

Implementation of the Juvenile Justice and Welfare Act of 2006 (RA 9344): Inputs to Policy Amendments

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Abstract - *The study aimed to assess the status of implementation of RA 9433 or Juvenile Justice and Welfare Act of 2006 with respect to the various sectors namely: police; city social welfare and development and family court.. It also determine the problems encountered by the three groups of respondents and test the difference among the responses of the three groups: to determine the implication of implementation of RA 9344 to the community as perceived by three groups of respondents and based on the findings to propose inputs to policy amendments.*

It was found out that majority of the juvenile offenders in Batangas City are 15-17 years old, single, males, finished elementary education with crime of theft committed in 2012 and under the custody of their parents or legal guardians. Objectives, compliance, evaluation and monitoring as status of RA 9344 were implemented as a new approach in criminal justice system with juvenile offenders. Each sector experiences problems in implementing RA 9344 especially when it comes to insufficient knowledge of the child, and the parents regarding the child's severity of crime and constitutional rights. The study found a significant relationship between the status of implementation of RA 9344 and the problems encountered. Further, there are differences between the responses of the three groups of respondents. Exemption of youth offenders in criminal responsibility has an impact on the community since the youth may repeat the crime or they could commit crime that is more severe than the previous crime committed. Additionally, compliance, evaluation and monitoring were found to be significantly related to the impact of exemption of youth offenders in criminal responsibility. Based on the findings, the study identified inputs for possible amendments of policies that govern RA 9344 towards a more efficient and effective implementation. These intervention programs such as child management training and rehabilitative program of continuous education for juvenile offender and provision of additional facilities to support rehabilitation medium manned by competent staff and establishment of rehabilitation centers in each province manned by competent staff and equipped with necessary facilities.

Keywords: Juvenile Justice, Welfare Act, Social Welfare, Philippine National Police

I. INTRODUCTION

In the Philippines, the number of Filipino children in conflict with the law is increasing. CNN (2010) reported that there were more or less 20,000 juveniles and youthful offenders detained in various prisons in the Philippines.

A youthful offender can be a child, minor, or one who is emancipated in accordance with law and over nine years old but 18 years of age at the time of the commission of the offense (Article 189, Child and Youth Welfare Code). Under Section 4 (e) of RA 9344, A Child in Conflict with the Law (CICL) refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

The children in conflict with the law are youthful offenders known also as chronic juvenile offenders, chronic delinquents, or chronic recidivists. These are the youth who had been arrested four or more times during their minority and had perpetuated a striking majority of serious criminal acts (Seigel, Welch & Senna, 2006).

Undeniably, the problem of juvenile misbehavior and delinquency presents a threat to national security and development. For instance, the National People's Army (NPA) and many crime organizations or syndicates are recruiting minor fighters knowing that these minors will not be held accountable for their actions. While this phenomenon is advantageous to the

offenders, there are claims from different sectors that this is disadvantageous considering the concern that need to be addressed during the process of implementation.

Children have the right to be protected from abuse, exploitation and discrimination that has been articulated in several declarations, codes and laws. Several political personalities have raised their voice regarding the amendment of RA 9344. Senator Francis Escudero, Chairman of the Committee on Justice and Human Rights, is the main advocate for proposing the law in the Senate, who is gathering support from numerous local chief executives and even from the hierarchy of the Philippine National Police (PNP). Vice President Jejomar Binay also agreed for implementation of the law stating that during his mayoralty in Makati City, rape and drug trafficking involving minors have been a headache. Former Manila Mayor Alfredo Lim, also agreed to amend the act and lower the age from 15 to 9 years old stressing out “criminal syndicates, especially those dealing in drugs and robbery, were taking advantage of juvenile delinquency laws by using children to carry out their dirty work.

Batangas City has also a considerable number of youthful offenders. The interventions done to reduce crime should take a different form depending upon the degree to which high crime is the result of prevalence or concentration. Performance indicators should include both prevalence and concentration. Regular audits of crime trends should also report on these counts in addition to crime incidence. Successful crime reduction strategies will be those that are tailored to the distribution of crime in an area, be it high prevalence, high concentration or a mixture of both. The important difference between the two sets of strategy is the level of coverage and the targeting of resources. High levels of concentration point to victim based targeting that focuses resources at the most vulnerable. In areas of high prevalence the focus should be wider with area based initiatives.

The Batangas City Police, City Social Welfare and Development and Family Court personnel in dealing with delinquents meet the difficulty of gaining their confidence. Foremost problems that Batangas City Police encountered in the process of implementation are insufficient knowledge of the child and lack of cooperation among parents of the child in conflict with the law. As to the City Social Welfare and Development, the major problems encountered are lack of interest and sense of responsibility of parents of the child regarding the consequence of child’s act, followed by lack of primary source/information as to preliminary

background investigation of child in conflict with the law then by lack of the child’s interest or understanding to comprehend his constitutional rights. For the family court, the foremost problems encountered are lack of budget for proper implementation, lack of proper facilities or equipment and financial resources, and inadequate programs for rehabilitation of minors. These government agencies need to be vigilant, and extra careful in implementing RA 9344 which they consider as having loopholes.

It is in the interest of policy evaluation and possible amendment of the law, the researcher was prompted to conduct this study. The researcher believes that through the study, possible inputs may be done in Section Six which provides a child 15 years of age or under at the time of the commission of the offense be exempted from criminal liability.

Further as a concerned public servant, and as a member of the Philippine National Police, the researcher deemed this study appropriate and significant in the context of police community relation and participation of public officials in the implementation and amendment to the RA 9344 otherwise known as Juvenile Justice and Welfare Act of 2006.

II. OBJECTIVES OF THE STUDY

The researcher analyzed the Implementation of the Juvenile Justice and Welfare Act of 2006 (RA 9344) in Batangas City and further identified its inputs towards policy amendments.

Specifically, it sought answers to the following objectives: to assess the status of the implementation of RA 9344 as perceived by the three groups of respondents: police; city social welfare and development; and family court with respect to :objectives; compliance to requirements; and monitoring and evaluation; to identify the problems encountered by Police, City Social Welfare and Development (CSWD) and Family Court in the implementation of Juvenile Justice and Welfare Act of 2006; to determine the implication of the implementation of RA 9344 to the community as perceived by the three groups of respondents; to test the significant difference of the responses of the three groups of respondents with respect to: the status of implementation of RA 9344; problems encountered by the three groups of respondents; implications of exemption of youthful offender in criminal responsibility; and to propose inputs to policy amendments based on the findings of the study.

Ho: There is no significant difference in the responses of the three groups of respondents with respect to the

following: a) status of implementations (b) problems encountered in the implementation of Juvenile Justice and welfare Act of 2006; c) implications of exempting the youthful offender in the criminal responsibility.

III. METHOD

Research Design

The researcher used the descriptive correlational method, which is designed to ascertain the facts concerning the present status of the situation. The researcher employed the research triangulation approach which makes use of documents, parametric data and interviews with respondents.

Participants

The respondents of the study are 165 PNP personnel, 65 City Social Welfare and Development (CSWD) personnel and 13 Family Court personnel.

Instrument

The questionnaire contains three parts: Part 1 deals about the status of implementation of RA 9344; part two includes the problems encountered by the three groups of respondents and part three includes the implication of the implementation of RA 9344. Cronbach Alpha (CA) was used to test the reliability of the instrument. Based from the result, the obtained cronbach alpha is very high which is 0.946 which means that the item tested are acceptable and the reliability is high except for items number 1, 9 and 10 on problems encountered which were modified due to the low value of correlation.

Procedures

Prior to the formulation of the questionnaire, the researcher conducted a pre-survey through an interview regarding the implementation of the Juvenile Justice and Welfare Act. The information gathered was used as basis in the construction of the questionnaire. The content of the law on Juvenile Justice and Welfare Act was used, while the problems were taken from interview. The instrument was validated by the Chief of Police of Batangas City, a Judge of Family Court, the Coordinator of City Social Welfare and Development (CSWD) Batangas and researcher's adviser. To determine figures related to the statistics of Batangas City Police, the Family Court and City Social Welfare and Development (CSWD) personnel of Batangas for 2012-2013, the researcher coordinated with the Chief of Human Resource Doctrine Branch and Records Section, the Family Court and CSWD personnel.

The researcher interviewed the Chief of Police of Batangas City, Judge of the Family Court and the Social Workers of Batangas City to ask permission to distribute questionnaire among their personnel.

The researcher personally administered the questionnaires among the police personnel assigned at Batangas City Police Stations, Family Court and to the City Social Welfare and Development (CSWD) Batangas. It took two weeks to finish the distribution and retrieval of the questionnaire.

Data Analysis

Data were analyzed and interpreted with the use of Percentage Distribution, Ranking, Analysis of Variance (ANOVA) with Hoc Analysis. Percentage Distribution was used to show how the magnitude of the frequency in relation to the total number of violent crimes committed and the factors that contributed to their occurrence. Ranking was used in order to answer problems concerning violent crimes committed and the factors that contributed to the commission of the violent crimes by the youthful offender. Analysis of Variance (ANOVA) with Hoc Analysis (Scheffe Method) as utilized to determine the significant difference on the perception as to the potential impact of exempting the youthful offender in the crime of juvenile delinquent and status of implementation. This was also used to test the relationship of the status of implementation and the problems encountered by the three groups of respondents. The rule of hypothesis was tested using 0.05 level of significance.

IV. RESULTS AND DISCUSSION

Status of the Implementation of RA 9344 with Respect to Objectives

The over-all assessment of the respondents on the status of implementation of RA 9344 with respect to objectives was strongly agree clearly as revealed by the average composite mean of 3.57.

It can be gleaned from the table that as to the police, they strongly agree on the implementation of RA 9344 objectives on items as to eradicate the number of youthful offenders detained at various detention cell (WM 3.76) followed by to recognize the rights of children to care and special protection and to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families with (WM=.74). This only shows that the police of Batangas City always consider the rights and best interest of the child in conflict with the law. According to them, they

have a juvenile intervention program to reform the juvenile delinquents offenders in Batangas City.

This claim was proven by one of the research conducted by Ramos et al (2005) entitled on Causes of Juvenile Delinquent Cases in Sta. Clara, Batangas City showing how the government pledges to promote and protect the well-being of the children conflict with the law and to observe international standards in their treatment and detention.

This is in adherence to Article 25 of International Convention of the Right of the Child which mandates that when the child is placed under the care of competent authorities (for care, protection, physical or mental treatment), he or she is allowed a periodic review of all aspects of his or her placement. Such result on strong implementation of the objectives of RA 934 is consistent with the promotion of the child's respect for the human rights and fundamental freedoms with where police officers in Batangas City adhere. They claimed that they follow major international legal instruments which promote juvenile justice include: General Comment No. 10: Children's Rights in Juvenile Justice; UN Rules for the Protection of Juveniles Deprived of their Liberty; UN Standard Minimum Rules for the Administration of Juvenile Justice; and UN Guidelines for the Prevention of Juvenile Delinquency.

These international standards call on governments to ensure that children on conflict with the law are treated with dignity and respect, in recognition of their level of development, and in ways which privilege re-education and rehabilitation rather than repression and punitive sanctions (UB Law Journal Volume XVI No.2).

The three objectives deemed lowest are those that relate to ensure their normal growth and development (WM = 3.51), recognizing the vital role of youth in nation building and protect their physical, moral, spiritual, intellectual and social wellbeing (WM =3.48) and to enable child to become productive members of their communities (WM=3.22).

The police officers of Batangas City believe that RA 9344 resulted to toleration of bad attitudes and activities of youthful offenders may result to their own destruction.

As per City Social Welfare and Development (CSWD), they strongly agree on the implementation of objectives of RA 9344 on items to recognize the rights of children to care and special protection (WM = 3.74); to protect the best interest of the child (WM = 3.72) and to protect children at risk and child in conflict with the

law (CICL) from prevention to rehabilitation and reintegration (WM = 3.71).

City Social Welfare and Development personnel believe that the offenders are in elementary school level, usually from a low-income family, lack of education and charged with property related crimes that focus on material gain thus they need special care and protection so that they will regard the best interest of the offender and its security and protection during these instances. Even they committed different crimes; they still believed to be young who needs thorough and equal protection from the government, society especially more their families.

The three lowest statements are to provide child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation and reintegration (WM=3.49), to enable child to become productive members of their communities (WM=3.46) and to recognize the vital role of youth in nation building and protect their physical, moral, spiritual, intellectual and social well being (WM=3.45).

This is so because there is lack of facilities, equipment and budget for the proper implementation of the law and lack of support of local government unit. Rehabilitation, reinforcement and proper teaching to children is hard to implement since they grew in an environment where proper behavior is not imposed such as informal settlements.

This shows that the respondents perceived that provision of child appropriate proceedings, including programs and services to prevent them to engage in youthful crimes activities got low value due to lack of interest of parents to cooperate with the government employees who deals with such programs. Police are not the ones who handle with children and their physical and psychological needs. They are the authoritative figures who will enforce discipline among individuals who are not abiding the law.

Statistically, it is hard for law enforcement officer to refrain youthful offender from committing crimes due to leniency of the law and a lot of loopholes of RA 9344. The defining characteristic for most adolescents, however, is the lack of consistency in their offenses due to the social context of their lives which is also caused by poverty. Their families were not able to support their environment needs because they belong to low income groups living in low income community and environment not conducive to their health, social support and peer groups.

With respect to Family Court, the items which strongly agreed upon on implementation are: to recognize the rights of children to care and special

protection with (WM= 3.62); to protect the best interest of the child and to apply the principle of restorative justice in dealing with CICL (WM=3.62) and to protect the best interest of the child (WM=3.54).

The family court perceived that they recognize the rights of children and special protection for they are in judiciary sector that seeks to protect the community through interpretation of the law and with decision making, proper identification of corporal, objective and subjective punishment for each cases. This court need to apply restorative justice for children who are not thoroughly liable and accountable for their actions and must be under the obligations of their parents and/or guardians.

The privilege of minority, which is the protection afforded by the state to youth offenders is always assured. To ensure that the privilege of minority is properly implemented by the court, the Supreme Court on February 28, 2002 issued Administrative Memorandum No. 02-1-18-SC mandating the Family Courts where cases involving children in conflict with the law are lodged, to divert children, as much as possible, from the harsh criminal justice system. The Administrative Memorandum suspends the sentence of juvenile offenders or discharged them to the care of homes for rehabilitation center. This only means family court in Batangas City is applying restorative justice principles such as initiating mediation proceedings between the accused minors with the offended parties for possible reconciliation or forgiveness.

This was evidenced by the lowest ranking given to items eradicate the number of youthful offenders detained at various detention cell (WM=3.38), ensure their normal growth and development, to enable child to become productive members of their communities (WM=3.31) and to provide child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation and re-integration (WM=3.46).

The family court finds it difficult to implement eradication of youthful offenders, to ensure their normal growth and development and assure child-appropriate proceedings such as rehabilitative programs because of lack of funds and programs for each kind of youth crimes and needs of the offenders. It needs psychological and medical attention to make these things possible for every behavior imposed by each individual may be inherited or learned by the offenders.

Based on the data most of the children who are in conflict with the law are out of school youths and come from economically and socially disadvantage families. They are considered highly vulnerable to crimes, drugs

and illegal work. Fraternity recruitment and membership are still increasing because of the increasing related gang wars and killings in the city.

Status of the Implementation of RA 9344 with Respect to Compliance to Requirements and Procedures for taking Child into Custody

As per police of Batangas City highest and top strongly agreed by the respondents are: ensuring that all statements are signed by the child during investigation as shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement, credit in service of sentence, exemption from perjury, vagrancy and prostitution: probation, if qualified, automatic suspension of sentence, confidentiality of records of the child and the police observed, the right not to be subjected to torture or other cruel, inhuman or degrading treatment of the child or punishment and lastly taking the child immediately to the proper medical and health officer for a thorough physical and mental examination (WM=3.96).

It only shows that police officers in Batangas City assure that the child is well informed in any way of what legal action needs when arresting a child in conflict with the law. As men in uniform they are expected that the law applies without any biases and in case that a parent, guardian or any person in custody of the child fails or unable to protect, the state through the efforts of the police in charge during the time of the complain shall provide protection or intervention.

This is affirmed by Article 1 of 1987 Philippine Constitution that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws".

Ranked least although strongly agree are items in case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRRs), shall be construed liberally in favor of the child in conflict with the law, preventing from using handcuffs or other instruments of force or restraint against child in conflict with the law, identifying himself/herself by the law enforcer and presenting proper identification to the child (WM=3.94).

As per assessment of the City Social Welfare and Development (CSWD) they strongly agree that: refraining from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child (WM 3.72). Also implemented is taking the child immediately to the proper medical and health officer for a thorough physical and mental

examination, confidentiality of records, credit service of sentence (WM=3.68) and finally the diversion, if qualified such as counselling, indemnification for consequential damages etc. (WM=3.65).

This result is a manifestation on the adherence of City Social Development (CSWD) regarding on the legal mandate of this office to care of the minor and their functions as the immediate legal guardians of the young offender.

Evidently, legal status of youthful offenders apprehended for a criminal act is that they are considered children in conflict with the law for the commission of the crime. Definitely, the charges are held with confidentiality; the records of the trials kept secret, and the name, behavior, and background are sealed. Eliminating specific crime categories and maintaining secrecy are strong efforts to shield children away from the stigma of criminal conviction and to prevent youthful misdeeds from becoming lifelong burdens (Seigel & Senna, 2007).

This further stated in Article 192 of Presidential Decree 603, requiring the court to mandate the Social Worker to prepare and submit to the court a social case study report of the youthful offender and his family. It is upon recommendation of the Department of Social Welfare and Development; the court shall dismiss the case and order his final discharge.

The CSWD is indeed very lenient in the implementation of the law to the child offenders from the time he will be convicted as to his privileged as sentence.

On the other hand, those items which ranked lowest by the respondents are the following: Preventing from using handcuffs or other instruments of force or restraint against child in conflict with the law (WM=3.42). This is a main problems on the City Social Welfare and Development of Batangas (CSWD) consider the children as One of the most precious natural resource that need full protection and respect for their rights. They also protect their dignity and provide proper reformatory for juvenile delinquents.

This items was followed by not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited Non Government Office (NGOs) and notify the child's apprehension (WM=3.40) then identifying himself/herself by the law enforcer and presenting proper identification to the child (WM=2.83). This item got the lowest in rank because apprehending the young offender during youth crime is not the function of CSWD.

As perceived by the Family Court, the three highest are: confidentiality of records, diversion, if qualified such as counselling, indemnification for consequential damages etc. automatic suspension of sentence, probation, if qualified, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment with (WM=4.0), followed by access to legal and other assistance, the right to bail and release on recognizance (WM=3.92) lastly the humane treatment and maintain contact with his/her family through correspondence and visits with (WM=3.85).

Confidentiality of reports regarding juvenile offenders and the crimes committed is an important document for it can prevent the risk of the juvenile to be harmed due to social stigma.

It is not uncommon for the media, the public, and even those who work in the juvenile justice system to divulge proceedings involving juvenile offenders. The extent to which information about juveniles, records of juvenile proceedings, and, sometimes, the proceedings themselves are shielded from public view. Keeping juvenile court hearings and records confidential was considered a natural and necessary component of a juvenile justice system.

The Family Court in Batangas City adheres to the laws especially to RA 9344, International Convention on the Rights of the Child and to the Constitution. Article 40 of the United Nations Convention on the Rights of the Child, recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. Children as in family court are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

The three lowest are: Explaining to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed (WM=3.31), immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited Non Government Office (NGOs), and notify the child's apprehension (WM=3.38), informing the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her (WM=3.20).

This shows that the family court is not the one to directly explain to the child about the crime committed and what legal actions must be done because the family court is part of judiciary sector where the principal tasks of a democratic society is to nurture its children to a successful, productive adult life and whose the one with ultimate authority for the resolution of these problems. They are the sector to give full responsibility for carrying out the man-dates of the legislature. There are other persons and institutions the child and family may encounter prior to reaching the court, but if all else fails, the legislatures have to entrust the authority to address the problems facing dysfunctional families and children to the juvenile court.

According to RA 9344, the participation of children in the program and policy formulation and implementation related to juvenile justice and welfare will ensure by the concerned government agency.

Furthermore, transferring of custody is not truly implemented when the case is turned over to the family court. However, the family court perceived that the custody of the child must be given to CSWD so that thorough protection and specific needs is addressed including rehabilitative programs that will help the minor to be optimistic with life. The three groups of respondents strictly follow the requirements and procedure for taking of child in conflict with the law and respect the rights of the child and consider their best interest.

Status of the Implementation of RA 9344 with Respect to Monitoring and Evaluation as Perceived by the Three Groups of Respondents

The following items were strongly agree that these are all implemented with composite mean of 3.89 (CSWD), 3.65 (Police), 3.75 (Family Court). As to the respondents CSWD, they are certain that they adhere to the security and safety of children in conflict with the law in the youth detention home or rehabilitation center, presence of parents /guardian or legal counsel, documentation and safekeeping of records of the case (WM= 3.96), change of attitude or behavior of the child in conflict with the law (WM=3.95), security and safety of the child against the victim revenge (WM= 3.95), extent of the implementation of diversion and intervention program (WM= 3.94).

This shows that the CSWD give importance to the security and safety of the juvenile offender, though they have committed deviant acts and engaged in other illegal behavior.

The agree items are: Frequency and severity of the act (WM=3.93), security of evidence against the child

in conflict with the law and reparation of injury to the victim (WM=3.44).

As regards to reparation of injury to the victim, RA 9344 provides that the social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate.

In the responses of the police, were strongly agreed upon: security and safety of the child against the victim revenge (WM=3.74). The police are mandated by law to assure the security and safety of the child against the victim revenge. Since the offender is a minor, the police officers make sure to maintain peace and protect the vulnerable in this case. Police are also responsible for reprimanding minor offenders by issuing citations which typically may result in the imposition of fines, apprehension and turnover of custody to CSWD. This is mandated by the Philippine National Police enforce the law, in the prevention and control crimes and maintain peace and order and ensure the protection of every Filipinos especially the child.

On the other hand, the following are agreed only as: reparation of injury to the victim (WM=3.51), Frequency and severity of the act (WM=3.58). Generally since the youthful offender is not criminally liable if he/she is not more than 15 years old and the only liability is on civil aspects, the police ensure that the status, rights and interests of children are upheld in accordance with the Constitution and other special laws. Reparation of injury to the victim and the determination of severity of the act lie on the findings of CSWD or by the court for under RA 9344, retroactive application of the law for those below 18 at time of commission of the offense cases of CICL who were 15 years or younger at time of commission of the crime will be dismissed and CICL will be released and referred to social worker.

On the Family Court assessments of status of the implementation of RA 9344 with respect to monitoring and evaluation the following were the strongly agree as: documentation and safekeeping of records, presence of parents /guardian or legal counsel (WM= 4.0), security and safety of the child against the victim revenge (WM=3.85), security and safety of children in conflict with the law in the youth detention home or rehabilitation center (WM=3.77).

Under Section 7 of RA 9344, the child in conflict with the law shall enjoy the presumption of minority. In case of doubt as to the age of the child, it shall be resolved in his/her favor. Any person contesting the age of the child in conflict with the law prior to the filing of

the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

To implement such, under RA 8369, the judge of the Family Court shall have direct control and supervision of the youth detention home which the local government unit shall establish a separate youth offenders from adult criminals.

Other items strongly agree are: security of evidence against the child in conflict with the law, reparation of injury to the victim (WM=3.54) and change of attitude or behavior of the child in conflict with the law (WM=3.69).

These are ranked as the lowest since it is the main function of police and DSWD. This result is indicative that the Batangas City Police, CSWD and Family Court treat all the records of the case of the

child in conflict with the law, with utmost confidentiality and they used code name to protect the rights of the child. However, there are times that the police exercise police discretion on the extent and other factors that may affect the situation where the police have the ability to decide to apprehend or not apprehend the offender.

Based on interview to the Batangas City police, they monitor the record of the case and assure that the child is protected from the victim's revenge. The Security and safety of children in youth detention home is also primary concern of CSWD but there still lacks the financial resources to create programs for these children. On the part of the Family Court, Batangas City Family Court performs their mandate with respect to the confidentiality of records of the case of youthful offenders and ensures the constitutional rights of the offenders.

Table 1. Summary Table on the Status of the Implementation of RA 9344

	CSWD			Police			Family Court			Grand Mean
	WM	VI	Rank	WM	VI	Rank	WM	VI	Rank	
1. Objectives	3.62	SA	2	3.62	SA	3	3.48	A	3	3.57
2. Compliance to Requirements, Procedures for taking Child into Custody and Observance of the Rights of the Child in Conflict with the Law	3.56	SA	3	3.96	SA	1	3.77	SA	2	3.76
3. Monitoring and Evaluation	3.89	SA	1	3.65	SA	2	3.75	SA	1	3.76
Composite Mean	3.82	SA		3.61	SA		3.67	SA		3.70

3.50 – 4.00 = Strongly Agree; 2.50 – 3.49 = Agree; 1.50 – 2.49 = Disagree; 1.00 – 1.49 = Strongly Disagree

Based from the result of the summary table, the computed weighted mean of the status in terms of objectives (WM= 3.62) on the part of CSWD and police while on Family Court (WM3.48) only but the grand mean is still strongly agree. Compliance to requirements, procedures for taking child into custody and observance of the rights of the child in conflict with the law and monitoring and evaluation are all strongly agreed by the three groups of respondents.

This shows that they are guided by RA 9344 which also guide people of different criminology related theories that provide a scientific way to approach and understand why young offenders commit crime. RA 9344 also deals with early intervention to most

effectively altering offending pathways and identification of persistent offenders.

Table 2 presents the problems encountered by the police. They strongly agree on the problems as: lack of interest of the minor to understand his constitutional rights (WM=3.98); fear of child in conflict with the law to the law enforcer or agent of person in authority (WM=3.98); resistance of the child from using handcuffs or other instruments when necessary (WM=3.98). The perceived lack of interest of minor to understand his/her constitutional rights becomes a problem to the police and other law enforcer because of the insufficient knowledge and understanding of the child about the law and what is happening can lead to trauma and other psychological problems.

Table 2. Problems Encountered in the Implementation of Juvenile Justice & Welfare Act of 2006 by the Police

Problems Encountered	WM	VI	Rank
1. Lack of interest of the minor to understand his/her constitutional rights.	3.98	SA	4.5
2. Fear of the child in conflict with the law to the law enforcer or agent of person in authority.	3.98	SA	4.5
3. Resistance of the child from using handcuffs or other instruments when necessary.	3.98	SA	4.5
4. Lack of authentic birth certificate/records to determine the age of the child.	3.94	SA	15
5. Lack of separate detention cell for men and women.	3.97	SA	11
6. Lack of separate detention cell for children in conflict with the law from adult offenders.	3.97	SA	11
7. Short period during turn over of custody of the child to the Social Welfare and Development Office or other accredited Non Government Office (NGOs), after child apprehension.	3.97	SA	11
8. Inability of child's parents or guardian, social worker, or legal counsel during custodial investigation.	3.96	SA	14
9. Powerful political influence/intervention	3.97	SA	11
10. Lack of cooperation among parents of Child in Conflict with the Law	3.98	SA	4.5
11. Inability of licensed social worker to assist Child in Conflict with the Law.	3.98	SA	4.5
12. Unreadiness for the implementation of RA 9344.	3.98	SA	4.5
13. Lack of coordination between and among implementers of the juvenile justice system.	3.98	SA	4.5
14. Lack of formal and intensive training of PNP personnel.	3.97	SA	11
15. Ineffective intervention/rehabilitation programs.	3.98	SA	4.5
Composite Mean	3.97	SA	

3.50 – 4.00 = *Strongly Agree (SA)*; 2.50 – 3.49 = *Agree (A)*; 1.50 – 2.49 = *Disagree (D)*; 1.00 – 1.49 = *Strongly Disagree (SD)*

Furthermore, the fear of the child is normal for they usually see authoritative figure in police officers and it can also lead to resistance of the child.

Lack of cooperation among parents of the child in conflict with the law; lack of coordination between and among implementers of the Juvenile Justice System got strongly agree, followed by powerful political influence and intervention (WM= 3.97). This means that parents know that their children are exempted from criminal liability thus this lead to parental irresponsibility. These enumerated problems were noted due to exemption of child from criminal liability.

Detention cell is also not a problem but juvenile offenders are usually transferred to CSWD who will provide basic necessities for them such as shelter, food and clothes. However, they admit that it is not he sole responsibility of the police to provide facilities and equipment for the proper implementation of the law.

This is further stated in the Convention of the Rights of the Child (1989) emphasis that children should be diverted away from judicial proceedings whenever possible and redirected to community support services. The formal justice system should only deal with the small minority of children who have committed very serious crimes and represent a threat to

society, and the detention of children should always be a measure of last resort and for the shortest appropriate period of time. This international standards call on governments to ensure that children on conflict with the law are treated with dignity and respect, in recognition of their level of development, and in ways which privilege re-education and rehabilitation rather than repression and punitive sanctions (UB Law Journal Volume XVI No.2).

The Batangas City Police encountered a lot of problems regarding the child in conflict with the law for children were used by criminal syndicates, especially those dealing in drugs, theft and robbery. It has been observed that releasing the juvenile delinquents without penalties, it will surely would result to the toleration of the child's bad attitudes. The Batangas City government should encourage the parents of the children in conflict with the law because the problem of CICL should start from everyone, especially the parents. Responsible and god-fearing kids are products of responsible and God-fearing parents who understand their children and listen to them. They must be given the proper care and moral values so they can easily return to society as responsible individuals.

Table 3. Problems Encountered in the Implementation of Juvenile Justice and Welfare Act of 2006 by the City Social Welfare and Development

Problems Encountered	WM	VI	Rank
1. Lack of interest and sense of responsibility of parents of the child regarding the consequence of child's act.	3.78	SA	1
2. Lack of the child's interest/understanding to comprehend his constitutional rights.	3.74	SA	3
3. Lack of coordination between and among implementers of the juvenile justice system.	3.65	SA	7
4. Lack of authentic documents to certify the age of the child.	3.54	SA	13
5. Lack of formal and intensive training of personnel.	3.52	SA	14
6. Lack of cooperation of the child in conflict with the law.	3.60	SA	9.5
7. Lack of constant monitoring of children in conflict with the law.	3.60	SA	9.5
8. Lack of budget.	3.62	SA	8
9. Lack of support of Local Government Unit.	3.66	SA	5.5
10. Lack of youth detention home.	3.68	SA	4
11. Lack of primary source/information as to preliminary background investigation of Child in conflict with the law.	3.77	SA	2
12. Inability of licensed social worker to assist Child in Conflict with the Law.	3.18	A	15
13. Unreadiness implementation of RA 9344.	3.58	SA	11.5
14. Powerful political influence/intervention.	3.58	SA	11.5
15. Ineffective intervention/rehabilitation programs.	3.66	SA	5.5
Composite Mean	3.61	SA	

Legend: 3.50 – 4.00 = Strongly Agree; 2.50 – 3.49 = Agree; 1.50 – 2.49 = Disagree; 1.00 – 1.49 = Strongly Disagree

Table 3 shows the Problems Encountered in the Implementation of Juvenile Justice and Welfare Act of 2006 by the City Social Welfare and Development. As to the City Social Welfare and Development, the following items were strongly agree: lack of interest and sense of responsibility of parents of the child regarding the consequence of child's act (WM=3.78).

This is a common problem because the parents know that the child below 18 years old acted without discernment cannot be criminally liable. Furthermore, one of the reasons why a child commits crimes is due to the low education of parents, inherited behaviors and how they treated the child. Parents are responsible for their children's behavior and should be accountable for every act that the child does.

It has been observed that the behavior of the child starts at home. He only adopts in order to fit society's idea of right or wrong. It is partly determined by heredity and environment, and modified through learning (Soriano, 2011).

Most problems on lack of primary source/information as to preliminary background investigation of child in conflict with the law (WM=3.77) for the City Social Welfare and development encountered difficulty in obtaining information for some youthful offender in Batangas

City was already abandoned by their parents and relatives.

The third highest problem encountered by the police is lack of the child's interest/understanding to comprehend his constitutional rights (WM 3.74). The problems on lack of the child's interest/understanding to comprehend his constitutional rights are due to lack of education and discipline of the child.

Lack of enough licensed social workers to assist the child is least in the problems because in every city/municipality/province there is a license social worker. The lack of authentic documents also consider as a least problem because RA 9344 provides for an alternative remedy to determine the age of the child.

As RA 9344 provides that the child in conflict with the law shall enjoy the presumption of minority until proven to be 18 years old or older. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor. Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in a summary

proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties. Based on the data the

ultimate solution to the problems is to provide the CSWD with the necessary funds to provide the proper reformatory funds for proper reformatory for juvenile delinquents.

Table 4. Problems Encountered in the Implementation of Juvenile Justice and Welfare Act of 2006 by the Family Court

Problems Encountered	WM	VI	R
1. Absence of separate justice system for juveniles	3.62	SA	9
2. Lack of the child's interest/understanding to comprehend his constitutional rights.	3.46	A	10.5
3. Lack of authentic documents to certify the age of the child.	3.46	A	10.5
4. Budget deficit for proper implementation	3.92	SA	2
5. Lack of proper facilities and equipment and financial resources.	3.92	SA	2
6. Inadequate programs on the rehabilitation of the minors.	3.92	SA	2
7. Lack of supporting documents/evidence to determine the culpability of the crime committed.	3.69	SA	7.5
8. Difficulty in deciding the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.	3.77	SA	5.5
9. Additional backlog of cases.	3.77	SA	5.5
10. Security and assurance of the presence of the child during trial.	3.85	SA	4
11. Delay of the court order as to detention of child in jail pending trial	3.69	SA	7.5
12. Not ensured the confidentiality of records and proceedings.	3.38	A	13.5
13. Powerful political influence and intervention.	3.38	A	13.5
14. Non-use of records in other proceedings, except when beneficial to offender and with his written consent.	3.38	A	13.5
15. Ordering transfer of youth to detention home.	3.38	A	13.5
Composite Mean	3.64	SA	

Legend: 3.50 – 4.00 = Strongly Agree; 2.50 – 3.49 = Agree; 1.50 – 2.49 = Disagree; 1.00 – 1.49 = Strongly Disagree

From the results of table 4, among the problems encountered by the Family Court which ranked highest are: Budget deficit for proper implementation of RA 9344 (WM=3.92). This is attributed to the fact that every crime committed, every behavior and every crime range needs a different approach and rehabilitation programs that the sectors cannot support.

Lack of proper facilities/equipment and financial resources and inadequate programs for rehabilitation of minors (WM=3.92) followed by security and assurance of the presence of child during trial (WM=3.85). The lack of facilities/equipment can hinder the successful implementation of the program. This was supported by the statement of Atty. Menchie Obmina-Muaña that "The chief concern of our organization right now is the 600 or so children aged 15 and below who will be released from jails but do not have families to return to. Our organization lacks the financial resources to create programs for these children (Rodrigo, 2006).

On the other hand, the following are the lowest: Powerful political influence and intervention, Non-use

of records in other proceedings, except when beneficial to offender and with his written consent (WM= 3.38) followed by lack of the child's interest/understanding to comprehend his constitutional rights and lack of authentic documents to certify the age of the child (WM=.46) and lastly the absence of separate justice systems for juveniles (WM=3.62). Based on observation, the Family Court of Batangas City treats every case with impartiality and adheres to the RA 9344 and to the Philippine constitution. The Family Court is very strict on the confidentiality of every record of the child case, their personnel never allowed to use the records of case in other proceedings, except when beneficial to offender and with his written consent.

The Family Court is not affected by influence by any politics; they treated the case of the child with confidentiality and ensure their constitutional rights. The State shall protect the rights and promote the welfare of children in keeping with the mandate of the Constitution and the precepts of the United Nations Convention on the rights of the Child. The State shall

provide a system of adjudication for youthful offenders which take into account their peculiar circumstances. The judge of the Family Court shall have direct control and supervision of the youth detention home which the local government unit shall establish to separate the youth offenders from adult criminals (Retrieved from <http://www.chanrobles.com/republicactno8369.htm> February 14, 2013).

Implications of Implementation of RA 9344 as Perceived by the Three Groups of Respondents

As perceived by CSWD, Police and Family Court, the nature of offenses committed is getting heavier ranked first. This is because the law is very lenient to the offender and some offenders were used by many syndicates.

This was supported by the study conducted by Villegas as mentioned in the study of Dalangin (2009) which revealed that a growing number of Filipino children are going stray and becoming in conflict with the law. Further statistics revealed that the natures of offenses committed were getting heavier and the ages of the children getting involved in the commission of the offenses were getting lower.

This is followed by increase of crimes committed by children in conflict with the law with total of 11.75 in rank 2. This is a manifestation that the police, CSWD and the Family Court are very much aware and well informed of the rights of a child in conflict with the law. According to them, they recognize the role of the youth in nation building. This reveal that the respondents agree that the law under Section 2 paragraph a of RA 9344, "The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Third in rank is by failure of the parents to develop strong values among children in conflict with the law and family are given more responsibility in delinquency prevention. RA 9344 lead to parental irresponsibility due to the fact that their children are exempt from criminal liability. Under RA 9344 of 2006, a child 15 years of age or younger at time of commission of offense shall be exempted from any criminal liability while those above 15 and below 18 years of age, can only be criminally liable if they acted with discernment.

The family as a social institution is currently undergoing substantial changes; its form is diversifying with, for example, the increase in one-parent families and no marital unions. The absence of fathers in many

low-income families leads boys to seek patterns of masculinity in delinquent groups of peers. These groups in many respects substitute for the family, define male roles, and contribute to the acquisition of such attributes as cruelty, strength, excitability and anxiety. The importance of family well-being is becoming increasingly recognized. Success in school depends greatly on whether parents have the capacity to provide their children with "starting" opportunities (including the resources to buy books and manuals and pay for studies). Adolescents from low-income families often feel excluded. To raise their self-esteem and improve their status they may choose to join a juvenile delinquent group. These groups provide equal opportunities to everyone, favorably distinguishing themselves from school and family, where positions of authority are occupied by adults (Soriano, 2006).

Fourth in rank is Crime syndicate exploitation and use of children to carry out illegal activities. It hinders the law enforcer or the law enforcement officer to perform their noble task that is providing a safe place for every Filipino people or maintaining peace and order in our country. Philippine National Police are suffering difficulty or hardship to perform their duties and responsibilities because of many syndicates, such as AlQueda, terrorist and New Peoples Army are recruiting young fighters and leaders (Retrieve From: www.sunstar.com.ph, March 4, 2013).

More budget and resource allocation on the part of local government ranked least. In order to have an effective implementation of RA 9344, there is a need for a more budget to have adequate equipment and facilities.

The least possible impact of exempting the youthful offender from criminal liability as perceived by the police, CSWD and by the Family Court are public knowledge is limited due to suppression of the press to public related of records.

Under RA 9344 the best interest of the child should always be consider. It refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law may have his/her sentence suspended or if

he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

Second is retaliation/revenge of the victims. Since some parents paid the civil damages/indemnity to the victims, retaliation or revenges are prevented. Some victims accept the apology of the offender in lieu of preserving family ties.

Third is the discouragement among business investors. Juvenile crime can create danger to the community especially in areas where they live or work. Community members may worry that young people involved in vandalism or destruction of property may try to fight with them if the community members interrupt them, while store owners might fear that they will be attacked by scared young people who are trying to steal.

Juvenile crimes involving violence are also not unheard of, and community members living in areas with a high juvenile crime rate may worry that the amount of youth violence in the community will begin to rise.

Fourth, mitigates or extinguishes criminal liability. Section Six of RA 9344 provides "A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act".

It has been observed, the exemption of the children 18 years old and below from punishment or criminal liability is a big hindrance to the maintenance of peace and order in Batangas City. There still continue increasing of volume of crimes committed by youthful offenders and some youthful offenders were used by syndicates as perpetrators of crimes.

A person who has been in conflict with the law as a child shall not be held liable under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose. All hearings and conciliation of the child and family cases shall be treated in a manner of consistent with the promotion of the child's and the family's dignity and worth, and shall respect their privacy at all stages of the proceedings. Records of the cases shall be

dealt with the utmost confidentiality and identity of parties shall not be divulged unless necessary and with authority of the judge (www.chanrobles.com).

Finally, more programs for DSWD/CSWD. There is a need for more programs for CSWD for the effective implementation of RA 9344. As cited by Atty. Menchie Obmina-Muaña (2006) there are 600 children aged 15 and below who will be released from jails but do not have families to return to (Rodrigo, 2006).

It was found out that a significant difference exists on the response of the City Social Welfare and Development and the Police on the compliance to requirements, procedures for taking child into custody and observance of the rights of the child in conflict with the law. This was revealed by the obtained F-value of 34.16 which was greater than the critical value as well as the resulted p-value of 0.000 (< 0.05), therefore the hypothesis tested is rejected. This only indicates that the two sectors have different assessment on the status of the implementation. This means that the problems encountered by the police in the implementation are affected by the status of RA 9344.

As per status of implementation of RA 9344 with respect monitoring and evaluation shows that the implementation procedures and the extent of how a law is implemented can be a basis of what problems may occur or encounter. RA 9344 covers the whole justice system in youth crimes, from apprehension of minors, to transferring of custody and court trials, and every sector has their own function in this system, it is possible that the problems they will encounter are highly affected by the implementation of the law within their range of responsibilities.

Difference of Responses of the three Groups Respondents on the Status of Implementation of RA 9344

Of result, it was found out that there is a significant difference on the responses of the three groups of respondents on the problems encountered in the implementation of juvenile justice and welfare act of 2006 since the obtained F-value of 34.57 is greater than the critical value of 3.07, also the resulted p-value of 0.000 is less than 0.05 level of significance. Therefore, the null hypothesis of no significant difference on the responses is rejected.

Difference of Responses of the three Groups of Respondents on the Problems Encountered in the Implementation of Juvenile Justice and Welfare Act of 2006 of RA 9344

The responses of the three groups vary. This was also supported using Post Hoc Analysis which shows that the response of the Police differs with the CSWD as well as with the Family Court and vice versa. This means that a significant difference exists among the three groups of respondents. It takes a lot of work in complying, evaluating and monitoring procedure of RA 9344, there are adversities that may occur and can lead to different situations and problems that hinder the successful implementation and effective system of handling youth crimes especially for the City Social Welfare Development because they are in charge of the protection, security and provision of basic necessities to the minor offenders.

However, status of implementation in terms of objectives does not show significant relationship on the CSWD encountered problems. This is possible because the objective of the RA 9344 is only a guideline for the CSWD to determine the extent of their functions. But this will not influence the problems that may occur in the whole process of the justice system.

Batangas City Interventions to reduce crime should take a different form depending upon the degree to which high crime is the result of prevalence or concentration. Performance indicators should include both prevalence and concentration. Regular audits of crime trends should also report on these counts in addition to crime incidence. Successful crime reduction strategies will be those that are tailored to the distribution of crime in an area, be that high prevalence, high concentration or a mixture of both. The important difference between the two sets of strategy is the level of coverage and the targeting of resources. High levels of concentration point to victim based targeting that focuses resources at the most vulnerable. In areas of high prevalence the focus should be wider with area based initiatives. The Batangas City Police personnel, CSWD and Family Court in dealing with delinquents, the difficulty of gaining their confidence is the fundamental stumbling block.

Difference of Responses of the Three Groups of Respondents in the Implementation of RA 9344

Results showed that the computed F-value of 11.55 is greater than the critical value of 3.07 with degrees of freedom of 2 and 182. It was also revealed that the resulted p-value is less than 0.05 level of significance, thus the null hypothesis is rejected. This means that there is a significant difference exists on the implication of exemption of youthful offender and this was observed from the Police and CSWD group (Scheffe Method).

This means that due to the exemption of youthful offender from criminal liability it gives a greater impact of danger to the community, especially on peace and order and business investors or progress of one province or country. Exemption of youth offenders in criminal responsibility has implication to the community, for the youth may repeat the crime or they could commit crime that is more severe than the previous crime committed by the juvenile offender. Addition to this, compliance, evaluation and monitoring are significantly related to the impact of exemption of youth offenders in criminal responsibility.

Proposed inputs to policy amendments of RA 9344

The following are the proposed inputs to policy amendments of RA 9344 to curb the incidence of youthful offender.

1. SEC. 16 of RA 9344 provides “All LGUs shall appoint a duly licensed social worker as its local social welfare and development officer tasked to assist children in conflict with the law”. The amendment shall mandate the putting up of rehabilitation centers in each province particularly in CALABARZON area manned by competent staff.
2. RA 9344 Title V Chapter 1, Sec 21 “require police and other law enforcers to immediately turn over to social workers children caught committing criminal acts”. This resulted to government social workers getting swamped with problem that the law’s authors obviously did not anticipate. The law should provide the availability of youth desk in every police station for the immediate transfer of custody of the minor offender to the CSWD/DSWD. The amendment to be done is that there should also be assistance of CSWD/DSWD to accreditation of child social worker in each police station/office in Batangas Province; provision of youth desk and social workers in each police station/office. Consequently, there should be additional budget for compensation and benefits of youth desk officers.
3. RA9344, Section 6 provides that the minimum age of the criminal responsibility is 15. Title IV, Sec 20 further stated that children below the age of criminal responsibility, 15 years old, are absolutely exempt from criminal liability. It is recommended that the provision of RA 9344 fixing the age criminal responsibility to 15 years old be amended and the age be lowered from 15 to 9 years old. This safeguards their psychological, values and behavior regarding the commitment of crimes among

juveniles. The juvenile populace has recently been involved in crimes which have alarmed authorities and government officials of rising numbers of minors being involved in petty crimes to grave and heinous crimes. Various officials and lawmakers have raised their voices regarding the issue particularly in amending the law that protects a minor from being apprehended by the law enforcer.

4. As stated in Section 53 of RA 9344. The youth rehabilitation center shall provide 24-hour group care, treatment and rehabilitation services under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals. A quarterly report shall be submitted by the center to the proper court on the progress of the children in conflict with the law. Based on the progress of the youth in the center, a final report will be forwarded to the court for final disposition of the case. The DSWD shall establish youth rehabilitation centers in each region of the country. The law should provide for Youth Welfare Program of DSWD that includes the rehabilitation of youth offenders by adding child psychologist and healthcare members who are experts in youth and child psychology. There should also be complete meals, basic needs and facilities to be availed of by each individual
5. The president of the Integrated Bar of the Philippines (IBP) Cebu City chapter has joined in the call to repeal or amend Republic Act 9344 or the Juvenile Justice and Welfare Act. Braccio Boholst said fellow lawyers were not happy with the Law authored by Senator Francis Pangilinan, which decriminalized all offenses committed by minors below 15 years old. He said juvenile delinquents would not hesitate to commit a crime because they would not be penalized. Cebu City representative Antonio Cuenco of the south district agreed that there was a need to review the law in the wake of reports that the minors were being used by criminal elements. "The law must be studied and re-examined. The law is subject to amendment because the drug lords are using the minors. .

CONCLUSIONS

There is high degree of implementation of RA 9344 with respect to objectives, compliance to requirements and monitoring and evaluation. Each sector experiences problems in implementing RA 9344. The police encountered problems are insufficient knowledge of the

child and lack of cooperation among parents of the child in conflict with the law. The City Social Welfare and Development major problems encountered are lack of interest and sense of responsibility of parents of the child. Family Court foremost problems encountered are lack of budget for proper implementation, and lack of proper facilities/equipment and financial resources.

Exemption of youth offenders from criminal responsibility has resulted to an increased volume of crimes by youthful offenders.

There is significant difference between the status of implementation of RA 9344 and the problems encountered. The three groups of respondents differ with respect to problems encountered and impact of exemption of youthful offender in criminal responsibility.

Inputs are proposed to enhance the efficiency and effectiveness of RA 9344 specifically Section 6 which exempt youthful offender from criminal offenses and liability.

RECOMMENDATIONS

There should have a continuous monitoring by the police, CSWD and family court of strict compliance in the implementation of RA 9344. Child management training may be provided by the government for those parents who have problems in their children and may strengthen their supervision. The DSWD/CSWD may also conduct seminars for parents to encourage their youth to avoid committing crimes. A rehabilitative program of continuous education for juvenile offenders may be offered to parents. The education program maybe under the supervision of DepEd and the students (youth offenders) may have weekly, monthly, or annual counselling. This program should be strictly confidential to maintain self-worth and dignity of juvenile offenders.

Putting up rehabilitation centers particularly in the CALABARZON area manned by competent staff as well as a review and validation of the proposed measures by the concerned authority for future standardized implementation is recommended.

The result of this study may be shared to the concerned department for them to design the necessary interventions, changes and that the proposed policy inputs may be considered and evaluated thereafter.

Future researchers may conduct an in-depth study on different locale exploring other variables like the parents and the five pillars of Criminal Justice Systems. To amend RA 9344 in aid of its legislation particularly the age of the minor offender may also be recommend.

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