



BARANGAY PROTOCOL

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

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CHAPTER I

BEFORE USING THIS MANUAL

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CHAPTER I-A
Some administrative matters

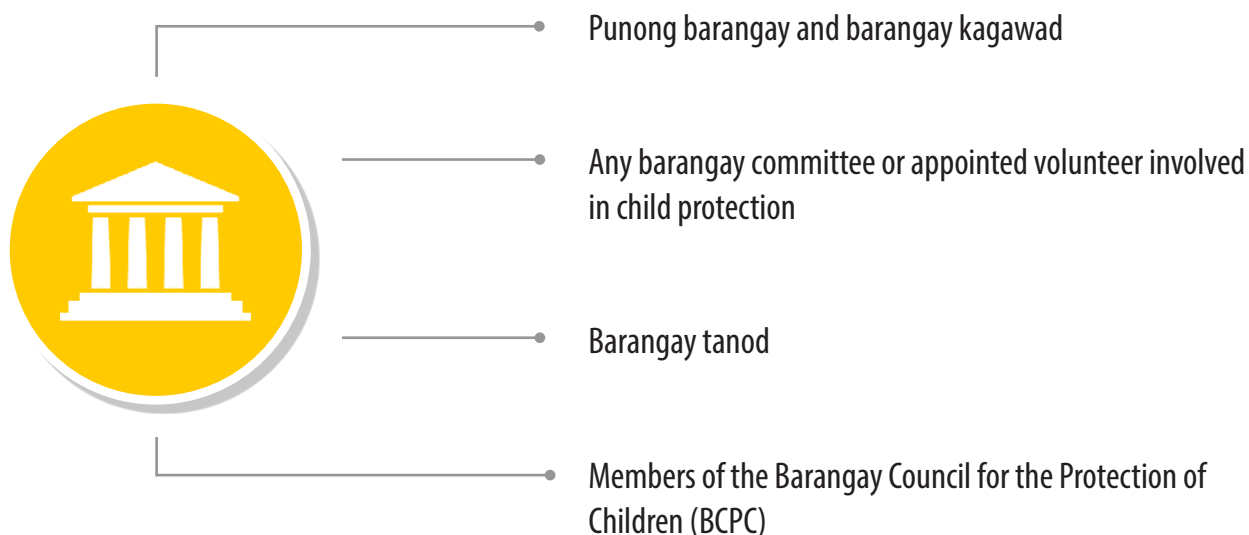
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CHAPTER I-B
Know the difference between a CICL and a CAR

CHAPTER I-A

SOME ADMINISTRATIVE MATTERS

This Manual is for the use of the following when dealing with children in conflict with the law (CICL) or children at risk (CAR) under Republic Act 9344 as amended:



First

Be familiar with the letters and numbers in this Manual.

BCPC	Barangay Council for the Protection of Children
CICL	Child in Conflict with the Law; Children in Conflict with the Law
CAR	Child at Risk; Children at Risk
DSWD	Department of Social Welfare and Development
JJ	Juvenile Justice
LSWDO	Local Social Welfare and Development Officer; may be the City Social Worker and Development Officer or the Municipal Social Worker and Development Officer
NGO	Non-government organization
RA 9344	Republic Act No. 9344 or the “Juvenile Justice and Welfare Act” as amended by Republic Act No. 10630
WCPD	Women and Children Protection Desk

Second

Be familiar with the the people you will be regularly coordinating with when implementing RA 9344.

The barangay must establish a communication and coordination system with the following to facilitate the handling of CICL cases (and also of CAR cases):

- LSWDO (and other DSWD officials in the Region);
- Public Attorney's Office;
- Local health officers;
- WCPD of the Philippine National Police; and
- Regional Juvenile Justice and Welfare Council

The barangay must also have an established network with:



School officials within the barangay



NGOs assisting children



Faith-based organizations

Knowing them ahead and establishing a network with them will help the barangay in implementing the law more easily.

Third

Have a ready directory as reference when handling CICL cases.

The barangay has a short time period to handle a CICL from time of initial contact. Having a directory available at the barangay will help in more easily implementing the law.

Please fill out the directory in the next page (also Annex A) and have a copy readily and visibly available at the barangay hall.

BARANGAY DIRECTORY

Contact details to assist a CICL and a CAR

	NAME/s	Phone numbers/ Addresses
LSWDO (Barangay)		
LSWDO (City, Municipality or Province)		
PAO		
Regional JJWC Officer		
PNP - WCPD		
Police Community Precinct		
Barangay health workers		
Local health officers/ health center		
Doctors residing in the barangay		
Local civil registrar		
NGOs assisting children		
Faith-based organizations		
School officials		

Fill-out and then tear or photocopy for barangay reference (Copy also in Annex F of Manual)

Also**Be familiar with the Flowcharts and Forms for barangays.**

Always have copies of the following available to all those who are implementing RA 9344 in the barangay:

1. Flowcharts A to C-1 (Annexes A to C of this Manual)
2. Flowchart on handling a child who violated an ordinance (Annex D of this Manual)
3. Forms for Barangays (Annexes E-1 to E-4 of this Manual)

The flowcharts and forms are essential to properly implement the law.

Finally**Have the following on file.**

To most effectively implement RA 9344 and use this Manual, please also have copies of the following ready for reference:

1. RA 9344 as amended
2. Implementing rules of RA 9344 as amended
3. Integrated Care Management Protocol for the Implementation of RA 9344

CHAPTER I-B

KNOW THE DIFFERENCE BETWEEN A CICL AND A CAR

A CICL (Child in Conflict with the Law) is different from a CAR (Child at Risk).



Know when the child is considered a CICL or a CAR. And then, you will know what chapters to use in this Manual.

When is a child in conflict with the law (CICL)?

A CICL refers to a child who is “alleged as, accused of, or adjudged as, having committed an offense under Philippine Laws.”

Examples of CICL are children who are accused of committing theft or robbery, physical injuries, malicious mischief, rape, or murder.

When is a child at risk (CAR)?

A child is a CAR (and not a CICL) if he/she violates:

1. local ordinances concerning juvenile status offenses;
2. light offenses and misdemeanors against public order or safety; or
3. offenses not applicable to children and exempt them from prosecution.



CICL (Child in conflict with the law)

At the barangay level WHEN does a child become in conflict with the law?

Once a child is taken into custody by the barangay because the child is accused of having committed an offense under Philippine law, the child is already considered a CICL.



CAR (Child at Risk)

When does an ordinance cover a “juvenile status offense”?

If an ordinance covers conduct of minors that is not considered an offense or not penalized if committed by an adult, this ordinance is considered to cover juvenile “status offenses”.



CICL (Child in conflict with the law)

When handling a CICL, what chapters of this Manual do I use?

- Chapters Two to Three of this Manual; and
- Flowcharts A to C-1 (Annexes A to C)

Illustration: When is a child a CICL?

If a child is brought by a store owner to the barangay because the child allegedly stole food from the store, the child is already a CICL from the time the store owner apprehends the child.

If a child is brought by the store owner to the barangay because the child appears to be lost and cannot find his parents, the child **is not** a CICL.

If the store owner thinks he saw a child steal something from the store but does not report the child to the barangay, the child **is not** a CICL.

If the barangay tanod took custody of a child who is at the store around 11 p.m. (past the 9:30 p.m. curfew time imposed by the barangay), the child is **not** considered a CICL under RA 9344. A violation of a curfew ordinance is not an offense under Philippine law. However, the child may be considered a CAR. (See discussion below and in Chapter Five at page 67)

CICL and the four-fold role of barangays

The barangay plays an important role in four key areas concerning CICL.

1. Taking custody of the CICL
(See Chapter Two on INITIAL CONTACT)
2. Assisting in determining where to turnover a CICL who acted without discernment and in implementing the child's INTERVENTION



CAR (Child at Risk)

The conduct covered by such ordinance shall not be considered as an offense, and shall not be punished, if committed by a child.

What are examples of local ordinances concerning juvenile status offenses?

The child who commits any of the following is a CAR:

- curfew violations
- truancy
- parental disobedience
- anti-smoking ordinances
- anti-drinking ordinances
- other ordinances enacted by local governments concerning juvenile status offenses

What light offenses and misdemeanors against public order or safety will make a child a CAR?

- disorderly conduct
- public scandal
- harassment
- drunkenness
- public intoxication
- criminal nuisance
- vandalism
- gambling
- mendicancy
- littering
- public urination
- trespassing

What offenses are not applicable to children but make them CAR when committed?

If the child commits any of the following offenses, the child is exempt from prosecution **but** is considered a CAR:

1. prostitution (under Section 202 of the



CICL (Child in conflict with the law)

program

(See Chapter Three on INTERVENTION and DETERMINING CUSTODY)

3. Conducting Diversion Proceedings and Assisting in implementing the DIVERSION program for CICL with discernment

(See Chapter Four on DIVERSION)

4. PREVENTING children to be at risk and to run in conflict with the law

(See Chapter Six on PREVENTION)



CAR (Child at Risk)

Revised Penal Code)

2. mendicancy (under Presidential Decree No. 1563)
3. sniffing of rugby (under Presidential Decree No. 1619)

When handling a CAR, what chapters of this Manual do I use?

Chapter Five of this Manual and the corresponding Flowchart on the handling of a child at risk who violated an ordinance or committed a light offense or misdemeanor (Annex D of this Manual) will be used for the CAR.

Chapter Six of the Manual also describes the programs of the barangay to help prevent CAR from becoming CICL.

REMEMBER

A Child at Risk (CAR) who violated an ordinance or committed a light offense or misdemeanor as listed above is not a CICL.

NOTE: There are other types of CAR not covered by this Manual.

This Manual only covers the CAR described above. There are other types of CAR-- those "who are vulnerable or at-risk of behaving in a way that can harm themselves or others, or vulnerable and at-risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances.

There are separate laws and manuals used when addressing cases of other CAR (Ex: street children; physically or sexually abused children; children living in armed conflict). Do not use this Manual for other types of CAR.

CHAPTER II

INITIAL CONTACT WITH THE CICL

CHAPTER II

INITIAL CONTACT WITH THE CICL (AND INITIAL INTERVIEW)

HAVE THE FOLLOWING READY:

Flowchart A (Annex A)
Directory of contacts (Annex F)
CICL Logbook (Annex G)
BCPC Form No. 1 (Annex E-1)

Once a child is taken into custody by the barangay because the child is accused of having committed an offense under Philippine law, the child is already considered a CICL.

When is there initial contact with the CICL?

There is 'initial contact' once a barangay official, BCPC member or private citizen **apprehends or takes into custody** a CICL for allegedly committing an offense.

What should the barangay do upon apprehending or taking custody of the CICL?

Remember the code: **Id-Ex-Reg-In + Form-OA + Med-T-R**

Part 1: Id-Ex-Reg-In

Part 2: Form-OA

Part 3: Med-T-R

All these steps to be done within eight hours from apprehension of the CICL.

Part 1: Id-Ex-Reg-In

Immediately upon taking the CICL into custody, the barangay official must first:

1. **Identify** self to CICL
2. **Explain** to child: **r.o.c.**
 - reason for taking child into custody
 - offense allegedly committed
 - constitutional rights
3. **Register** in CICL logbook

Part 1: Id-Ex-Reg-In

4. **Inform** child's parents/guardians, social worker, PAO, and local health officer

Id-Ex-Reg-In + Form-OA + Med-T-R

What's the proper way to IDENTIFY yourself to the CICL upon initial contact?

1. Introduce yourself as "ate" or "kuya" to the CICL;
2. Mention your role in the barangay ("Ako ay tanod dito sa Barangay 143...");
3. Show the proper identification card or wear your uniform as a barangay official or BCPC member; and
4. Use a child-friendly approach (words, tone, behavior)

What do you EXPLAIN to the CICL?

Explain **r.o.c.** or the:

1. **r**eason for taking the child into custody
2. **o**ffense allegedly committed
3. **c**onstitutional rights of the child

Using simple language/dialect that the CICL understands, the barangay official taking custody of the child must explain in a child-friendly manner the following:

1. reason the CICL is taken to custody

"You are brought here to the barangay hall by Mang Juan who reported that you took something from his store without paying or asking for his permission..."

"Nandito ka sa barangay kasi ni-report ni Mang Juan na may kinuha ka raw sa tindahan n'ya nang 'di nagbabayad o nagpapaalam man lang..."

2. the offense allegedly committed

"...taking something without paying or asking permission is against the law. This may be considered theft."

"Ang pagkuha ng isang bagay nang 'di nagbabayad o nagpapaalam ay bawal sa ilalim ng batas. Ito 'yong tinatawag nilang 'theft'..."

3. the constitutional rights of the child

"I will remind you that:..."

- a. "...you have the right to remain silent. Do you understand?"
- b. "...you have a right to have an independent and competent counsel of your choice. Do you understand?"
- c. "...if you cannot afford the services of a lawyer, the government can provide a lawyer to assist you. Do you understand?"
- d. "...anything that you say will be used against you in any court of law. Do you understand all these rights?"

"...ipapa-alala ko sa iyo na:..."

- a. *"...karapatan mong manatiling tahimik kung nais mo. Naintindihan mo?"*
- b. *"...karapatan mong magkaroon ng sariling abogado na pipiliin mo o ng magulang mo. Naintindihan mo?"*
- c. *"...kung 'di ka makakuha ng sariling abogado, pwede kang bigyan ng gobyerno ng abogado kung gugustuhin mo. Naintindihan mo ba?"*
- d. *"...kung ano man ang sabihin mo, pwedeng magamit 'yon sa korte laban sa iyo. Naintindihan mo ba ang mga karapatan mo?"*

REMEMBER

The following acts are strictly prohibited when taking custody of the child:

1. use of instruments of force or restraint
2. unnecessary violence or force
3. vulgar language
4. sexual advances on child
5. torture



If a search on child needs to be conducted...

If circumstances dictate the conduct of the search (e.g. when violence and weapons were used by the child), search the child in a friendly, non-degrading and gender-sensitive manner. A female child may only be searched by a female barangay representative.

Where to bring the child after apprehension?

The barangay official, tanod or BCPC member will bring the CICAL to the barangay station for initial investigation. **But** if at point of initial contact the barangay determines that circumstances require urgent police assistance (e.g. extreme violence), the barangay can bring the child directly to the police station.



When should you immediately refer the CICAL's case to the police?

The barangay personnel who took custody of the child is highly advised to immediately refer the CICAL's case to the WCPD upon learning that the child:

- is being exploited by adults when the offense was committed;
- is a repeat offender;
- is above 15 years old and the penalty of the offense committed is more than six years; or
- committed a serious offense as listed below.

Refer the CICL immediately to the WCPD if the serious offense committed by the child is any of the following:

- Parricide;
- Murder;
- Infanticide;
- Kidnapping and serious illegal detention where the victim is killed or raped;
- Robbery with homicide or rape;
- Destructive arson;
- Rape;
- Carnapping where the driver or occupant is killed or raped; or
- Offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act) punishable by more than twelve (12) years of imprisonment

After taking custody of the CICL but before formally conducting an Intake Interview, what to do?

- **Register** child as a CICL in the CICL logbook; and
- **Inform** child's parents/guardians, social worker, PAO, and local health officer



What key data/information must be obtained from the CICL for purposes of REGISTRATION in the CICL logbook? (See sample logbook page - Annex G)

- Name of child
- Address of child
- Date and time of intake
- Offense allegedly committed
- Name of parents/guardians and contact details

Upon getting the name of the CICL's parents/guardian, inform them of the incident and advise them to go to the barangay station (or to the place of incident).

What if the child is unable to communicate or refuses to give his/her name?

Gather the information needed for registration from other people who may be present and immediately contact the social worker to obtain assistance in communicating with the child.

What if the parent/guardian is not available or cannot be reached?

Note in the intake form that the parent/guardian is not available or cannot be contacted and soon after inform the LSWDO of such fact.

As an added measure to protect the child, inform any person who may have to assist the child (or later care for or take temporary custody) after the intake is completed. Some of these persons may include relatives of the child.

What if the child does not have any parent or guardian?

Note in the intake form that the child may be “neglected” or “abandoned” and immediately inform the LSWDO of the fact that the CICL does not have any parent or guardian taking care of him/her.

Who can access the information inside the CICL Logbook?

The CICL Logbook is confidential and can only be accessed by the following:

- Barangay official who took custody of the child
- Punong Barangay and duly designated barangay officials under the BCPC
- LSWDO
- Juvenile Justice and Welfare Council



Separate logbooks for CICL and for CAR must be maintained. The CICL Logbook is different from the logbook for children at risk (CAR). Do not register CICL information in other logbooks covering other cases involving children.

Then, INFORM immediately the following (not later than eight hours after apprehension):



child's parents/guardians/relatives

Inform them that their child is in custody for an offense and ask them to (1) go to the barangay station where the child is held in custody and (2) bring a copy of the child's birth certificate or any official document showing child's age.

If the parents or guardian of the child cannot be located, inform the nearest relative.



social worker

Inform the LSWDO:

- that a CICL is in custody (and the time when the child was taken into custody);
- to come over to the barangay station to assist the child when intake and initial interview is done.

If you cannot contact the LSWDO within eight hours from initial contact, you may call the following:

- DSWD social worker (from Regional or National Office)
- Any social worker connected with a private organization or any other national or local government unit.

Also inform the LSWDO of any special circumstances concerning the child (Exmples: parents/guardian of child cannot be contacted or not available; child is unable to communicate properly or understand the language/dialect used by the barangay official; there are indications that the CICL is neglected, abandoned or abused.)



CICL's choice of counsel or PAO

The child has a right to counsel. Advise the PAO of the offense allegedly committed by the child and request the PAO to be available (either to receive calls or go to the barangay station) while the intake interview is being done.

If the PAO cannot be contacted, the barangay must note in the intake form that he/she: (1) called the PAO but was not able to talk personally with a PAO lawyer and; (2) a message was left in the PAO lawyer's office.



local health officer or any other medical professional available

Inform the health officer because the CICL has to be brought for a medical exam after initial contact with the child (See page 34 for details on medical exam).

Within eight hours from initial contact with the child, contact:

1. the CICL's parents/guardian
2. LSWDO
3. PAO (or counsel of the child)
4. local health officer or any other medical professional available

Indicate in the Intake Form the reason for failing to contact any of the above persons within eight hours and the effort taken to attempt contact.

Have your directory ready always!
(See Annex A of this Manual)

Part 2: Form-OA

After "Id-Ex-Reg-In", remember "**Form-OA**" when:

- The barangay can proceed to the Initial Interview by taking the statement of the CICL and filling out the **Intake Form**. (Use BCPC Form No. 1; Annex E-1 of the Manual);

Note: If the CICL is taken in because of a complaint or report of a private citizen, the barangay must ask the complainant to fill out the **Complaint Form**. (Use BCPC Form No. 2; Annex E-2 of the Manual);

- A key part of the Initial Interview is confirming the **Offense** supposedly committed by the child and determining the **Age** of the CICL.

Id-Ex-Reg-In + **Form-OA** + Med-T-R

When filling out Intake Form, you are conducting the INITIAL INTERVIEW. What's your main goal?

Your main goal is to determine: (a) where the case involving the CICL should be referred; and (b) where to turn over the child.

The practice in some barangays is to assign the CICL a *code name* or *code number* to keep identity of the child confidential. One barangay also takes a photo of the CICL to be kept on record to serve as reference in cases of repeat offenses or cases when a child uses a different name. The copy of photo is likewise confidential.

How do you determine where the case will be referred?

- a. by confirming the offense allegedly committed by the CICL
- b. by knowing the age of the CICL

When does the initial interview commence?

The initial interview starts from the time anyone from the barangay elicits from the child any information such as the child's name and personal circumstances.

Before starting the Intake/Initial Interview, consider the physical and psychological needs of the CICL for proper handling.

(Example: is the child hungry?; is the child afraid?)

Who will conduct the initial interview?

The initial interview may be conducted by the barangay captain or any designated barangay official/volunteer who took custody of the child.

What questions may be asked during the intake?

Only ask questions that are necessary to fill out the Intake Form (Annex E-1). If there are pieces of information required in intake forms that may be provided by other persons (e.g. parents, teachers), obtain these pieces of information from them and not from the child anymore.

Do not force or convince the CICL to make any statement or provide any information that might incriminate the child.

Who may be present during the intake interview?

- The barangay official who took the child into custody or who was designated to interview the child
- Parents/guardians of the child
- LSWDO
- PAO or legal counsel chosen by the CICL or parents/guardian of the CICL
- Interpreter or mental health professional if his/her presence is necessary to assist the child in communicating and understanding.

The Intake Interview is confidential. Any person not listed above cannot be present unless the presence of such person is permitted by the CICL and/or the child's parents/guardian.

When talking to the CICL, use simple language/dialect that can be understood by the child. But what if the child speaks a different language or dialect?

Get an interpreter who can assist in conducting the intake. Also, seek assistance from the LSWDO to ensure that communication with the child is done properly.

What if the child refuses to talk?

Ask the assistance of the social worker to ensure that communication with the child is done properly. If the child has a disability and difficulty in communicating, the assistance of an appropriate medical professional must be obtained in conducting the intake.



DURING THE INTAKE INTERVIEW, DO NOT

- display or use instruments of force or restraint on the child
- use violence, force or torture on the child
- use vulgar language
- make sexual advances on the child
- harass or abuse the child

In filling out the Intake Form, especially note the alleged offense of the CICT and the corresponding penalty

A child is in custody because the CICT allegedly committed a crime or offense. It is important to take note in the Intake Form: (1) the offense allegedly committed by the child; and (2) the corresponding imposable penalty to that offense.

When conducting the Initial Interview and recording information of the CICT's alleged offense, indicate in the Intake Form the:

- offense committed;
- date, time and place of the alleged offense committed;
- barangay official who took custody (name, office and contact number of the apprehending officer); and
- record of previous offense/s or violation/s (whether pending or not) committed by the CICT if there is any.

What are some of the common offenses that cause a child to be a CICT?



Physical injuries



Rape



Theft



Acts of lasciviousness



Robbery



Malicious mischief



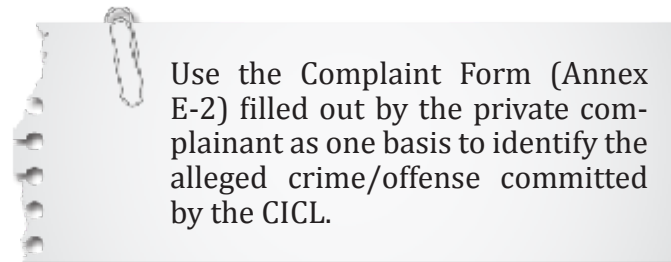
Violation of the Dangerous Drugs Act

What should you do to identify the crime/offense allegedly committed by the CICT? Can you ask the child some questions in order to determine the offense?

Conduct an initial investigation to properly identify the offense committed by the CICT. When possible, obtain the needed information from persons who have information on the commission of the alleged offense (e.g. witnesses; the person who reported the offense) **and preferably not from the child.**

Was the CICL taken into custody because of a complaint/report of a private citizen?

If the CICL was taken in because of a complaint or report of a private citizen, the barangay must ask the complainant to fill out the Complaint Form. (Use BCPC Form No. 2; Annex E-2 of the Manual). This Complaint Form can be a basis or supporting document when indicating the alleged crime/offense of the CICL in the Intake Form without having to anymore ask the child about the offense.



What if the child makes a statement referring to the crime allegedly committed?

If at any time after the CICL is taken into custody the child makes any statement referring to the crime/offense committed, ensure that such statement is made in the presence of the:

- the PAO (or a legal counsel)
- the LSWDO, and
- a parent, guardian, relative or NGO representative

All of the above must sign any written statement that may be made by the CICL.

Immediately refer the CICL's case to the WCPD if you discover that the child committed any of the following serious offenses:

- Parricide;
- Murder;
- Infanticide;
- Kidnapping and serious illegal detention where the victim is killed or raped;
- Robbery with homicide or rape;
- Destructive arson;
- Rape;
- Carnapping where the driver or occupant is killed or raped; or
- Offenses under Comprehensive Dangerous Drugs Act punishable by more than 12 years of imprisonment

What if you are having difficulty in identifying the correct offense allegedly committed by the child?

To properly determine the exact name of the offense allegedly committed by the child, get advice/ assistance from either the PAO, police, or the office of the prosecutor.

Based on statistics, what offenses are often handled by the barangay without needing involvement from the police?



- Light Physical Injuries
- Malicious mischief
- Theft

Determine also the imposable penalty for the offense allegedly committed by the CICL. Why?

The severity of the offense committed is often indicated by the degree of penalty imposed by law. By knowing the imposable penalty, you and the other duty bearers will know how to treat the CICL moving forward.

The imposable penalty is most important to note once you discover that the child is above 15 years old at the time the offense is committed. The penalty will determine who will handle the diversion for a CICL who is above 15 years old and is found to have acted with discernment.



What if you do not know the imposable penalty corresponding to the alleged offense committed?

If you do not know the imposable penalty corresponding to the alleged offense committed, consult any of the following to make a proper determination in filling out the intake form:

- PAO
- Prosecutor
- Any legal professional
- Police

What if the child denies commission of the offense?

Even if the child refuses to admit any involvement in the alleged offense committed, still indicate in the Intake Form the supposed crime or offense attributed to the CICL for purposes of completing the case record.

Are there cases when the physical presence of the LSWDO is necessary when interviewing the child?

You may proceed conducting the intake/interview of the child even if the LSWDO is not yet around. BUT the presence of the LSWDO is mandatory in the following cases:

- if at any time immediately after the CICL is taken into custody the child makes any statement referring to the crime/offense committed;
- if the CICL speaks a different language/dialect and cannot understand the language used by the barangay official conducting the intake and no interpreter is available to assist in the conduct of intake;
- if the CICL refuses to talk or the barangay is unable to properly communicate with the child;
or
- if the CICL has a disability that prevents proper communication and the appropriate professional (e.g. mental health professional) is not yet available.

If the physical presence of the PAO necessary while having custody of and interviewing the child?

Preferrably, although you may proceed in conducting the intake/interview of the child without lawyer. However, the presence of the PAO (or any legal counsel) is mandatory if at any time immediately after the CICL is taken into custody the child makes any statement referring to the crime/offense committed.

After identifying the offense and corresponding penalty, the barangay must determine the child's AGE.

Determine the CICL's age within eight hours from the time the custody of the child is taken. Determining the age within eight hours (based on whatever evidence or basis is available) is necessary to be able to refer the case to the proper authority.

What are the important ages to remember?



First, confirm if the person taken into custody is indeed a “child” or a person who is under the age of 18 years old.



Second, a careful determination of the exact age if the child says he/she is “15 years old”. The law gives different treatments to a child who at the time of the commission of the offense is “fifteen (15) years old or below” and is “above fifteen (15) years”.

Therefore a careful distinction must be made between a child who is 15 years old or below **AND** a child who is above 15 years old.

When is a child considered “fifteen (15) years old” and “above fifteen (15) years”?

The CICL may only be considered “fifteen (15) years old” if the day of the commission of the offense is the fifteenth anniversary of the child’s date of birth (or the CICL’s birthday).

If the child is at least fifteen (15) years and one (1) day old on the day of commission of the offense, the CICL is already considered “above fifteen (15) years” old.

“I am 15 years old,” the child says.
When the CICL generally says he/she is “15 years old” it is best to determine the birthday of the CICL (and follow the rules above).

Write in the Intake Form the basis of age determination. In case of doubt as to the age of the child, the doubt shall be resolved in favor of minority.

What is the basis to determine the child’s age?

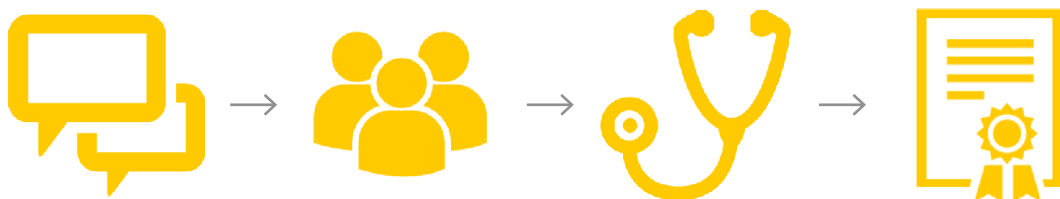
The age must be based on documents showing proof of the child’s age such as:

- birth certificate
- baptismal certificate
- school records
- medical or dental records
- travel papers
- other pertinent documents that may show age

What if these documents are not available within eight hours from the time custody of the CICL is taken?

If any of the documents cannot be obtained or pending receipt of such documents, use other measures to determine the age such as:

1. interview child and obtain information indicating age (e.g. date of birth, grade level in school);
2. interview persons having knowledge of child's age (e.g. relatives, neighbors, teachers, classmates);
3. evaluate physical appearance (e.g. height, built) of child; and
4. obtain other relevant evidence of age.



What if there are doubts on the age of the CICL?

If documents indicating age are not yet available and the only way to (temporarily) determine age is by interviewing the child taken into custody, give weight to what the child says is his/her age (even if you have doubts based on the child's appearance). **In case of doubt as to the age of the child, the doubt shall be resolved in favor of the child's minority.**

Based on the child's representation, make a provisional age determination for the purpose of knowing where to refer the CICL's case within eight hours from initial contact. The barangay may still continue to look for additional evidence of age after the eight hours and inform subsequent duty bearers of any change in age determination once documents are obtained.

(See BOX A for sample of a completed Intake Form and BOX B for a sample of a completed Complaint Form)

BOX B
Sample: Completed BCPC Form 2 (COMPLAINT FORM)

BCPC Form No. 2

Republic of the Philippines
Province of NCR
City/Municipality of Quezon City
Barangay 2

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)
COMPLAINT FORM

Francis Aspa
Mrs. Marilou Aspa

-against-

Mark Lester Chavez

Complainant

CICL

1439 Corregidor St., Brgy. 2, Quezon
City

Address

1865 Corregidor St., Brgy. 2, Quezon
City

Address

COMPLAINT

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

Noon Ika-24 ng Mayo 2016, mga ala 10:00 ng gabi, habang pauwi ako ng bahay galling sa mga kaibigan ko, nakita ko pong nakatambay si Mark Lester Chavez sa may Corregidor Street. Inakbayan n'ya po ako at sinabing ako raw po ang gumulpi sa kaibigan n'ya. Pumiglas po ako sa pagkaka-akbay sa akin, ngunit bigla n'ya nalang po ako pinagsusuntok. Mabuti nalang po may nag-reroving na mga pulis.

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

Maiproseso nang maayos ang aking reklamo laban kay Mark Lester Chavez para mapanagutan n'ya ang kaniyang ginawa sa akin.

Done this 24th day of May, 2016.

Francis Aspa
Complainant's Signature

Mark Lester Chavez
Name and Signature of CICL

Rosalie Chavez
Name and Signature of Parent/Guardian

Received and filed this 25th day of May, 2016.

FRANCISCO VALLE
Punong Barangay

Why is it important to know the child's age (even temporarily)?

The age of the CICL at the time of the offense was committed will allow you to:

- know how to proceed with the CICL's case; and
- later determine where you will turn over the CICL.

If the child is determined to be 15 years old or below:

Immediately cross-refer to Chapter Three of this Manual (Page 42) and follow the specific procedures detailed in that Chapter together with the LSWDO.

The CICL who is 15 years old and below qualifies for INTERVENTION PROGRAM and Chapter Three will detail:

- what type of intervention program a child will undergo; and
- to whom will physical custody of the CICL be turned over.

Do you immediately release the child to the parents upon determining that the CICL is 15 years old and below?

No. Before turning over physical custody to the parents/guardian, you and the LSWDO must first check if there are certain conditions or circumstances that should not allow release of the child's physical custody to the parents/guardian. Get **Flowchart B-1** and review **Chapter Three** for guidance on what questions to answer before releasing the child to the parents or guardian.

If the child is above 15 years old but below 18 years old:

Do two things:

1. turn over physical custody of child to LSWDO (for an assessment by the LSWDO if the child had discernment at the time of the commission of the offense) immediately after the medical exam; **and**
2. wait for the LSWDO's initial assessment of presence or absence of the CICL's discernment at the time of the commission of the offense.

See BOX C to understand more about the assessment of discernment.

The initial investigation of the child who is above 15 years old is not yet complete without the LSWDO assessment if the CICL acted with or without discernment.

BOX C
**If the CICL is above 15 years old,
the LSWDO will assess if child acted with discernment**

If the CICL is above 15 years old:

1. turn over the physical custody of the child to LSWDO (for the assessment by the LSWDO if the child had discernment at the time of the commission of the offense) immediately after the exam; and
2. wait for the LSWDO's initial assessment of presence or absence of the CICL's discernment.

Assessment of discernment means what?

The LSWDO assesses if the CICL had, at the time of the commission of the offense, the capacity to understand the difference between right and wrong, and its consequences.



The initial assessment if the child acted with or without discernment will be made by the LSWDO, not the barangay.

While waiting for the assessment of the LSWDO, what will the barangay do?

The barangay continues to handle the case file of the child and may still continue other aspects of the investigation (interviewing witnesses, gathering documents and evidence) if needed. This means that the physical custody of the CICL (who is above 15 years old) is still transferred to the LSWDO before the eight-hour period expires even if the investigation on the offense committed is not yet completed.

How long will the LSWDO complete the assessment of the discernment? And assessment will be given to?

The LSWDO has seven working days to complete and submit the report bearing the initial assessment of whether the child acted with or without discernment. The LSWDO will give this report to the barangay handling the CICL's case.

BUT there are instances when the barangay forwards the CICL's case to the prosecutor. Despite such development, the barangay must still get the LSWDO's discernment assessment report to be able to complete its report on the CICL.

Why is it necessary to make an assessment if the CICL had discernment?

The initial assessment of discernment will determine if the CICL who is above 15 years old will either be:

- given an intervention program (if no discernment); OR
- undergoing diversion (if with discernment).

After receiving the LSWDO Report that the child above 15 years old acted with discernment, what next?

After receiving the LSWDO Report, complete the initial investigation and prepare to refer the CICL for diversion.

To know where to refer the case, look again at the offense allegedly committed by the CICL and the corresponding impossible penalty to determine who is the authority who will handle diversion proceedings of the CICL (who is above 15 years old and acted with discernment at the time the offense was committed). **See BOX D to know where to refer the case of the child who acted with discernment.**

BOX D
If the CICL is above 15 years old and acted with discernment, where to refer the child's case

If the child committed:

an offense with a penalty of 6 years and below

a victimless offense

Refer CICL case to this diversion authority:

Punong Barangay
(diversion at the Katarungang Pambarangay level)

OR

Police
(diversion at the law enforcement level)

LSWDO / Social Worker
(diversion at the LSWDO level)

NOTE: Referring the case of CICL for diversion is different from transferring the physical custody of the child.

After receiving the LSWDO Report that the child above 15 years old acted without discernment, what next?

Immediately cross-refer to Chapter Three of this Manual (Page 42) and follow the specific procedures detailed in that Chapter (and Flowchart B-2) together with the LSWDO.

The CI/CL who is 15 years old or below who acted without discernment qualifies for Intervention Program and Chapter Three will detail:

- what type of intervention program a child will undergo; and
- to whom will physical custody of the CI/CL be turned over.

Should you immediately release the child to the parents upon getting LSWDO Report that the CI/CL who is above 15 years old acted without discernment at the time of offense?

No. Before turning over physical custody to the parents/guardian, you and the LSWDO must first check if there are certain conditions or circumstances that should not allow release of the child's physical custody to the parents/guardian. Get Flowchart B-1 and review Chapter Three for guidance on what questions to answer before releasing the child to the parents or guardian.

What if the victim or offended party disagrees with your determination of the CI/CL's age?

If the offended party (or any person) believes that the alleged CI/CL is not a minor (or that the child is not 15 years or below), advise the offended party to file with the Family Court a case in a summary proceeding for determination of the child's age.¹

Other than basic personal circumstances of the child, is there anything else to note?

As part of the interview, take note if there are indications that the child is neglected, abandoned, orphaned or abused. One clear indication that the child is such is if the parents or guardian of the child cannot be found.



¹ if a case has already been filed against the CI/CL and is pending in Court, a person may file a motion to determine the age of the child in the same Court where the case is pending. Pending the hearing on the said motion, the proceedings on the main case shall be suspended. (Rule 35.d, IRR)

“Med-T-R” means what?

1. Make sure the child is:
 - a. Taken to the proper medical and health officer for a medical exam; and
 - b. Turned over to the proper party within 8 hours.

and

2. Complete the Report on the Initial Investigation.

Id-Ex-Reg-In + Form-OA + **Med-T-R**

Even if you are not done filling out the Intake Form, you may first bring the child to the medical exam but make sure that the Intake Form is still accurately completed.

If upon initial contact with the CICL it is clear that the child has physical injuries, you can go straight to the medical/health officer before going to the barangay station.

Why is a medical exam important within eight hours from initial contact with the child?

- to have a competent person attest if the alleged commission of the offense or if the fact of taking custody had any impact on the child’s physical or mental condition;
- to ensure that the child gets adequate medical assistance/attention immediately; and
- to protect the barangay officer from any accusation of neglect, abuse or violence used against the child

Bringing the child to a medical / health officer

After the child is taken into custody, the child is immediately brought to the proper medical or health officer for a thorough physical and mental evaluation. Whenever medical treatment is required, steps shall be immediately undertaken to provide the same.

Who is the 'medical or health officer' contemplated by law?

For the physical and mental examination on the CICL, bring the child to:



any government clinic, health center or hospital where a medical or health officer may be available; or

any private hospital or clinic where a duly-certified medical profession may be available

Should the child still be subjected to a medical examination even if there are no visible physical injuries?

Yes, the submission of the CICL to a physical and mental examination within eight hours is required by law.

Within 8 hours from taking custody, the CICL must be turned over to the proper party. **TURN OVER** means?

To "turn over" means to give physical custody.

And **TURN OVER** the child to whom?

It depends on what is the age of the child and the offense committed by the CICL. See BOX E to know what procedures to follow in determining where to turn over the physical custody of the child.

*If CICL is below 15 years old, do not immediately release to parents. Check first Chapter Three on who gets physical custody of the child. The barangay must **coordinate with the LSWDO to know where to give physical custody of the CICL.***

BOX E
Where to turn over physical custody of CICL
(See CHAPTER THREE!)

If the CICL is:

15 years old or below at the time of the commission of the offense

Above 15 years old at time of the commission of the offense and was found to have acted without discernment

Above 15 years old at time of the commission of the offense and was found to have acted with discernment

To determine where to turn over physical custody of child after using Flowchart A:

Use Flowchart B-1 and refer to Chapter Three of this Manual

Use Flowchart B-2 and refer to Chapter Three of this Manual

Refer to Chapter Four of this Manual and if the barangay is the appropriate diversion authority will use Flowchart C-1

The above-listed flowcharts and corresponding chapters show the steps to be taken and considerations to be made before making the proper determination where to turn over the physical custody of the child.

NOTE

Only after the above flowcharts (and corresponding chapters) are followed that the barangay may complete the report on the intake and initial investigation of the CICL.

Until when can the barangay keep physical custody of the child?

Whether or not the Initial Investigation is complete, the barangay must turn over the physical custody to the appropriate person (as found in the above listed Flowcharts and Chapter) within eight hours from the time the custody of the child is taken.

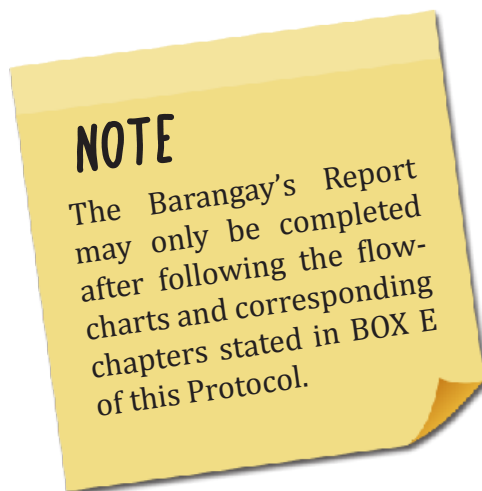
What if after 8 hours the parent/guardian/relative or the LSWDO cannot be reached?

There are instances when a child is taken into custody at night time or weekends and the child's parent/guardian/relative or the LSWDO cannot be immediately contacted. Pending turnover of the child's custody in extreme cases like these, the following can be done:

1. Temporarily secure the child in an area separate from that of the opposite sex and adult offenders until child is turned over to the parent or LSWDO; or
2. Temporary physical custody of the child may be given to any of the following:
 - duly registered NGO (those licensed and accredited by the DSWD);
 - faith-based organization;
 - barangay official; or
 - BCPC member

And finally, complete the REPORT on the CICL case

The Barangay's Report on the intake of the child and on the initial investigation of the offense allegedly committed by the CICL must be completed to know who will take over the case and who that person will continue handling the child's case.



What are the most important pieces of information that must be found in the Barangay Report? And who will be using this Report after completion of the intake and investigation?

The Barangay Report must clearly indicate the information below as they are needed by the duty bearers who will next handle the CICL (See Box F).

BOX F

What the Barangay Report must contain and who gets a copy

If CICL is:	Barangay Report must include and clearly indicate:	A copy of the Barangay Report will be given:
<p>CICL is 15 years old or below at time of commission of offense</p>	<p>Duly accomplished BCPC Form 1 (and attached investigation report) which must clearly state:</p> <ul style="list-style-type: none"> • the age of the CICL • basis for age determination • the offense committed (with a notation if the offense is serious) • if the child is a repeat offender who has previously undergone an intervention program 	<p>To the LSWDO.</p> <p>The LSWDO, in coordination with the BCPC, will determine the appropriate custody and intervention for the child.</p> <p>(Relate to Chapter Three and Flowchart B-1)</p>
<p>CICL is above 15 years old at time of commission of offense and was found to have acted without discernment</p>	<p>Duly accomplished BCPC Form 1 (and attached investigation report) which must clearly state:</p> <ul style="list-style-type: none"> • the age of the CICL • basis for age determination • the offense committed (with a notation if the offense is serious) • if the child is a repeat offender who has previously undergone an intervention program <p>Attached LSWDO report showing assessment that the CICL acted without discernment on the date of the commission of offense</p>	<p>To the LSWDO.</p> <p>The LSWDO, in coordination with the BCPC, will determine the appropriate custody and intervention for the child.</p> <p>(Relate to Chapter Three and Flowchart B-1)</p>
<p>CICL is above 15 years old at time of commission of offense and was found to have acted with discernment</p>	<p>Duly accomplished BCPC Form 1 (and attached investigation report) which must clearly state:</p> <ul style="list-style-type: none"> • the age of the CICL • basis for age determination • the offense committed (with a notation if the offense is serious) • if the child is a repeat offender who has previously undergone an intervention program 	<p>To the appropriate diversion authority</p> <ol style="list-style-type: none"> 1. Punong Barangay, Police or LSWDO (for the purpose of determining if diversion is desirable for the child.) OR 2. The prosecutor if the imposable penalty for the child's alleged offense is

BOX F

What the Barangay Report must contain and who gets a copy



Attached LSWDO report showing assessment that the CICL acted with discernment on the date of the commission of offense

above six years (for the purpose of proceeding with the case)

What constitutes a complete report from the BCPC?

The Barangay Report is considered complete when it consists of at least the following documents:

1. Intake Form (BCPC Form No. 1)
2. Complaint Form if there is a private citizen who complained or reported the CICL to the barangay (See BCPC Form No. 2)
3. Referral Form as cover page (BCPC Form No. 3) addressed to the person who will take over the case of the child (e.g. LSWDO). The Referral Form will summarize the information about case and will have as attachments the Intake Form, the Complaint Form and the Feedback Form (as described below).
4. Feedback Form (BCPC Form No. 4) to be attached to the Referral Form to indicate other information when the barangay handled the child.

(See BOX G for sample of a completed Referral Form and BOX H for a sample of a completed Feedback Form)

BOX G
Sample: Completed BCPC Form 3 (REFERRAL FORM)

BCPC Form No. 3

Republic of the Philippines
Province of NCR
City/Municipality of Quezon City
Barangay 2

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)
REFERRAL LETTER / FORM

Date: May 25, 2016

The Head
Social Welfare Department Office
Quezon City

Dear Ma'am/Sir:

May we respectfully refer to your good office minor, MARK LESTER CHAVEZ, 16 years old, and a resident of 1439 Corregidor St., Barangay 2, Quezon City for case disposition and assessment of discernment.

Aforesaid minor was involved in alleged Physical Injury case against Francis Aspa, 17 years old of 1865 Corregidor St., Barangay 2, Quezon City. The incident transpired on or before 10:00 in the evening of May 24, 2016 along Corregidor St., Brgy. 2, Quezon City.

We look forward with great anticipation that you will accord this matter most favorable and prompt action.

Very truly yours,

FRANCISCO VALLE
Punong Barangay

BOX H
Sample: Completed BCPC Form 4 (FEEDBACK FORM)

BCPC Form No. 4

Republic of the Philippines
Province of NCR
City/Municipality of Quezon City
Barangay 2

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)
FEEDBACK FORM

Date: May 25, 2016

I. **Name of Agency/LGU the child was referred to:** Mapagkalinga Youth Home

Date of Referral: May 24, 2016

II. **Identifying Information**

Name: Mark Lester Chavez Age: 16

Sex: Male Gender: _____ Date of Birth: November 29, 1999

Case Category: Child in Conflict with the Law (CICL) Child at Risk (CAR)

Address: 1439 Corregidor St., Barangay 2, Quezon City

Contact Number: xxxxxxxxxxx

III. **Services Rendered**

- Conduct intake interview with the minor
- Conduct home visit with the parents to secure documents for the determination of minor's age
- Escorted the minor and parents during the medical/physical examination

IV. **Remarks**

- Minor's case was referred to PNP-WCPD for proper case disposition and physically turned over to Local Social Welfare Department Office – Mapagkalinga Youth Home for the assessment of discernment
- Minor has no previous record in the barangay

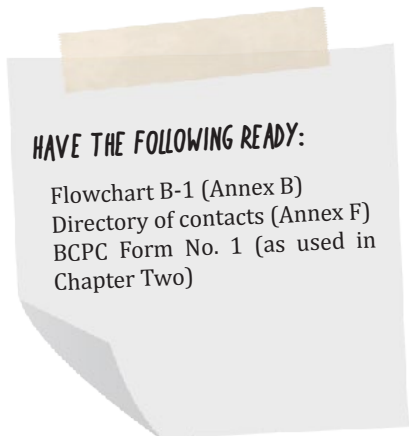
Prepared by:

MARISSA CRUZ
BCPC, Women's Desk

CHAPTER III
**INTERVENTION PROGRAM AND
CUSTODY OF CICL WITHOUT DISCERNMENT**




CHAPTER III

INTERVENTION PROGRAM & CUSTODY OF CICL WITHOUT DISCERNMENT



This chapter will be used only when the CICL qualifies for an interview program. Read Chapter Two first before using this Chapter.

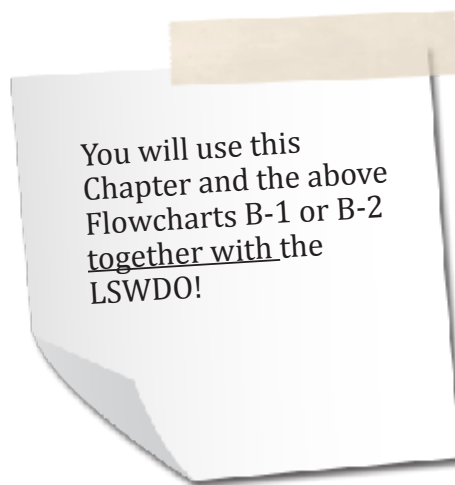
A CICL qualifies for intervention in two instances with the following flowcharts to be used and corresponding key questions to answer. (Also note where to start using this chapter.)

	CICL who qualifies for intervention is:	 Use Flowchart:	 Start use of Chapter from:
A.	15 years old or below at the time of commission of offense	Flowchart B-1	Item 3.1 of this Chapter
B.	above 15 years old but acted without discernment at the time of the commission of offense	Flowchart B-2	Item 3.1 and continue to Item 3.4 of this Chapter (Page 42)

3.1 THE KEY QUESTIONS TO ASK

This Chapter (with Flowcharts B-1 or B-2) covers KEY QUESTIONS that will help determine:

- what type of intervention program a child will undergo; and
- to whom physical custody of the CICL will be turned over



If the CICL is 15 years old or below at the time of the commission of offense, ask FIVE KEY QUESTIONS:



"Is the child above 12 years old?"

ITEM 3.2 IN PAGE 45



"Did the child commit a serious crime?"

ITEM 3.2.A IN PAGE 46



"Is the child a repeat offender and was previously subjected to an intervention program?"

ITEM 3.2.B IN PAGE 47



"Is the child dependent, abandoned, neglected, or abused?"

ITEM 3.3 IN PAGE 49



"Is the safety of the child in danger?"

ITEM 3.4 IN PAGE 51

Answer all five questions before determining CUSTODY and appropriate INTERVENTION PROGRAM for the CICL who is 15 years old or below at the time of commission of offense

If the CICL above 15 years old and acted without discernment at the time of the commission of offense, ask TWO KEY QUESTIONS:



"Is the child dependent, abandoned, neglected, or abused?"

ITEM 3.3 IN PAGE 49



"Is the safety of the child in danger?"

ITEM 3.4 IN PAGE 51

Answer both questions to know who gets CUSTODY of and what INTERVENTION PROGRAM will be given a CICL who is above 15 years old and acted with discernment at the time of commission of offense

When must the above key questions be answered?

Ideally, answer to these key questions must be determined before the expiration of the eight-hour period from the time custody was taken by the barangay.

If we are not yet done answering the key questions and the 8-hour period had expired, who keeps physical custody of the child?

After the eight-hour period, the LSWDO will keep custody of the child pending determination of the presence or absence of the above conditions.

3.2 "IS THE CHILD ABOVE 12 YEARS OLD AT THE TIME OF THE COMMISSION OF OFFENSE?"

If the CICL is above 12 years old (and 15 years old and below) at the time of the commission of offense, the law states some conditions that prevent release of the child to the parents.

The same documents or basis for age determination used in Chapter One will be used to know if the child is above 12 years old.

12 years old or below

BCPC to further determine if:

- CICL is dependent, abandoned, neglected, or abused (Go to question in Item 3.3); and
- Safety of CICL is in danger (Go to question in Item 3.4)

[Skip questions in Item 3.2.a and 3.2.b]

above 12 years old

BCPC to further determine if:

- CICL committed a serious offense (Item 3.2.a)
- CICL is a repeat offender who previously underwent an intervention program (Item 3.2.b)
- CICL is dependent, abandoned, neglected, or abused (Item 3.3)
- Safety of CICL is in danger (Item 3.4)

Can the custody be released to the parents if child is 12 years old or below?

Not yet. Determine further if the CACL is dependent, abandoned, neglected or abused and if the safety of the child is in danger.

3.2.a "DID THE CHILD (WHO IS ABOVE 12 YEARS OLD) COMMIT A SERIOUS OFFENSE?"

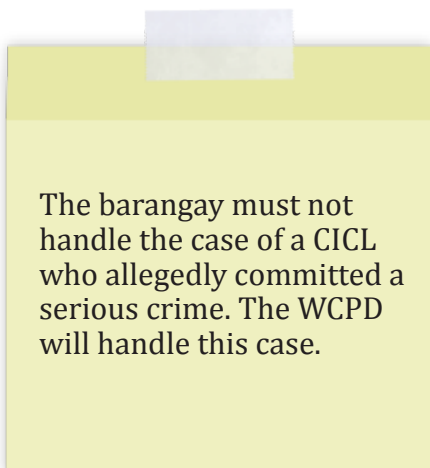
What are considered serious crimes or offenses?

- Parricide;
- Murder;
- Infanticide;
- Kidnapping and serious illegal detention where the victim is killed or raped;
- Robbery with homicide or rape;
- Destructive arson;
- Rape;
- Carnapping where the driver or occupant is killed or raped; or
- Offenses under Comprehensive Dangerous Drugs Act punishable by more than 12 years of imprisonment

Who determines if the crime committed by the CACL is a serious crime of offense?

The BCPC who investigated what is the offense allegedly committed by the CACL and the corresponding imposable penalty will be the one to determine if the CACL committed a serious crime as listed above.

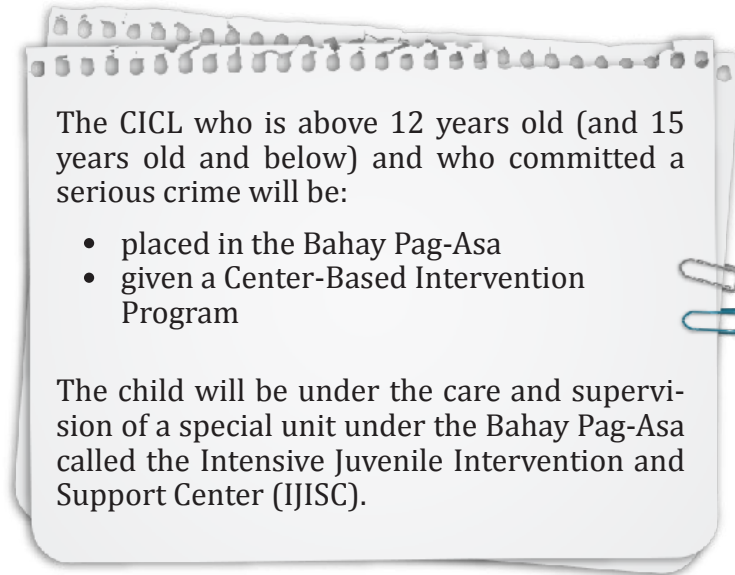
If the crime allegedly committed is serious, the barangay:



- must immediately refer the child to the WCPD;
- must advise the LSWDO of this fact (so the LSWDO can file a petition for involuntary commitment and take steps to formulate an intervention program for the CACL); and
- cannot release the child to his/her parents or guardian.

Can the custody be released to the parents if the child (who is 12 years old or above) did not commit a serious offense?

Not yet. The barangay together with LSWDO must still determine if the child is a repeat offender and has previously undergone an intervention program. Answer key question in Item 3.2.b below.



Once the case of the CICL (who committed a serious crime) is referred to the police, will the BCPC still do something?

If requested by the LSWDO, the BCPC may participate in putting together, monitoring and implementing the intervention program for the CICL.

3.2.b "IS THE CHILD (WHO IS ABOVE 12 YEARS OLD) A REPEAT OFFENDER AND WAS PREVIOUSLY SUBJECTED TO AN INTERVENTION PROGRAM?"

Who determines if the child who is above 12 years old (but not above 15 years old) at the time of offense is a repeat offender and was previously subjected to an intervention program?

This time, the BCPC and LSWDO will jointly determine if the CICL is a repeat offender and was previously subjected to an intervention program. Previous records of the barangay and of the LSWDO will be used to make this determination.

If the child who is above 12 years old is not a repeat offender and was not previously subjected to an intervention program, can the child already be released to the parents?

Not yet. The LSWDO will still determine if the child is dependent, abandoned, neglected or abused.

If the child committed a repeat offense and was previously subjected to an intervention program, the barangay:

- must immediately refer the child to the WCPD; and
- cannot release the child to his/her parents or guardian.

The barangay must not handle the case of a CIKL who is a repeat offender and who previously underwent an intervention program. The WCPD will handle the case.

Once the case of the CIKL (who is a repeat offender) is referred to the police, will the BCPC still do something?

The BCPC may be asked by the LSWDO to participate in the intervention conference for the CIKL.

The input of the BCPC and other stakeholders *may* also be solicited by the LSWDO in determining if it is in the best interest of the child to be placed in a youth care facility or to be released to the child's parents/guardian.

In this case of a repeat offender, the LSWDO (not the BCPC) will determine who gets physical custody of the CIKL.

What kind of intervention program will be given to the CIKL? Will the BCPC still have a role?



If the LSWDO decides to bring the CIKL to a youth care facility, the child will undergo a center-based intervention program.



If the CACL is released by the LSWDO to the parents, the child will undergo an intensive community-based intervention program.

The input of the BCPC *may* be solicited by the LSWDO in the preparation of either intervention program.

If an intensive community-based intervention program is implemented, the LSWDO may need the help of the BCPC in monitoring and implementing the intervention program for the CACL.

The LSWDO is in charge of implementing and monitoring the intervention program for the child.

3.3 "IS THE CHILD DEPENDENT, ABANDONED, NEGLECTED OR ABUSED?"

This question will be answered if the CACL is:

1. above 12 years old (and 15 years old and below) at the time of the commission of the offense but did not commit a serious crime or is not a repeat offense who underwent an intervention program; or
2. above 15 years old and found not to have acted with discernment at the time of the commission of the offense.

This key question will be answered only by the LSWDO who has technical knowledge if a child is dependent, abandoned, neglected or abused.

Does the BCPC have a role in answering this question?

During the intake of the child, the BCPC may identify possible indicators that the child is dependent, abandoned, neglected or abused. The BCPC must note such indicators or red flags in the intake form (that will be included in the CICL's file) to assist the LSWDO in assessing if the CICL is dependent, abandoned, neglected or abused.

Once the CICL is assessed by the LSWDO to be dependent, abandoned, neglected or abused, will the BCPC still do something?

The BCPC may be asked by the LSWDO to participate in the intervention conference for the CICL.

The input of the BCPC and other stakeholders *may* also be solicited by the LSWDO in determining if it is in the best interest of the child to be placed in a youth care facility or to be released to the child's parents/guardian.

What kind of intervention program will be given to the CICL? Will the BCPC still have a role?



If the LSWDO decides to bring the CICL to a youth care facility, the child will undergo a center-based intervention program.



If the CICL is released by the LSWDO to the parents, the child will undergo an intensive community-based intervention program.

The input of the BCPC *may* be solicited by the LSWDO in the preparation of either intervention program.

If an intensive community-based intervention program is implemented, the LSWDO may need the help of the BCPC in monitoring and implementing the intervention program for the CICL.

If the LSWDO finds that the CICL is not dependent, abandoned, neglected or abused, can the child already be released to the parents?

Not yet. The LSWDO, after consultation with the BCPC, must also determine if the safety of the child is in danger if the CICL is returned to the community.

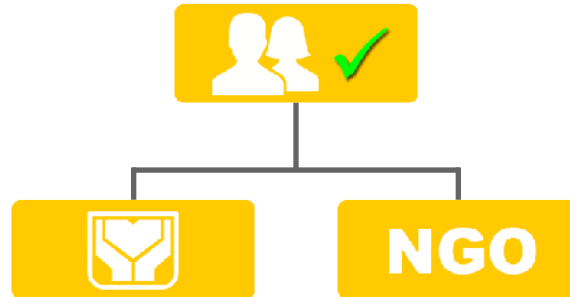
3.4 "IS THE SAFETY OF THE CHILD IN DANGER IF RETURNED TO THE COMMUNITY?"

The BCPC and the LSWDO will jointly determine if the safety of the child is in danger said child is released to the parents/guardian and returned to the community.

What must be done if the child's safety is in danger when returned to the community?

The LSWDO will take the necessary action (ask the parents to voluntarily commit the child or file petition for involuntary commitment) to keep the temporary custody of the child with the DSWD or any NGO willing to take custody of the child.

The BCPC may help the LSWDO encourage the parents/guardian to give temporary custody of the child to the DSWD or the NGO.



TO REVIEW:

When may the custody of the CICL who is 15 years old and below or who is above 15 years old but acted without discernment be released to parents?

It is only when none of the following conditions exists that the CICL may be released to his/her parents or guardian:

- the CICL is above 12 years old and committed a serious crime
- the CICL is above 12 years old and is a repeat offender who has previously undergone an intervention program
- the CICL dependent, abandoned, neglected, or abused
- the CICL's safety is in danger if released to the community

If none of the above circumstances are present, then the child may be released to the parents or guardian and the child will undergo a community intervention program.

In certain cases parents/guardian cannot get physical custody of the CICL (as described in this chapter) where will the custody of the child be given?



CICL is:

CICL is above 12 years old and committed a serious crime

CICL is above 12 years old and is a repeat offender who has previously undergone an intervention program

CICL is dependent, abandoned, neglected or abused

Safety of CICL is in danger if released to the community



Turn over physical custody to:

LSWDO and later, at the Intensive Juvenile Intervention and Support Center (IJISC) of the "Bahay Pag-Asa" where CICL will undergo a center-based intervention program

LSWDO and later, a youth care facility where CICL will undergo a center-based intervention program (**Except:** When LSWDO determines that it is in the best interest of the child that the CICL be released to the parents/guardian and be given a community-based intervention program)

LSWDO and later, the DSWD or any NGO willing to take temporary custody of child

REMEMBER

Only the LSWDO (or the social workers of the youth care facilities) may conduct the Intervention Conference for a CICL who is 15 years old and below or who is above 15 years old but acted without discernment

CHAPTER IV

DIVERSION OF CICL

For the CICL above 15 years old who acted with discernment

Page 54	4.1 Determining appropriateness of diversion
Page 55	4.2 Handling of Diversion Proceedings
Page 60	4.3 Formulation of a Diversion Contract
Page 65	4.4 Implementation of a Diversion Program

CHAPTER IV

DIVERSION OF CICL

This chapter will only be used when the CICL is referred to diversion at the Katarungang Pambarangay level because the child:

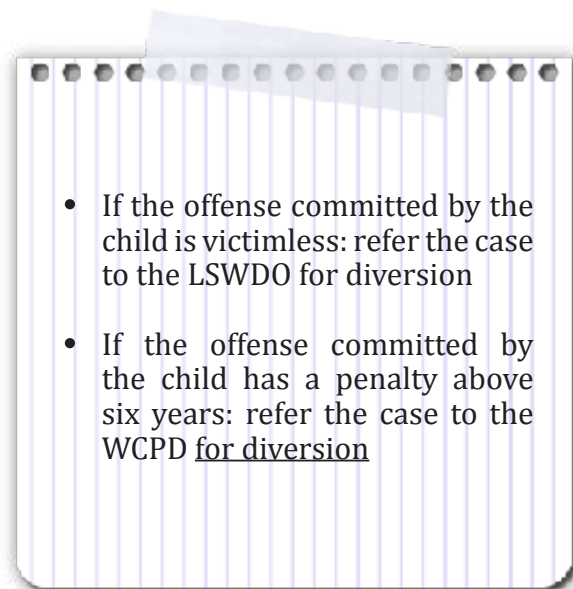
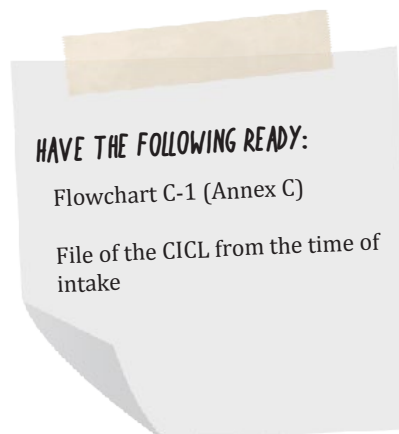
- is above 15 years old and was assessed by the LSWDO to have acted with discernment at the time the offense was committed; and
- committed an offense with a penalty of six years and below

There are four steps to follow under this Chapter:

1. Determining **appropriateness** of diversion
2. Handling of diversion **proceedings**
3. Formulation of a diversion **contract**
4. Implementation of a diversion **program**

Who will use this Chapter?

1. the Punong Barangay as chairperson of the Katarungang Pambarangay; or
2. the barangay officials or BCPC members duly designated by the Punong Barangay including the Lupong Tagapamayapa and those trained to assist them.



4.1 DETERMINING APPROPRIATENESS OF DIVERSION

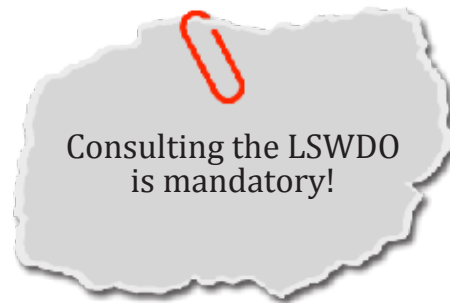
Ask first: Is diversion appropriate and desirable for the CICL?

Before starting the diversion proceedings, the BCPC must first determine if diversion is appropriate for the child after:

- reviewing the CICL’s case; and
- consulting the LSWDO

What are the factors to consider to determine if diversion is appropriate and desirable?

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



After consulting the LSWDO, does the BCPC think that diversion is appropriate or desirable for the CICL?

NO

Diversion proceedings are deemed terminated and the diversion authority will issue the corresponding document certifying to such fact and forward the case records to the prosecutor. (Then stop using this Chapter.)

YES

The BCPC must form the diversion committee and start conducting the diversion proceedings as described in Item 4.2.

4.2 HANDLING OF DIVERSION PROCEEDINGS



What is the composition of the diversion committee?

The diversion committee is chaired by the Punong Barangay and may include:

- LSWDO
- Barangay Kagawad
- Lupon Tagapamayapa member
- BCPC member
- Chief Tanod
- Member of Task Force on Child and Youth Development
- NGO Representative
- PTA President
- Representative of faith-based organization

This list is not exclusive. The Punong Barangay has the option to propose additional diversion committee members if necessary to properly create and implement a diversion program.

What will the diversion committee do?

1. To convene the diversion proceedings that is mainly the dialogue of the CICAL, the child's parents/guardian, the victim/s (and the victim's parents/guardian); and
2. Later, to assist the Punong Barangay in identifying the appropriate programs for the CICAL and the family and in implementing the diversion program.

Who will facilitate the diversion proceedings?

The Punong Barangay is the chairperson of the diversion committee but he/she may delegate the task of facilitating the diversion proceedings to another member of the diversion committee. **BUT** the Punong Barangay remains responsible for anything that transpires in the proceedings.



If the victim or offended party refuses to participate or cooperate in the diversion proceedings, what to do?

- ask the offended party what are the reasons for the refusal to participate;
- ensure that the offended party understands the nature of case and the reason for the conduct of diversion and not court proceedings;
- specifically explain to the offended party the benefits of forgiveness and diversion, and the need to reform the CICAL within the community, instead of detention homes or rehabilitation centers, once the CICAL expresses remorse and a willingness to ask for forgiveness from the offended party;

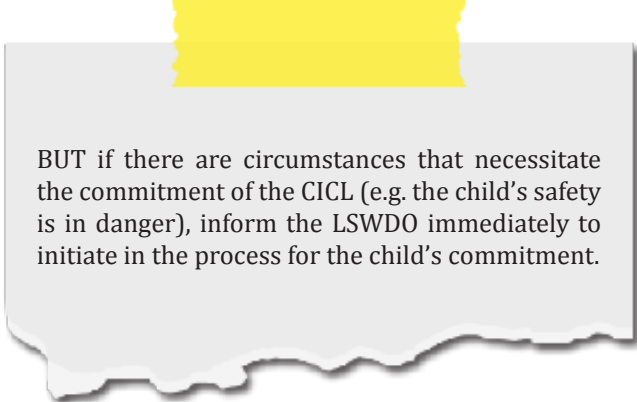
- assure the offended party that the LSWDO, together with the LGU and the community, will be responsible for reforming and monitoring the CICL through various diversion programs;
- explain to the offended party what are the possible consequences of non-participation in the proceedings

If the offended party decides not to participate in the diversion proceedings, the Punong Barangay will:

- refer the offended party to the appropriate WCPD officer for the latter to explain how to file a civil case against the CICL for the payment of the civil liability; and
- then continue in conducting the diversion proceedings.

Pending conduct of diversion proceedings, who keeps custody of the CICL?

Pending conduct of diversion proceedings, the custody of the child is given to the parents, guardians, relatives or any other responsible persons in the community, taking into consideration the best interest of the child in conflict of the law.



BUT if there are circumstances that necessitate the commitment of the CICL (e.g. the child's safety is in danger), inform the LSWDO immediately to initiate in the process for the child's commitment.

What are aimed to be achieved when conducting diversion proceedings?

Diversion proceedings are conducted to primarily determine the:

- responsibility of the CICL and
- the teartment of the CICL on the basis of the child's social, cultural, economic, psychological or educational background.

How to achieve the aims of a diversion proceeding?

To achieve the objectives of diversion, the Punong Barangay has to:

1 Ensure the child understands the diversion proceedings where he/she is involved by first explaining to the CICL and his/her family the:

- objective of the diversion proceedings (as described above);
- value of diversion; and
- consequence of not undergoing diversion

2 With respect to the offense, ask the CICL about the:

- circumstances of the offense;
- motives or purpose behind the offense; and
- factors that led the child to commit the offense

3 Ask the CICL about some personal circumstances, including details of the child's:

- parents and family;
- peers; and
- educational status

4 Make the CICL understand the:

- consequences of his/her actions and
- responsibilities corresponding to the child's actions

5 Ensure that the CICL:

- understands and realizes his or her accountability;
- feels remorse for his/her actions
- is guided to take responsibility for repairing the harm done, in lieu of the filing a formal case in the Court

How will diversion proceedings be conducted?

Diversion proceedings may be conducted in any manner or method that uses the restorative justice approach. Some possible processes that may be used are:

- victim-offender mediation
- community and family group conferencing
- reparative probation and community boards and panel
- peacemaking circles
- circle sentencing
- any community accepted justice practices that embody restorative justice

Refer to *DSWD rules and guidelines for the conduct of the Diversion Proceedings* in order to protect the child from coercion, intimidation, harm, abuse, or other actions detrimental to the child's normal development.

The Punong Barangay must ensure:



proceedings are child-friendly and sensitive to the needs, welfare and the protection of the rights of the CICL;



use language that is simple and understandable to the CICL;



proceedings are conducted in a place where identities of the child and the parties concerned are kept confidential;



there is enough privacy to avoid unnecessary interruptions, distractions and/or participation from non-parties that could humiliate or make the child feel uncomfortable

How long may diversion proceedings run?

Diversion proceedings must be completed within 45 days from the date it started.

Diversion proceedings deemed terminated when:

- a Contract of Diversion is entered into the 45-day period expires without any agreement reached
- the CICL or the parents/guardian of the child do not consent to a diversion
- the diversion authority finds that diversion is not applicable or desirable (based on the factors earlier enumerated)

What if the parents/guardian of the CICL refuse to participate or cooperate in the diversion proceedings?

The Punong Barangay will:

- ensure that the CICL and parents/guardian understand the objective of the diversion proceedings, the value of diversion, and the consequences of not undergoing diversion
- ask the reasons for the refusal to cooperate or participate
- explain to the CICL and parents/guardian what are the possible consequences of non-participation in the proceedings

If the parents/guardian if the CICL still decide not to participate in the diversion proceedings, the diversion is deemed terminated and the Punong Barangay will:

- issue a corresponding document certifying to the fact that no agreement is reached because the CICL or his/her parents/guardian refuse to participate in the diversion proceedings; and
- forward the CICL's case (together with the certification of failure of diversion) to the WCPD or the Prosecutor.

4.3 FORMULATION OF A DIVERSION CONTRACT

The diversion contract will be formulated during the diversion proceedings.

The contract must contain:

- a. the individualized diversion program for the CICL
- b. stipulation of rights, responsibilities or accountabilities of the CICL, parents/guardian of the CICL, and offended party (when applicable)
- c. the voluntary admission of the CICL

What is the key requirement before a diversion contract is signed?

A contract of diversion may be entered into *only when* the CICL voluntarily admits the commission of the offense.

What if the CICL or the parents/guardian of the child refuses to make a voluntary admission?

The Punong Barangay will explain that the voluntary admission of the child during the diversion proceedings:

- is only deemed a consent to undergo the Diversion Program and is **not be considered an admission of guilt**; and
- may not be used against the CICL in any way (such as in any future judicial, quasi-judicial or administrative proceedings).

What is diversion program?



A Diversion Program is the program that the CICL is required to undergo after being found responsible for an offense, without resorting to formal court proceedings.



The Diversion Program, which must be individualized for each CICL, shall include adequate socio-cultural and psychological interventions and services for the child.

The diversion contract must contain:

the individualized program for the CICL

stipulation of rights, responsibilities or accountabilities of the CICL, parents/guardian of the CICL, and offended party (when applicable)

the voluntary admission of the CICL

What factors must be considered when formulating an individualized diversion program?

- individual characteristics and peculiar circumstances of the CICL (such as the cultural, social, economic, and religious circumstances of the child);
- child's feelings of remorse for the offense committed;
- the parents' or guardians' ability to guide and supervise the child;
- the victim's view about the propriety of the measures to be imposed;
- the availability of community-based programs for the rehabilitation and reintegration of the child; and
- the CICL's record of prior offenses (if there is any)

What are some obligations or responsibilities that must be specified in the diversion contract?

The Diversion Contract shall include a stipulation of rights, responsibilities or accountabilities of parties concerned, some of which are:

- the reporting obligations of the CICL and parents/guardian-- they have the obligation to present themselves to the Punong Barangay (or the person designated by the diversion committee) at least once a month for reporting and evaluation of the effectiveness of the program
- the monitoring and/or supervisory obligations of certain duty bearers and other responsible stakeholders (e.g. the principal to monitor and report the school attendance of the CICL)

A diversion contract is effective and binding only if the:

1. contract is in writing and signed by the persons required under the law to sign it;
2. diversion program and all the other terms and conditions in the contract are accepted by the CICL and the parents/guardian of said child; and
3. CICL voluntarily admits the commission of the offense.

The offended party's acceptance of the diversion contract is not required for the contract to be valid. BUT the Punong Barangay will do his/her best to obtain the agreement of the offended party.

Who must sign the diversion contract?



the CICAL



Parents/guardian of the child



Punong Barangay (as diversion authority)



BCPC member assisting the Punong Barangay; and



LSWDO

If the offended party agreed to the diversion contract, he/she **may** be asked to also sign the contract. If the offended party is a minor, the parents/guardian of said minor will sign.

What if the victim or offended party does not agree to any of the item in the diversion contract?

The Punong Barangay shall still endeavor to obtain the agreement of the offended party to individualized diversion program contained in the Diversion Contract by:

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

If the offended party still does not express agreement to the diversion contract and the diversion program in it, the diversion authority shall:

- refer the offended party to the appropriate WCPD officer for the latter to explain how to file a civil case against the CICAL for the payment of the civil liability; and
- then continue with the formulation of the diversion program and of the signing of the diversion contract if the CICAL and the CICAL's parents/guardian consent to it.

What must be included in the diversion contract?

1. the Diversion Program to be followed by the CICL
2. method of monitoring
3. name of the parties who will monitor the activities
4. period of implementation of diversion program

What are the important factors to be considered in the formulation of a diversion program?

When formulating (and implementing) a diversion program, the Punong Barangay and the diversion committee must ensure that said program:



is created with the application of restorative justice principles;



uses positive measures;



fully mobilizes all possible resources (which include the family, volunteers, schools and other community institutions);



involves activities that involve effective, fair and humane dealing with the child; and



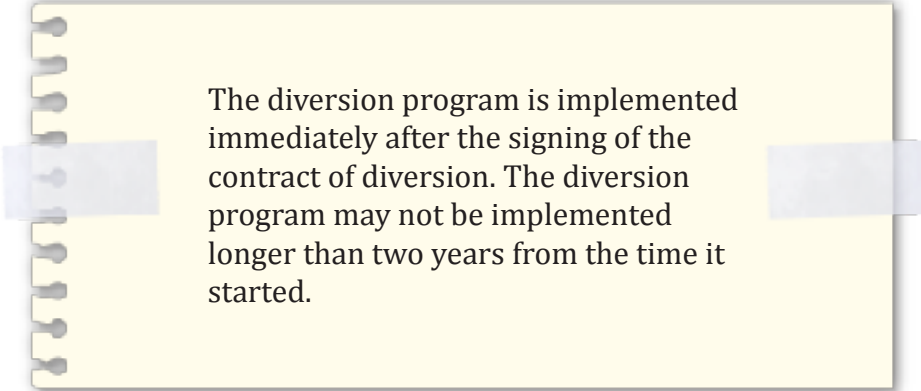
promotes the well-being of the child.

Some activities or courses of action that may be included in an individualized diversion program are:

- a. Restitution of property;
- b. Reparation of the damaged caused;
- c. Confiscation and forfeiture of the proceeds or instruments of the crime (if diversion program is formulated at the law enforcement level);
- d. Indemnification for consequential damages;
- e. Written or oral apology;
- f. Care, guidance, and supervision orders;
- g. Counseling for the child in conflict with the law and the child's family;

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

4.4 IMPLEMENTATION OF THE DIVERSION PROGRAM

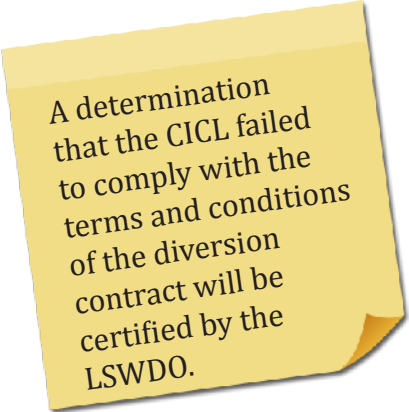


The diversion program is implemented immediately after the signing of the contract of diversion. The diversion program may not be implemented longer than two years from the time it started.

Who supervises and monitors the process of a CICL's compliance with the diversion program?

Punong Barangay with the assistance of the BCPC will supervise and monitor the CICL's compliance with and progress under the diversion program.

As a form of monitoring, BCPC members and community volunteers designated by BCPC may conduct house visits with the child and parents/guardian to monitor the child's progress in the Diversion Program. This may be done in consultation and in collaboration with the LSWDO.



A determination that the CICL failed to comply with the terms and conditions of the diversion contract will be certified by the LSWDO.

Who determines if the diversion program was successfully implemented?

The Punong Barangay or designated BCPC will determine if the diversion program was successfully implemented.

Can the CICL be given a second chance to comply with the diversion program under the diversion contract?

Yes, provided that:

- the LSWDO and other members of the diversion committee find that the continuation of the diversion is still appropriate and desirable
- the two-year period from the commencement of the diversion contract has not yet expired;
and
- **all parties (including the offended party)** agree to give the CICL another chance to successfully comply with the diversion program

CHAPTER V

THE CHILD AT RISK (CAR)

The child who violated an ordinance, light offense,
or committed a misdemeanor

Page 68

CHAPTER V-A
Handling a CAR under R.A. 9344

Page 72

CHAPTER V-B
Intervention for CAR

CHAPTER V-A

WHAT MAKES A MINOR A CAR

Use this Chapter of the Manual in cases involving a CAR (not a CICL) who violates:

1. local ordinances concerning juvenile status offense;
2. light offenses and misdemeanors against public order or safety; or
3. offenses not applicable to children and exempt them from prosecution.

What are some local ordinances concerning juvenile status offenses?

A minor who violates the following ordinances on juvenile status offenses are considered CAR:



curfew violations



anti-smoking ordinances



truancy



anti-drinking ordinances



parental disobedience



other ordinances concerning
juvenile status offenses

If these acts are committed by adults, they are not considered offenses. That's why they're called "juvenile status offenses"

So if minors commit these acts, they should not be penalized. They are considered CAR (not CICL) and appropriate intervention must be given them

What if the barangay ordinance states that the minor has to be given a penalty (such as being held at the barangay station) for violating a juvenile status offense?

Any ordinance that is inconsistent with R.A. 9344 are automatically modified and said CAR must only be handled and dealt with according to the law (as described in Chapter Five-B of this Manual).

What are light offenses and misdemeanors against public order or safety?

These are some light offenses and misdemeanors that, if committed, will make a minor a CAR:

- disorderly conduct
- public scandal
- harassment
- drunkenness
- public intoxication
- criminal nuisance
- vandalism
- gambling
- mendicancy
- littering
- public urination
- trespassing

A child who commits any of these is a CAR, not a CICL!

ILLUSTRATIONS WHEN IS A CHILD A CAR?

Barangay 143 is located in a city that prohibits minors from drinking alcohol in public places. Paulo, a 16-year old student, was seen by a barangay tanod to be drinking beer in a local sari-sari store after school. Paulo is a CAR.

A municipal ordinance that covers Barangay 257 prohibits all persons from drinking alcohol in any public park. The municipal ordinance contains a penalty of detention for 12 hours. Juan, a 16-year old, was caught drinking with his friends Coco and Enrique (both of whom are adults) in the local park near the church. The barangay apprehended the three of them. Juan is a CAR who must be handled in accordance with R.A. 9344 as amended (as explained in this chapter). He cannot be treated in the same manner as Coco and Enrique who are likely to be penalized in accordance with the ordinance.

Vandalism is strictly prohibited under a current ordinance of the city where Barangay 554 belongs. A penalty of detention for 24 hours will be imposed on those found guilty of vandalism. Maja (19 years old), Liza (16 years old), and Kim (18 years old) were caught last night in the act of vandalizing the walls of the public school building in Barangay 554. Liza must be treated as a CAR, differently from how Maja and Kim will be penalized under the city ordinance.

Is a child committing a crime if found sniffing rugby?

No. All children are exempt from criminal liability if found to violate P.D. 1619 (such as sniffing rugby and other volatile substances). Children are also exempt from prosecution for vagrancy, prostitution, and mendicancy. These children are treated by law as CAR.

What offenses are not applicable to children?



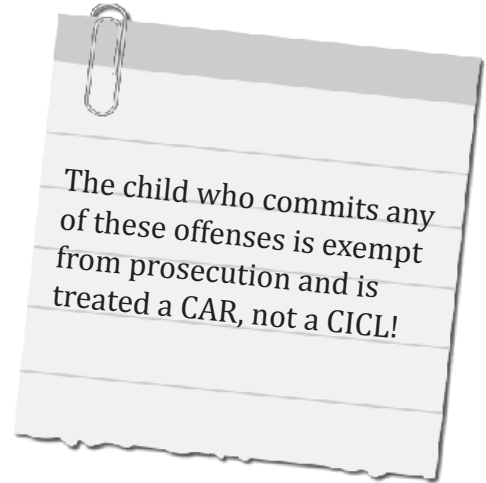
prostitution under Section 202 of the Revised Penal Code



mendicancy under Presidential Decree No. 1563



sniffing of rugby under Presidential Decree No. 1619



Who may take custody of a CAR for violating local ordinances or for committing light offenses or misdemeanors?

Any barangay official, tanod or BCPC member may take custody of a child who violates any ordinance, light offense or misdemeanors as listed above. If the police takes custody of the CAR, the police will be referring the child to the barangay for proper handling under Chapter Four-B.

How should a CAR be handled?

Use the next Section (Chapter Five-B) and the Flowchart to properly handle a CAR who violated a local ordinance concerning juvenile status offenses; committed a light offense or misdemeanor against public order or safety; or committed an offense not applicable to children. (Annex D)

The following are also considered CAR BUT do not use this Manual when handling these children:

1. abused (physical, psychological, mental, economic, etc.) and parents/guardians are unable to provide protection to the child;
2. exploited (sexually, economically, etc);
3. abandoned or neglected and parent/guardian cannot be found;
4. from dysfunctional or broken family and is without a parent/guardian
5. out of school;
6. street child;
7. member of gang;
8. living in community with high level of criminality or drug abuse; and
9. living in situations of armed conflict.

Different laws, guidelines, and manuals must be used when handling the above listed CAR.

Chapter Six of the Manual however suggests primary intervention programs to prevent these CAR from becoming CICL.

CHAPTER V-B

HANDLING A CAR

a. TAKING CUSTODY OF CAR

What should the barangay do when taking custody of the CAR?

Upon taking custody of the CAR, immediately:



introduce self to child and show proper identification



explain to child the reason for taking his/her custody



ask for child's name, address and name of parents

Upon getting the name of the parents/guardian, immediately inform them (1) of the incident and (2) to come over to the place of incident or the barangay station.

REMEMBER

The following acts are strictly prohibited when taking custody of the child (or any time when handling the CAR):

1. use of instruments of force or restraint
2. unnecessary violence or force
3. vulgar language
4. sexual advances on child
5. torture
6. harassment or abuse of child

HAVE THE FOLLOWING READY:

Flowchart on Handling a Child Who Violated an Ordinance (Annex D)

CAR Logbook (Annex G)

BCPC Form No. 1 (Annex E-1)

BCPC Form No. 3 (Annex E-3)

Directory of Contacts (Annex F)



Where do I bring the CAR?

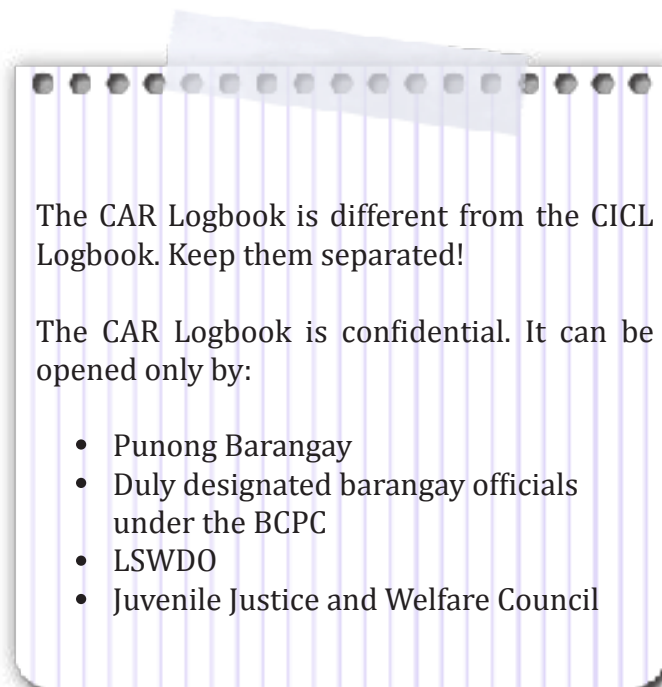
To the barangay station for registration and initial intake.

b. REGISTRATION AND INTAKE OF CAR

To register the child in the CAR Logbook, what information do I get?

- Name of the child
- Address of the child
- Date of intake
- Ordinance / light offense / misdemeanor committed
- Name of parents/guardian and contact details

The CAR Logbook must be kept by the barangay in a secure place to ensure the confidentiality of records of the child. Failure to protect confidentiality may subject the barangay officials to penalties.



What if the CAR can't communicate or refuses to give his/her name?

- Get the information from other people who may be present; and
- Immediately contact the LSWDO for assistance in communicating with the child

Who may conduct the intake?

- Punong Barangay
- Duly designated members of the BCPC

Use BCPC Form No. 1 (Intake Form for BCPC) in conducting the intake of the CAR [Annex E-1].

What can I ask the CAR during intake?

Only questions needed to fill out BCPC Form No. 1 must be asked. If some information needed in BCPC Form No. 1 may be provided by other persons (e.g. parents, teachers), the BCPC can get this information from them and not from the CICL anymore.

What can I ask the CAR during intake?

- the barangay official who took the child into custody
- BCPC representatives
- Parents/guardian of child
- LSWDO
- If needed: interpreter or mental health professional

The conduct of intake is confidential. Any person not listed here cannot be present during intake.

When talking to the child during intake...

Use simple language or dialect that can be understood by the child. At all times, the BCPC must be courteous, child-friendly and not appear to be intimidating to the child.

If the child speaks a different language/dialect and cannot understand the language used by the BCPC...

- Get an interpreter who can assist in conducting the intake; or
- Ask assistance from the LSWDO to ensure that communication with the child is done properly

If the child refuses to talk...

- Ask assistance from LSWDO to ensure that communication with the child is done properly

If the child has a disability...

- Ask assistance of appropriate medical professional in conducting the intake (The LSWDO can help you get assistance.)

What if the CAR is not a resident of my barangay, what to do?

Complete conduct of intake (as described above) and afterwards refer the child's case either to:

- a. the barangay where the child resides; or
- b. the LSWDO.

Complete the appropriate referral form (BCPC Form No. 3) [Annex E-3] before referring the child. After the intake, your barangay will no longer handle the intervention program for the CAR who does not reside in your barangay.

NOTE:

The barangay that took initial custody of the child is encouraged to have the child submitted to a medical exam before turning over the CAR to the barangay-of-residence especially if the CAR has physical injuries. This serves as an additional protection to the barangay who might be accused of wrongful handling of the child.

Even if the BCPC (of the barangay where the child does not reside) knows who is the family of the child, the custody of the child must still be turned over to either the barangay-of-residence or the LSWDO.

c. BCPC HANDLING OF CAR (WHO IS RESIDENT OF THE BARANGAY)

If the CAR is in the custody of the barangay where the child resides, the BCPC must proceed to:

- a. conduct the INTAKE of the child (as described above);
- b. NOTIFY parents/guardian of the child; and
- c. TURN OVER the physical custody of the child to the appropriate person.

More on the INTAKE

What if another barangay (where the child is not a resident) first took custody of the child and already did an intake, should our BCPC still conduct another intake on the child?

Yes. After receiving custody of the child, your BCPC must still conduct an intake but taking into consideration the information provided by the Intake Form and Referral Form (BCPC Forms No. 1 and 3) received from the referring barangay. This will ensure a shorter intake of the child and only questions that will need clarification from the child will be asked.

Must the CAR still be submitted to a medical examination after custody is taken or after intake is completed?

If the child is taken into custody for violating an ordinance involving a juvenile status offense or a light offense / misdemeanor as listed above, submitting the CAR to a medical examination may not be necessary.

But the child may have to be submitted to a medical examination if:

- there are indications that the physical condition of the child (e.g. having physical bruises) requires attention or evaluation of a medical professional; or
- the CAR was taken into custody for allegedly violating laws on prostitution, mendicancy, or sniffing of rugby.

On NOTIFYING parents/guardian

Even before intake is completed, once the names of parents/guardian and contact details are obtained, the BCPC must immediately inform them:

- that their child was taken into custody for violating an ordinance involving juvenile status offense, committing a light offense/misdemeanor or committing acts that amount to prostitution, mendicancy or sniffing of rugby; and
- where the child is held in custody and advise them to immediately proceed to the barangay.

If the CAR is unable to communicate who is his/her parent or guardian...

- seek assistance of LSWDO in talking to the child
- contact other persons (e.g. school personnel where the child is enrolled)
- who may have information about the child's family
- check government or barangay records if information is available

If the BCPC cannot reach the parents/guardian of the child...

- the physical custody of the child must be turned over to the LSWDO (and while waiting, let the CAR stay in a child-friendly space)

If no information is obtained on who are the parents/guardian...

- the physical custody of the child must be turned over to the LSWDO (and while waiting, let the CAR stay in a child-friendly space)

Should we still inform the PAO or a lawyer if a CAR is taken into custody?

No need to inform the PAO or any other lawyer that a CAR is taken into custody for violating an ordinance involving a juvenile status offense or a light offense / misdemeanor.

On TURN OVER of physical custody to appropriate person

When do we turn over physical custody of the CAR to the parents/guardian?

Turn over the physical custody of the CAR to the parents/guardian **after**:

1. completing intake of the child (i.e. completed BCPC Form No. 1);
2. determining that the CAR is not "high risk";
3. giving appropriate advice/guidance to the CAR to avoid future violations; AND
4. giving the parents/guardian the appropriate advice/reprimand/warning of their obligations to closely look after the child



If there are indicators that the CAR is 'high risk' and upon consultation with the LSWDO, the BCPC must turn over the child to the LSWDO (and not to the parents) for appropriate intervention.

When is a CAR considered "high risk"?

The following are some indicators that a CAR is "high risk":

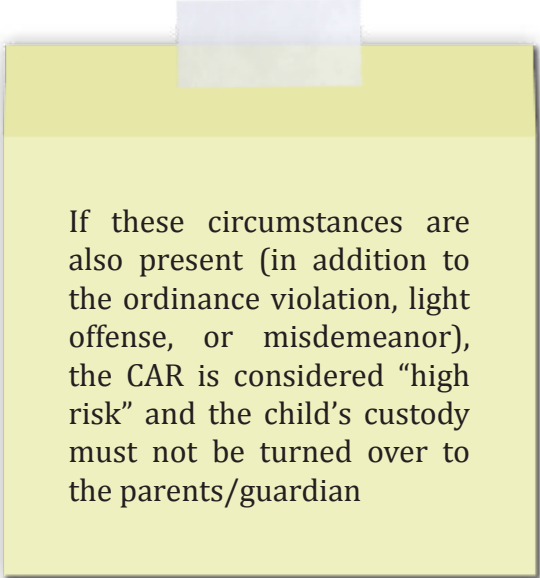
- If the CAR violated an ordinance or committed a light offense/misdemeanor only for the second or third time
- If the CAR's violation involves either prostitution, mendicancy, or sniffing of rugby
- If there are other circumstances showing that the child is at risk for other reasons and is deemed to be extremely vulnerable and at risk of being pushed and exploited to come in conflict with the law

What are some circumstances that show the child is deemed to be extremely vulnerable and at risk of being pushed and exploited to come in conflict with the law?

If the CAR, other than violating a mere ordinance involving a juvenile status offense, is also found to be:

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

If the BCPC is not sure if the CAR should be considered 'high risk', consult the LSWDO to make the proper determination.



If these circumstances are also present (in addition to the ordinance violation, light offense, or misdemeanor), the CAR is considered "high risk" and the child's custody must not be turned over to the parents/guardian

What if the parents/guardian want physical custody of the CAR but the BCPC considers the child to be "high risk"?

The BCPC, after consulting the LSWDO, must assess if it is in the child's best interest to turn over physical custody to the parents/guardian. Even if physical custody is released to the parents/guardian, the case of the CAR will still be referred to the LSWDO for further assessment of the child and formulation of the appropriate intervention program.

If the BCPC cannot locate or access the LSWDO, the physical custody of the CAR may be turned over to the social workers connected or affiliated with the DSWD. Meanwhile, the child must be held safely in a child-friendly space in the barangay.

What documents will the BCPC give the LSWDO with the transfer of physical custody?

The BCPC must give copies of the following documents to the LSWDO:

- Intake Form for Barangay Council for the Protection of Children (BCPC Form No. 1)
- BCPC Referral Letter / Form (BCPC Form No. 3)
- Documents attached to BCPC Forms No. 1 and 3



d. AFTER TURN OVER OF CUSTODY

After physical custody of the CAR is given to the LSWDO, will the BCPC still do something?

These are the next action/s expected from the BCPC after physical custody is given to the LSWDO:

If the physical custody is given to the LSWDO because:	Next action/s expected from BCPC
After custody and initial intake of the CAR, the barangay discovers that the child is not a resident of the barangay	No further action from the BCPC. The LSWDO and the barangay where the child resides take over in handling case of the CAR.
BCPC cannot locate the parents/guardian of the CAR	The BCPC will participate in the Intervention Conference to be conducted by the LSWDO for the CAR.
CAR is considered "high risk"	Depending on what is agreed during the Intervention Conference, the BCPC (together with other stakeholders) will also assist the LSWDO in monitoring the implementation of the Intervention Program for the CAR.

If the physical custody is given to the parents/guardian

The BCPC may continue to monitor the progress of the child to see if the child and the parents/guardian followed the advice/guidance earlier given to avoid any repeat offense of the child.

Preventing a child 'at risk' from becoming 'in conflict with the law' OR preventing a child from becoming 'at risk'

See Chapter Six for possible prevention programs that can be implemented at the barangay level: (1) to help a CAR avoid becoming a CICL; and (2) to prevent children in the barangay from becoming either CAR or CICL.

CHAPTER VI

PREVENTING CICL

How to prevent children from becoming CICL

Page 82	6.1 Mandate to Prevent CICL
Page 84	6.2 Primary and Secondary Prevention
Page 85	6.3 Menu of Prevention Programs
Page 92	6.4 Menu of Primary Prevention Programs
Page 94	6.5 Menu of Secondary Prevention Programs
Page 96	6.6 BCPC: a vital factor to prevent CICL

CHAPTER VI

PROGRAMS TO PREVENT CICL

Intervention programs of barangays are not only for CICL.

Separate intervention programs are also created to **prevent** children from becoming CICL. These are called under the law as primary and secondary interventions but more appropriately termed as “**Prevention Programs**” under this Manual. (Chapter Three deals with tertiary intervention or intervention of CICL)



6.1 MANDATE OF PREVENTION

BARANGAY MANDATE: Provide programs and services for children!

The law mandates each barangay to:



institute programs on juvenile justice and welfare;



provide services that respond to special needs, problems, interests, and concerns of children;



deliver services that offer appropriate counseling and guidance to children and their families

The barangay shall institute these programs and services through its BCPC whether individually or together with other barangays and in coordination with schools, youth organizations, child-focused institutions, NGOs, and other concerned agencies.

Specific Goal:
Prevent CICL

An ounce of prevention is better than a pound of cure.

The barangay can take action to decrease the number of CICL by implementing effective intervention programs for prevention of juvenile delinquency.



REMEMBER

The barangay's role is critical in PREVENTING a child from becoming a CICL.

What are prevention programs?

Prevention programs are activities that promote the best interest of the child to help the child avoid situations where they will be "at-risk" or in conflict with the law.

To prevent children from offending the barangay must implement either PRIMARY or SECONDARY prevention programs.

What does "promoting the best interest of the child" mean?

- Creating conditions that are more beneficial for the survival, protection and feelings of security of the child;
- Encouraging the child's physical, psychological, and emotional development;
- Choosing alternatives that safeguard the growth and development of the child.

To avoid CICL, implement prevention programs for:



Children in general
Primary Intervention



Children at risk
Secondary Intervention

6.2 PRIMARY AND SECONDARY PREVENTION

PRIMARY prevention programs²

These are general measures that deal with root causes of offending. These programs help prevent children from becoming at risk. Such programs (which include those involving advocacy and socio-economic, health and nutrition, training and education services) also promote the physical and social well-being of children.

Primary prevention programs are aimed at:

1. all children;
2. their parents; and
3. the entire community.



Some of the identified root causes of offending:

- Poverty
- History of abuse of child
- Neglect of child

*Based on factors that may drive children to be in conflict with the law. From Chapter One (Giving Children in Conflict with the Law a Human Face) of "Behind the Mask" of Plan Philippines.

What are some primary prevention programs that the barangay can implement?

See Section 6.3 and 6.4 of this chapter.

SECONDARY prevention programs³

These are measures that assist any child at risk (CAR) or a child who is vulnerable to and at the risk of committing a crime because of personal, family, and social circumstances. These measures, such as protective services for children, are intended to avert or prevent juvenile delinquency.

When is a child at risk?

A child is at risk when he/she violated an ordinance involving a juvenile status offense or committed a misdemeanor or a light offense (See Chapter Five at page 67) or is:



abused (sexually, psychological, mental, economic, etc.) and parents/guardian are unable to provide protection for the child;

² Known under RA 9344 (Rule VI) as "primary intervention" programs.

³ Known under RA 9344 (Rule VI) as "secondary intervention" programs.



exploited (sexually, economically);



abandoned or neglected and parents/guardian cannot be found;



from a dysfunctional or broken family and is without a parent/guardian;



out of school;



street child;



member of gang;



living in a community with high level of criminality or drug abuse; and



living in situations of armed conflict.

Is there a child from your barangay who is covered by this list? Then this child is a CAR who needs protection and assistance from the barangay.

A CAR needs special protective and preventive programs to reduce the risk of offending the law.

What are some prevention programs (secondary) the barangay can implement for the CAR?

See Section 6.3 and 6.5 of this chapter. These are proposed programs to help them avoid becoming CICL.

6.3 MENU OF PREVENTION PROGRAMS

The Comprehensive National Juvenile Intervention Program Framework presents a menu of possible programs that can be implemented either as PRIMARY or SECONDARY prevention programs.⁴

⁴ Referred in the CJNIP as "Interventions"

What are some prevention programs that cater to CHILDREN?

1. Skills training
2. Life skills training
3. Provision of developmental activities
4. Access to formal and alternative learning education

What types of skills training can a barangay implement?

Numerous barangays conduct skills training for children by inviting, on their own initiative, resource persons, or by partnering with the Technical Education and Skills Development Authority (TESDA).

Some barangays in NCR share that among the skills training programs implemented in their respective communities with TESDA are **call center training**, **cellphone repair**, **t-shirt printing**, and **basic computer literacy**. Some barangays in Region I are conducting trainings on **welding** and **carpentry**.



Your barangay may also partner with private groups and organizations to implement training programs that may meet the skill requirement of local businesses.

If your barangay is interested to conduct skills training programs with the assistance of TESDA, you may contact:

TESDA National Office:
Call (02) 8877777 (Trunk Line)
Email tesdacontactcenter@gmail.com

TESDA Regional Offices:
Contact numbers and regional websites listed in www.tesda.gov.ph

What are being taught in life skills trainings?

Life skills trainings develop / increase positive behavior of children to enable them to deal effectively with demands and challenges of everyday life.⁵ Among the skills taught children are:

- a. reflective skills (such as problem-solving and critical thinking)
- b. personal skills (such as self-awareness); and
- c. interpersonal skills (such as communion).



Life skills trainings are directed towards the development of a child's fullest potential. In Region I, one barangay holds **leadership trainings** for children while another barangay, in cooperation with the local church, implements **values education** sessions or holds **bible school** for children during summer vacation.

One barangay organizes "**boodle fights**" (with children and adult barangay volunteers) to encourage team-building among the youth of the barangay and to give the youth a venue to be under the guidance of responsible adults.

Many recognized child-friendly barangays have been organizing (in coordination with schools) gender and development (GAD) activities for school children.

Life skills education develops skills "that minimize risk factors and maximize protective factors" (<http://www.unicef.org/lifeskills/index>)

The "roots of sexual violence in the Philippines can be traced to the traditional or pervasive attitudes towards sexuality and gender..."

The "roots of violence among children and adolescents can be traced to traditional views such as machismo..."

Painted Gray Faces, Behind Bars and in the Streets: Street Children and the Juvenile Justice System in the Philippines (UP-CIDS Project)

⁵ Based on definition of "life skills" in http://www.unicef.org/lifeskills/index_7308.html.

What are examples of developmental activities for children?

There is a long list of activities that a barangay can conduct to help advance the following areas of the child's development:



physical



intellectual



artistic,
musical



social

One barangay in a rural area supports activities of the **school choir** within its jurisdiction while another barangay gives children regular training to **play musical instruments**.

One barangay from the urban area sponsors **theater plays** of children in partnership with a local non-governmental organization. Another barangay, in coordination with the Sangguniang Kabataan, holds a **battle of the bands** where children are part of the performing groups.

Numerous barangays hold **sports activities** and even sports leagues during summer vacation. **Tree planting activities** involving children are also conducted by various barangays.

Another barangay invites children to take basic swimming and **disaster preparedness courses**.

In an identified rural area, a group of barangays heavily supports a **school of living tradition** where children are taught history and the preservation of culture.

How can the barangay help children access formal or alternative learning education?

There are numerous ways to encourage children to attend formal education or alternative learning programs. Several barangays implement back-to-school programs by providing children free school supplies and uniforms.

If there are children who cannot attend formal schooling, the barangay can encourage these children to be part of an Alternative Learning System (ALS).

Is there no alternative learning education program in or near your barangay? Inquire from the Department of Education how to establish / access an alternative learning system for your barangay:

DepEd Regional Offices or Division Offices
Contact numbers listed in
www.deped.gov.ph/directory.asp

What are some preventive programs that cater to PARENTS?

1. Parent Effectiveness Seminars (PES)
2. Empowerment and Reaffirmation of Paternal Abilities (ERPAT)
3. Livelihood program for CICL and their families

Parents Effectiveness Seminars (PES)

The PES is a DSWD-initiated program that focuses on helping parents to properly care for children. In this seminar, parents are given knowledge and skills on early childhood development, health care, behavior management, and parenting duties and are taught how to better understand the behavior of a growing child and how to mold the child to becoming a better person.

Among the various modules given in the PES are: challenges of parenting, keeping the child safe from abuse, and building children's positive behavior.

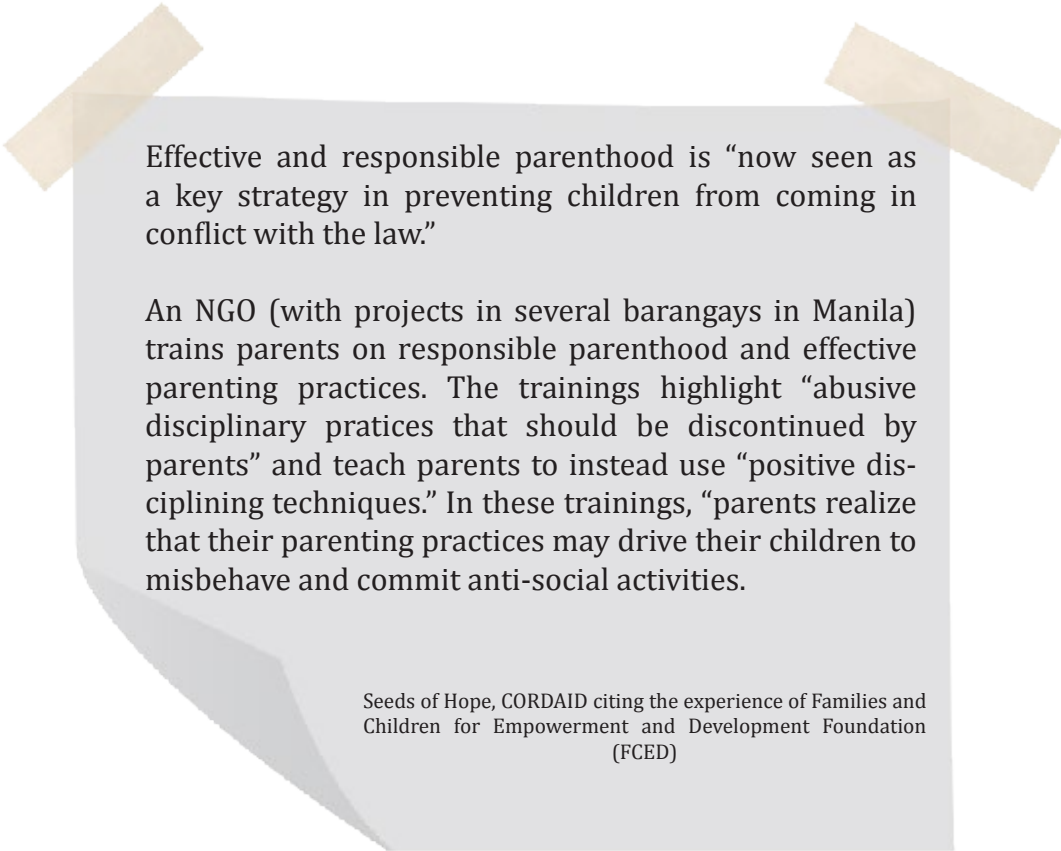
Empowerment and Reaffirmation of Paternal Abilities (ERPAT)

ERPAT is also a DSWD service-project that emphasizes on the importance of knowledge, attitude, and skills development among Filipino fathers in performing their paternal roles and responsibilities. It facilitates community-based sessions, conducts training of father leaders and volunteers in the community for them to have collective action and participation in uplifting the roles of fathers in the family.

Some children who have been in conflict with the law "leave home for the streets due to various reasons."

How can your barangay implement PES and ERPAT?

If your barangay needs help to organize and implement a PES or ERPAT, you may get in touch with the LSWDO nearest your barangay. The LSWDO can train the BCPC and other barangay volunteers (e.g. barangay health workers) in conducting PES and ERPAT in your localities.



Effective and responsible parenthood is “now seen as a key strategy in preventing children from coming in conflict with the law.”

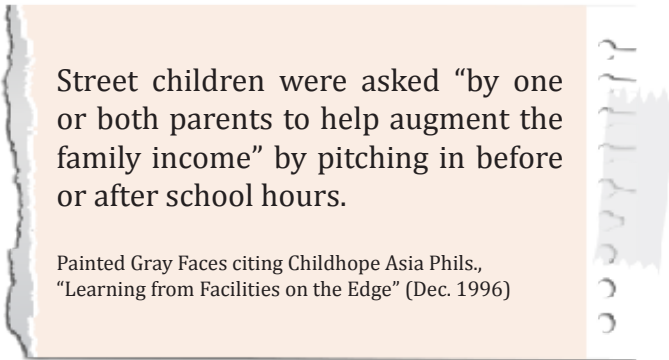
An NGO (with projects in several barangays in Manila) trains parents on responsible parenthood and effective parenting practices. The trainings highlight “abusive disciplinary practices that should be discontinued by parents” and teach parents to instead use “positive disciplining techniques.” In these trainings, “parents realize that their parenting practices may drive their children to misbehave and commit anti-social activities.

Seeds of Hope, CORDAID citing the experience of Families and Children for Empowerment and Development Foundation (FCED)

Livelihood program for parents

TESDA can also assist the barangay in conducting skills trainings for parents as a means to develop their livelihood capabilities.

A NCR-based barangay has been funding a livelihood program for parents in the community as one of its measures to prevent children from being at risk or becoming a CICL. Another barangay reports that it conducts skills trainings sessions specifically for single parents.

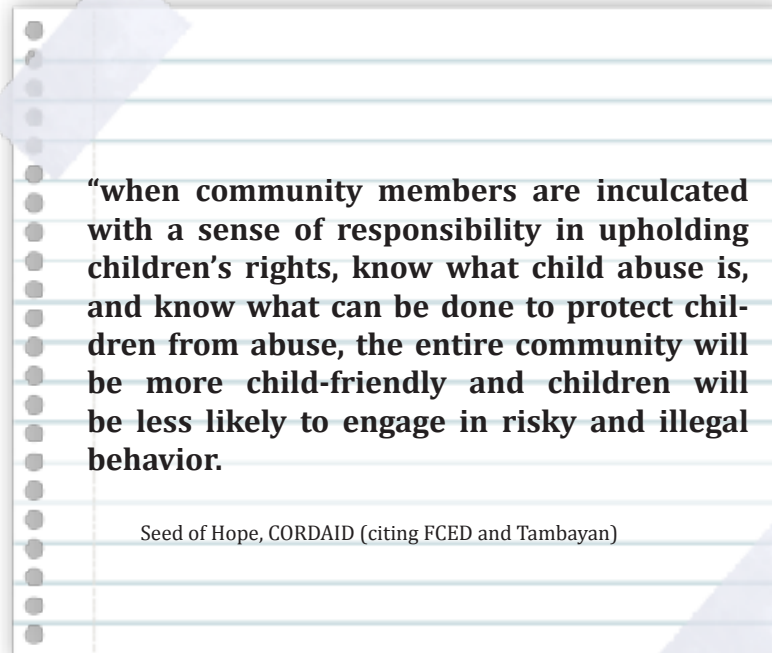


Street children were asked “by one or both parents to help augment the family income” by pitching in before or after school hours.

Painted Gray Faces citing Childhope Asia Phils., “Learning from Facilities on the Edge” (Dec. 1996)

What are some ways to implement primary prevention programs aimed at the COMMUNITY?

1. Awareness raising on the situation and laws on children
2. Training/capacity-building of community volunteers
3. Formulation/strengthening of:
 - People's organization/community watch groups;
 - Children and youth organizations; and
 - the BCPC



Awareness raising

Various barangays have been holding **orientation sessions** on the children’s rights and relevant laws on children including R.A. 9344 and R.A. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act). Some barangays take the extra step in promoting child welfare consciousness by having a **children’s month celebration** and an annual **children’s summit**.



Community volunteers, watch groups

One often-implemented strategy to prevent CICL involves the development and mobilization of community volunteers who can assist the barangay in reporting children who are suspected victims of abuse, neglect, and exploitation. Watch groups can be created such as

Bantay Bayan project in one Barangay where community volunteers form part of a roving patrol to monitor the whereabouts of children in the barangay.

In one barangay, adult volunteers are assigned to serve as “father” or “mother” figures to youth in the barangay. The parent figures give counseling and guidance to the children in the community.

Community volunteers can even form part of the BCPC who can give care and assistance to children in the barangay.

6.4 MENU OF PRIMARY PREVENTION PROGRAMS

In addition to those listed under Section 6.3, there are specific programs for children to help them avoid being at risk or being in conflict with the law.

What programs are specifically aimed at primary prevention?

1. Early childhood care and development
2. Health services / Education
3. Value formation activities
4. Institutionalization of activities on children and youth, e.g. congress, camps, summit, fora
5. Access of children to child and youth organizations (e.g. SK) and other government and private agencies dealing with the children and youth sector
6. Creation of a child-friendly space within the barangay



Early childhood care and development

The Early Childhood Care and Development (ECCD) Program is a full range of health, nutrition, early education, psychological, and other service that provide for the holistic needs of children 0-6 years old to promote the development of their optimum potential. Among the programs included in the ECCD are day care centers and supervised neighborhood plays.

Using different modules, the DSWD trains communities to develop their own ECCD. If your barangay is interested in implementing ECCD programs, contact the LSWDO nearest your barangay.



Child-friendly spaces

In one barangay from the urban area, a “playroom” was created at the barangay hall so children from the community, instead of staying on the streets, will have a safe place to hang out and have fun while under supervision of volunteer adults (members of BCPC).

One barangay from the rural area has established an “open library” at the barangay hall where children can study and access books for free.

CHECKLIST

IS MY BARANGAY'S PROJECT GOOD FOR PRIMARY PREVENTION?

- Will it develop the potential and sustain the strengths of a child to prevent the child from being at risk of offending?
- Will it develop the potential and sustain the strengths of a family to prevent any child from being at risk of offending?
- Will it develop the potential and sustain the strengths of the community to prevent any child from being at risk of offending?

If you checked ANY of these questions, your project can be considered to promote primary prevention.

6.5 MENU OF SECONDARY PREVENTION PROGRAMS

In addition to those listed under Section 6.3, there are specific programs that can help children at risk avoid being in conflict with the law.

What are some suggestion prevention programs for CAR?

1. Hold programs specifically for CAR in coordination with:
 - a. Youth organizations;
 - b. Faith-based organizations; and
 - c. Children Associations/Federations
2. Organize a system of referral of CAR to social workers for psychosocial intervention
3. Refer the CAR and his/her family to a social worker for family therapy
4. Report CAR to Special Drug Education Centers
5. Organize watch groups
6. Institutionalize birth registration in barangays

BCPC Duty:

To protect and assist children at risk!

Other suggested secondary prevention programs for CAR

	If the child is...		Suggested programs
	abused (physical, psychological, mental, economic, etc)	<input type="checkbox"/>	organize watch groups that can monitor cases of abuse and exploitation <input type="checkbox"/> create a system of reporting to the LSWDO or the PNP/WCPD cases of abuse and exploitation
	exploited (e.g. sexually, economically)	<input type="checkbox"/>	coordinate with NGOs and faith-based organizations that assist abused and exploited children
	abandoned or neglected and parent/guardian cannot be found	<input type="checkbox"/> <input type="checkbox"/>	create a system of referral to LSWDO/DSWD coordinate with NGOs and faith-based organizations that assist abandoned or neglected children



If the child is...



Suggested programs

from a dysfunctional or broken family (and is without a parent/guardian)

- coordinate with NGOs and faith-based organizations that assist and facilitate family therapy sessions, parenting capability or responsible parenthood, etc.
- coordinate with LSWDO / DSWD

out of school

- skills training programs for children
- promotion of the alternative learning system
- creation of drop-in centers for street children

a street child

- create a system of referral to/monitoring of the children to the local school authorities

gang member

- creation of peace camps and other activities that promote peaceful interaction among different gangs
- create a conciliation area for children who figure in fights

living in a community with high level of criminality or drug abuse

- create a system of reporting CAR to Special Drug Education Centers
- provision of security in schools/day care

living in situations of armed conflict

- coordinate with LSWDO/DSWD-Region

CHECKLIST**IS MY BARANGAY'S PLANNED PROJECT GOOD FOR SECONDARY PREVENTION?**

- Will the project assist a CAR, his/her family and the community?
- Is the project aimed at preventing circumstances that make a child vulnerable to get in conflict with the law?
- Is the project focused on the problem areas involving the child, family, and community such that if the problems are resolved, the circumstances of the child would return to a healthy and functioning state?
- Is the project preventive and protective in nature?

If you checked ALL of these questions, your project is a good secondary prevention program to implement in your barangay.

6.6 BCPC: A VITAL FORCE TO PREVENT CICL**Does your barangay have a functional and active BCPC?**

Every barangay is legally mandated to constitute a BCPC. The BCPC has the duty to assist the barangay in overseeing the proper implementation of R.A. 9344 and plays a crucial role in preventing children from being at risk or becoming in conflict with the law.

To be considered functional and active, BCPC must:

- have members prescribed by law
- be performing duties required by law
- be given by the barangay a working budget

BCPC Composition

Punong Barangay

Brgy. Kagawad
(Chairperson on Women
and Family)

**Brgy. Nutrition
Scholar**

**Brgy. Day Care
Worker**

**Brgy. Health
Nurse/Midwife**

**Brgy. Health
Worker**

**School head/s in
the brgy.** (e.g. Princi-
pal / Teacher-in-charge)

Chief Tanod

SK Chairperson

**Child
Representative**

**PTA President or
his/her
representative**

**NGO
representative**

What are some duties of the BCPC that can help prevent or assist CICL?



Programs for children

- a. Institute **community-based programs** aimed at preventing children from becoming in conflict with the law
- b. Maintain a children's **database** in the barangay



Networking and coordination

- a. **Get participation** of child-focused institutions, NGOs, schools and government agencies in the planning/implementation of prevention programs for children
- b. Conduct an **inventory** of all NGOs serving CICL and mobilize them as resources for the effective implementation of R.A. 9344 as amended



Assistance to families

- a. Encourage proper performances of the duties of parents
- b. Assist parents in securing expert guidance counseling from the proper governmental or private welfare agency

- c. Hold classes and seminars on the proper rearing of children and on positive parent-child relationship
- d. Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice



Role in Diversion

- a. Assist the Punong Barangay in conducting **diversion proceedings**
- b. Assist the LSWDO in developing **diversion programs** for CICL

What are some ways to strengthen our BCPC?

- Invite community volunteers
- Raise funds from the private sector
- Partner and share resources with:
 - a. other barangays
 - b. NGOs
- Learn from the best practices of other BCPCs/barangays

Do you need help in organizing / strengthening your BCPC?

Several government agencies can help you!

Contact the:

Department of the Interior and Local Government (DILG)

Tel No. 9250347

Fax No. 9250361

E-add aapanadero@dilg.gov.ph

The DILG can conduct orientations for the organizations and strengthening of the BCPC and the development of the Comprehensive Juvenile Justice Intervention Program.

Council for the Welfare of Children (CWC)

Tel No. 4157985 / 7408864 / 7405490

Fax No. 7811040

The CWC can help the BCPC in advocating and promoting children's rights

**Juvenile Justice and Welfare Council
(JJWC)**

Tel No. (02)9210565 / (02)7945972

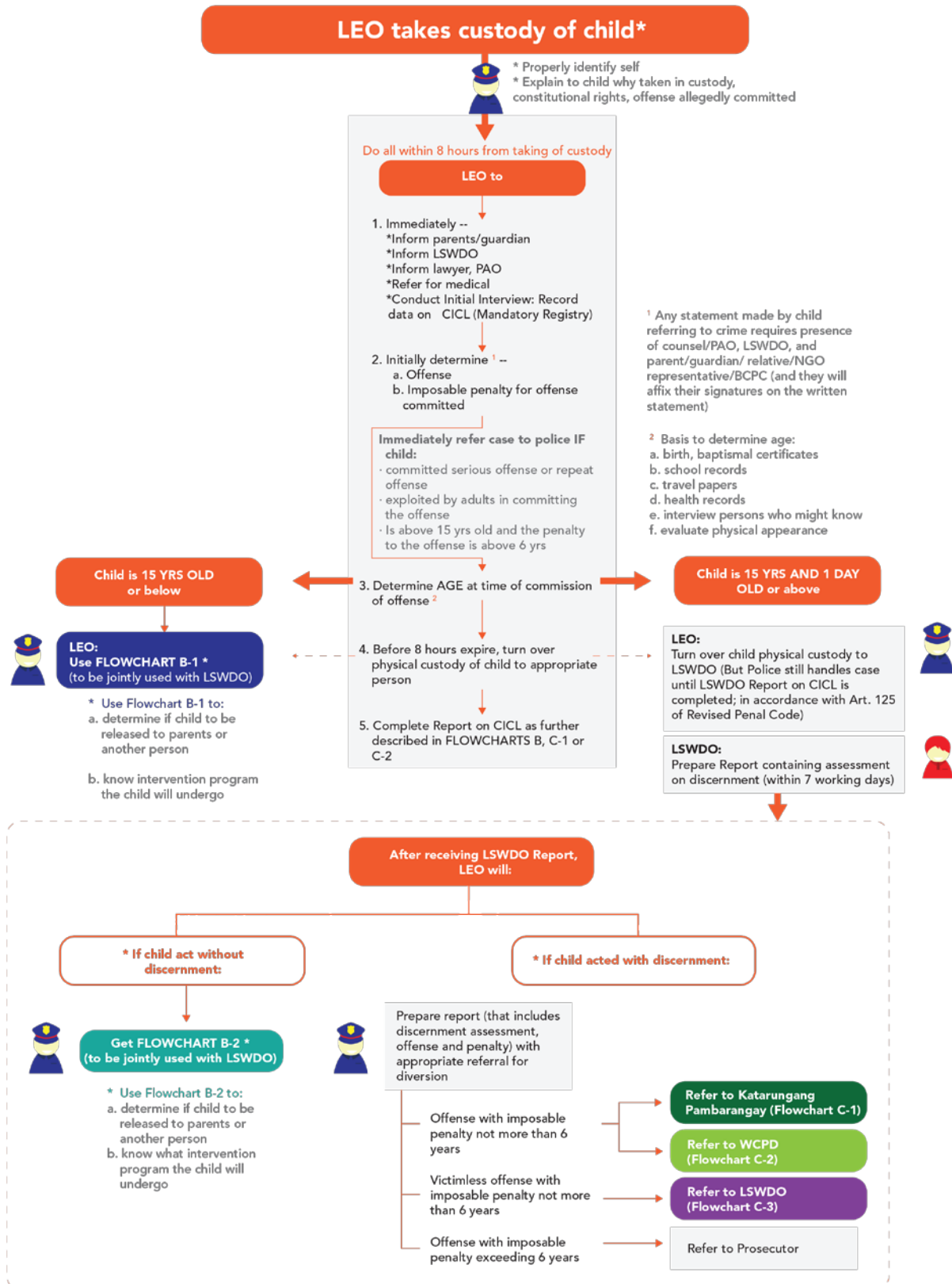
E-add secretariat@jjwc.gov.ph

The JJWC can assist your barangay and neighboring BCPCs to learn more about R.A. 9344 as amended

ANNEXES

ANNEX A

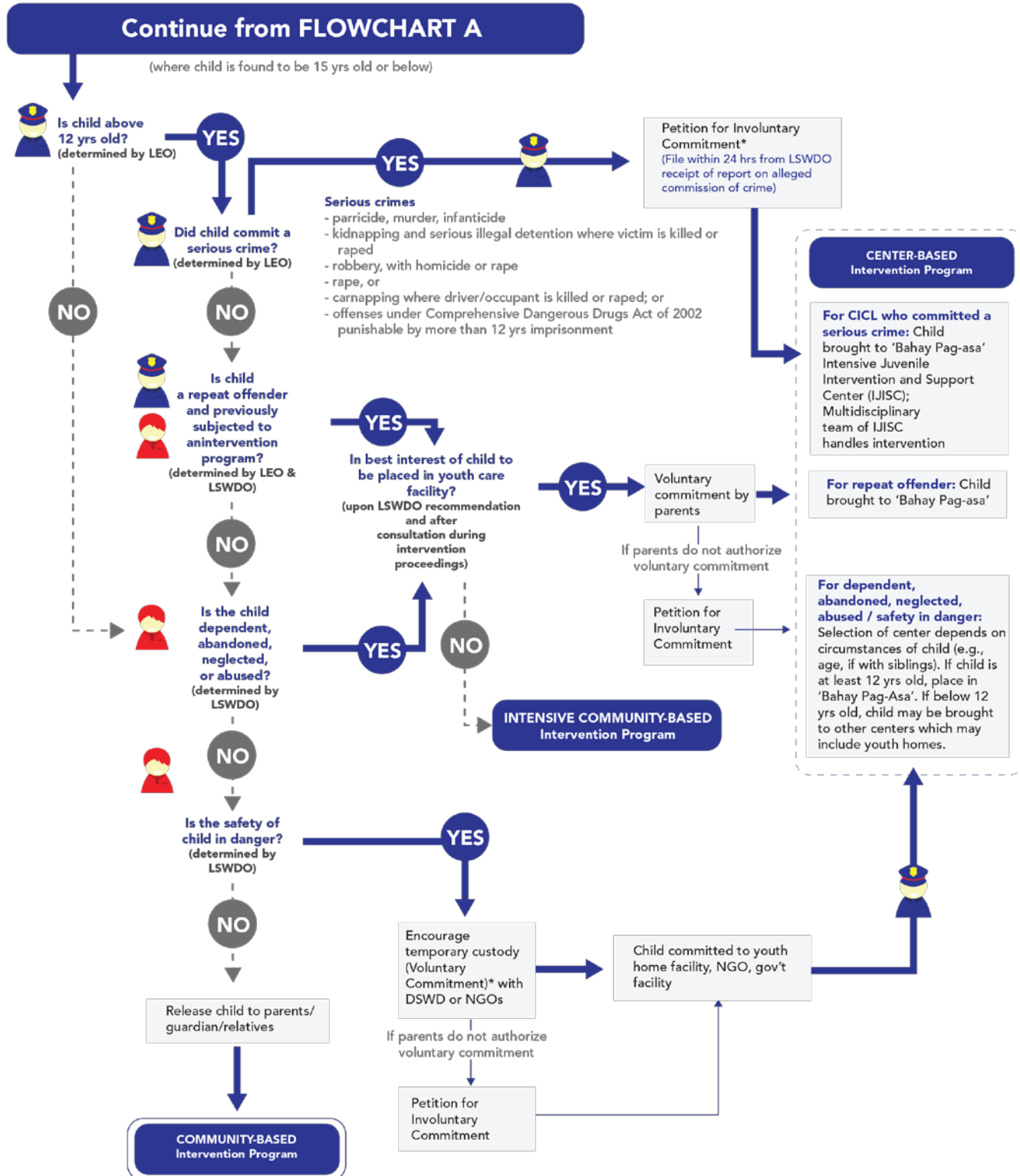
FLOWCHART A INITIAL CONTACT WITH CICL FOR USE OF LAW ENFORCEMENT OFFICER (LEO)



ANNEX B-1

FLOWCHART B-1 CHILD IS 15 YRS OLD AND BELOW FOR USE OF LEO AND LSWDO

Note: Before end of 8 hours from initial contact with child, turn over physical custody to parents unless the answer to any of the following questions is NO.

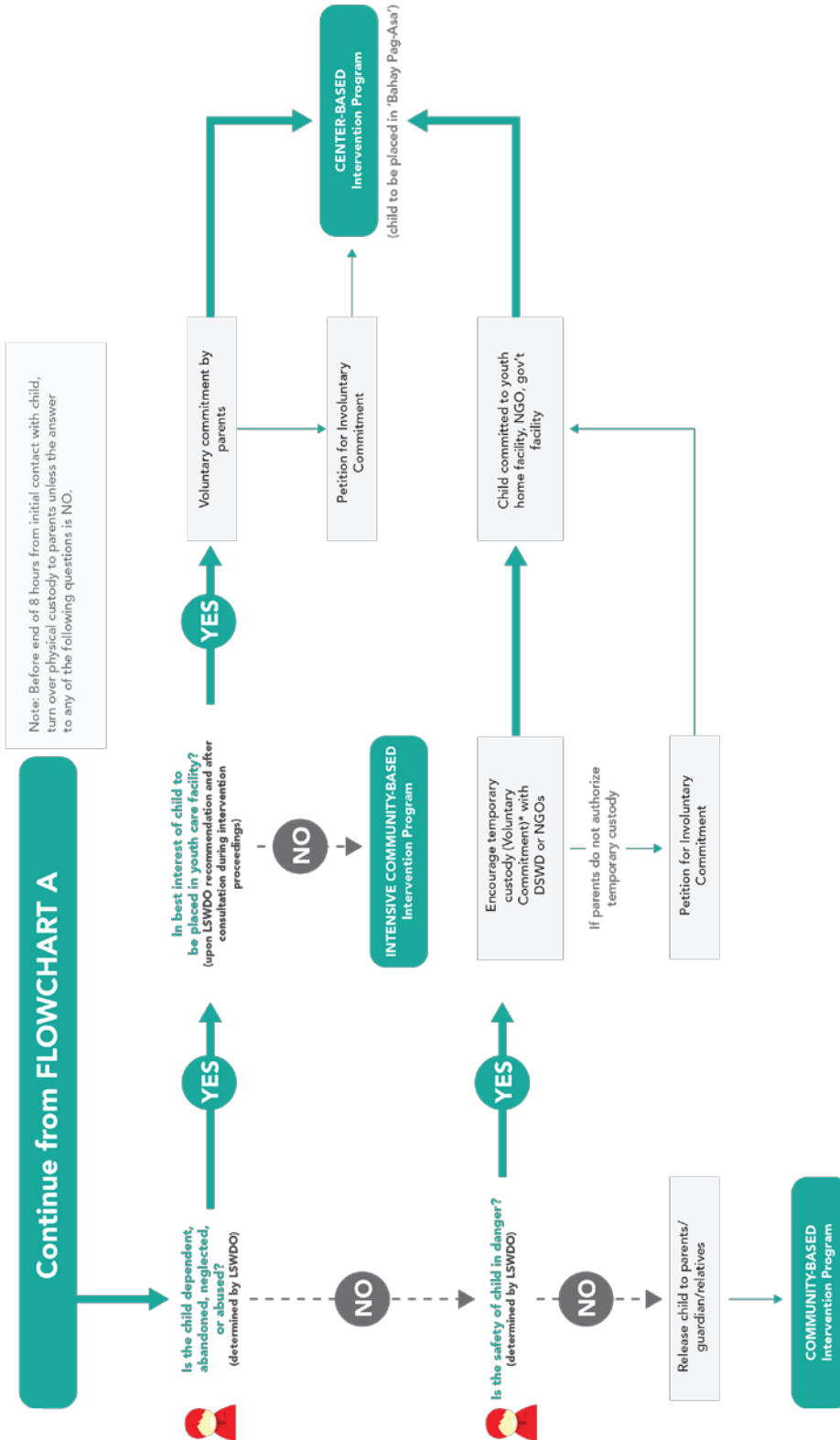


ANNEX B-2

FLOWCHART B-2

CHILD IS ABOVE 15 YRS OLD BUT ACTED WITHOUT DISCERNMENT AS ASSESSED BY LSWDO

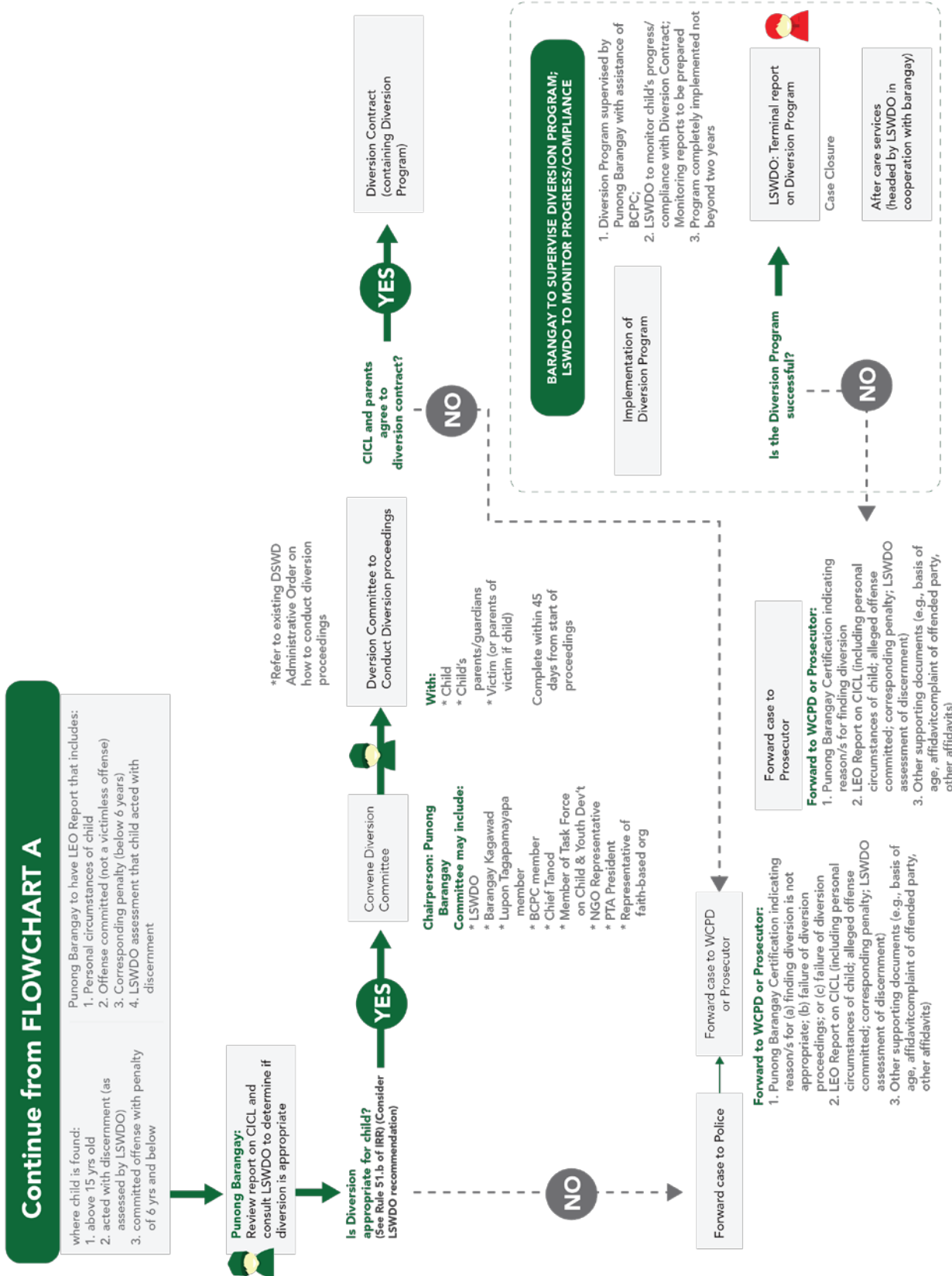
FOR USE OF LEO AND LSWDO



FLOWCHART C-1

CHILD IS ABOVE 15 YRS OLD AND ACTED WITH DISCERNMENT AS ASSESSED BY LSWDO (OFFENSE WITH PENALTY NOT MORE THAN 6 YRS)

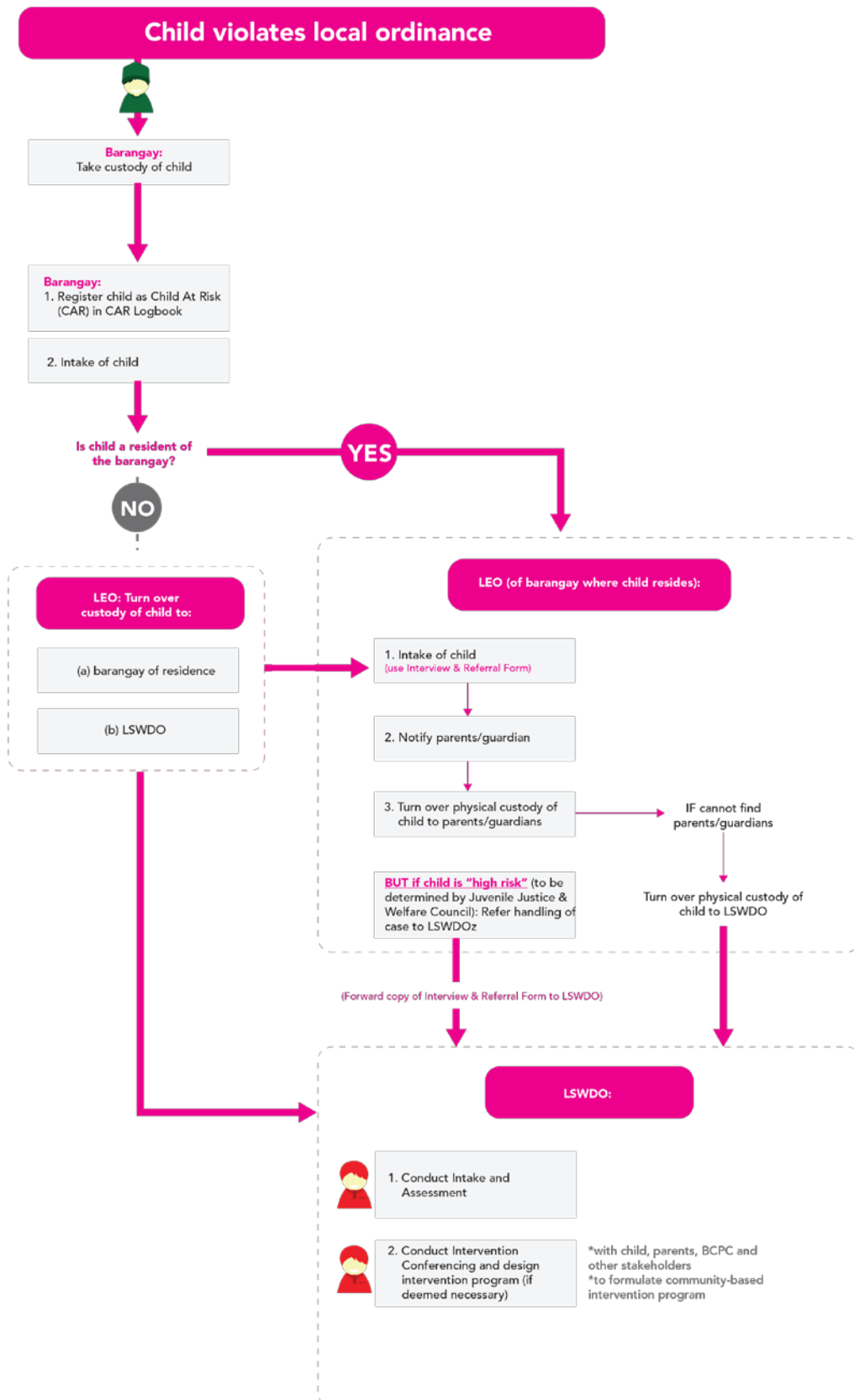
FOR USE OF KATARUNGANG PAMBARANGAY AND LSWDO



ANNEX D

HANDLING A CHILD WHO VIOLATES AN ORDINANCE (CHILD AT RISK)

FOR USE OF BARANGAY AND LSWDO



ANNEX E-1

BCPC Form No. 1

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

INTAKE FORM FOR BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)

I. Profile of the Child:

Name: _____ Nickname/Alias: _____ Age: _____
Sex: _____ Gender: _____ Date of Birth: _____
Place of Birth: _____
Address: _____
Highest Education Attainment: _____

II. Family Background

Name	Relationship	Sex	Age	Civil Status	Educational Attainment	Occupation/Income	Remarks

III. Status of the Case:

Category of child involved: Children in Conflict with the Law (CICL)
 Child at Risk (CAR) [Check whichever is applicable]
_____ Neglected _____ Abandoned
_____ Orphaned _____ Abused

Place and data of alleged offense committed:

Case/Offense: _____
Name of Apprehending Officer: _____
Office of Apprehending Officer: _____
Contact Number: _____
Place of Apprehension: _____ Date and Time: _____

ANNEX E-1 (PAGE 2)

Done this _____ day of _____, 20____.

Complainant's Signature

Name and Signature of CICL

Name and Signature of Parent/Guardian

Received and filed this _____ day of _____, 20____.

Name and Signature of Punong Barangay

ANNEX E-2

BCPC Form No. 2

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) COMPLAINT FORM

_____	-against-	_____
_____		_____
_____		_____
Complainant		CICL
_____		_____
_____		_____
Address		Address

COMPLAINT

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

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

ANNEX E-2 (PAGE 2)

Done this _____ day of _____, 20____.

Complainant's Signature

Name and Signature of CICL

Name and Signature of Parent/Guardian

Received and filed this _____ day of _____, 20____.

Name and Signature of Punong Barangay

ANNEX E-3

BCPC Form No. 3

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) REFERRAL LETTER/FORM

Date: _____

Dear _____:

Very truly yours,

Name and Signature of Referring Party

ANNEX E-4

BCPC Form No. 4

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) FEEDBACK FORM

Date: _____

I. Name of Agency/LGU the child was referred to: _____

Date of Referral: _____

II. Identifying Information

Name: _____ Age: _____

Sex: _____ Gender: _____ Date of Birth: _____

Case Category: _____ Child in Conflict with the Law (CICL) _____ Child at Risk (CAR)

Address: _____

Contact Number: _____

III. Services Rendered

IV. Remarks

Prepared by:

Name, Designation, Signature



DIRECTORY

Contact details to assist CICL and CAR

Agency/Office	Name/s	Phone numbers / Addresses
Department of Social Welfare and Development (DSWD)	Sec. Judy M. Taguwalò	Tel. No.: (02) 931-8068 / 931-7916; Fax No.: (02) 931-8191; Central Office, Batasan Complex, Quezon City
Juvenile Justice and Welfare Council (JJWC) – National Secretariat	Atty. Tricia Clara A. Oco Executive Director	Tel. No.: (02) 921-0565 / (02) 921-9065; Email: secretariat@jjwc.gov.ph
Public Attorney's Office (PAO)	Atty. Persida V. Rueda-Acosta Chief Executive	Tel. No.: (02) 929-9436 / 426-2075 / 426-2801 / 426-2450 / 426-2987 / 426-2683
Department of Justice (DOJ)	U/sec. Reynante Orceo	Tel. No.: 521-1908 / 526-5462; Fax No.: 523-9548; Email: osec@doj.gov.ph
Department of Education (DepEd)	U/sec. Alberto T. Muyot	Tel. No.: 633-5429; Fax No.: 636-6550 / 633-7205; Email: atmuyot@deped.gov.ph
Department of the Interior and Local Government (DILG)	U/sec. Austere A. Panadero	Tel. No.: 925-0347; Fax No.: 925-0361; Email: aapanadero@dilg.gov.ph
Department of Health (DOH)	U/sec. Gerardo Bayugo	Tel. No.: 651-7800 loc. 1424 / 1426 / 1428 / 1429; Fax No.: 743-7236
Commission on Human Rights (CHR)	Comm. Leah Tanodra-Armamento	Tel. No.: 926-1314
Council for the Welfare of Children (CWC)	Exec. Director Mary Miltzi Cajayon-Uy	Tel. No.: 415-7985 / 740-8864 / 740-5490; Fax No.: 781-1040
National Youth Commission (NYC)	Chairperson Cariza Y. Segueria	Tel. No.: 415-4901 / 418-7330
Peoples Recovery, Empowerment and Development Assistance (PREDA) Foundation	Exec. Director Francis Bermido, Jr.	Tel. No.: (047) 223-9629 / 223-9630; Mobile No.: 0922-8768617; Fax No.: (047) 223-9628
Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA)	Exec. Director Zenaida Rosales	Tel. No.: 426-7839 / 985-0234; Email: cptcsa@mydestiny.net
League of Cities	Mayor Edgardo Pamintuan	Tel. No.: 470-6837 / 470-6813 / 470-6843; Fax No.: 470-7210 Email: league.cities.philippines@gmail.com
Liga ng mga Barangay	Mr. Edmund Abesamis	Tel. No.: 687-1316 / 687-1409; Email: lnbnational@yahoo.com / abesamis@lawyer.com
League of Provinces	Gov. Ryan Luis Singson	Tel. No.: 687-5399 / 631-0170 / 631-0197; Fax No.: 687-4048; Email: lppsec2007@yahoo.com

League of Municipalities	Mayor Maria Fe V. Brondial	Tel. No.: 921-0349 / 440-7280 / 440-7306; Fax No.: 913-5737; Email: president@lmp.org.ph
Regional Juvenile Justice and Welfare Committee (RJJWC)		
CAR	Janet P. Armas Regional Director Nora B. Jacinto Secretariat	Tel. No.: 0927-4486302 / (074) 446-9651; Fax No.: (074) 442-7917; Email: rjjwc.focar@gmail.com
CARAGA	Minda B. Brigoli Regional Director Dante S. Rosales Secretariat	Tel. No.: 0930-2054979 / (085) 342-5619; Fax No.: (085) 815-9173; Email: rjjwccaraga@gmail.com
NCR	Vincent Andrew T. Leyson Regional Director Claire O. Torbio Secretariat	Tel. No.: 0942-5733655 / 734-8640; Fax No.: 733-0010 loc. 205 / 206; Email: rjjwc.ncr@gmail.com
ARMM	Nor Naima Secretariat	Tel. No.: 0926-8538459 / (064) 552-2796; Email: rjjwcarmm@gmail.com
Region I	Marcelo Nicomedes J. Castillo Regional Director Jocelyn P. Mariano Secretariat	Tel. No.: 0919-4790587 / (072) 888-2184 / 888-2505; Fax No.: (072) 888-2184 / 888-2505; Email: rjjwc.fo1@gmail.com
Region II	Ponciana P. Conday Regional Director Shiela Marie T. Apostol Secretariat	Tel. No.: 0935-3837136 / (078) 304-0586; Fax No.: (078) 304-0586; Email: rjjwc02@gmail.com
Region III	Gemma B. Gabuya Regional Director Imelda E. Yumul Secretariat	Tel. No.: 0932-6632760 / (045) 861-2431 loc. 107; Email: rjjwc.fo3@gmail.com
Region IV-A	Leticia T. Diokno Regional Director Jeannie D. Banate Secretariat	Tel. No.: 0919-4745124 / 807-7102; Email: rjjwc.dswdfo4a@gmail.com
Region IV-B	Wilma D. Naviamos Regional Director Rosa Fe B. Roxas Secretariat	Tel. No.: 0906-5176597 Email: rjjwcf04mimaropa@gmail.com

Region V	Arnel B. Garcia Regional Director Genoveva G. Barcelon Secretariat	Tel. No.: 0919-5831293 / (052) 480-5347; Fax No.: (052) 480-0607; Email: rjwc5@gmail.com
Region VI	Rebecca P. Geamala Regional Director Katherine Joy M. Lamprea Secretariat	Tel. No.: 0927-5197404 / (033) 337-6221; Fax No.: (033) 337-6221; Email: rjwc.dswd6@gmail.com
Region VII	Ma. Evelyn B. Macapobre Regional Director Hazel Dinah D. Miel Secretariat	Tel. No.: 0925-5292608 / (032) 232-1192 / Fax No.: (032) 232-1192 loc. 119; Email: rjwc.dswd7@gmail.com
Region VIII	Restituto B. Macuto Regional Director Agnes E. Bugal Secretariat	Tel. No.: 0946-4116412 / (053) 321-2040; Fax No.: (053) 321-1007; Email: agnes_bugal@yahoo.com
Region IX	Araceli F. Solamillo Regional Director Rosalie Sanchez Secretariat	Tel. No.: 0905-7720157 / (062) 991-6030 / 991-0858; Fax No.: (062) 991-0858; Email: rjwc.foix@gmail.com / criseldaadante@gmail.com
Region X	Nestor B. Ramos Regional Director Hacelyn B. Barrero Secretariat	Tel. No.: 0949-3374410 / (088) 858-8134; Fax No.: (088) 858-6333; Email: rjwc.fo10@gmail.com
Region XI	Mercedita P. Jabagat Regional Director Ma. Lourdes Rafanan Secretariat	Tel. No.: 0933-4280403 / (082) 227-1964; Fax No.: (082) 226-2857; Email: rjwc.fo11@gmail.com
Region XII	Zorahayda T. Taha Regional Director Rabym R. Quinones Secretariat	Tel. No.: 0908-8217355 / (083) 228-2086; Fax No.: (083) 228-2086; Email: rjwc12@gmail.com

**BARANGAY COUNCIL FOR PROTECTION OF CHILDREN (BCPC)
LOG BOOK**

No.	Date Referred	Name of Minor	Age	Sex	Date of Birth	Address	Offense/Violation Committed	Referred by	Educ. Status Attainment				Parent's Name	No. of Children in the Family	Action Taken	Recommendation
									IN SC HD OL	OU T OF SC H.	LE VE L					
1	May 24, 2016	Charles Mark Lascar	16	M	November 19, 1999	1439 Corregidor St., Barangay 2, Quezon City	Physical Injury	PO3 David Dalisay	/			3rd Yr	Jessito and Rosalio Chavez	4	<ul style="list-style-type: none"> Conduct intake interview with minor together with his parents. Inform the LSWDO and PAO Refer to hospital for medical/physical examination 	<ul style="list-style-type: none"> Refer to WCPD and LSWDO for proper case investigation/ disposition