

Restorative Justice for Children in Conflict with the Law: A Community-Based Solution

Marietta Molina-Lingvall¹, Mia Torres-Dela Cruz², Rosalina P. Segundo³

^{1,3}Social Sciences, Saint Louis University

²Sti College Baguio

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ABSTRACT

The laws and policies in the Philippines aim to rehabilitate Children in Conflict with the Law (CICL) and protect their welfare. The Barangay Council for the Protection of Children (BCPC) utilizes restorative justice processes to rehabilitate CICL. The main objective of the study is to find out the effectiveness of community restorative justice system in rehabilitating CICL and to spread awareness about the current system. It also aimed to describe the process of promoting restorative justice in CICL rehabilitation, identify gaps in the BCPC implementation of restorative justice, enable stakeholders and recommend intervention programs at the barangay level to sustainably divert children from committing crimes, keep them with their family, remain in school, and maintain healthy social relationships. Data were gathered through focus group and interview and analyzed qualitatively. The findings showed that there are existing rules and policies on restorative justice in the country. It was also apparent that there are gaps which were basis in the development of strategies and eventually the development of programs. It is recommended that the programs developed will be implemented in the locality.

Keywords: Children in Conflict with the Law, Restorative Justice, CICL intervention program, Community-Based Justice, Community-Based Solution, Barangay Council for the Protection of Children (BCPC)

INTRODUCTION

Children are seen as a family's treasure, and while families and communities are key in their development, some children may conflict with the law. These children, due to their immaturity and greater potential for rehabilitation, should be treated differently than adults. Punitive measures are often ineffective for children, who may not fully understand their actions' consequences or control their impulses (Cano-Lozano et al., 2022; Verstraeten, 2016). Incarceration can expose them to abuse and criminal influence, causing long-term harm. Evidence suggests that punitive methods increase re-offending and harm young people's futures, highlighting the need for restorative justice approaches. (Wilson et al., 2017; Abella, 2016).

Youth, defined by the United Nations, as between 15 and 24 years of age, are rising to the forefront of the international agenda. In many developed countries violent crimes are being committed at younger ages than in the past. Furthermore, in some nations, people are concerned that there is an increase in the proportion of violent crimes by young children (UNODC and World Bank, 2007).

Child Rights International Network (CRIN) is an international organization that produces new and dynamic perspectives on human rights issues, with a focus on children's rights (CRIN Code — CRIN, 2019). They promote a radical change in the status quo of the norms that dictate children's place in society. The goal is a world where children's human rights are recognized, respected and enforced, and where every rights violation has a remedy. CRIN's objectives include, changing the storyline to recognize children as people having independent human rights; Develop a support system that would defend and promote children's rights as a shared responsibility; and seek justice so that when rights are violated, justice is fought, accountability and redress are promoted (CRIN, 2016, p.2).

According to Forsythe (2012), there is no manifestation of intergovernmental organization for human rights in Asia despite it being large and diverse. It has been criticized for being non-adoptive of western models of political liberalism. Members of the Association of South East Asian Nations (ASEAN) have ratified and are parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) but ASEAN has very little human rights activities despite this.

There is a rapid economic development as well as social advancement in the Asia-Pacific region; however, the region faces challenges of protecting the rights of CICL. There is a lack of clear juvenile justice mechanisms to ensure the rights of children, particularly CICL (Christie, 2012).

UNICEF's study on juvenile justice in the East Asia and Pacific, in cooperation with 22 countries in the region, found that children are detained for a long duration, mixed with adults, subjected to inhumane conditions, with no provision for education, and other terrible situations, which is contrary to international and national standards. Despite legislation advancement, they are being detained on trivial reasons, e.g. convicted on minor crimes, or being first time offenders (UNICEF, 2015).

Legal Basis for the Protection of Children

Based on UNICEF's definition, child protection pertains to "preventing and responding to violence, exploitation, and abuse against children." More specifically, it encompasses all processes, policies, programs, interventions, and measures that aim to prevent and respond to violence, exploitation, and abuse against children, with the ultimate goal of ensuring the overall development of children to their fullest potential. The United Nations Convention on the Rights of the Child (CRC) stipulates that every child has the right to protection from all forms of violence, abuse, neglect, and exploitation. The first law in the Philippines enacted in compliance with the mandate of the CRC is Republic Act (RA) 7610 of 1992 (Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act), provides for stronger deterrence and special protection against child abuse, exploitation and discrimination, and its corresponding penalties.

R.A. No. 9344's features are the diversion and intervention programs. During the diversion process, the responsibility and treatment of CICL will be determined on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. During the intervention programs on the other hand, they will undergo a series of activities to address issues that caused them to commit an offence. These may take the form of counselling, skills training, and education. The bigger the role these diversion and intervention programs play in child behavior development, the more acceptance and social legitimacy these programs are likely to enjoy in resolving problems with CICL (Sanchez, 2019).

Given recognized international and state policies moving towards a specialized criminal justice system for CICL, there came a need to promulgate a new law outside the adult-oriented and punitive character of present Philippine penal laws. Sanchez (2019) also discussed that such legislation instituting a Juvenile Justice System in the Philippines was sought in order to reinvent the treatment of child offenders so as to be in consonance with existing state policies and international obligations and guidelines. As a response, within the Philippines, two programs stand out as currently restorative in nature: firstly, the enacted Juvenile Justice and Welfare Act of 2006, (Republic Act 9344) designed to protect the best interests of children in conflict with the law and pursuant to the principles of restorative justice and, secondly, the Barangay Justice System (Katarungang Pambarangay).

The Katarungang Pambarangay (KP) or Barangay Justice System (BJS) is an alternative, community-based mechanism for dispute resolution of conflicts between members of the same community. The BJS provides a venue for disputing parties to search for a mutually acceptable solution. Other members of the community act as intermediaries, facilitating the discussion of possible solutions. The BJS formalized the Filipino tradition to seek the help of community elders or tribal leaders in resolving disputes between members of the same community, and uses the Punong Barangay (highest elected official in a barangay) and the Lupon members (committee of respected community members). It is only when the BJS has failed to resolve the dispute that -

the parties are allowed to bring their case to court.

The Local Council for the Protection of Children (LCPC) is organized as an institutional mechanism in the Local Government Unit (LGU) that facilitates and implements children's programs. As such, every Barangay Council shall encourage the organization of a Local Council for the Protection of Children and shall coordinate with the Council for the Welfare of Children and Youth in drawing and implementing plans for the promotion of child welfare (PD 603 Art.87) (Gilbert, 2016).

Impact of the BCPC on the victim, offender, and the community

Under the Presidential Decree No. 603 article 87, every barangay council shall encourage the organization of a local Council for the Protection of Children which gave birth to the Barangay Council for the Protection of Children (BCPC). The BCPC shall coordinate with the Council for the Welfare of Children and Youth in the development and implementation of plans for the promotion of child and youth welfare. It should be composed of responsible members of the community, including a youth representative, government and private agency representatives concerned with the welfare of children and youth whose area of assignment includes the particular barangay and shall be on a purely voluntary basis. The Department of Social Work and Development – National Capital (DSWD-NCR) Director, Mr Vincent Andrew T. Leyson, stated that in fully functional BCPCs, cases involving CICL will be addressed and prevented with the Barangay level as first responder of their respective covered areas (DSWD, 2016).

It has been observed that children experience acts of abuse, exploitation and violence from their own families and immediate environment. Therefore, the most crucial point to introduce measures in protecting them is within their families and community (Gonzales & Cabral, 2006). Thus, there is a crucial need to organize, strengthen, activate, and sustain the BCPC. In places where the BCPC does not exist or where it is dysfunctional, alternative community structures need to be found, such as people's organizations or faith-based organizations. There is a need to work with children and empower them to advocate for their rights and their protection (UNHCR, 2006).

The problem that the study is solving is finding out the effectiveness of the community restorative justice system in rehabilitating CICL. This study aims to examine the restorative justice processes as practiced by the community under the BCPC (Barangay Council for the Protection of Children) and to explore the dynamics and interplay of the community in responding to CICL and how effective is the Barangay Restorative Justice System in rehabilitating Children in Conflict with the Law. Thus, this study will be able to contribute to strategies and approaches that will facilitate the rehabilitation and re-integration of the CICL into the community without resorting to custodial measures of any sort.

The purpose of the Philippine Juvenile Justice System, as declared, is to rehabilitate the CICL. But the problem is, there are no specific laws, procedures and programs to effectively rehabilitate the juveniles because the procedural law applicable to juveniles is the same as with the adult system, that is, the Revised Rules of Criminal Procedure.

In the United Nations Convention on the Rights of the Child (UNCRC), Art. 40 states, "I have the right to legal help and to be treated fairly if I have been accused of breaking the law." This means that when a child or young person gets legal help, they should get it without being discriminated against in any way. Their best interests must be considered.

Based on the international legal framework, modifications need to be made to the standard justice system to handle CICL: make it child-friendly, ensure the full and effective participation of children, encourage the rehabilitation of CICL, ensure the privacy of the juvenile and avoid stigmatization (Vestraeten, 2016).

This study seeks to find out how effective is the community restorative justice system in rehabilitating Children in Conflict with the Law (CICL) and to make the public, especially the stakeholders, aware of the current system.

THEORETICAL FRAMEWORK

The primary theory that this study is based on is Restorative Justice (RJ). RJ is “a theory of justice that emphasizes the restoration of individuals, relationships, and communities following behavior perceived as harmful, offensive, or problematic” (Paul, 2015a, p. 100). Restorative Justice is a way of responding to criminal behavior by balancing the needs of the community, the victims and the offenders. It is an evolving concept that has given rise to different interpretations in different countries, one around which there is not always a perfect consensus (United Nations, 2006).

Restorative Justice aims to consider the position of all those affected by a crime – the victim, offender, their families and the community. It focuses on the harm caused by the crime with three stages (“About Restorative Justice”, 2019). Firstly, it encourages the offenders to accept responsibility for what they have done; secondly, it tries to repair the harm done to the victim; and finally, it tries to reduce future harm by preventing crime. Prosecution only proceeds if the offender fails to make sufficient reparation.

The cycle of Restorative Justice considers the causes and consequences of crime. It aims to address the needs of all parties equally and emphasizes the value of all in society to participate in the restorative process. Restorative Justice is founded on the principle of balancing and representing the needs of the victim, the offender and society. To function effectively, Restorative Justice must therefore listen to the diversity of the voices and acknowledge the words spoken from experience (Macmanus and Millner, n.d.).

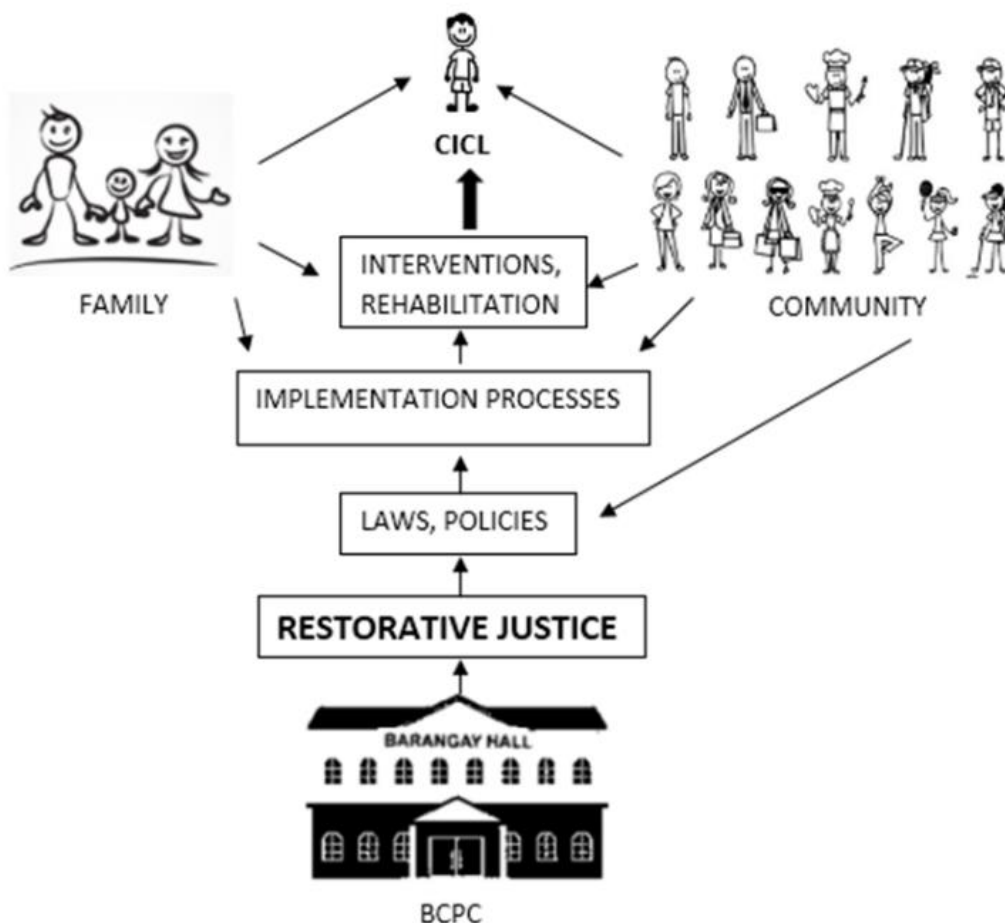


Figure 1: Conceptual Framework: Community-based Restorative Justice for CICL

Figure 1 is an illustration of the implementation of the restorative justice process at the community level in the Philippines, as observed and developed by the authors. This conceptual framework illustrates the vital role of the actors, namely, the family, the community, the BCPC, and the stakeholders in implementing restorative justice for the CICL. The study identified the key issues in restorative justice implementation, the processes

involved in the interventions and rehabilitation, and the gaps in the BCPC implementation of restorative justice against the procedural standards that the government has imposed.

METHODOLOGY

This research used quantitative method in the profiling of the CICL and qualitative method in the description of the existing processes, identifying the gaps in the BCPC implementation, and the development of strategies and programs for restorative justice. The research gathered focus group and interview data and analyzed them qualitatively. Furthermore, the study used Thematic Analysis for the qualitative data.

The research design used in the research is a combination of descriptive and exploratory designs. This research is conducted in order to determine the nature of the problem which is to determine issues and gaps of the CICL rehabilitative process by the community and helps the researchers explore better or improved ways of restorative justice implementation.

This research lays a foundation for upcoming studies about CICL and the vital issues surrounding the topic. Peer-reviewed academic journals were explored, government guidelines and processes were used, and stakeholder opinions were captured.

The research was conducted in La Trinidad, Benguet, Philippines. It was focused on the selected Barangays of La Trinidad, Benguet namely: Balili, Betag, Cruz, Lubas, Pico, Poblacion, and Tawang. These are the only barangays involved because only these barangays had cases of CICL during the specific time duration.

The research used a semi-structured interview guide and open-ended focus group questions for the data gathering process to obtain qualitative data. The primary aim of the semi-structured interview guide and open ended questions was to identify in-depth information about the CICL cases.

The population for the focus group were the members of the BCPC, specifically the chairperson, and the committee chairperson on women and family. For MSWDO, the interviewees were the social workers handling CICL cases, assisted by the social work interns. From the police department, the interviewee was the designated officer of the Women and Child Protection Desk (WCPD).

The sampling method used was non-random sampling or purposive sampling. This method involves the selection of units based on factors other than random chance. It is also known as deliberate sampling (MBA knowledge base, 2017).

The study was composed of 16 cases of Children in Conflict with the Law (CICL), 5 respondents who are social workers of the Municipal Social Welfare and Development Office (MSDWO) La Trinidad, 5 social work interns who were placed in the MSWDO-La Trinidad for their Field Placement/Internship and 4 members of the BCPC represented by the Kagawads on Social Services and Violence Against Women and Children.

The qualitative data was collected from focus groups, interviews, and document analysis. The capturing of multiple viewpoints is the justification for including several sources to increase confidence in the accuracy of the emergent theory (Saunders et al., 2009). Case studies were extracted from reports from each barangay with CICL cases, which was a total of sixteen (16) cases. These multiple cases were processed through multi-case analysis.

DATA, ANALYSIS AND RESULTS

This section is divided into four parts: the first part is the profile of the CICLs, which includes the gender, age, educational status, family status, average monthly income, and crimes committed; the second part is the processes of rehabilitation of CICL by the BCPC; the third part is the gaps in the BCPC implementation of restorative justice, and the fourth part is the strategies and practical recommendations to improve case handling of CICL.

Profile of the 16 cases of CICL

Gender

The gender of all the 16 CICLs in the study is male. It is noted in the recent data gathered by the Philippine National Police (PNP) that the majority of those involved in the CICL incidents from 2016-2018 were males (Macapagal, 2019). Yang (2015) specified in their final report for UNICEF that the majority of the CICL in the rehabilitation and diversion programs were male, that is why the residential facilities that the evaluation team visited only cater to male. The same trend was seen in the Adhikain Para sa Karapatang Pambata (2004) research on the Manila situational research of CICL where 630 out of 706, or 89.2% were male and of the 35 children interviewed for the case studies, 28 were male and 7 were female, or 75% male.

Barangay Dwelling

Table 1: Barangay where the CICL lives

Barangay	No. of CICL	Percentage
Poblacion	6	37.5
Cruz	3	18.75
Tawang	3	18.75
Balili	1	6.25
Pico	1	6.25
Lubas	1	6.25
Betag	1	6.25
Total	16	100

Table 1 shows the distribution of the population among the barangays representing the dwelling of the CICLs. The CICL is normally referred to the BCPC where he/she dwells. From the data, it shows that Poblacion has the greatest number of CICL cases, followed by Cruz and Tawang. It is important to note that although the CICLs are staying in the specific barangays, case workers have identified that most of the CICLs are not native settlers of the place. Their families are mostly migrants from other places and most do not own the houses but are renting.

Age

Table 2: Age of the CICLs

Age Range	Frequency	Percentage
8-9	1	6.25
10-11	1	6.25
12-13	4	25
14-15	6	37.5
16-17	4	25
Total	16	100

Table 2 shows the age bracket of the CICLs which ranges from 8-17 years old. The youngest among the CICLs who have committed a crime is 8 years old and the oldest is between 16-17 years old. Majority of the CICLs are between the age brackets of 14-15 years old. Similarly, PNP data also showed that the number of offenses increased with age among minors: from 2016 to 2018, those aged 5 and below were tagged in 10 incidents, 6 to 8-year-olds in 132 incidents, and 9 to 11-year-olds in 654 cases. The data spiked among older teens: 12 and 15-year-olds were involved in 6,384 incidents, while 16 to 17-years old were tagged in 9,189 incidents (Macapagal, 2019). In the 2010 Child Welfare Council (CWC) Report, it was also mentioned by Salud, (2016) that usually males between the ages 14 and 17 are the youth offenders.

Educational Status

Table 3: Educational Status

Educational Status	Frequency	Percentage
Out of school	6	37.5
In school	6	37.5
Not indicated	4	25
Total	16	100

Table 3 shows the Educational Status of the CICLs. Six out of 16 or 37.5% of the CICLs are out of school while six of them, also 37.5%, are currently enrolled in school and 4 out of the 16 CICLs, or 25%, didn't indicate if they are currently enrolled in school or out of school. In the CWC Report, it was noted by Salud (2016) that youth offenders have low educational attainment, and it was also observed by the Department of Social Welfare and Development (DSWD) that most of the CICLs have stopped schooling (Elemia, 2016). This result, however, does not affirm whether the CICL of the locale is dependent on educational attainment.

Family Status

Table 4: Family Status

Status	Frequency	Percentage
Living with both parents	9	56.25
Living in a single parent	4	25
Living with guardians (relatives other than parents)	3	18.75
Total	16	100

Table 4 presents the current family status of the CICLs. Nine of the CICLs or 56.35% are living with both parents; four or 25% are living with a single parent and three out of the sixteen CICLs, or 18.75%, are living with their guardians or relatives other than their parents. The UNICEF report by Adhikain Para sa Karapatang Pambata (2004) has a similar trend, where the CICLs living with both parents made up 47.8% of the population.

Average Monthly Income

The average monthly income of the CICLs family ranges between three thousand pesos, considered a very low family income, to twenty thousand five hundred pesos, a low to moderate family income. The occupation

of the parents and or guardians of the CICLs are: construction workers, waitress, self-employed, porter, vegetable packer, vendor, electric meter reader, gardeners, drivers, security guard, pastor, vegetable dealer, laborer and overseas filipino worker (OFW). The monthly income is not enough to decently support a family of four or more, which is usually the case for the respondents. Most CICLs, according to local social workers and the DSWD, come from poor and dysfunctional families and an unhealthy environment (Elemia, 2016).

Crimes Committed

Table 5: Crimes Committed

Crimes	Number of cases	Percentage
Theft	2	8
Alleged Rape	1	4
Alleged Theft	5	20
Malicious Mischief	3	12
Physical Injury	4	16
Trespassing	3	12
Vandalism	3	12
Alleged Robbery	2	8
Stealing	1	4
Violation of Curfew Hours	1	4
Total	25	100

Table 5 shows the crimes committed by the CICLs between November 2018 to April 2019. It can be noted that there are twenty-five (25) crimes committed by the 16 CICLs. Three out of the sixteen CICLs are cases of recidivism where these three CICLs have committed several crimes. Recidivism is defined as, "the act of continuing to commit crimes even after being punished" ("RECIDIVISM | definition in the Cambridge English Dictionary", n.d.). In the Table, it shows that twenty percent of the crimes committed are Alleged Theft, followed by Physical Injury with sixteen percent, twelve percent each for Malicious Mischief, Trespassing and Vandalism, eight percent for Theft and Alleged Robbery and four percent for Alleged Rape, Stealing and Violation of Curfew Hours. The crimes committed by the CICL respondents are congruent with the 2015 data of the PNP that a total of 11,616 minors were involved in the top 5 crimes, which were theft, physical injury, robbery, rape and malicious mischief. In 2017, rape cases involving minors was third on the top 5 list (theft, physical injury, rape, robbery, illegal drugs) out of 10,388 recorded incidents. The Philippine National Police (PNP), on the other hand reports that crimes committed by CICL are mostly property-related and are therefore linked to conditions of deprivation and poverty experienced by the children. More than 70.0 percent of the crimes committed by children are non-serious crimes that could be best handled through non-judicial measures ("Statistics on Filipino Children", 2008).

The process on how the Barangay Council for the Protection of Children (BCPC) promotes restorative justice in rehabilitating Children in Conflict with the Law (CICL)

The following were the data gathered from the five social workers of the Municipal Social Welfare and Development Office (MSWDO) – La Trinidad who handled the sixteen cases of CICL, the 5 Social Work Interns who were placed in the MSWDO-La Trinidad for their Field Placement/Internship and 4 members of

the BCPC represented by the Kagawads on Social Services and Violence Against Women and Children.

Among the 16 CICL, 12 or 75% were referred to the MSWDO-Social Workers by the Women and Child Protection Desk (WPCD) of the La Trinidad Police Station; while 12.5% each, or 2 CICLs, were referred by the Kagawad on Violence Against Women and Children (VAWC) and Kagawad on Social Services. Both the Kagawads on VAWC and Social Services are based in the community. A social work participant, SW1 said, “Inrefer ti WPCD diyay cases ti ubbing ditoy office mi.” (The WPCD referred the cases of the children to our office). One Kagawad participant, K1, also mentioned that “Dagijay cases mi ditoy barangay ket inrefer mi ijay MSWDO” (Our cases in the barangay were referred to the MSWDO).

Majority of the CICLs were reported by their victims to the Police Station while two cases were referred by the Kagawad on Violence Against Women and Children and the other two cases were referred by the Kagawad on Social Services.

Existing Practices of the Municipal Social Workers in Handling CICL

As narrated by the participants, their first contact with the CICLs was when the Women and Child Protection Desk (WCPD), which is a Police Officer of the La Trinidad Municipal Police Office, referred to them the CICLs that were reported in their office or apprehended by the Police Officer and those that were reported by the Kagawads on Violence Against Women and Children and the Kagawad on Social Services if the victims reported the crime incidence to the Barangay Council. The social work intern participant, SWI3, said, “Digijay CICL ket maireport nga umuna ijay WCPD santo mairefer da kenyami tapno maasikaso mi dagijay kaso da.” (The CICL cases are first reported to the WCPD then will be referred to us for case handling). Another social worker participant, SW2, said, “Nu dagijay biktima ket agreport ijay barangay council, tay Kagawad nga assigned iti Violence Against Women and Children (VAWC) ken Kagawad ti Social Services iti mangirefer ditoy opisina ti Municipal Social Welfare and Development Office (MSWDO)” (If the victims will report to the barangay council, the Kagawad assigned on VAWC and Kagawad assigned on Social Services will refer to the MSWDO).

The respondents do the assessment once the CICL is turned over to them. During the assessment process, they will determine the case committed by the CICL, the age of the CICL and inform the parents or guardian of the CICL. After their initial assessment, they scheduled a case conference together with the CICL, parents/guardians, WCPD officer and a member of the BCPC which is usually the Kagawad on Social Services.

After their initial assessment, the respondents prepared a Social Case Study Report for each CICL, which was the basis of coming up with the Care Plan for the CICL. In coming up with the final assessment, the respondents mentioned that the age of the CICL is very crucial because it is their basis as to whether the Care Plan is focused on the Intervention or Diversion Program.

The majority, or 12 out of the 16 CICLs, were 15 years and below when they committed the crime. Thus, the respondents recommended that the CICL would undergo an Intervention program, except for one CICL who was 15 years old and the crime he was charged for was Alleged Rape. The respondent handling the case made an absence of discernment report and recommended the child undergo a Diversion Program. For the 4 CICLs who were between 16-17 years old, the respondents referred the CICLs to undergo a Diversion Program. It can be inferred that the respondents strictly adhered to the guidelines for social workers in the handling and treatment of CICL of Administrative Order No. 10 series of 2007 released by the DSWD.

The participants shared that, after the assessment of the CICL, they do case conferences together with the CICL, their Parent or Guardian, WCPD officers, the Kagawad on Social Services or the Kagawad on Violence against Women and Children who are also members of the BCPC and the Barangay Captain, who is the chairperson of the BCPC. A Social Work Intern participant, SWI5 said, “Nu malpas ti assessment mi kadagijay CICL maangay ti conference kadwa dagijay CICL, nagannak wenno ti guardian da, kagawad ti VAWC, ken dagiti miyembro ti BCPC.” (After our assessment of our CICL, we conduct case conference together with the CICL, parent or guardian, kagawad on VAWC and members of the BCPC). The Case

Conferences were conducted in the MSWDO or in the Barangay Hall. Among the 16 cases, 3 cases were facilitated by the respondents in the Barangay Hall and the 13 cases were done in the MSWDO. During the case conferences, offenses committed by the CICL were discussed and the intervention plan that was appropriate for the child was determined. The majority of the victims of the 16 cases didn't attend the case conferences but they reported the incidents to the police station.

After the case conference and a settlement had been arrived at, an intervention plan was drawn up that focused on the rehabilitation of the CICL. The respondents, the parents/guardian, the CICL, and the committee on social services/VAWC or CICL officer and Barangay Captain signed the agreed intervention plan for the child.

According to the participants, they have conducted several home visits to the CICLs and their parents and/or guardians to monitor the implementation of the agreed intervention plan and to see if the CICLs were able to comply with the activities indicated in the intervention plan.

Aside from the home visits that the respondents did, they also have done school visits to the CICLs who are in school to follow up their behavior, grades and school performances. They also do close coordination with the BCPC members to see if the CICLs are performing their community services as agreed during the case conference and continuously remind the CICLs and their parents and/or guardians to adhere to the agreed intervention program and report to the social worker of MSWDO.

After the home, school, and community visits, the respondents prepare a Progress Report to be part of the folder for the CICL which is kept in the MSWDO.

Existing Practices of the Barangay in Handling CICL

All the sixteen CICL cases were turned over to the Barangay Council for the Protection of Children (BCPC) for proper intervention. Six (6) out of sixteen (16) CICLs were referred to Poblacion, while three (3) of them in Cruz, another three (3) cases were referred to Tawang and one (1) each in Balili, Betag, Lubas and Pico. A kagawad participant, K2 narrated that, "Ti trabaho mi a kas kagawad ket imonitor mi nu suruten dagitoy CICL jay aktibidades nga nakakabil ijay intervention plan." (Our role as kagawad is to monitor if the CICL follow the activities in their intervention plan.)

As narrated by the members of the BCPC where the sixteen (16) CICLs were referred, their major role was to monitor the CICL to see if they were complying with the activities indicated in the intervention plan. The BCPC, through the social services/VAWC officer, do active follow ups of the CICL to see if they were reporting to the Barangay Officers, attending to their community service and community activities during any scheduled community activities, such as the clean-up drive, sports fest and the celebration of the Barangay fiesta among others. Close monitoring by the BCPC members of the active participation of the CICL is documented. There were three barangays that did not regularly monitor the CICL under their care due to the irregular stay of the CICL in their residences.

Interventions provided to the CICL

Interventions are activities that are designed to address issues that caused the child to commit an offense (DSWD, 2016). In this study, the interventions were provided both by the MSWDO and the community through the BCPC.

The respondents noted that there were existing intervention programs for the CICLs and their parents and or guardians. Foremost among these were, firstly, counselling for both the CICL and the parents and or guardians; secondly, Parent Effectiveness Seminars for the parents; thirdly, Life Skills Training for the CICL; fourthly, Parent and Child Encounter; and, lastly, referrals for the CICL to enrol under the Alternative Learning System (ALS) program. There was one case of recidivism which was referred to the Philippine Mental Health Association for Psychological Testing and Evaluation.

At the community level, the BCPC members ensured that CICLs rendered scheduled community services.

They also encouraged them to join the youth organization in their respective communities. CICLs are also encouraged to attend seminars on Child and Youth Welfare that are conducted in the community. CICLs are enjoined to actively participate in the activities of the community, such as the Barangay fiesta, sports fest and the clean and green activities of the community. There is also monitoring of the CICLs to observe curfew hours and continuous reminders for them to avoid drinking liquor and smoking. The Kagawad on Social Services mentioned that the Barangay Tanods (community police) were strictly implementing the ordinances on curfew hours and the no selling of liquor and cigarettes to minors.

Reasons why the children are involved in crime

From the social case study reports of the sixteen cases, the following reasons were noted as to why children committed crime: peer pressure; lack of parenting skills; parents lack time for their children; broken family; parents are away from them; parents have no time for them; and they were not guided by their parents since the parents were busy working.

From these findings it can be inferred that the reasons why the children were involved in crime were due to poverty and lack of parental guidance and support.

Gaps in the BCPC implementation of restorative justice

Comparing the above procedure with the process from the interviews and the case analyses, the following gaps in the implementation of restorative justice by the BCPC were identified:

Lack of parental guidance and family support. There is a lack of proper monitoring and guidance from CICL's family to help the CICL in the rehabilitation process. The common reason for this is the family is busy with earning a living. This is, in the first place, one of the reasons why the CICL were involved in crime (lack of parental guidance).

Uncooperative CICL. Despite the intervention plans and the array of rehabilitation activities that the BCPC and the MSWDO have aligned for the CICL, some CICL simply do not comply even when these have already been agreed upon.

Uncooperative and non-participative victims. Some victims were not cooperative and participative in the resolution of the case of the CICL, and, at times, the victims do not attend the scheduled case conferences due to their work schedules and/or some personal reasons or circumstances.

CICL do not receive proper intervention. Some interventions may be inappropriate, unsuitable, inadequate, incomplete or unfit for the CICL. Some may have just been implemented for the sake of implementation but may not be suitable for the case.

Inactive BCPC members. At times, the only members of the BCPC who are actively involved in resolving the cases of CICL are the Kagawad on Social Services and the Kagawad on Violence Against Women and Children.

Lack of knowledge/awareness on roles and responsibilities. Some of the BCPC members are not aware of their roles and responsibilities in handling CICL cases, which makes them ineffective in their interventions.

No proper way of monitoring at the Barangay level. There is no standard monitoring procedure for the cases, especially on the family of the CICL.

Non-participation of community members. Sometimes the community members are not participative and cooperative in the resolution of the CICL cases in order to promote justice to the aggrieved party and the CICL, who needs intervention.

Strategies and practical recommendations to improve BCPC case-handling of CICL

The following matrix shows the strategies and practical recommendations to further improve the BCPC in handling CICL cases through restorative justice. The strategies will address the appropriate gap and the expected outcome of the strategies are also identified.

Strategies addressing the gaps

Strategies	Expected Outcome
Lack of parental guidance and family support	Mandatory involvement of parents and family in the rehabilitation of the CICL. Ensure parental involvement and family support on the successful rehabilitation of the CICL.
Uncooperative CICL	Intensive follow-up and close monitoring of the CICL with personalized program and activities. Increased cooperation from CICL to undergo the rehabilitation.
Using peers as support element	Increased cooperation from CICL to undergo the rehabilitation. Encouraged by peers.
Uncooperative and non-participative victims	Close counseling of the victim and dialogue between offender and victim. Increased cooperation and participation from victim.
CICL do not receive proper intervention	Involvement of CICL and parents in planning intervention plan. Development of appropriate or suitable intervention plan. CICL receive proper and well-planned intervention.
Inactive BCPC members	Develop a standardized long-term BCPC plan with motivating incentives for members to ensure active participation in CICL rehabilitation, even with administrative changes.
Lack of knowledge and awareness on the roles and responsibilities of BCPC members	Intensify and sustain continuous orientation seminars and training on BCPC roles and responsibilities. Capability building for the BCPC members. Increase knowledge and awareness of BCPC roles and responsibilities. Empowered BCPC members in the implementation of their roles and responsibilities.
No proper monitoring at the barangay level especially on the family	Come up with barangay council resolutions to address monitoring procedures for BCPC. Standardized monitoring systems and procedures for the barangay.
Non-implementation of ordinances that promote the welfare of children and the youth	Continuous reorientation of BCPC members to update them on ordinances that promote the welfare of children and the youth. Review and update ordinances that are not responsive to the current situation of the CICL. Ensure implementation of ordinances. Updated barangay ordinances that promote the welfare of children and the youth.
Non-participation of community members	Increase awareness of community roles, duties, and responsibilities in promoting community-based restorative justice. Active participation and involvement of community members in promoting restorative justice to CICL.
Absence of police monitoring of minors in bars	Close coordination between bar owners and police in monitoring minors in bars. Increase constant police monitoring to minimize the presence of minors in bars.
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DISCUSSION

There are laws supporting the handling of CICL cases and it would be valuable if the processes are studied with regards to their stability and effectiveness. The study has identified the procedures that the authorities are using in La Trinidad, Benguet, Philippines, identified whether they are effective in rehabilitating the juveniles and whether their best interests are considered by the people who are assigned to do so.

Despite existing policies and new rules, there are still gaps that need to be addressed and filled in the implementation of restorative justice for the rehabilitation of the CICL. There are inconsistencies in the laws on CICL and some are not implemented at all. There are inadequate studies, thus, there are deficiencies in the programs, and these do not promote priority child protection. The intention of the research is to suggest ways to make the system child-friendly, according to international legal standards, to ensure the rehabilitation of the CICL, to guarantee their privacy, and to avoid stigmatization. These intentions were done through the description of the processes of the BCPC's promotion of restorative justice in rehabilitating CICL; identification of gaps in the implementation of restorative justice by the BCPC; enabling contribution of stakeholders in the strategic and practical recommendations to improve BCPC case-handling of CICL; and development of workable intervention programs at the barangay level to strategically assist in sustainably diverting children from committing crimes.

The profile indicated that CICLs are most likely males and would be mostly between 12 to 17 years old. CICLs can have multiple charges filed but the most common is crime against properties, such as theft and robbery. A sex-related case was also filed against one of the CICLs. It is noted that most of the offenders are not native settlers of the place but rather a member of a family who has migrated and is renting in that area.

Gaps were identified in the implementation of restorative justice by the BCPC and these are: lack of parental guidance and family support, uncooperative CICL, uncooperative and non-participative victims, CICL do not receive proper intervention, inactive BCPC members, lack of knowledge and awareness on the roles and responsibilities of BCPC members, no proper monitoring at the barangay level, especially on the family, non-implementation of ordinances that promote the welfare of children and the youth, non-participation of community members, and absence of police monitoring of minors in bars and other places prohibited to a child.

Strategies were developed to address the corresponding gaps and issues that were identified. These strategies are: Mandatory involvement of parents and family in the rehabilitation of the CICL; Intensive follow up and close monitoring of the CICL with personalized program and activities; Using peers as a support element; Close counseling of the victim and dialogue between offender and victim; Involvement of CICL and parents in developing an intervention plan; Development of an appropriate or suitable intervention plan; Development of a standardized long-term plan for BCPC as a guideline for all members to follow; Give more motivating incentives to BCPC members; Intensify and sustain continuous orientation seminars and training on BCPC roles and responsibilities; Capability building for the BCPC members; Come up with barangay council resolutions to address monitoring procedures for BCPC; Continuous reorientation of BCPC members to update them on ordinances that promote the welfare of children and the youth; Review and update ordinances that are no longer responsive to the current situation of the CICL; Increase awareness of community roles, duties and responsibilities in promoting community-based restorative justice; and, Close coordination between bar owners and police in monitoring minors in bars and other establishments where minors are prohibited. The appropriate outcomes were also listed for every strategy developed.

Another output that the study has come up with is the intervention programs appropriate for the gaps and issues identified from the analysis. These intervention programs are: Gender intensive life skills programs; Family involved programs; Values formation activities; Personalized programs and interest-catering activities; Organization of peer support groups; Recruitment of youth facilitators; Victim and offender dialogue sessions; Policy and guideline development sessions and long-term planning for BCPC members; Policy development sessions of BCPC members on monitoring procedures at the barangay level; Development and lobbying of barangay council resolutions; Awareness programs for the community; and other programs and activities that promote the involvement of all stakeholders of the community in the rehabilitation and implementation of restorative justice to the CICL.

CONCLUSION

From the findings, gaps on the implementation of restorative justice to CICL were identified and strategies were developed to address them. It is, therefore, recommended that these strategies and practical suggestions

be considered by the BCPC and all stakeholders to improve the rehabilitation and implementation of restorative justice to the CICL at the community level.

Based on the gaps and issues, appropriate intervention programs were identified with the strategies developed as consideration. These intervention programs are suitable to address the gaps and issues. It is suggested that these intervention programs be taken into account for the enhancement of restorative justice implementation for the CICL.

Additionally, this study recommends the further education of stakeholders, such as parents, teachers, social workers and community leaders on CICL rights and proper treatment so that they can be more sensitive to the child's needs and be able to respond more appropriately. Special mention for the BCPC members is that formal training should be conducted for them, and continuing education be required to sustain the BCPC Programs.

It is also recommended that early intervention be considered as a primary prevention strategy, so that policy-makers and program implementers can be better prepared.

Research affirms the primary role of the family in safeguarding the welfare of their children and preventing juvenile delinquency. Thus, programs must be geared towards the strengthening of family relationships in order to foster closer emotional bonds with their children and improve their discipline and family management practices. It has been noted, however, that the quality of parenting is constrained by the stresses experienced by the caregiver. The provision of social support to high-risk families is thereby important, whether this comes in emotional, instrumental, or material forms. Livelihood and skills development programs for parents thus contribute, albeit indirectly, to delinquency prevention by way of alleviating the stresses associated with poverty and unemployment that are experienced by high-risk families.

Though there are various programs set by the government, there is still a need to conduct regular assessments as to their applicability in meeting the needs of children in conflict with the law. Activities for the spiritual development of the child and parent-child interaction or family therapy programs should be incorporated as this aspect is surprisingly lacking in the intervention programs employed.

It is recommended that further research or studies be conducted comparing the handling cases of CICL among the different regions in the Philippines.

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