CICL? Yes or No? Please provide specific cases that can prove your answer (MOVs)?

##### **Sustainability**

- What are the available external supports of the CSWDO in relation to the implementation of the program? How do they contribute to the success of the program?
- Does the LCE support the implementation of the program and why?
- Does CSWDO have enough manpower and financial resources to support the continuity of the program? To what extent these resources contribute in the completion of diversion program of the CICL?
- Does the lead social worker in handling CICL cases have enough training in the implementation of diversion program? To what extent has the LGU enhanced his or her capacities in the implementation of diversion program?
- Is diversion program integrated with the CSWDO overall operations? Why or why not?

##### **Facilitating and Hindering Factors to Implementation**

- What are the facilitating factors in the implementation and success of diversion program?
- What are the hindering factors or limitations in the implementation and success of diversion program?
- What will you recommend to address those limitations and improve the implementation of diversion program?

## **Probing Questions for the Thematic Areas**

### **Capacity of the Social Worker/members of the Diversion Committee**

- How long have you been handling CICL cases? How about the number of years leading diversion programs for children who are in conflict with the law?
- What are the trainings, workshops that you attended which you felt were helpful in your work handling CICL cases? How did these trainings prepare you in your line of work?
- What are your strategies in assessing, monitoring and following through the myriad of CICL cases that you're handling?
- What sets these strategies apart from how other social workers/ MSWDOs do their work in conducting diversion programs?

### **Family Interventions**

- What are the specific family interventions that you injected in the children's diversion program? Why is this your strategy of choice?
- How did these help in the reintegration of the child to his/her family?
- How was the participation of the parents/guarding at the onset of the diversion? Were there any changes in their behavior or attitude at the end of the child's diversion program?
- How did the family intervention helped in addressing the needs of the child and in ensuring less re-offense?

### **Resource Mobilization**

- Who are your active stakeholders in handling cases of CICL?
- How did you learn about the organizations that you are currently working with? What are their contributions in ensuring an effective diversion program for the children?
- What are the resources made available to the diversion program? How did these help in the child's rehabilitation and reintegration to the community?

### **Strengthened BCPC**

- What are the trainings, workshops that the BCPC attended which you felt were helpful in handling CICL cases?
- How did the BCPC facilitated the budget allocation for the proper implementation of the diversion programs? How did the BCPC address the gaps in resources?
- What sets your BCPC different from other BCPCs? What are the extra efforts that you were doing in ensuring the improvement on the lives of CICLs?
- What are the strategies adopted to ensure the barangay's functional BCPC? Who is taking lead in the BCPC's activities? Will this work arrangement be sustainable even in the absence of the barangay captain?
- What are the challenges that the BCPC has encountered in mobilizing the group? How are these challenges addressed?

### **Tailor-fitting of the intervention to the needs of the child**

- What are the usual intervention programs that you are implementing with CICLs? How do you ensure that these generic tasks are aligned to the specific needs of each CICL? Can you cite specific example when this case is true?
- What is the reception of the CICL on the approach?
- What are the after-care services that you provide for the CICL? How do these strategies help in the further rehabilitation and reintegration of the child with his family and community?
- What are the enabling factors to make this strategy a success?

**Support of the Local Government Head**

- What are the support/assistance provided to the diversion program by the LGU Head?
- Did you had to advocate for the need of the CICAL to these leaders? How did you advocate for additional resources and support for CICAL cases?
- How did these inputs from the LGU/BCPC made a difference in the life of the children?
- What are the facilitating factors which encouraged LGUs to commit more in the diversion program?

**Participation of the CICAL in designing the diversion program?**

- What are the usual intervention programs that you are implementing with CICALs?
- How did you facilitate the input of the CICAL in designing their diversion program? What are the advantage and disadvantages (if any) of closely engaging the child in the design of their diversion program?
- How was the implementation and monitoring of the diversion program different with other CICAL cases that you handled?
- Were there any differences in the outcome between a child who was closely involved in the design of their diversion plan and those who were not?
- What are the enabling factors to make this strategy a success?

## Appendix 2F

### Documentation: FGD Guide with Former Clients (CICL)




Guide Questions:

#### Section I.

1. Matapos kayong mai-report, sino ang kumausap/nag-interview sa inyo at saang opisina kayo dinala o pinapunta? Sino sa kapamilya o kakilala ninyo ang sumama sa inyo noong mga panahong ito?
2. Natugunan ba ng diversion program ang inyong problema o pangangailangan noong panahon kayo ay nakasuhan o nareklamo sa barangay hall o pulisya? Kung oo, sa paanong paraan? Kung hindi, bakit?
3. Nawala ba ang hindi magandang pagtingin o pagtrato sa inyo ng inyong komunidad pagkatapos ng diversion program? Kung oo, sa paanong paraan? Kung hindi, bakit? Pakilarawan ang kasalukuyan pagtingin o pagtrato sa iyo ng iyong kapitbahay at komunidad:
4. May natutunan ba kayo mula sa diversion program? Kung oo, anu-ano ang mga ito?
5. Nasiyahan ba kayo sa resulta o kinalabasan ng diversion program sa inyong buhay? Kung oo, sa paanong paraan? Kung hindi, bakit?
6. Ano ang naging epekto ng diversion program sa iyong relasyon sa iyong pamilya?

#### Section II.<sup>32</sup>

*Para sa susunod na mga katanungan, gamitin ang visual aid na ito para gabayan ang mga respondent sa kanilang magiging sagot. Bigyan ng tig-apat na metacards ang bawat respondent at pentel pen para sa kanilang sagot.*

|                                                                                     |                                                                                                                                                                                                                                                                         |    |   |   |   |   |   |   |   |   |                                                                                       |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---|---|---|---|---|---|---|---|---------------------------------------------------------------------------------------|
|  | <b>Diversion Practice, Locality/Community,</b><br><table border="1"><tr><td>10</td><td>9</td><td>8</td><td>7</td><td>6</td><td>5</td><td>4</td><td>3</td><td>2</td></tr></table><br> | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 |  |
| 10                                                                                  | 9                                                                                                                                                                                                                                                                       | 8  | 7 | 6 | 5 | 4 | 3 | 2 |   |   |                                                                                       |

<sup>32</sup> Isulat ang mga naggig sagot ng mga respondent sa susunod na papel matapos ang FGD.

1. Balikan natin ang inyong diversion program. Ano ang mga nagustuhan ninyong gawain o aspeto ng inyong diversion program? Bakit? Isulat sa metacard ang inyong sagot at idikit sa column na may happy face.
2. Anu-anong aspeto naman o gawain sa inyong diversion program ang nais ninyong baguhin o sa tingin ninyo ay maaari pang ma-improve? Bakit? Isulat sa metacard ang inyong sagot at idikit sa column na may sad face.  
*Pumili ng 2 respondent na magpapaliwanag ng kanilang sagot.*
3. Maaari nyo bang tantyahin kung anong grado ang ibibigay ninyo sa kabuuan ng diversion program? 1 bilang pinakamababa o hindi nakatulong sa inyong magbagong buhay at 10 bilang pinakamataas o pinakanasiyahan kayo at nakatulong na maging mas maayos ang inyong buhay. Isulat ito sa metacard at ipasa sa facilitator. Hindi na kakailanganing i-post sa harapan ang sagot ng bawat respondent.

## Appendix 3

### **Data Collection Protocols – Child Protection Policy**

In upholding the dignity of every human being and in ensuring full respect for human dignity, the project entitled “Study on Diversion and Alternatives to Detention” of the Juvenile Justice and Welfare Council (JJWC) is committed to serve and protect the interest of every Filipino child. The project has in place Child Protection Policies that seek to reduce the risk of child exploitation, abuse, or other forms of violence.

In keeping with this, the Project implements the Data Collection Protocols to guide interactions with children.

Let us work together to make the study safe for children. We request your help and diligence to make this a reality.

As I travel to a survey target area and/or interact with children, I will abide by the following:

- I shall not travel to survey areas without prior written approval of the JJWC and unless introduced to community/school leaders by an authorized JJWC personnel.
- I shall observe appropriate and culturally sensitive interactions with children.
- I shall be conscious about the perception and actual nature of my interaction and relationships with all children in the communities/schools.
- When uncertain about the boundaries of appropriate or inappropriate behavior, I shall seek guidance, without hesitation, from accompanying JJWC personnel.
- I shall not engage in inappropriate physical conduct with children such as unwanted touching, hugging, kissing, any culturally unacceptable gesture or act which can be potentially abusive.
- I shall not hit, spank, or physically assault children.
- I shall not spend time alone or out of view of another adult with any child or minor, whether in the school, a child’s house or any secluded place.
- If I witness inappropriate or suspicious behavior towards a child by a staff member, donor, or other adult, I will report this incident to JJWC personnel immediately.
- I shall not share personal contact details (home or work address) with any child or their family.
- I shall not photograph, video or collect stories of children without prior permission of JJWC staff and approval from the children and parents involved.

- I shall only photograph children in a decent manner and when they are appropriately dressed.
- I will not share personal identifying information of a child or family which makes their precise location publically known (including geo-tagged photographs with names of children).
- I shall not engage in pornography, sexual advances, unwanted invitations, or use power and authority to incite a child to commit sexual acts.
- I shall not utter derogatory language or act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
- I shall listen to and respect the views of every child and their family.
- I shall not discriminate against, show differential treatment, or favor particular child/children to the exclusion of others.
- I shall maintain professional relationship with children, while at the same time promoting mutual trust, care and respect in both actions and speech.
- I shall not offer cigarette, alcohol or illegal drug and condone abusive behaviors, nor shall I smoke or drink alcohol in front of a child or their family.
- I shall not invite a child or be accessory to recruiting a child to engage in any employment/work that are potentially abusive and would separate him/her from his/her immediate family.
- I shall respect children’s dignity and right to privacy at all times.

I understand and agree to comply with all the components of the Child Protection Policy, including the Data Collection Protocols for interacting with children. I commit to contribute in keeping children safe by using this policy to guide me as I relate with children, families and partners. I understand that under the Policy, I can be held liable for any harm I might cause against the dignity of child/children, community and the organization. I acknowledge that I have been verbally briefed on the contents of this document prior to its signing.

\_\_\_\_\_  
Name and Signature

\_\_\_\_\_  
Date

Witness:

\_\_\_\_\_  
Name and Signature

\_\_\_\_\_  
Date



## Appendix 4

### **Informed Consent Form**

In furtherance of the Juvenile Justice and Welfare Council's mission, and without expectation of compensation or other remuneration, now or in the future, I hereby give consent to the project entitled "Study on Diversion and Alternatives to Detention", its personnel and consultants for the following:

(a) to interview, film, photograph, tape or otherwise make a video reproduction of me and/or my child;

(b) to use, copy and publish original materials created by child (such as essays, poems, photos and artwork);

(c) to use my name and/or my child's name; and,

(d) to use my child's original materials, my or my minor child's image (whether photographic, video and/or electronic), interview statements (and excerpts of statements) from me or my child, in whole or in part, in JJWC's publications, in newspapers, magazines and other print media, on television, radio and electronic media (including the "Internet") in theatrical media and/or in mailings for educational and awareness campaigns by JJWC.

This consent is given without expiration, and futures uses do not require additional permission from me. The below signed individual, parent or legal guardian hereby consents to and gives permission to the above.

Name of Parent/Guardian: \_\_\_\_\_

Name of Child and Age: \_\_\_\_\_

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

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

## Appendix 5

### WAIVER

#### *Study on Diversion and Alternative Measures to Detention: A Documentation of Good Practices*

Ako si \_\_\_\_\_, \_\_\_\_\_ gulang at naging bahagi ng Diversion Program ng \_\_\_\_\_, ay kusang sumang-ayon na maging bahagi ng pag-aaral sa nabanggit ng Programa. Naibahagi sa akin na ang pag-aaral na ito ay patungkol sa aking kaalaman at karanasan sa epekto o resulta ng programa sa aking buhay. Nabanggit din sa akin na maaari akong umurong sa pakikilahok sa pag-aaral na ito at lahat ng aking ibabahagi ay hindi isisiwalat sa publiko ng wala ang aking pahintulot. Naintindihan ko din na hindi ipagbibigay alam sa publiko ang aking pagkakakilanlan ng wala ang aking pahintulot

Naipaliwanag ng maayos sa akin ang layunin at proseso ng talakayan na ito at aking naintindihan at sinang-ayunan.

LAGDA: \_\_\_\_\_

PANGALAN: \_\_\_\_\_

PETSA: \_\_\_\_\_

Appendix 6

**Directory of the Documented Duty Bearers with Good Practice in Implementing Diversion or Alternative Measures to Detention**

| Name                          | Designation                | Office                                      | Office Address                                                        | Contact Number                                                                                  | Email Address                           |
|-------------------------------|----------------------------|---------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Celina D. Manabat</b>      | Officer in Charge (OIC)    | City Social Services Department             | Right Wing, Lower Ground Floor, New City Hall of Calamba              | Landline:<br>(049) 545-6789<br>local 8226<br><br>Thru <b>Mr. Nicolas Regalario, RSW</b>         |                                         |
| <b>Ruby Lopez</b>             | District Head, Poblacion-A | City Social Services and Development Office | Davao City Hall: Old City Library Building, Bolton Street, Davao City | Mobile:<br>0933-289-0254                                                                        |                                         |
| <b>Epifania Sagayno</b>       | OIC- District Head         | City Social Services and Development Office | Davao City Hall: Old City Library Building, Bolton Street, Davao City | Mobile:<br>0919-520-9125/<br>0922-624-6230                                                      |                                         |
| <b>Ramon M. Bargamento II</b> | Punong Barangay            | Local Government of Barangay Mintal         | Gumamela St, Tugbok, Davao City, Davao del Sur                        | Landline:<br>(082) 2931173<br>Mobile:<br>0933-543-8934                                          | cssdo@davaocity.gov.ph                  |
| <b>Ryan F. Barcelo</b>        | OIC- Department Head       | Makati Social Welfare Department            | Makati City Hall, J. P Rizal Avenue, Barangay Poblacion, Makati City  | Landline:<br>(02) 899-8997 /<br>899-9037<br><br><b>Child Protection Unit:</b><br>(02) 870- 1639 | makatisocialwelfaredepartment@gmail.com |
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| <b>Hon. Judge Angelene Mary Quimpo-Sale</b> | Presiding Judge            | Regional Trial Court Branch 106 (Quezon City) | Hall of Justice, Elliptical Road, Diliman, Quezon City                                                     | (02) 924-3863                                           | amwqs@yahoo.com<br>Thru Atty. Amy Rivas-Magdangal<br>amytotrivas@yahoo.com |
| <b>Hon. Judge Florencio S. Arellano</b>     | Executive Judge            | Regional Trial Court Branch I (Batangas City) | Hall of Justice, Pallocan West, Batangas City                                                              | (043)723-3463                                           | Thru Atty. Glenda L. King<br>gkueen@yahoo.com                              |
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