

Status of Children in Conflict with the Law in Catbalogan City, Philippines

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Abstract

This paper aims to assess the status of children in conflict with the law (CICL) of Catbalogan City. The information about the status of CICL was secured through a guided interview with key informants. They were the City Social Welfare Development staff, the Philippine National Police (PNP)-Catbalogan personnel, barangay officials and the community where the case of children in conflict with the law was high. Significant findings were revealed; perceived patterns and observations were established regarding the common offenses, place of residence, problems, solutions, activities and needs of these CICL as perceived by those around them. Most of the CICL cases came from the outskirts of the city of Catbalogan because they lacked basic needs which prompted them to commit crimes. Most of the key informants revealed that parental neglect, family problems and peer pressure were the factors that drove them to do so. It is recommended that parents, barangay officials and Lupon members should be properly enlightened about the rights of the child. LGU and local agencies such as CSWD should allocate budget, design and implement intervention programs to minimize commission of crimes by CICL.

Keywords: child offenders, law, poverty, family, crime, child labor

I. INTRODUCTION

No child shall be deprived of his or her liberty unlawfully or arbitrarily. However, an alarming number of children around the world were deprived of it and held in detention without sufficient cause. Based on the international rights of the child, any child below eighteen years old who committed an offense should be regarded as children in conflict with the law. Children in conflict with the law (CICL) refers to anyone under eighteen who may have committed petty crimes and minor offenses such as vagrancy, truancy, misuse of alcohol and begging (UNICEF, 2003).

In the Philippines, the justice system provides a law that treats every CICL in a manner that recognizes and upholds human dignity and worth. It is in the child respect for the fundamental rights and freedom of others (RA 9344). This law, otherwise known as Juvenile Justice and Welfare Act of 2006 authored by Senator Francis Pangilinan, asserts that no child fifteen or younger may be charged for a criminal act—no matter how grave. Minors above fifteen but below eighteen may be held criminally liable only if they have acted with discernment.

The law also provides resources for the rehabilitation and intervention programs for CICL. However, a number of cities and local government units (LGUs) are not aware of this provision of the law, much more of providing resources for CICL (Pagnuran, 2008). But even if facility and services were provided, there are still some flaws with the law. For instance, a child is taken in custody for status offenses a number of times which means that the law can be subjected to abuse by children below eighteen. When they committed such status offense, it seems to become into a license to commit all other possible offenses. Or crimes because they know that they cannot be sent to jail due to exemption in criminal liability (Pagnuran, 2008).

A concrete example is the case of the “*batanghamog*” boys of Makati, who recently got the attention of the media due to their notorious activities usually victimizing the motorists around the Metro. As part of their modus operandi, a child knocks on car windows and distracts the driver while the other gang members open the car door on the other side and take anything within their reach. They were not afraid of being caught because they often managed to get away with criminal liabilities. These child offenders knew that they were sort of “untouchables.” They knew that there is a law that protects them by displaying their birth certificates and waving it to police authorities who try to arrest them (Mariano, 2011).

The number of CICL is alarming and is a significant problem worldwide. According to the UNICEF, data, there are 1 million children in detention today. And 90% of the children in conflict with the law were just petty offenders. Four out of five children who commit an offense, commit one in their lifetime. The majority of children who ended up in the criminal justice system were from deprived

communities and discriminated against minorities (UNICEF, 2003).

In the Philippines, over 50,000 children have been arrested and detained since 1995. Roughly 28 children get arrested every day or more than one child for every hour. There were more than 4,000 CICL cases reported in year 2010. And there was a move by the lawmakers such as Senator Francis G. Escudero, Senator Vicente S. Sotto, III, and local executives to amend or repeal the law. But DSWD Secretary Dinky Soliman and other NGO groups stressed that these CICL are also victims of circumstances. The authorities should not go after these youths but the adults who were taking advantage and victimizing them. Salinlahi Alliance and Akap Bata Partylist, groups working for children’s welfare, also believed in correct implementation—rather than amendment, suspension or repeal—of the Juvenile Justice and Welfare Act of 2006. This should be coupled with proper education about the law and necessary budget allocation should be prioritized by the government. The legislators should instead look at how the government can improve the lives of the Filipino people. This is through reforms and programs that would alleviate poverty which is the primary cause of crimes whether by adults or minors (Umil, 2011).

In Catbalogan City, there are substantial cases of CICL recorded in the office of City Social Welfare and Development (CSWD). These children are now in custody of the office. Some of them regularly reports to the office and under rehabilitation. The CSWD personnel believed that the law is good considering that it promotes moral recovery and restorative justice and not a punitive one which these petty youth offenders are subjected to. However, they admitted that they had less control of those who are passively participating in the intervention program. And so the question remains,

what would happen to our present society with some of our youth having problems in their early stage of life? What is the status of CICAL in Catbalogan and what is the most suitable intervention program used to help them?

It is in this context that proponents of the project were motivated to conduct an assessment of the status of children in conflict with the law in Catbalogan as an input to an intervention program.

In general, this project aims to determine the status of the children in conflict with the law (CICAL) of Catbalogan as input to intervention program. Specifically, it sought to answer to the following objectives. (1) Determine the profile and number of the CICAL of Catbalogan City in terms of age, sex, educational background, place of residence, status, offenses committed, and crimes committed; (2) Identify and describe the CICAL in terms of problems they encountered, basic needs, daily activities, and reasons why they committed offenses or crimes; (3) Assess the intervention programs of LGU in the barangay level; and (4) Identify current intervention programs of the CSWD and PNP in the locality.

II. METHODOLOGY

The researchers used descriptive-qualitative research methodology and survey techniques to collect and analyze data. The respondents were the CICAL of Catbalogan City, in which by protection of the law they were not able to have a direct contact with the LGU officials, barangay Lupon and some residents in the barangay where they reside as well as the agencies that conduct intervention programs for the CICAL.

Total enumeration of the cases recorded in the office of CSWD of Catbalogan was utilized in the study. Frequency count and measures of variability were employed to

analyze the data.

The researchers exhausted all possible information that would help shed light to the condition and problems of CICAL of Catbalogan. Among the sources of information were the personnel of the five pillars of justice such as the community, the barangay chair, the barangay lupon, the apprehending officers such as the PNP and the CSWD personnel. A modified questionnaire and interview guide were developed and utilized in order to facilitate the process of collection of data.

The locale of the study was the barangays listed by CSWD where frequent cases of CICAL occurred and one barangay located in the central area of the city. After ranking five barangays, respective punong barangay, barangay secretary or Lupon chairman were invited for a guided interview together with some long time residents of the barangay who had direct contact or had handled cases of CICAL in their barangay. Researchers assured the respondents that the rights of the CICAL will be protected. For triangulation, focus group discussions (FGD) were also conducted with the PNP personnel and CSWD staff. Their impressions, as well as perceptions about CICAL, were noted and tabulated.

The key informants from the barangay level who served as a source of information about CICAL totaled to twelve enumerated as follows: Brgy. 13, Canlapwas and San Pablo, six with two from each barangay; Brgy. Munoz, Brgy. 3 and Brgy. San Andres, three with one per barangay; and Brgy. Guindapunan with three key informants. From the PNP and CSWD, four officers were interviewed with two from each agency.

III. RESULTS AND DISCUSSION

The initial result of the study was obtained from the office of CSWD. This includes

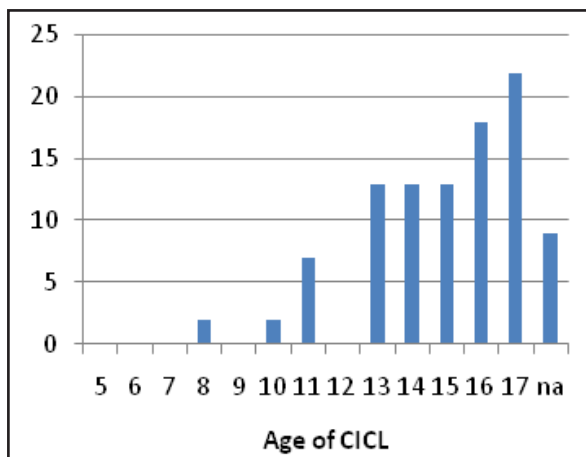


Figure 1: Distribution of Cases by Age

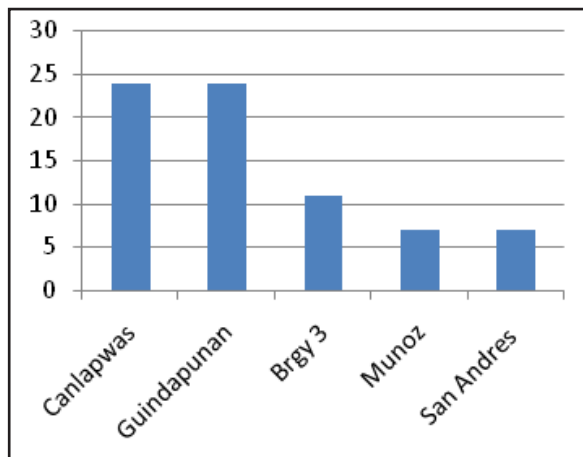


Figure 2: Place of Residence of CICL

the demographic profile of CICL, the type of offenses committed and the status of their cases. The period covered from 2009 to the first quarter of 2011.

A. Profile and Number of the CICL of Catbalogan City in terms of:

1. Sex

The children covered by the project were predominantly male (43 out of 45 or 96%; see Figure 1) and only two out of 45 or 4% were female.

This result showed a similar trend to the CICL studies conducted in Metro Manila. In the UP Law Center project (1981), which covered 323 cases, 86.46% was male, and 13.54% was female. In the PAYO (1996) survey, which covered 232 children, 92% was male, and 8% were female. The PNP (2001) data that covered 5,905 cases showed that 83% was male, and 17% was female (Save the Children-UK, Accessed 11/11/12).

2. Age at the Time of the Commission

The majority (23%) of the children were seventeen years of age at the time of the alleged commission of the offence (see Figure 2.). This age group was followed by children who were sixteen (18%). Next were fifteen, fourteen and thirteen years of age all pegged at 13%. While

only three out of 45 or 7% were eleven years old at the time of the commission. Only two children aged eight and ten were covered by the project and four files did not indicate the age of the children at the time of the commission of the offense.

3. Educational Background

The office of CSWD does not have a record of educational background of the CICL. However, key informants from the different barangays who are familiar with these child offenders revealed to us that these children were on-and-off in school. The highest educational attainment they had reported was third-year high school, and most of the CICL were no longer attending school. Local agencies such as LGU and CSWD were giving scholarship programs to them, but had less control on those who do quitted school. The CSWD officers confirmed that even though they were offered such scholarship, their daily subsistence such as food and clothing should also be met in order to boost their interest in going to school. Their program only provides aid for matriculation and other school expenses.

4. Place of Residence

CSWD records showed that 69% of children covered in the research resided in the respondent barangays. Canlapwas and Guindapunan both shared the highest



Figure 3. Location map of CICL

percent at 24%, Brgy. 3 at 11% and Brgy. Muñoz and San Andres shared the same spot at 7%.

The residence of more than 30% of the children were spread throughout the following barangays. Brgy 4 (1%), Brgy 5 (2%), Brgy 7 (1%), Brgy 9 (1%), Brgy 12 (1%), Brgy 13 (2%) and Brgy San Pablo (1%). No addresses were indicated in 7% of the children's records.

Based on the location of these barangays, most of the CICL cases are concentrated on the outskirts of the city. Barangays Canlapwas and San Andres are located in the north, Brgy. Guindapunan in the east, Brgy Muñoz in the west and Brgy 3 in the south of the city (see Figure 4). To find out if the location was one of the factors to the CICL cases, the researchers also conducted an interview with the barangay officials in a barangay located in the central area. According to the key informants, police visibility and proximity of the barangay to the police station hindered commission of a crime by the CICL. And if ever they would commit crimes, they would be easily nabbed. An official in the same barangay also added that offenders will have nowhere to hide since Catbalogan is a small city.

When the official was asked about notorious residents when the barangay was famous for crimes by both child and

Table 1.
Types of Crimes Committed from 2009 – 2011

| Categories of Crime | Number of Cases | % |
|-------------------------------------|-----------------|------------|
| Crime against property | 28 | 61 |
| Crime against a person | 13 | 28 |
| Crime against a person in authority | 3 | 7 |
| Sex-related | 2 | 4 |
| Total | 46 | 100 |

adult offenders, he replied that they've just grown and have matured. The other had moved to other places. Maturity was also noted by other key informants in other barangays as the solution to CICL. When they grow older they feel ashamed as well as embarrassed of committing such offenses especially against property; thus crimes tend to decrease in their area. Also, according to a San Pablo official, the new generation of youth are mostly gay or tend to be "gay" and not violent.

5. Status of Offenses Committed

Although there were only 45 children, the total number of criminal cases tabulated reached 46. Some of the children had two or more criminal charges filed against them. CSWD records showed that an overwhelming number (61%) of the criminal charges against the children involved crimes against property. Specifically theft (40%), and robbery, (18%) (see Tables 1 and 2). Followed by crime against a person, (28%), crime against a person in authority, (7%) and sex related offenses, (4%).

6. Pattern of Crimes Committed

Most of the crimes/offenses committed in the period of three years were crimes against property. As seen in the figure 5, most numbers of crimes occurred in 2010 when it pegged the highest percentage of all crimes/offenses. However, the data obtained may not be conclusive to indicate 2010 as the worst year for CICL.

Table 2.
Types of Offenses Committed from 2009-2011

| Offenses committed | No. of Cases | % |
|---------------------------------------|--------------|-----|
| Attempted Murder | 1 | 2 |
| Attempted Rape | 1 | 2 |
| Carnapping | 1 | 2 |
| Direct Assault | 2 | 4 |
| Frustrated Homicide | 2 | 4 |
| Frustrated Murder | 7 | 16 |
| Illegal Possession of a deadly weapon | 1 | 2 |
| Murder | 2 | 4 |
| Rape | 1 | 2 |
| Robbery | 3 | 7 |
| Robbery Hold-up | 5 | 11 |
| Slight Physical Injury | 1 | 2 |
| Theft | 18 | 40 |
| Total | 45 | 100 |

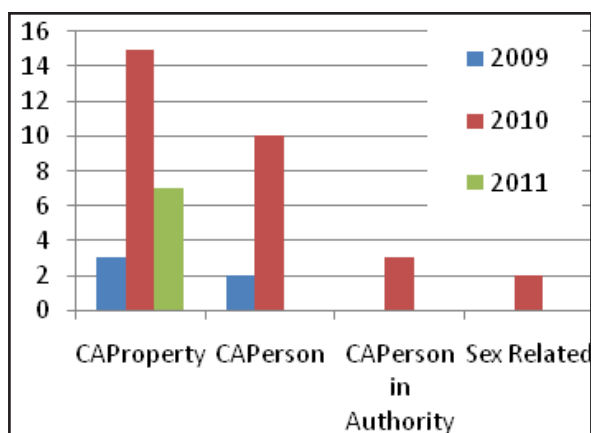


Figure 5. Pattern of Offenses Committed

It is because other offenses/crimes were not recorded in the office of CSWD and victims just kept silent for fear of retaliation from these offenders or they just ignored it according to the lupon chairman of Barangay 13.

1. Needs and Problems of CICL

As seen in Table 3, most of the CICL had problems not meeting their basic needs such as food, clothing and nice shelter. Based on an interview with key informants from Brgy. Canlapwas, most of the crimes listed in their barangay came from illegal settlers in the outskirts of their barangay.

Table 3.
Needs, Problems and Activities of CICL

| Needs, Problems and Activities | No. of responses | % |
|-----------------------------------|------------------|-----|
| A. Needs | | |
| Basic Needs | 5 | 63 |
| Safety needs | 3 | 38 |
| Belongingness and Love | 5 | 63 |
| B. Problems | | |
| Parental neglect | 8 | 100 |
| Family problem | 4 | 50 |
| Peer pressure | 5 | 63 |
| Lack of food | 4 | 50 |
| Influence of Alcohol | 3 | 38 |
| C. Activities | | |
| Selling at public market | 3 | 38 |
| Excursion at the beach | 2 | 25 |
| Strolling around | 3 | 38 |
| Scavenging recyclable wastes | 2 | 25 |
| Drinking liquors with peer groups | 6 | 75 |

They did not have decent living and the road going to their area was narrow that authorities find it difficult to apprehend them.

An official from Brgy. 3 revealed that most of the CICL in their barangay came from a broken family, and he pointed parental love and care as the primary needs of these CICL.

2. Activities of CICL

Most of the CICL tend to stay in the public market where they can easily get an easy job or service to earn money to buy food. Some are seen scavenging for cardboards, plastics and other objects which they can sell. Because most CICL were seen not attending schools and not doing anything worthwhile, they just tend to drink liquors with their peer groups and go to the beach for excursion and drinking sessions as well.

3. Drug Involvement and Syndicates Exploiting CICL

Key informants from Brgy. 13 reported that they had heard of involvement of CICL in substance abuse and push but they had not verified it. No files on drug-related cases were recorded in the six respondent barangays. The PNP and CSWD confirmed it as there were no drug-related incidents reported to their office. However, all the barangay key informants and PNP observed that CICL were aware about their exemption on criminal liability. But they could not determine if there were adults or syndicates educating the youth about the law. Backed with their result obtained with standard tools on discernment, CSWD staff also support that CICL committed crimes due to circumstances that and no adults were behind it. While in Brgy. Canlapwas, local officials apprehended minors on theft and found out that had an adult mastermind, who would even inform them that they won't be put behind bars. The lupon successfully traced the mastermind and warned him of imprisonment unless he stopped exploiting minors into crimes. They had neutralized the occurrence of CICL cases after their prompt action with the said adult mastermind.

4. Reasons of CICL

All barangay LGU, PNP and CSWD, pointed parental neglect as the primary cause of CICL-committed offenses. Guindapunan and Brgy. Muñoz had cases in their barangays where these youth offenders were facing family problems, and were seeking parental care and attention. Other barangays also pointed influence of liquor and lack of food as the causes of crimes against a person and crimes against property respectively.

C. On RA 9344

Responses during the FGD with the

chairman, secretary and lupon were noted agreeing that the law is not fair because the children were already aware of it as stressed by Brgy.3 official. The law was being abused by these children, and they tend to enjoy it by repeatedly committing crimes as pointed by the Brgy. secretary, of Guindapunan. These key informants unanimously suggested lowering the age limit of CICL. They want CICL to be imprisoned for the serious crimes they had committed. On the other hand, CSWD staff argued that it is the lack of funds and facilities such as a rehabilitation center not the law, as the weakness of the program on CICL. Further, they stated that the law is good because it is a restorative justice (CSWD personnel).

3.4. Interventions and Programs for CICL

The Sangguniang Kabataan (SK) in every barangay is mandated to provide programs for the youth. Based on the interviews with the local officials, the researchers found out that most of the programs of the SK were centered on barangay beautification project and sports competition involving not only youths but adults as well. These projects do not cater to the needs of the CICL, and only a little percentage of them as involved due to political bickering in the barangay unit.

For CICL cases reported to the chair, some barangay implements punitive measures such as community service like in Brgy. 13, Brgy. 3 and Brgy. Guindapunan. Part of their community service is to sweep the streets and clean the barangay hall. However, parents of CICL would come to the rescue and would do the community service in lieu of their children oftentimes.

The PNP and CSWD do not have specific programs for prevention of CICL. The usual protocol in PNP is after the case was reported and filed at their office, they would turn it over to the CSWD where

necessary action or filing of case to the court will be made. The CSWD implements educational scholarship programs for CICL, and they also monitor the barangay unit where there is a frequent occurrence of CICL. However, they do not have control over those who do not cooperate and do not continue schooling.

IV. CONCLUSIONS AND RECOMMENDATIONS

1. Almost all of the children in conflict with the law are males, similar with those in Metro Manila.
2. Almost half of CICL are below fifteen years old when they commit an offence against the law, the youngest is eight years.
3. Almost all of the CICL are not anymore in school even if they were afforded with scholarships granted by the LGU.
4. Two of three CICL lives in two barangays, which is why such a concentration needs to be explored.
5. Some of the children had multiple charges filed, almost two of every three charges were on crime against properties such as theft and robbery. There was also sex-related cases filed against at least two children.
6. Most of the offenders are illegal settlers and are from broken families. They lived in the outskirts of the community where access was difficult.
7. Most CICL scavenged recyclable waste or other menial jobs to earn money. These children were also in alcohol consumption.

8. Parental neglect is the identified cause of children committing crimes/offences.
9. Most of the CICL were aware that what they had done was against the law but they could not be imprisoned because they were minors.

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