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Nominated three times for the Nobel Peace Prize and winner of multiple international awards

## **Report on the detention of children and lapses in the implementation of the Comprehensive Juvenile Justice System and Welfare Act of 2006 (RA 9344)**

**The systematic abuse, amounting to acts of torture, suffered by minors in Philippine government detention centers in violation of the United Nations Convention on the Rights of the Child and Philippine laws**

**December 10, 2008**

*“There can be no keener revelation of a society's soul than the way in which it treats its children”.*

*Nelson Mandela*

This report seeks to highlight the abuse of human rights in the juvenile justice system in the Philippines. It has been compiled by the staff of PREDA on the basis of their experience in dealing with children in conflict with the law, visits to prisons and detention centres, and interviews with children currently living in the PREDA centre who have been “through the system”.

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# 1. Introduction

This report is based on the documented experience and the eyewitness testimony of lawyers, social workers, chaplains, parents, para legal officers who have visited the various detention cells where children have been incarcerated frequently in violation of their human rights, and contrary to Philippine laws and International conventions and protocols to which the Philippines is a signatory. It is also based on court documents and field reports and the personal testimonies of the children and youth after they were released from detention.

Since the passing into law of the Comprehensive Juvenile Justice Welfare Bill in 2006 (R.A.9344) and the approval of the implementing Rules and Regulations (date) there have been significant positive changes in the way children in conflict with the law are treated by some police knowledgeable about the new laws. They turn the minor's in-conflict with the law over to the DSWD or call a NGO or the parents to take custody.

More officials violate the law and detain children some as young as 11 and 12 year-old in detention cells unfit for humans sometimes with adults even though it is contrary to law. Those 15 and above are held with adults and not charged within the legally specified time of 8 hours The rights of the child to legal council, legal rights to a medical check, up ,their parents to be informed, separated for adults are frequently violated.

Those held in municipal detention centres and CRADLE suffer abuse by the guards that amounts in some cases to torture and degrading and inhuman treatment. The younger are also physically and sexually sexual assaulted by older detainees. This report may be disturbing to some people. In the recent past, questions have been raised at national and international level about the adequacy of Philippine legislation in implementing the provisions and spirit of the United Nations Convention on the Rights of the Child.

In response to these concerns, the UN Committee on the Rights of the Child recommended an overhaul of the child law in the Philippines, which offered poor protection for children who were subjected to the horrors of the juvenile justice system.

The Philippine government responded in 2006 with Republic Act No. 9344 an act "establishing a comprehensive juvenile justice and welfare system, creating the juvenile justice and welfare council." (RA 9344).

The RA 9344 went some way towards recognizing the rights of the child in terms of treatment following detention. Unfortunately, the protection provided by RA 9344 remains rhetoric and is unimplemented in practice. The evidence herein clearly shows that the deficiencies in the system remain, and the rights of the child remain low priority to the government and law enforcers.

The plight of the children in the Philippines has been acknowledged. The torture continues despite this recognition, and the further intervention of the United Nations is sought to protect the most vulnerable in our country.

## 2. The Law - Current juvenile justice protection in the Philippines

The Philippines has signed several international treaties pertaining to children's rights and juvenile justice. It is a signatory of the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", the United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

The enactment of RA 9344 was an important step forward for children's rights in the domestic laws of the country. In the legislation itself, the government pledges to promote and protect the well-being of the children in conflict with the law and to observe international standards in their treatment and detention.

The regulations which supplement the RA 9344 refer in particular to Article 40 of the Convention on the Rights of the Child and the importance that the children be treated in such a way as to respect the child's sense of dignity. Reference is made to dealing with children in conflict with the law without resorting to legal proceedings, and the need to seek alternatives to institutional care for offenders.

In practical terms, the legislation increased the age of criminal responsibility from 9 years old to fifteen. It called for the establishment of the Juvenile Justice and Welfare Council and for the establishment of local councils for the protection of children to implement the legislation.

The RA 9344, together with its implementing rules, forms a comprehensive piece of legislation.

### 2.1 Principles Adopted in the RA 9344

Section 5 of RA 9344 sets out the principles to be embraced when dealing with juveniles in custody. The terminology used in the provisions is reflective of the wording of the Convention, and Section 5 is worth quoting in full:

*"PRINCIPLES IN THE ADMINISTRATION OF JUVENILE JUSTICE AND WELFARE*

*SEC. 5. Rights of the Child in Conflict with the Law. - Every child in conflict with the law shall have the following rights, including but not limited to:*

*(a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;*

*(b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;*

*(c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;*

*(d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/he own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;*

*(e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;*

*(f) the right to bail and recognizance, in appropriate cases;*

*(g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;*

*(h) the right to have his/her privacy respected fully at all stages of the proceedings;*

*(i) the right to diversion if he/she is qualified and voluntarily avails of the same;*

*(j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;*

*(k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;*

*(l) in general, the right to automatic suspension of sentence;*

*(m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;*

*(n) the right to be free from liability for perjury, concealment or misrepresentation; and*

*(o) other rights as provided for under existing laws, rules and regulations. ”*

Clearly, the Philippine government, through the legislation, has recognized the rights of children in custody. The statute book contains provisions demanding that the children be treated with humanity and respect, and states that they must not suffer, cruel, inhumane or degrading treatment. The legislation and its implementing rules encourage contact between the minor and his or her family, and recognize the

need for increased sensitivity and transparency from the law enforcers when dealing with frightened children.

## **2.2 Procedure for Taking Minors into Custody**

Prior to the enactment of RA 9344, much of the public focus and criticism of the Philippine government centered on the fact that minors were sent to adult prisons and detained there for long periods of time without legal representation or contact with their family.

Section 21 of RA 9344 sets out strict rules governing the taking into custody of a child. Again, these provisions are reflective of the wording in the Convention itself and are set out hereunder:

*“From the moment a child is taken into custody, the law enforcement officer shall:*

- (a) Explain 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;*
- (b) Inform 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;*
- (c) Properly identify himself/herself and present proper identification to the child;*
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;*
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;*
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;*
- (g) Avoid violence or unnecessary force;*
- (h) Determine the age of the child pursuant to Section 7 of this Act;*
- (i) 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 NGOs, and notify the child's apprehension. 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 counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;*
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;*

*(k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;*

*(l) Record the following in the initial investigation:*

*1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;*

*2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and*

*3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and*

*(m) Ensure that all statements signed by the child during investigation 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.*

*A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.”*

These provisions of the 2006 Act demand that a child friendly attitude be adopted by the law enforcers.

### **2.3 Diversion**

Importantly, the 2006 Act introduced the concept of Diversion. Diversion is a form of rehabilitation, whereby the minor undergoes a “child driven” program of treatment, without resorting to formal court proceedings. The 2006 Act specifically prescribes when diversion may and may not be appropriate and generally encourages the use of diversion so as to keep juveniles out of custody. The wording of the legislation and its supporting rules are again reflective of the Convention on the Rights of the Child, seeking the introduction of non-custodial rehabilitation in an attempt to protect the human rights and dignity of the child.

The implementing rules deal specifically with prescribed forms of diversion and the importance of tailoring each program to the child’s needs.

The legislation specifically prohibits the holding of children in jails or cells while in the custody of the police. It also prohibits contact with adult offenders, the use of vulgar language with the minors, harassment and abuse of the minors, display and use of force or restraint, and the use of unnecessary violence.

### **2.4 Additional Child Law – Republic Act 7610**

There is further protection for children under Republic Act No. 7610, “an act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, providing penalties for its violation, and for other purposes”.

Section 2 of this Act states that it shall be State policy to “provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination”.

Again, we argue that these sentiments remain in the statutes books and are noticeably lacking in the treatment of children in custody countrywide.

## **2.5 The Law: Conclusion**

These provisions have been set out to show the high standard of protection for children in conflict with the law which has been provided by the legislature. The whole spirit of the 2006 Act is to keep minors out of the courts and the penal justice system and to divert them into rehabilitative programs, and to ensure the highest possible protection for the rights of children. However, as is now shown on the basis of research and investigations carried out by PREDA, a majority of the Act is being ignored or not properly adhered to.

## **3. The Reality – Institutions where minors are detained**

As already stated, RA 9344 encourages the use of diversion to keep children out of prisons and detention centers, and with their families. It further recognises that diversion may not always work, and there may be no choice but to send juveniles to detention centers. The 2006 Act refers specifically to such centres, and to the type of programmes that should be in place to assist the emotional, educational and physical development of the minors.

As the evidence we are about to present shall show, the principles in RA 9344 remain, to a large extent, on paper. Diversion is rarely used and conditions in detention centers are worsening, and they are becoming more overcrowded by the day. Children are subjected to violence, both from guards, and by fellow inmates, without intervention from the authorities. The educational welfare of the children is more often than not neglected. The nutritional and health needs are left wanting. Despite what the Philippine laws say should be happening in the country, children are being tortured and starved, and they need help.

### **3.1 Manila Youth Reception Centre**

On 24<sup>th</sup> July 2007, PREDA staff attended Manila Youth Reception Centre (MYRC), one of the state detention centres where children in conflict with the law are sent pending a hearing or in order to carry out their sentence. Notionally, the MYRC is a place where minor offenders undergo a rehabilitation programme in a child-friendly environment. In reality, the conditions in MYRC are worse than in many adult prisons.

The MYRC houses young boy and girl offenders. On the visit to the Centre in July 2007, it was noted that there were four cells, each desperately overcrowded with more than 31 boys in each. There were no beds in any of the cells, the children forced to sleep on a few mats on the floor.

In terms of sanitation, there was one toilet hole, one large water bucket for cleansing, and an overwhelming stench of excrement, and bodily fluids.

It was further noted that the floors, walls and the bars on the cells were extremely unclean. Wall fans did not work, and the small windows were without mosquito nets.

There is one cell for girls at the MYRC. Conditions were noted to be marginally better for the girls, there being fourteen in one cell with four single beds. Windows were bigger than in the boys cells but the roof fan did not operate at all.

In terms of rehabilitation and entertainment for the children, the only recreation facility available to the boys was a TV, located outside the bars of the cell. For the girls, the TV was inside the cell itself, along with two games of snakes and ladders. There is also an outdoor basketball area.

Where education should be a priority, there was one classroom. Allegedly classes take place in MYRC daily but no evidence of learning was noted whatsoever.

Healthcare and medical facilities were extremely poor. One doctor attends the Centre twice per week, but many children suffer from scabies and other fungal diseases, respiratory infections – one child in particular had been diagnosed with tuberculosis, dental problems, infected wounds, one child was a schizophrenic, and aural infections. For such an array of illnesses, the healthcare provided is totally inadequate. Staff were also advised by the doctor in the Centre that one year ago, 9 children died in the facility within 15 days but no deaths had been recorded in the past 6 months.

In December 2007, the staff of PREDA attended the MYRC again noted unimproved, perhaps worsened conditions. Following on from the dire conditions of the children on this occasion, the Manila Times published a front page story on the plight of the children, a copy of which is appended [**Appendix 1**].

Photographs of the living conditions may be viewed in **Appendix 2**.

### **3.2 CRADLE - Centre for Restorative Activities, Development and Learning Activities, 11<sup>th</sup> December 2007**

The Centre for Restorative Activities, Development and Learning Activities, CRADLE as it is commonly known, was hailed as the solution to the problem in providing proper care for juveniles. It has become a frightening place for most children who are forced to go there.

PREDA staff visit CRADLE on a regular basis following the attainment of a court order to have a minor released from there and into PREDA custody.

Many of the cells in CRADLE do not have lights. According to the authorities, the reasoning behind this is to prevent the boys from breaking them and using the tubing as a weapon. It follows that the minors in these cells are in total darkness from 6 o'clock each evening until dawn.

No beds, mattresses or blankets are provided for the children. Inmates sleep on wooden benches and without any fan.

On questioning staff about supervision in the centre, it was established that at night there is only one supervising officer per floor. There were upwards of 50 inmates on each floor.

PREDA staff were horrified to be advised by staff in CRADLE that the children were brought outside for exercise only once a week, leaving them in the overcrowded cell for the remainder of the week.

Many of the inmates had visible skin disorders and the signs of disease, which is unsurprising given the proximity of the children to each other, the absence of sanitary facilities, and the failure of CRADLE to ensure that the cells themselves are cleaned on a regular basis.

Children, who are not necessarily guilty of any crime, or are charged with an extremely minor offence, are often detained in CRADLE for months on end. This is not a scenario one would expect from a nation supposedly interested in protecting the rights of its young people.

Photographs of the appalling conditions may be viewed in **Appendix 3**.

### **3.3 Police Stations / Holding Cells**

It is common practice that minors, upon arrest, are thrown into holding cells in police stations, which are overcrowded with adults, despite this being strictly prohibited by the 2006 Act. Parents are often not contacted and children wait to be rescued.

#### 3.3.1 Police Station 1, Caloocan City, Metro Manila

On a visit to the police station on 11<sup>th</sup> January 2008, three minors aged 15, 16 and 17, who were being detained pending a trial were released to PREDA. They had been detained for four weeks already at the time of rescue for minor offences.

PREDA staff arrived at 10.00 am, and presented the court orders to the police, who were cooperative. There was one holding area in the station, which was divided into two cells. One cell which measured around six to eight feet in width and ten to twelve feet in length was holding upwards of fifteen adult males, all of whom were standing in extreme proximity to each other. The three minors were being held in a similar cell, separate from but adjacent to the cell holding the adults. All of the inmates were being kept locked in these cells day and night, with nowhere to sit or lie down. The three minors showed visible signs of malnourishment and illness. On meeting the PREDA staff they immediately asked for food. All were dressed in dirty tattered rags. The three were brought to PREDA where their cases before the courts will continue.

According to the charge sheets, the three minors in question had been arrested together on December 11<sup>th</sup>, 2007 for “acting with discernment, grouping themselves together and wilfully, unlawfully and feloniously engaging in a prohibited game of chance commonly known as *CARA Y CRUZ*, wherein money and other things of value are played for”. In layman’s terms, they were arrested for playing a gambling game on the street and had now been locked up in the holding cells of a police station where they had already spent four weeks.

The legality of this detention is questionable. Section 23 of the 2006 Act provides that children in conflict with the law shall undergo diversion programs *without undergoing court proceedings* subject to the condition that the crime is victimless, and the impossible penalty for the crime is less than six years imprisonment. The crime in question was victimless, and under Article 195 of the Revised Penal Code of the Philippines (Title Six, chapter 1, Crimes Against Public Morals) the maximum penalty for gambling is “arresto mayor or a fine not exceeding two hundred pesos”. It is submitted that there is no mention of a penalty of more than six years imprisonment, and the detention is thus of questionable legality.

Section 36 of the 2006 Act provides as follows:

“SEC. 36. *Detention of the Child Pending Trial.* - Children detained pending trial may be released on bail or recognizance as provided for under Sections 34 and 35 under this Act. *In all other cases and whenever possible, detention pending trial may be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Institutionalization or detention of the child pending trial shall be used only as a measure of last resort and for the shortest possible period of time.*”

When detention is necessary, a child will always be detained in youth detention homes established by local governments, pursuant to Section 8 of the Family Courts Act, in the city or municipality where the child resides.

These provisions were ignored in the instant case as the minors were detained in the holding cells of a police station for four weeks. It took action by PREDA in securing a court order to remove these minors from detention in conditions that are a gross violation of human rights.

The lengthy detention breaches of the UN Convention and is clear evidence of the failure of the authorities to implement the child protection laws.

### 3.3.2 Police Station 2.(Bagong Barrio)

On a visit to the station on 11<sup>th</sup> January 2008, three minors, two aged 15 and one aged 16 were released to PREDA.

Court orders had been secured for the release of two minors from this police station. The minors had been arrested together for robbery/snatching a gold necklace from a woman on December 6, 2007. The two minors had been held in the police station since that date, almost four weeks.

There were three cells in the holding area of this jail. The cell in which the minors in question were held measured a mere four feet in width and six feet in length. Both were crouched on the floor, with no natural light penetrating the area. No in cell sanitation facilities were provided. The adjacent cell was larger and home to four adult male prisoners. Cardboard sheets had been provided on the floor of this cell for bedding. Behind a makeshift wall in the same cell was a hole in the ground which was used for urinating and defecating. A sink had also been provided for washing in the same area as the toilet facilities. Staff observed one of the minors from the adjacent cell being brought to the adult cell to use these washing facilities. Staff also observed a man urinating directly beside where another man was washing.

Other minors were housed in another cell which was large and bright as its back wall was connected to the outside yard. There was, however, nowhere to sit in the cell. The police were cooperative in releasing the two minors for whom court orders had been produced. On questioning a third minor who was detained in the larger outdoor cell, it was established that he was under 15 years old and thus in unlawful detention. He was also released by the police to PREDA.

### **3.4 Manila Youth Reception and Action Center**

Adjacent to MYRC, the Reception and Action Center (RAC), is a housing facility for minors aged 7 to 14 years, who have not been in conflict with the law, but who have been living on the streets.

The Centre purports to provide a home for the street children however it was noted to be severely overcrowded, and many of the children were noticeably malnourished, despite the fact that they should be eating three times per day.

On the visit of the PREDA staff in July 2007, access was granted only to the boys' residential area, though the RAC also houses young girls. Around 100 street boys were housed in a dormitory measuring 12 foot x 16 foot. The area was cordoned off with bars made from wood rather than steel.

The outdoor recreational area for the RAC was shared with MYRC – a basketball court measuring 25 foot x 45 foot.

## 4. Testimony – from children rescued by PREDA

PREDA currently provides care and rehabilitation for 53 boys. Most of the children are originally from Metro Manila. A large majority of the boys have been charged with minor offences and have come to PREDA via one of the Institutions previously discussed.

The following case histories were all taken directly by PREDA staff from boys living at the PREDA centre. All of the cases occurred subsequent to the enactment of the Juvenile Justice and Welfare act of 2006. Despite the protection supposedly afforded the minors by the 2006 Act, all of the children suffered abuse and torture contrary to law and to the Convention.

### 4.1 Richelle, 17

**Charge:** Richelle and his cousin, Anthony were arrested on 7<sup>th</sup> February 2007. Richelle was charged with rape. He denies the charge.

**Facts:** Richelle and Anthony usually slept in the sitting room of their relative's house along with other workers of the fish vendors. The daughter of the house had propositioned both Richelle and Anthony saying that they could touch her for a price. To avoid her they moved to an empty room upstairs which had a lock on the door. One morning, Richelle came down the stairs to find the girl and one of the workers having sex in the sitting room. They were afraid that he would tell her father but he reassured them that he would not.

One night some time later, the rest of the workers were drinking outside and Richelle locked the door to the house (as his relative was strict about locking the door) and left the sitting room window open so that they could wake him when they wanted to get in. He fell asleep and woke to find the girl lying next to him and three of the workers looking in the window. The girl left and nothing happened until a few days later when one of the workers told the girls father. It was the same man that Richelle had seen with the girl previously.

The father accused Richelle of raping his daughter and Anthony of acts of lasciviousness. The father apparently told Anthony that if he admitted the offence that he would drop the cases against both of them within a week. Anthony admitted the offence, believing his relative; however his relative did not drop the case. Richelle was just 17 and Anthony was 16.

**Treatment contrary to law:** With Anthony, Richelle was detained at Mandaluyong Police Station for one month. His mother brought him some food to the jail as food supplies for the detainees in the station were minimal.

Richelle narrated an incident in the police station, when all of the inmates were punished after an inmate escaped through the ceiling. The escaped inmate, named Michael, had threatened the other inmates that if they squealed to the jail guards, they would be punished.

One day passed before the inmates gained the courage to tell the police. As punishment for not reporting this immediately, all the inmates were forced to squat for two hours while a jail guard hit their feet with a stick. They were also forced to climb up the steel bars of the cell and they were handcuffed.

At some stage, he says, the Police warden ‘took pity of them’ and ordered the jail guards to release them.

Richelle was transferred to CRADLE on 8<sup>th</sup> March 2007. There is a hierarchy set-up within cells in CRADLE. One inmate known as the ‘*mayor*’ who is trusted by the guards to keep control of the cell by issuing punishment to other inmates. The mayor has a vice-mayor and ‘*bastuneros*’ (other inmates who actually carry out the punishment). The second to the mayor in the cell came from Bohol like Richelle and Anthony and so became their guardian and handler.

When the mayor in their dorm was released, the inmates become unruly. Some of them beat up other inmates and forced others, including Richelle, to give them massages. He gave massages to several people and was threatened with a beating whenever he asked for a little time to rest.

Richelle became an auxiliary inside their dormitory after a few months. When someone made a mistake or misbehaved, Richelle would only give exercise such as pumpings (repetitive squat-like exercises), as a penalty. But the mayor saw this and wanted stiffer penalties. So, when he saw someone doing exercises, he would immediately stop it and give “*takal*” (hit the thighs of the inmate using a 2 x 2 piece of wood).

Richelle recalled an incident wherein he accidentally stepped on a foot of another inmate, and this became a valid reason for the mayor to punish him with 5 “*takal*” a day for several days. After a few days he had difficulty walking.

Richelle says that the jail guards were aware of ‘*bastuneros*’ and inmates who give “*takal*” to other inmates, but they only warned the mayors not to overdo it since the mayors appeared to maintain order within the cells.

Richelle was detained in CRADLE for more than 7 months (8<sup>th</sup> March to 16<sup>th</sup> October) before he was released to PREDA. His case is on-going.

## 4.2 Anthony, 16

Anthony is a cousin of Richelle’s.

**Charge:** He was arrested on 7<sup>th</sup> February 2007 and charged with acts of lasciviousness. Richelle (case history above) was also arrested and charged with rape of the same person.

**Facts:** Refer to case of Richelle.

**Treatment contrary to law:** Anthony was first detained at Mandaluyong Police Station for a month. Here, he remembers that inmates were only given minimal food provisions and they have to wait for

their family to visit them for any substantial food. As Anthony's family are from Bohol, family did not visit often.

Anthony was transferred to CRADLE on 8<sup>th</sup> March 2007, having spent four weeks in the police holding cell. When he made 'mistakes' in CRADLE, such as over-sleeping or hiding things, he says that he was punished by being forced to do things such as pumping (being forced to do repetitive squat-like exercises).

He recalled being witness to more severe punishments given to other inmates, in particular the use of the "takal", whereby one inmate would hit the thighs of another using a 2 x 2 piece of wood. For 'more serious misbehavior', such as starting a fight or disobeying the 'mayor' (the inmate in-charge who has the trust of the guards), one jail guard would bring the "offender" to an office where he would be beaten up.

Anthony was detained in CRADLE for more than 7 months (8<sup>th</sup> March to 16<sup>th</sup> October) before he was released to PREDA. His case is on-going.

#### **4.3 Christian, 14**

**Charge:** Christian and another minor were suspected of forcibly entering a cell phone shop on 13<sup>th</sup> September 2007.

**Facts:** He was arrested after school by unidentified *barangay tanods* (local communities' police force) of *Barangay 175* of Camarin, Caloocan City.

**Treatment contrary to law:** The *barangay tanods* pointed a gun at Christian and applied tremendous pressure to his collar bone as he was being taken to the *barangay* hall where he spent one night.

As Christian was a minor of just 14, he was referred to PREDA on 16<sup>th</sup> October by CSWDO of Caloocan City, for rehabilitation.

#### **4.4 Cristelo, 17**

**Charge:** Murder

**Facts:** In February 2006, Cristelo agreed with one of his friends to sleep on his 'floating house' to protect it against thieves. On the way to the house, they passed four 'rugby' boys (gang of glue sniffing youths) who teased them; they ignored them and continued on their way. However, later when they were in the house, the 'rugby' boys began to hurl rocks at the house and tried to break in through the windows. Cristelo and his friend tried to get away by using 'Styrofoam'. They were helped by his friend's older brother and did not return to the house again. The next day, Cristelo heard that one of the boys who had attacked them was missing. His body was found a few days later.

Cristelo went back to work in Bataan for 3 months but on his return to Pamasawata, he was brought by *barangay* volunteers to Navotas Municipal Jail for the charge of murder. The next day, 23 May, Cristelo aged 17 years, was moved to CRADLE (Center for Restorative Activities, Development and Learning Experiences) for detention.

**Treatment contrary to law:** Cristelo experienced abuse on his first day in CRADLE. After he was turned over to the personnel, the guard on-duty forced him to crawl from the admitting office on the ground floor to his assigned cell on the second floor. He said that it took a week before a social worker came and talked to him. For that week, he was not aware of what to do or what was happening with his case in the court.

He reported the use of '*takal*' (beating with a 2x2 wooden stick) as punishment during his time inside that jail. He was given this on his third day as a "welcoming gift" from the jail guards. Cristelo related that the night guards often had drinking sessions while on their shift and when they got drunk, one or two guards would go inside their cell and start mugging the inmates.

When asked about the food, Cristelo said that they were usually served porridge and fish. There were also instances that they were given the same food for each meal of the day. Cristelo was released to PREDA on 31 May 2007, and is currently under-going a rehabilitation program. His case has yet to come to trial.

#### 4.5 Mark Anthony, 17

**Charge:** Possession of a pill box.

**Facts:** On June 24, 2007 at around 3am, Anthony and some of his friends were arrested while they were sleeping over at a friend's house. Handcuffs were placed on their hands and they were told to run so that the police could use their guns to shoot at them. Afraid of being shot they just obeyed the police and were then arrested. The minors were advised that they were being arrested because they were the root cause of riots, hold-ups and other crimes in the community. At the time of the arrest no legal documents or warrants were presented. Mark's parents were not informed of his whereabouts and he was asked to sign a document without any explanation of its contents or the consequences of signing it. The following day Mark and his friends were brought to a doctor for examination and Anthony was charged with possession of a pillbox and detained in Caloocan City jail. He was sent to CRADLE (Center for Restorative Activities, Development and Learning Experiences) on 17<sup>th</sup> July.

**Treatment contrary to law:** At CRADLE, Anthony said that they took part in activities like basketball, and non-formal education. While they had plenty of water and toiletries (supplied by non – government organizations) for bathing, medicines were in short supply. Usually, rather than being given medicines, they were isolated in another room in an attempt to contain the spread of infection.

Anthony described the food as being akin to 'animal food'. Vegetables were not fresh and some of the food, particularly the eggplant, was full of worms. The rice was not properly cleaned, smelled of soap and was served in very small portions. Inmates sometimes found nails and broken glass in the food also.

Anthony said the treatment of the inmates by the guards was extremely bad and they were treated like animals. They were beaten or punched for no particular reason. Sometimes they were beaten with a 2X2 piece of wood (*takal*). At night, if the guards on duty were drunk, they would sometimes make fun of the inmates by making them do ‘pumpings’ (repetitive squat-like exercises) until their leg muscles were bulging.

Anthony was released to the custody of PREDA in 7<sup>th</sup> September 2007.

#### 4.6 Marck, 16

**Charge:** Rape

**Facts:** On 16<sup>th</sup> March 2007, at the age of 16, Marck was charged with rape of a minor and detained in Taguig City Detention Center.

**Treatment contrary to Law:** Marck reported that the majority of the inmates in Taguig City Detention Center were adults with only a few minors. As the new boy in that jail, he was made the slave of the senior inmates. He was forced to do things like cleaning the whole cell or the toilets and other tasks that they would want done immediately. If they were not satisfied with his work, they would beat him until he could no longer stand. For days he suffered these kinds of abuses.

After a few days of this treatment, another inmate spoke to Marck and persuaded him to join their group so that he would no longer be beaten up by the older inmates. Marck soon realized he had made a mistake by joining this group. He underwent an initiation that was more terrifying than what he had experienced everyday beforehand. He was beaten on his legs and thighs with a wooden stick which he referred to as *‘banila’*. He was tattooed on his hand as a branding or sign that he belongs to the group. The next day he was unable to walk or even move around. His mother paid a surprise visit to the center but because of his condition, the inmates told her that he was sick. There was no intervention from any of the guards as Marck was subjected to this treatment.

When he discovered that he was to be transferred to CRADLE, Marck felt relieved to be finally getting out of that jail. But his happiness was short-lived once he set foot inside the youth jail on April 30<sup>th</sup>. With both hands cuffed and jail guards at his sides, he was turned over to the CRADLE jail guards who immediately gave him a welcome slap on the face. He was met by the jail officer of the day for an admission interview and asked ‘What's your case (*Anong kaso mo*)?’ Marck replied: ‘Qualified Rape, sir’. The officer responded ‘Ah, you're a rapist then. Come here’ (*Ah, rapist ka pala ha. Halika dito*) and proceeded to beat him up. The other jail officers in the room stood up and one by one beat him up, hitting him with a logbook, a wooden stick, and with their bare hands.

After the beating, the guards took Marck to lock him up in his assigned dorm / cell. As they were walking, he realized that they were taking him to a cell of boys belonging to a rival group. He begged the jail guards not to take him to that cell. The guards laughed and said, ‘you perfectly belong inside this cell because you're a rapist’ (*dapat ka lang diyan, rapist ka eh*)! He knew then that the beatings were not yet over. For that whole day and night he was alternately beaten up by everyone inside his cell.

Marck was incarcerated in CRADLE from 30 April until released to PREDA on the 22 May 2007. In PREDA, he is making good progress in his treatment program. He is open and expressive during therapy sessions and readily asks help from staff if he has any problems. Not only does he listen to their advice but he immediately takes it on board and tries to implement it. He has returned to school and continues to attend despite the fact that some of his friends have dropped out. He is co-operative and helpful to staff and other clients.

#### 4.7 Jerica, 14

**Charge:** Attempted Homicide

**Facts:** At only 14 years of age, Jerico was arrested 13th August 2007 on the basketball court of *Barangay Concepcion Dulo, Tala, Caloocan City*. It was almost five in the afternoon when he and some of his friends were hanging out on the court when a group of policemen came and grabbed one of his companions. Because of fear, he and the other guys ran in different directions to escape the policemen but Jericho was held and taken to the nearest community precinct. Jerico said that the police did not show an arrest warrant but they were accompanied by the complainant who was pointing and telling the police who to arrest.

In the police precinct, Jerico and his friend Christian was questioned and interrogated by the police investigator. Then they took them to the hospital where the alleged victim was admitted. The victim pointed to them as the suspects. It was only then that they realized that they were being accused of attempted homicide. The police then presented them to a physician for a routine medical check-up and afterwards they were brought back to the police station.

**Treatment contrary to law:** Jerico and his cousin were detained in Police Station 3, *Bagong-Silang, Caloocan City*. They were not immediately placed inside one of the cells of the station but rather they were handcuffed to each other and locked to the railings of the cell.

Later, a cousin of the victim arrived in the station. He started shouting at them and then proceeded to beat them up. The two boys were shouting but the officer on duty did not seem to hear their screams. A few seconds later they heard the police officer said, "Hey stop it already." ("*Hoy, tama na yan.*") The cousin left but returned later with his uncle and started shouting profanities at the boys.

Jerico's mother arrived with food at the station the next morning and told him that she would process his release as soon as possible. While in the station, he was usually the errand boy for the police officers and other inmates. He was assigned to fetch water for the cell toilet as there was no running water or faucets inside the cell. He also washed the dirty dishes used by the officers and the inmates and took care of the garbage. At night, Jerico and his friend slept on a carton box spread over the cement floor.

Jerico was held for a month in the station with 8 adult inmates. He was presented to the prosecutor a day after the arrest and was presented to court twice. After the second court hearing, on the 13<sup>th</sup> September, 2007, he was released to PREDA.

#### 4.8 Rodelio, 14

**Charge:** Committing a robbery of various appliances to the value of P30,000 (with five other boys)

**Facts:** When he was 14 years old, Rodelio was arrested on a charge of theft. He was detained in Las Pinas City Jail for 6 months before the case was dismissed. He was ill for a while when he was held at the jail and the wardens provided the required medicine when requested. The water supply was good and he had regular access to a bath. If minor-inmates made mistakes, the mayor (inmate in charge of the cell) would only assign them additional tasks such as washing dishes.

In the early morning of 20<sup>th</sup> February 2006, three *barangay tanods* knocked on his grandparent's door and said that they needed to talk to Rodelio about a robbery that had taken place. He was brought immediately to Las Pinas City Jail in a van. On the way he was warned, "If you do not admit stealing those appliances, we'll hurt you".

**Treatment contrary to law:** At Las Pinas City Jail, after an interview, Rodelio was put in a cell with about 24 adults and 10 minors. He was transferred to CRADLE on the 22<sup>nd</sup> February.

At CRADLE, he was put in a cell where most inmates were members of the "*Bahala na*" Gang, a long-time rival of Rodelio's Sputnik gang. The *mayor* at that time belongs to "*Bahala na*" and Rodelio was made an errand boy. He was given "*takal*" (beaten on the thighs or feet with a 2x2 piece of wood) for making small mistakes. He remained in this cell for 3 months. He was then transferred to another cell where membership of the two gangs was more equal. After a while, he was elected as mayor, as the cell inmates overthrew the reigning *mayor* as he had become abusive.

Rodelio recalls an official hitting him with a baton when a fellow inmate accused him of stealing his food. On another occasion, while sleeping near the cell bars, he was awoken by a warden hitting his arm. The warden accused Rodelio of shouting even though he had been sleeping. Shouting in the dorms is prohibited as it might cause fights or riot between groups.

On another occasion, after he was caught in possession of a cigarette by a warden, he was given "*takal*" and made to a duck walk (crouch down in a hunched position and walk while holding the ankles).

After spending more than one year and 9 months in CRADLE, Rodelio was released to PREDA on December 11 2007.

#### 4.9 Aldrin, 16

**Charge:** Robbery of mobile phone

**Facts:** Aldrin was with a friend when they were arrested July 18, 2007 in front of a sari-sari store where he was buying medicine. They were accused of robbery (snatching) a cellular phone worth P18,000. Aldrin denies the offence.

**Treatment contrary to Law:** Aldrin was handcuffed and told to follow the arresting officer. He was not told the reason for his arrest, nor was he informed of his rights. Upon arrival at the precinct he was

brought immediately to a doctor for medical examination and his parents were informed of his whereabouts. The police asked him to sign a document; its contents and purpose were not explained to him. He was held in Las Pinas City Police HQ for almost two months, before being transferred to CRADLE.

Aldrin said that living in both institutions was extremely difficult and tough as his co-inmates imposed terribly inhuman policies which were not reported to the police. There is a mayor in each cell who is an inmate who acts as head of the detention cell and he has an assistant, known as the “*bastunero*”. He said that only those who have positions of authority in the cell are allowed to have a seat. The ordinary inmates, those with no authority, have to make use of the comfort room as their sleeping area. Aldrin had to sleep in the comfort room sitting on the toilet bowl at least five times. He also had to sleep on a cold floor in an extremely hot environment as there were no electric fans. Sometimes inmates have to stay awake all night to watch over the other inmates. This is so that they could wake anyone who appeared to be suffering from “*bangungot*” (Nightmare/Sudden Unexpected Death Syndrome). This, he said, would be very difficult since they would not be able to rest the following day.

He was given ‘*takal*’ in both places of detention. He was twice beaten on the legs and twice on the feet. At least three times he was made hang from a beam for three hours. He was threatened by the more powerful inmates not to mention it to the police on duty so he had to endure the pain in silence.

During his incarceration in CRADLE, along with suffering from ‘*takal*’, he was forced to massage the mayor from 10:00pm non-stop for 4 hours. At one stage, he felt so bad that he tried to slash his wrist. As his ‘punishment for this behavior’, he was forced to hang like a monkey on the bars of the cell while keeping his legs from touching the floor. When the guards saw him, they told him to get down and they spoke to the inmates asking them to be a bit gentler with their co-inmates and to inform them of any irregularities inside the cell. Aldrin claims that this kind of treatment by co-inmates is not monitored by the guards as they are too busy and also because the inmates use a look-out to warn them if the guard on duty is coming while a beating is taking place. Thereby the practice continues because of insufficient staff on duty.

Aldrin reported that the food in CRADLE, was very minimal with just one cup of rice and sometimes the other inmates would take food as fines for whatever mistakes they deemed you had committed. Rations in Las Pinas were even smaller, only half a cup of rice.

Aldrin spent 2 months and 21 days in CRADLE and he rarely received a visit from his family. He was released to PREDA in November 2007.

#### **4.10 Chrispin, 16**

**Charge:** On October 15, 2007, at the age of 16, he was arrested along with a friend for robbery (snatching).

**Facts:** Chrispin claims that he was out in the streets with a ‘friend’, but he had no knowledge that his friend was planning to steal. His friend snatched two earrings, still without Chrispin's knowledge. Chrispin went on to visit some friends. However, his friend was caught by the police and he told them

where Chrispin had gone. Three police officers, accompanied by the friend, found and arrested Chrispin. One of the arresting officers, with the surname Antonio, was known to Chrispin as he lived locally.

**Treatment contrary to law:** Both boys were brought to Bagong Barrio Police Station and after their basic details were taken by the police, the two minors were brought into a room. The officer ordered the two boys to slap each other in the face, which they followed four times. They were also forced to hit each other in the gut twice.

Both minors stayed in *Bagong Barrio* Police Station for over a month. Chrispin's food provisions came from his father. There were three cells in the police station but these two minors were put in cell with around 28 adults. Thus, there was very little space and they sometimes had to sleep sitting up. The *mayor* of the cell (inmate trusted by the guards to keep control of the cell by issuing punishment to other inmates) was kind to them and they sometimes ran errands, like giving him a massage or doing some cleaning for him in return.

On 21<sup>st</sup> November, 2007 Chrispin was released to the custody of PREDA.

#### 4.11 Erickson, 16

**Charge:** Murder

**Facts:** On August 29 2006, at the age of 16, Erickson was at the scene of a murder in Manila. After discussing the matter with his legal mother, they both went to the police station to present Erickson as a witness. However, he was arrested and charged along with three others for the murder.

**Treatment contrary to law:** At the precinct, Erikson was not asked to sign any documents and he says that he was never given the chance to speak as the investigating officer was only listening to the witnesses of the complainant. He was detained in Las Pinas City Police HQ until December when he was transferred to CRADLE.

While in CRADLE he said that life was made extremely difficult by how the inmates are being treated by their co-inmates who have authority within the cells. Every mistake committed no matter how big or small has a corresponding punishment, usually that is to be beaten on the legs or feet with a 2x2 piece of wood (known as '*takal*').

When one of the boys had a visitor they would have to pay 50 pesos before they met their guest or else they would suffer a beating. This 50 pesos being demanded as payment for receiving a visitor would be used to buy food, liquor and drugs for the '*mayor*' (the inmate in-charge who has the trust of the guards), and his powerful group of helpers.

The cells, while quite large, were not big enough to accommodate the 60 minors in each cell with sleeping space. Erickson says that there were no activities being held inside the cells. Most days all they could do was to stand behind the bars as the cell was too crowded to sit down. Only the powerful leaders had the privilege to sit.

At the hands of the officers, Erickson was subjected to ‘*takal*’ and he was forced to do a ‘duck walk’ (walk while holding your ankles) around the basketball court. He was also forced to do pumpings (repetitive squat-like exercises) 500 to 1000 times until his leg muscles were bulging and to roll over on a concrete surface heated by the sun with his upper clothing removed.

The food in CRADLE, according to Erickson was not always fit for human consumption. Sometimes the rice was very old and would contain worms and other times it was not properly washed. Small pieces of broken glass were also found in the rice.

Erickson was detained in CRADLE for more than 11 months before being released to PREDA.

#### **4.12. Teddy Boy, 17**

**Charge:** Rape of a minor

**Facts:** On 4<sup>th</sup> January 2007, Teddy Boy was charged with the rape of a fellow minor at the institution, where he had lived following his rescue from living on the streets as a foundling. He was brought to Mandaluyong City Police Station.

**Treatment contrary to law:** In the CID a female officer in a white shirt and blue police pants interviewed him. Teddy was sitting in front of the desk and was asked: “*Bakit mo ginawa?*” (“Why did you do it?”). The female officer pulled his hair and slammed his face against the table. He was then led to a locker room where she punched him in the body and slapped his face until it began to swell.

Teddy Boy was led out of the room and back to the desk. Two police officers, one male and one female, and a female *barangay tanod* came to the desk. The female officer who had been interviewing him said: “*O, ayan, me kasong rape.*” (“Here, this boy has a rape charge”). The second female police officer brought him to the locker room again and slapped him. He was again brought back to the desk and put facing the windows. Teddy felt he had to use a toilet and asked the male police officer, but he refused him permission. When Teddy pleaded, the policeman hit Teddy on the back of the head.

Apart from these physical beatings upon admission, Teddy experienced abuse in the detention cell after another inmate escaped from the jail. The inmates left behind, including Teddy were punished. The ‘*bastunero*’, (the inmate who orders punishment within the cell) gave “*takal*” to the inmates. The inmates were also forced to hang to the bars of the cell with their feet raised off the ground.

Facilitators, from the institution in which he had been in care, regularly brought food and sanitary supplies for Teddy and also brought medicine when he had a fever. Water supply in their cell was okay and they had access to a bath. There were only minors in the cell and the numbers varied from three to five inmates. Teddy Boy remained in the police station until he was released to PREDA March 19<sup>th</sup> 2007.

#### 4.13 Romnick, 16

**Charge:** Robbery of a mobile phone worth P6,700 and the possession of a deadly weapon (an ice pick)

**Facts:** On the night of October 25, 2007, Romnick says that a friend, Rodel, asked him to wait in an alley near the hospital. He obliged and sat down by the sidewalk. Rodel went to some nearby jeepneys and waited for a good moment to snatch a cell phone. A policeman happened to be sitting beside the jeepney driver and he and the victim quickly chased Rodel. They ran into Romnick who asked: “*Ano po nangyari?*” (“What happened?”). The victim immediately confronted Romnick, saying: “You are with him,” and punched him in the face near the eyes. The policeman saw this and cocked his gun, then pointed it at Romnick saying: “*Huwag kang tatakbo, babarilin kita.*” (“Don’t run, or I’ll shoot you.”) Romnick was then hit again by the victim.

**Treatment Contrary to Law:** The policeman and the victim brought Romnick to the **barangay** hall where they waited for a police mobile to bring Romnick to the police station. When it arrived the complainant also boarded the vehicle. He again punched Romnick, this time in the chest and gut.

Romnick was handcuffed as he was brought from the police mobile. He was put in a small cell, fit only for one or two persons. After a few hours, he was led to a room where he was hit on his hands and arms with a PVC pipe. The policeman who hit him did it in such a violent manner that the pipe shattered. Another policeman hit Romnick in the stomach twice in an effort to get a confession.

The cells of Taguig Police station are small and the adults and minors are mixed. Food is not provided, but some trusted inmates may buy food in a nearby canteen for P20.00. Often, Romnick did not have money to buy food but he was allowed credit. His bill reached P700.00 which he has not yet paid.

On November 14<sup>th</sup> he was transferred to CRADLE. On entering CRADLE the desk officer beat him up in the lobby, in front of other policemen. Romnick was rescued from CRADLE by PREDA 13 days later. Romnick received a suspended sentence. He was ordered to remain in PREDA for ongoing rehabilitation and educational services.

#### 4.14 Bhoyet Abugho, 17

**Charge:** Attempted homicide.

**Treatment Contrary to Law:** Bhoyet related in an interview that on June 11, 2007, he was at home watching TV when 2 *barangay tanods* knocked at their door and said that he would just be asked some questions. He was led to a vehicle where four policemen were waiting. He was handcuffed and transported to the Paho *barangay* hall. The reason for his arrest was not explained to him immediately. At the *barangay* hall, a female neighbor of the alleged victim was giving her statement. Bhoyet was then told that he was being charged with attempted homicide and he was moved to the precinct in *Sangandaan*.

At the *Sangandaan* Police station, Bhoyet experienced abuse from a particular guard. This guard then brought Bhoyet to an office where other officers and a *barangay tanod* were, hit him in the chest and

ordered him to do “pumpings” (repetitive squat like exercises). Bhoyet was challenged and jeered with the question “*Matigas ka ba?*” (“Are you a toughie?”)

There are three cells in the *Sangandaan* police station, each with a toilet, but the water supply is limited and he could only have a bath twice a week. The cells were overcrowded, thus, he and other minors sometimes had to sleep on cardboard in the hall outside the cells with the women inmates. The adult male inmates were kept inside the cells to prevent contact with the females. He was not allowed to go out of the detention center for sunlight and exercise. There was a TV in a nearby office and sometimes they were allowed to watch it.

While he was detained in that station, Bhoyet told of a time when the policemen on duty were drunk and they ordered a few adult inmates to hurt each other; the inmates of course had no choice but to obey. During his two week detention here, he was not given a medical examination nor was he given the opportunity to talk to a social worker.

He was transferred to CRADLE on 25<sup>th</sup> June and after his thumbprints were taken, he understood that he was to go back to his dormitory. A warden known as “Calabis” called him back and said “*Bastos ka. Bakit mo ko tinalikuran?*” (“You are rude. Why did you turn your back on me?”) He pounded Bhoyet on the chest many times and kicked him twice.

Bhoyet revealed that some wardens are selling cigarette and alcohol to the minor inmates. Other wardens, especially “Calabis” would conduct locker check-ups and would punish those who were caught with cigarettes in their lockers, but the punishment would be settled if the warden was paid P200.00.

The mayor in their dorm was strict as inmates were given “*takal*” (beaten on the legs or feet with a 2x2 piece of wood) when someone littered the dorm or if someone was seen smoking. Bhoyet escaped this punishment but witnessed his fellow inmates receiving this type of beating.

Bhoyet was released to PREDA on 27<sup>th</sup> November. The case against him is on-going.

## 5. Recommendations<sup>1</sup>

The enactment of the Juvenile Justice and Welfare Act 2006 was a huge step forward for children's rights in the Philippines. For the first time, there is a comprehensive legislative regime governing the area. It is a far sighted and progressive law, and it is to be commended.

However, notwithstanding this positive development, much remains to be done. As Lina Laigo, Executive Director of the Council for the Welfare of Children (CWC) has stated,

*“We finally hurdled the first step [enacting the law]. The second step, the implementation, is the difficult part. We must make sure that the service providers namely, social workers, police, local government units, NGO and other concerned parties know the law. We must also educate parents on how to discipline their children in a constructive and not a punitive manner.”*

### 5.1 Government commitment

Right now, the children in conflict with the law in the Philippines are low on the list of priorities for the Philippine government. International pressure must again be exerted on the government to ensure that the laws are implemented and that the torture of the children when in custody comes to an end. These children are the future of the Philippines, and their rehabilitation is key, both for their own survival and the survival of the country as a whole.

### 5.2 Education

It is the view of PREDA, based on its experience in dealing with young offenders, that none of the service providers (police, social workers, local government units, etc.) are adequately informed or trained on the implementation of the new law. This needs to be addressed as a matter of urgency.

It is now general, and expected, practice that there will be illegalities in the arrest and detention of the children being referred to PREDA. This is evident from the children's testimony and from the observations of PREDA staff. Education of those putting the minors through the legal process must be undertaken.

### 5.3 Infrastructure

A further problem is the absence of resources provided by the government for the implementation of the Act. Separate jails and detention centres must be built. Proper rehabilitation programmes must be developed. The 2006 Act refers to the construction of centers and to various programmes, but to date the treasury have yet to apportion an adequate budget to support any construction programme.

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<sup>1</sup> See Appendix 4 for support from other organisations

As is clear from the testimonies, many of the problems within the institutions stem from over-crowding. This highlights the need for both more facilities to be constructed, and for the non-custodial punishments, averred to in the 2006 Act in the form of diversion, to be used.

#### **5.4 Diversion / Reformatory Justice**

Though it is recommended by the UN as the most effective way of treating juveniles, the Philippines has yet to establish diversion as its preferred method of rehabilitating minors. With some minor exceptions, this part of the 2006 Act has been effectively untouched in practice. The reluctance to use diversion links back with the issue of finance, and the need for the government to invest in the establishment and running of diversion programmes.

Use of diversion in the juvenile justice process would go a long way towards alleviating the over-crowding in the institutions by sending more young people back to their communities and families for rehabilitation.

Evident from the testimonies is the absence of any formal rehabilitation programme in the institutions. Even from a recreation perspective, for a large majority of the children, the only recreational facility available is the television. The children need to attain an understanding that committing an offence is wrong. This will not happen with the treatment they have been afforded to date. Presently, there is no incentive or attempt to encourage the minors not to re-offend. A diversion programme would be tailored to the needs of the child, and offers a more holistic way of diverting the children from a course of further crime.

The government must be reminded of its commitment to the Convention on the Rights of the Child and forced to stop the blatant flouting of its own legislation by not putting the funds aside to make the possibility of a viable diversion programme for all minors available to those eligible to use it.

#### **5.5 What happens after detention?**

PREDA echoes the words of Attorney. Menchie Obmina-Muaña of *Ahon sa Kalye* Ministries

*“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. Where will they go? What is the government’s programme for them? Our organization lacks the financial resources to create programmes for these children.”*<sup>2</sup>

Often many of the children in conflict with the law come from broken families or are street children. The present regime gives no thought to what happens to them upon release. Nor does it educate the children in such a way as they may be armed to fend for themselves upon release.

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<sup>2</sup> www.unicef.org

## **6. Conclusions**

In conclusion, PREDA welcomes the enactment of the Juvenile Justice and Welfare Act 2006, as an indication of the government's future intentions on juvenile justice.

However, right now, egregious violations of the rights of children continue unabated, notwithstanding its commitments under international treaties and domestic legislation.

Every day, more minors are arrested and detained in inhumane conditions. International pressure forced the Philippines to enact the Juvenile Justice Welfare Act 2006, and now further pressure is required to force the actual use of the legislation.

It is time that the abuse and torture of children in prisons in the Philippines stopped. These children deserve a childhood. It is imperative for the future of the country that better treatment is afforded the children and that attempts are made to rehabilitate them outside the institutions presently in use.

It is now up to the government to honour the promises made in the new law and that gross violations of children's human rights cease.

It is time for action.

## 7. Appendix 1 - Kids Still Jailed in Manila - PREDA

By Rene Q. Bas, Editor In Chief  
Monday, December 31, 2007

Children are still jailed in Manila—contrary to what the city jail and social welfare officials told The Manila Times in an earlier report.

“True, the kids are not in the city jail. But they are jailed in two other buildings in a compound just a five-minute walk away from city hall,” Columban priest, Fr. Shay Cullen, said. To back up his claim, he gave The Times pictures of Manila government facilities taken on several visits, the latest on December 19.

Cullen is the director of People’s Recovery Empowerment and Development Assistance (Preda) Foundation Inc. and a columnist for The Times. The foundation rescues and heals abused children and exploited women.

Jail not a home

“The RAC [Reception and Action Center] holds streetchildren six to 12 years old,” he said. “It is not a home for children, it is a detention center. The Manila Youth Reception Center is a horrible sub-human jail.”

The Reception and Action Center’s entrance is located down a narrow street. Visitors are met by a large metal barred gate, manned by serious-looking, nonuniformed guards.

“They unlocked the gate for us last December 19,” Cullen said. “With Preda social workers, I drove in and parked in front of the RAC, which is for 6 to 12 year olds. Ten meters away is the entrance to the MYRC, which is for 15 to 18 year olds.”

Manila social welfare department officers, the head of the Manila Youth Reception Center and officers of the Manila City Jail told The Times reporter that there are no more children in jail and that the facility is like a home for “children in conflict with the law.”

In an earlier visit, Cullen said he saw that “the kids are now held behind wooden bars painted brown.” Photos are posted on the PREDA website.

“Earlier this year, when I visited in August, the bars were painted orange,” he added. “There are two separate buildings in the compound where children and youth from 6 years old to 17 are detained and jailed by the City of Manila.”

Human rights violated

“The human rights of all the children and youth kept in these buildings are violated, if only because they are living in deplorable conditions,” Cullen said. “They need immediate relief and help.”

“The conditions are sub-human. Look at the photos,” the priest said referring to the pictures he gave The Times that show the bars that locked in the inmates in their cells. There were also photos of the food served to the children that Cullen said looked worse than what pigs eat.

When he visited just before Christmas, Cullen said the facility was nearly as bad as he had seen it in August 2007, the last time he visited. Other than a new asphalt driveway, there was nothing new, he added.

### No playground space

On December 19, Cullen and his PREDA team went to the second floor of the Reception and Action Center to see the streetchildren who were locked up there in August.

There were not there, as the children—mostly boys—in the facility were brought down to a tent area within the compound to greet Cullen and the other visitors.

“We were there to give the kids a Christmas party,” Cullen said.

“For the Christmas party, the authorities set up a tent outside the front entrance, and chairs were laid out in a semicircle,” he said. “The children had been brought down from the RAC detention room on the second floor. They were waiting at the tent area for the visiting Preda social workers to start the games and fun events and serve a good hearty meal of rice and chicken adobo.”

He added, “There were 72 streetchildren in the facility. But we had been told over the phone to prepare food for 92. They had recently reintegrated 20 kids. The children looked so hungry. I knew they would eat everything we brought.”

Authorities had told Cullen that the facility is full and “there is nowhere else to put the kids in.” He added that even if someone wanted to donate a playground gear so that the children can at least be active and not be idle, “there was no space for it in the tight compound.”

### Social workers

Cullen said he does not want to appear as if he is critical of the city’s social workers.

“The facts I’m telling you are not meant to criticize the social workers of the city government,” he added. “The city’s senior social worker was there to greet me when I arrived with our social workers. She was apologetic as before, lamenting that the budget for food and needs of the children had been cut by the bureaucrats.”

“These government social workers and care givers were trying to ease the loneliness and hardship of the children and make their circumstances better,” he explained.

“But without money, it is impossible to feed, clothe and provide proper facilities to give the children their dignity and rights,” Cullen said. “I heard that city government is broke. The social workers are truly concerned about the condition of the children, especially as the facilities are breaking down.”

## 8. Appendix 2 - Photos of children detained in Manila Youth Reception Centre



**9. Appendix 3 - Photos of children detained in Metro Manila Jails**



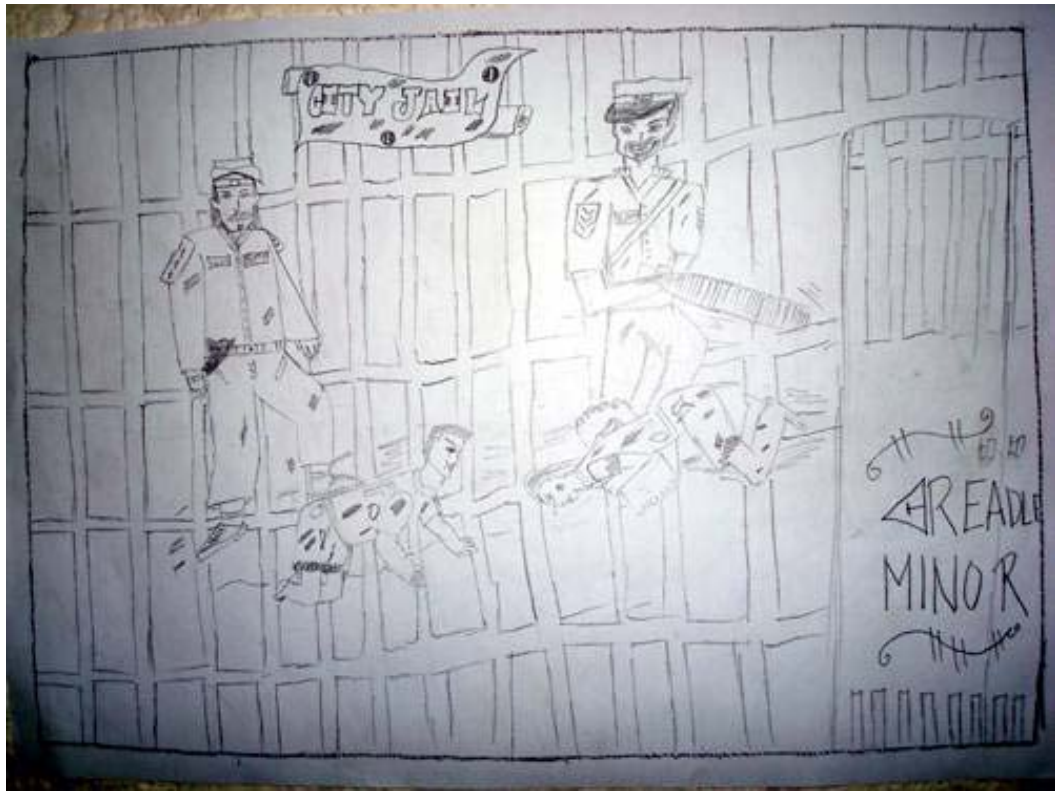


## 10. Appendix 4 – Children’s Art work “Life in Jail”

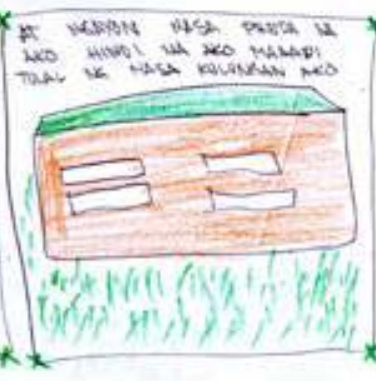


Parañaque Jail





KIM GARDAS P. FLORES 17 YEAR OLD MAY 29, 2008







## **11. Appendix 5 - Supporting reports from other Organisations**

(INCLUDING REPORTS ON JAIL VISITS)

### **EYEWITNESS TESTIMONY BY INTERNATIONAL OBSERVERS**

#### **The Report of Elane - Social Investigator from Ireland of children in jails**

Wednesday 9th Jan.2008

I went to Manila to visit 2 police stations holding cells. In the first station, the first thing that hit me was the stench. There were 18 men in a small cell ñ it was impossible to see the actual size of the cell but it seemed to be no bigger than 5ft. by 8ft. There were no fans and ventilation was nil. With the high temperatures, it was no wonder that there was a stench. The 3 boys who were being released to PREDA were outside this cell in what I thought was a corridor. Perhaps I am cynical but I think that this was an attempt to make us believe that minors were not held with the adults. However, when speaking with the other prisoners, it was discovered that there was another minor in the cell with the adults! If it is normal policy to keep them separate ñ how did he get in there? When the 3 boys finally emerged from the cells, they all looked thin, weak and dirty and had no covering (slippers/sandals) for their feet.

The second station that we visited was Bagong Barrio, to release 2 boys. This was the first station that I had visited on my trips to Manila and I had been totally shocked at what I had seen. That was on 6th December and there were 16 males in the one cell, adults and minors, all stripped to the waist because of the extreme heat. The situation was quite different this time. As we entered the holding area, there were 2 male minors in the female cell. One of these was to come to PREDA. The other boy who was to come to PREDA was in the adult cell washing himself - as there was no toilet or washing facilities in the female cell! The whole area seemed cooler than the last day I visited but it may have just seemed that way because there were less people detained and they were more spread out ñ 2 minors in the female cell and 3 adults + a minor in the adult cell and about 5 minors held in an area at the side of the building. Why were the minors divided into 2 different areas? Was this a case of the detainees being spread out so that the cells would not look overcrowded for the PREDA visit?

It was discovered that one of the boys being held in the station had no case against him and after some negotiations by Joan and Fr. Shay, he was released to PREDA. A bonus for our trip ñ an extra boy rescued from jail!

## **LETTER OF OIC OF CRADLE 2007**

July 27, 2007

### **FR. SHAY CULLEN**

Director  
PREDA Foundation Inc.  
Olongapo City

Dear Fr. Cullen:

This has reference to your e-mail addressed to the DSWD-Central Office dated May 9, 2007 regarding the Children in Conflict with the Law (CICL) in CRADLE. In your letter, you mentioned that there are one hundred and twenty (120) youth and child prisoners found in the said center at the time Fr. Dave Halpin and other parish representative visited the center sometime in January 2007. Accordingly, the youngest among the minor is 8 years old.

We appreciate your concern for our CICL however, please allow us to clarify this information.

From January to July 2007, CRADLE served a total of 342 CICL. Based on the record of CRADLE, no 8 years old minor was admitted at the center. At present, there are one hundred and forty six (146) CICL being served in the center.

The programs and services in the center is focus on the rehabilitation of the CICL thru the social work intervention of social workers manning the social service unit composed of one (1) supervising social worker and four (4) social workers handling an average 146 CICL cases at a given time giving a ratio of 30 cases per worker.

Services provided by the CRADLE social workers are individual and group counseling sessions. Paralegal concerns of the minors were given priority wherein the social workers closely coordinate with court social workers to fast track the status of cases in court. Case conferences and rehabilitation team meeting were conducted regularly to discuss and assess implementation of rehabilitation goals for the minors with the presence of other concerned agencies.

The Department is continuously intensifying efforts on advocacy and provision of technical assistance to ensure compliance of all concerned agencies on the provision of RA 9344. This includes the conduct of the following:

Quarterly dialogue were conducted with LGUs and family courts social worker to discuss issues and concerns and updates on the agreements based on the result of the JJA dialogue conducted and CRADLE concerns.

Advocacy activities of CRADLE is on going and continuously being conducted through dialogues and meetings with NGO's and LGU's and thru orientations conducted by the staff to schools and other government agencies. Bureau of Jail Management & Penology (BJMP), Warden Amelia Talento and CRADLE social workers sit down and discuss CRADLE concerns

during the conduct of JJA dialogues to 15 LGU's focusing on RA 9344 implementation. This resulted to the release of forty minors 15 years old and below from the center to their families and relatives from June 2006 to present.

Conduct of orientation on RA 9344 and providing technical assistance and monitoring on the implementation of the law to the C/MSWDO of the 17 cities/municipalities of Metro Manila.

DSWD-NCR is continuously providing technical assistance on the management of cases of CRADLE thru the regular conduct of monitoring visits of the specialist on youth program to fast track disposition of cases.

The DSWD-NCR also advocated for the signing of Metro Manila Council Resolution Urging the Local Government Units of Metropolitan Manila to Establish a Home for the Children in Conflict with the Law in their areas of jurisdiction in Accordance with their Existing Resources and Capability. This was signed and approved by the Metro Manila Council Members last March 22, 2007. Eventually, if this will be operational, the LGUs will no longer refer CICL cases to CRADLE instead it will be their responsibility to manage this kind of cases.

We hope that the above information gives clarification on the issues raised concerning CRADLE. We are more than willing to sit down with you to further discuss your findings/concerns. Rest assured that the best interest of the CICL in CRADLE is always the ultimate concern of the Department.

Thank you.

Very truly yours,

**HONORITA B. BAYUDAN**

cc: Atty. Sally Escutin  
Legal Assistance Bureau  
DSWD-C.O.

## LETTER OF FATHER SHAY CULLEN TO DSWD MANILA CITY HALL

Ms. Celerina F. Sangil,  
Officer in charge,  
Manila Department of Social Welfare,  
City hall,  
Manila.

July 31, 2007

Dear Ms. Celerina F. Sangil,

I am writing this letter to you with regard to the poor medical condition of many of the children being incarcerated in the MYRC and RAC in Ermita, Manila. We here at the PREDA children's home in Olongapo can accommodate up to 10 of the youngest children, from 8-14 years of age, who are most in need of recovery.

I would also like to bring to your attention to the urgent case of Jane Yilasin, a teenager suffering from acute TB. She is currently sharing a poorly ventilated dormitory with 13 other teenage girls. Due to the rapid contagiousness of TB, this puts them in grave danger of infection. We request she be transferred into the care of the Missionaries of Charity in Divisoria as soon as possible.

Furthermore, there is a one and a half year old abandoned infant suffering from Cerebral Palsy in the care of the RAC (adjoined to the MYRC). We have located an organization called Helping Hands here in Olongapo City who are willing to take full care of him. However you may prefer to transfer him to the care of the Missionaries of Charity.

We fully understand your services are grossly under funded, and that providing nutritional food and medical assistance in the reception centers is difficult. Preda recognizes this, and we are willing to help as much as we can. I have written to Mayor Alfredo Lim, and urged him to prioritize the issue of the MYRC, and even to relocate it to a new facility in the countryside. We aim to have as many boys as possible transferred to PREDA custody, or released, in keeping with Executive Order 633 of her Excellency Gloria Macapagal Arroyo, that all minors without cases be released without delay.

We look forward to working with you closely in the future.

Fr. Shay Cullen  
Director - PREDA Foundation

## **Observation on the open boy's home for CICL By: Deirdre McCarthy - Irish Lawyer/Solicitor**

May 31, 2007

The PREDA Boys Home (<sup>3</sup>CFC Boys<sup>2</sup>) was first begun in 1974 in Olongapo City by the People's Recovery Empowerment and Development Assistance (PREDA) Foundation to help youth in conflict with the law in so far as they were abusing proscribed substances. Over the years it expanded its services to street children, children in prisons and jails and to assist sexually abused children and provides a therapeutic home for girls at the same time giving daily public development education and awareness building seminars and workshops to community groups on human rights and child protection.

Implementing R.A. 9344 (April 2006) is the primary goal of the PREDA project for youth and children in conflict with the law. The Juvenile Justice and Welfare Bill that PREDA helped draft and lobby to have passed says among other things that minors 15 below have no criminal liability and those 18 below accused of crimes must have acted with discernment to be criminally liable. Minors accused of a crime must be referred to a Government social worker and the local government unit and then referred to a children's home and never sent to the jail.

The PREDA Boys home is not punitive; it is affirmative, encouraging, supportive and educational. It raises the self-worth and self-esteem of the youth and gives them a sense of dignity and importance aware of their human and civil rights.

The home differs to government run detention centers it is against all harsh punishment, verbal or psychological abuse and teaches discipline by persuasion, counseling light extra duties, washing dishes, mopping floors. The program of recovery is based on accepting, giving support and affirmation, all needs are provided for; emotional release therapy, spiritual formation, legal assistance, family reunion and family therapy, reintegration vocational training and education according to the needs of the clients. The center is not for the detention of minors, it's the open home, no guards, no gates or walls is best. It works for the reintegration of the youth into their families. Family therapy and job creation is very important for reintegration to work. Many other agencies are brought into the process.

The Boys Home project takes legal action to have children released from jails and prisons. It provides an alternative to detention and under the New law R.A. 9344 (which PREDA helped draw up and lobbied for its passage) the Juvenile Justice and Welfare Bill (2006) PREDA gives legal assistance to have charges against the youth dismissed or provides a diversion to jail and custodial sentence. While the youth they may serve part of their sentence (or a suspended sentence) at the PREDA Home for Boys or reside there while they are awaiting trial.

The PREDA centre is an open centre and the boys stay on their own free will and there are very few who leave without permission for a home visit. The boys are not kept in cells, handcuffed or restrained, but do participate in formal education, either through the local schools or at daily non-formal education classes PREDA. Many of the boys are semiliterate and other supervised activities both on and offsite. The overarching theme is to restore the lost elements of childhood and to provide a system which will avoid further conflict with the law.

The PREDA Jail Rescue Team (JRT) carries out 3 visits weekly to a number of jails and holding cells to investigate if there are any minors being detained in contravention of the new laws, and reports these to the Department of Social Welfare, takes legal action in the courts, mediates with the complainants to drop charges or accept compensation for stolen property, these interventions frequently result in the release of minors to PREDA's care.

# 1. Child Rights Center of the Commission on Human Rights of the Philippines

Dear Atty. John,

I am Atty. Brenda Canapi, the Officer-in-Charge of the Child Rights Center of the Commission on Human Rights of the Philippines. The Commission is an independent organization, neither part of the Government, nor an NGO.

Republic Act No. 9344 is a good law because it increases the age of criminal liability from 9 to 12 years of age; it establishes a juvenile justice and welfare system; it decriminalizes status offences like vagrancy, prostitution, and ‘Rugby’ (volatile industrial substance) sniffing; it provides for diversion; it mandated the establishment of a juvenile justice intervention program in each local government unit; and it created the Juvenile Justice and Welfare Council tasked to monitor the implementation of the law. However, the problem is in the implementation of the law.

I want to share to you the report on the police station visits I conducted together with the Juvenile Justice and Welfare Council.

I also went to Butuan City Jail and Agusan del Norte Provincial Jail last January 24, 2007. There are 7 children detained at the City Jail and 2 at the Provincial Jail. This only proves that Republic Act No. 9344 is not being properly implemented, since the law says that the detention of children should be a measure of last resort, and for the shortest possible time. I see two problems for the detention of children:

1. Lack of youth homes in the local government units (LGU) where children can be sheltered instead of the jail. Although the law mandates that each LGU must have a youth home, there are still many LGU’s without it, citing lack of budget as an excuse.
2. The judge should not have ordered the detention of children in jail, as the law dictates; but still there are judges issuing commitment orders. There's a lot of work to be done to train judges on the law.

I hope the information that I provided will help you in your research. If you still need additional information, please don't hesitate to email me. Thank you.

BRENDA

## POLICE STATION VISITS REPORT

### I. POLICE STATIONS VISITED

| DATE OF VISIT | POLICE STATIONS VISITED   |
|---------------|---|
| 25 July 2007  | Police Station 4 – Sampaloc, Manila<br>Police Station 1 – Laloma, Quezon City |

|                   |   |
|-------------------|---|
| 07 September 2007 | Police Station 6 – Batasan Hills, QC<br>Police Station 5 – Fairview<br>Police Station 4 – Novaliches Proper<br>Police Station 3 – Talipapa, Q.C.<br>Police Station 2 – Baler, Quezon City |
| 13 September 2007 | Police Station 11 – Galas<br>Police Station 9 – Anonas<br>Police Station 7 – Cubao<br>Police Station 8 – Project 4  |
| 19 October 2007   | Valenzuela Police Station<br>Malabon Police Station<br>Navotas Police Station   |

## II. VISITING TEAM:

25 July 2007

|                         |   |                            |
|-------------------------|---|----------------------------|
| Atty. Brenda Canapi     | - | Commission on Human Rights |
| Atty. Rommel Abitria    | - | HLAF                       |
| Junard Jaluag           | - | HLAF                       |
| Ma. Victoria S. Diaz    | - | JJWC Secretariat           |
| Abigail Clara P. Siscar | - | JJWC Secretariat           |
| Edna C. Obuyes          |   | JJWC Secretariat           |

07 September 2007

|                         |   |                            |
|-------------------------|---|----------------------------|
| Atty. Brenda Canapi     | - | Commission on Human Rights |
| Junard Jaluag           | - | HLAF                       |
| Ma. Victoria S. Diaz    | - | JJWC Secretariat           |
| Abigail Clara P. Siscar | - | JJWC Secretariat           |
| Edna C. Obuyes          |   | JJWC Secretariat           |

13 September 2007

|                         |   |                            |
|-------------------------|---|----------------------------|
| Atty. Brenda Canapi     | - | Commission on Human Rights |
| Atty. Rommel Abitria    | - | HLAF                       |
| Junard Jaluag           | - | HLAF                       |
| Ma. Victoria S. Diaz    | - | JJWC Secretariat           |
| Abigail Clara P. Siscar | - | JJWC Secretariat           |
| Ma. Tricia Pangan       | - | JJWC Secretariat           |

19 October 2007

|                            |   |                            |
|----------------------------|---|----------------------------|
| Atty. Brenda Canapi        | - | Commission on Human Rights |
| Atty. Rommel Abitria       | - | HLAF                       |
| Junard Jaluag              | - | HLAF                       |
| Atty. Ma. Victoria Cardona | - | JJWC Executive Director    |
| Ma. Victoria S. Diaz       | - | JJWC Secretariat           |

III. FINDINGS:

A. Police Station 4 - Sampaloc, Manila

The Team met the officer of the day and stated the purpose of the visit. The jail guard allowed the Team to inspect the detention cell to check if there were minors in detention.

There were no minors detained in the said police station. The police said that they do not allow minors to stay long in their station, as they refer them immediately to the Manila Department of Social Welfare. This was affirmed by the local social workers.

There is coordination between the Manila Department of Social Welfare – District Office and the Sampaloc Police Station.

B. Police Station 1 - La Loma, Quezon City

PO3 Renato Santos told the Team that no child was detained in their jurisdiction. They immediately refer the child to the local social welfare office as they know that they will be charged if they do not comply with the provisions of RA 9344. They claimed they had an orientation on the procedures in handling children in conflict with the law (CICL's).

The Team also met Major Nuñez, the Chief of the Investigation Unit. Major Nuñez raised the issue as to what will be the remedy of the police if during the apprehension of a minor, the police sustained injury because the minor fought back against the arresting officer. This issue must be looked into by the Juvenile Justice and Welfare Council (JJWC).

C. Police Station 6 - Batasan Hills, Quezon City

No child was detained in the station.

D. Police Station 5 - Fairview, Quezon City

At the time of the visit, there was a 15-year old male who had just been arrested by the police, allegedly for Robbery-Snatching, MOHAMMAD. The Team decided to observe how the police officers would handle the said child. The police officers initially planned to bring the child to a hospital for medical examination; but they set aside the medical examination for unknown reason. The Team likewise noticed that there is no proper coordination between some police officers and the WCCD. Thus, the Team met the Chief of Inspection & Investigation Division, Insp. Abelardo Aquino; and the Team explained the procedures in handling the CICL as per RA 9344. Mr. Junard Jaluag of HLAF offered their services for the conduct of training for the police.

E. Police Station 4 - Novaliches, Quezon City

PO3 Aguilar, the officer-in-charge of the WCCD, told the Team that when a minor is apprehended, they immediately turn them over to the Local Social Welfare & Development Office (LSWDO). As to minors apprehended for use of prohibited drugs, they immediately refer them to *Tahanan*, a drug rehabilitation center in Quezon City. PO3 Aguilar insisted that there was no minor detained in their station. However, when the Team inspected the detention cell, a 17-year-old male, EMIL, was detained together with female adults. To the surprise of the Team, PO3 Aguilar had no knowledge of the detention of the said child. The Team demanded that the police turn over the child to the Social Services Development Department (SSDD).

F. Police Station 3 - Talipapa, Quezon City

The Desk Officer insisted that there was no minor detained in their station. However, upon further inquiry, the Team found out that there was a 16-year-old female, JENNETH, detained since 8 p.m. of September 6, 2007 in a cell together with the female adults. The Desk Officer did not know that there was a female minor detained therein.

The Team met their Station Commander, P/Supt. Gerardo B. Ratuita. The Team explained that the child must be turned over to the LSWDO within 8 hours after apprehension. He promised to turn over Abainza to the SSDD within the day.

G. Police Station 2 - Baler, Quezon City

Before the Team proceeded to the Station, it had a chance to meet with P/Supt. Allan Pareño, the Precinct Commander of Police Community Precinct No. 6. He said that when they apprehend a minor, they determine whether or not the child acted with discernment. The Team explained that under R.A. 9344 the local social worker is the one who must determine if the child acted with or without discernment.

There were no minors detained in Police Station 2. The Team hailed the said police station for having a separate logbook for children. The police claimed that when CICL's are apprehended, they never allow them to stay in their station for a long time; but they immediately refer them to the local social welfare and development office.

H. Police Station 11 - Galas, Quezon City

JOEL, a 17-year-old male had been detained together with male adults on the Police Station since August 26, 2007. The police officers do not have enough knowledge on the procedures in handling children in conflict with the law. The Team gave a brief lecture to the police on RA 9344. The Team demanded from the police to turn over Joel immediately to the SSDD.

I. Police Station 9 - Anonas Police Station

There were no minors detained at the station.

J. Police Station 7 - Camp Panopio, Cuabo, Quezon City

There was a 17-year old male, GRINGO, detained together with male adults. The WCCD had no knowledge that there was a minor detained at the station. The Team demanded from the police for the turn over of Vinuya to the SSDD.

K. Police Station 8, Project 4, Quezon City

There were no minors detained in the station. The police told the Team that they immediately refer an arrested child to the local social worker.

The police claimed that when they would turn over arrested minors with cases of rugby sniffing to the SSDD, the SSDD would not accept them because it has no drug rehabilitation programs, so the police would just release the children, with no intervention program.

L. Valenzuela Police Station

There were two children detained therein, namely:

JUNARD, 17 years old  
born on July 19, 1990  
detained since September 14, 2007

RICKY, 16 years old  
born on March 29, 1991  
detained since October 1, 2007

According to the police, they already notified the LSWDO of the detention of the children. However, the LSWDO refused to take custody of the children because Valenzuela City has no shelter for CICLs. The Team asked the police to immediately turn over the custody of the two children to the LSWDO.

This police station, though, has a separate logbook for detained children.

The Team, thereafter, met with the local social welfare and development office, and told them of their responsibilities under R.A. 9344.

M. Malabon Police Station

Three children were detained at the Malabon Police Station, namely:

1. JEFFREY, 17 years old  
detained since March 15, 2007
2. JOMAR, 17 years old  
detained since October 18, 2007
3. RYAN, age unknown

detained since October 15, 2007

The Team found out that although the Police Station has a Women and Children's Complaint Desk (WCCD), it only handles cases of children victims and not children in conflict with the law. The Team met with Police Sr. Supt. Ramon Flores de Jesus, Chief of Malabon Police Station. He told the police officers that since they already had training, they should already know how to handle children's cases.

De Jesus said that with respect to the children arrested with warrant, their office could not immediately release the children because the court is taking long in issuing Order for Release on Bail or on Recognizance. The police particularly mentioned Judge Emmanuel Laurea of Branch 169.

De Jesus likewise said that when they would turn over the children to the LSWDO, the LSWDO would not accept the children. The local social workers, who were also present at that meeting, claimed that the LGU has no shelter for CICL's, and also no budget for intervention programs.

N. Navotas Police Station

Ten (10) children are detained at the Navotas Police Station, namely:

1. RACKY, 17 years old  
detained since September 10, 2007
2. MICHAEL, 16 years old  
detained since September 16, 2007
3. JESSIE, 16 years old  
detained since September 10, 2007
4. JIMBOY, 14 years old  
detained since August 2007
5. JOSELITO, 15 years old  
detained since September 20, 2007
6. RANDY, 16 years old
7. EDWARD, 16 years old  
detained since September 20, 2007
8. JAYSON, 17 years old
9. ALJUN, 17 years old  
detained since September 24, 2007
10. SERGIO, 17 years old

detained since September 17, 2007

These children are detained together with adult prisoners.

Police Chief Inspector Michael Angelo Zuñiga claimed that when they would turn over the children to the local social workers, the local social workers would not receive the children because the city has no shelter for CICLS.

The Team tried to have a meeting with the chief of LSWDO, Mrs. Patria B. Agcaoili, but she was out of office at that time.

Generally:

1. There are only few police stations that have separate holding area/room for arrested children, such as in Police Stations 6, 11, and 8.
2. The police officers are not complying with the eight hour rule on the turn-over of custody of CICLS to LSWDO, except in Police Station 2.
3. The police officers do not observe the presumption of minority rule.
4. According to the police, the SSDD would not accept a child if the child is not a resident of Quezon City, even if the alleged offense is committed in Quezon City.
5. There are some instances when the police would call the SSDD, no personnel is available.

#### IV. RECOMMENDATIONS:

1. The Commission on Human Rights and the JJWC must call on the Philippine National Police to: respect the right of the child not to be detained together with adults, detention to be used only as a measure of last resort and for the shortest possible period of time; observe the procedures in handling children in conflict with the law, as laid down under R.A. 9344; and intensify the training of its members on R.A. 9344.
2. The Commission on Human Rights and JJWC must have a dialogue with the local chief executives of Valenzuela, Malabon and Navotas for the institution of comprehensive juvenile intervention program, and for the setting up of youth homes in their respective cities, as mandated under Sections 18 and 49 of R.A. 9344.
3. The JJWC must request from Vice Mayor Herbert Bautista, Head of the Quezon City Anti-Drug Abuse Council (CADAC), for the Council to provide shelter and drug rehabilitation program for children of Quezon City caught for rugby sniffing.

4. The JJWC must meet with Ms. Ma. Teresa Mariano, Head of SSDD, and to Mrs. Patria B. Agcaoili, LSWDO chief of Navotas, to discuss the problems raised.
5. There must be continuous monitoring of the police stations.
6. There must be an information dissemination of the law at the barangay level.

November 9, 2007, Quezon City.

Prepared by:

BRENDA E. CANAPI  
Officer-in-Charge, Child Rights Center

## **2. Speech by Chief Public Attorney**

### ***Legal counselling and healing behind bars***

BY PERSIDA V. RUEDA-ACOSTA  
CHIEF PUBLIC ATTORNEY,  
PUBLIC ATTORNEY'S OFFICE  
DEPARTMENT OF JUSTICE

(The following is a condensed version of a speech at the International Corrections and Prisons Association 9th Annual General Meeting and Conference, Oct. 21, 2007, Imperial Queen's Park Hotel, Bangkok, Thailand).

TO say that Metro Manila penitentiaries are filled to the rafters is not an overstatement. In these jam-packed jails, shanties are built inside prison cells to give the inmates additional space. The truth about over crowding in Metro Manila detention centers stares glaringly in the eyes of stakeholders in correctional reforms.

During my visits, through the free Legal and Medical Jail Visitation and Decongestion Program of the Public Attorney's Office, my heart sank as I repeatedly witnessed the intolerable condition of our inmates.

Congestion puts inmates in a degrading and inhumane situation. It deprives them of their basic needs, such as adequate ventilation and decent sleeping quarters. Congestion has clearly compromised and

jeopardized their health. Inmates take turns sleeping on the same vacant space. Many fall into slumber while squatting on the floor or standing against the wall. These sleep-deprived inmates are vulnerable to illnesses. Congestion makes their health frail.

Extreme congestion in Metro Manila penitentiaries accounts for 36 percent of jail overcrowding in the Philippines. These jails take in 400 times more prisoners than the official prison capacity. The nationwide percentage of congestion is peaked at 212.28 percent. Deplorable prison life has challenged the PAO to launch a legal, medical and decongestion program.

### Reaching out

The PAO is the principal government legal aid office tasked to give free legal assistance to indigent persons in criminal, civil, labor, administrative and quasi-judicial cases. Our 261 district offices, each headed by a district public attorney, see to it that the jails in their jurisdiction are visited at least once a month to give legal counsel and to determine who have served the minimum or maximum imposable penalty for the offence charged.

As the PAO's chief public attorney, I have taken it upon myself to visit inmates and detained PAO clients, especially those whose cases I handle personally. I also look after their medical, dental and optical problems.

The PAO started this project on April 12 this year and had its 10th and latest leg on Oct. 17. The visits yielded excellent results. Already, 957 inmates were released from detention. More might even be freed from the 2,925 inmates who currently enjoy free legal advice by PAO lawyers. About 3,440 ailing inmates were given free medical and dental assistance and 1,667 inmates received reading glasses without charge.

### Visiting Jails

The 10 jails we visited were in Quezon City, Manila, Marikina, Caloocan, Las Pinas, Paranaque, Makati, the Correctional Institution for Women in Mandaluyong, the Female Dorm at Camp Caringal in Quezon City, and the Maximum Security Compound at the New Bilibid Prison in Muntinlupa.

Except for the Makati jail, extreme congestion was apparent in those prisons. The Quezon City jail was congested by 295 percent, Correctional Institute for Women by 95 percent, Manila City jail by 195 percent, Marikina by 5 percent, Caloocan by 94 percent, Las Piñas by 259 percent, Camp Caringal Female Dorm by 197 percent, New Bilibid Prisons (maximum security) by 30 percent and the Paranaque City jail by 132 percent.

Overcrowding has taken its toll on the health of inmates. Many suffered from scabies, hypertension and other diseases.

### Terrible congestion

In her budget message for fiscal year 2008, President Gloria Arroyo said that P36.9 million would go to the construction of new jail facilities. In a recent dialogue with government officials, she urged them to put up decent detention centers for the inmates.

I wrote Mayor Alfredo Lim of Manila, Mayor Feliciano Belmonte, Jr., of Quezon City and Mayor Recom Echiverri of Caloocan City recommending the construction of bigger and more humane jails which would offer livelihood programs to rehabilitate the inmates.

The Bureau of Jail Management and Penology, a line bureau under the Department of interior and Local Government, tasked to provide humane safekeeping and development of inmates in all district, city and municipal jails, is pushing a bill for the establishment of an integrated jail facility. This would be built on a 94-hectare lot that is only a 15-minute ride to Congress. The BJMP wants this facility to be conducive for inmates' rehabilitation and other livelihood programs. The plan includes a hospital, churches, court rooms, and housing project for BJMP personnel to serve as a buffer zone and to tighten security. There will surely be ample space for sports activities.

#### Executive clemency

While the building of bigger and better jails for detainees is laudable, freeing inmates who deserve executive clemency is a hundred times more commendable.

A report from the Philippine Board of Pardons and Parole reveals that from January 2006 to early September 2007, a total of 4,174 parole and executive clemency were granted. Last July, Executive Secretary Eduardo Ermita reported that nine seriously ill inmates convicted of drug-related cases were pardoned after considering their age, health and years served. Secretary Ermita said that prisoners convicted of drug-related offences were generally not considered for conditional par don and commutation of sentence. "But in the interest of justice, the President has on several occasions granted executive clemency to prisoners convicted for drug-related offences, he said

To these figures, I fervently hope that the 14 living military personnel convicted in the (Senator Benigo) Aquino-Galman double murder case would be added. They were recommended by PAO for executive clemency. Among them were aging (70-year-old) and ailing (afflicted with uncontrolled diabetes, hypertension, respiratory diseases, stroke, and chronic kidney ailment) inmates.

#### Good conduct

The granting of executive clemency, release on bail, recognizance, and good conduct time allowance (GCTA), as well as transferring children in conflict with the law (CICL) to juvenile detention centers could free some precious space in overcrowded jails.

During the 13th Congress, Sen. Aquilino Pimentel and Rep. Raul Gonzalez, Jr. authored bills to grant mandatory good conduct time allowance (GCTA) to inmates who earned credits by taking up values development programs, literacy and skills training. Prisoners who teach said courses to their fellow inmates were also included in the grant. Sadly, none of the bills were enacted into law.

I am for their refilling in the 14th Congress. The current BJMP head, Director Armando Llamasares, has a similar goal. He is seeking the amendment of Art. 99 of the Revised Penal Code of the Philippines to allow the BJMP head to grant GCTA. In conjunction with a DOJ legal opinion, the chief of BJMP is not authorized to grant GCTA, Nonetheless, there are inmates who remain in the BJMP's jurisdiction. They are the ones who are serving a term of imprisonment from one day to three years.

While Congress is silent on the inclusion of good conduct time allowance in the legislative agenda of the 14th Congress, President Arroyo seeks the immediate release of imprisoned children in conflict with the law. The livelihood training and free education in prison envisioned by Senator Pimentel and Representative Gonzalez as part of their bills on GCTA are being realized at the National Training School for Boys in Tanay, Rizal. In May this year, President Arroyo ordered the Department of Social Welfare and Development to take in CICL as students in that school so they could continue their education and engage in livelihood while serving their sentence.

### Young offenders

In July, President Arroyo signed Executive Order 633 ordering the immediate release of children in conflict with the law who are 15 years old and below at the time of the commission of the crime but remain imprisoned at the facilities of the BJMP and the BuCor. They were detained together with adult offenders, in violation of R.A. 9344, the Juvenile Justice and Welfare Act of 2006, which calls for the separation of CICL from adult prisoners.

There's a dearth of youth detention centers in our country. Thus it was good news that last May, an 800-capacity building originally built for drug suspects was converted into a halfway home of children in conflict with the law. The four-story facility is named (CRADLE, for the Center for Restorative Activities Development and Learning Experiences. It offers non-formal education and other programs for the continuous physical, intellectual, spiritual and social development of minors.

## 12. Appendix 6 – PREDA Jail Rescues and Monitoring Visits Report

July to November 2008

| <i>DATE</i> | <i>JAIL / POLICE STATION / DETENTION CENTER</i>                      | <i>MINORS FOUND</i>                                  | <i>RELEASED TO PREDA</i>        | <i>RELEASED TO PARENTS</i>         |
|-------------|--|--|---------------------------------|------------------------------------|
| July 3      | Camarin Police Substation 4<br>Caloocan City                         | 3 minors found                                       |                                 |                                    |
|             | Malabon City Police Station  | 4 minors found                                       |                                 |                                    |
|             | Molave Youth Home  | 88 minors found                                      | 4 minors                        |                                    |
| July 7      | Camarin Police Substation 4<br>Caloocan City                         | 3 minors found<br>(same minors found last<br>July 3) | 1 minor                         | 1 minor                            |
| July 10     | Pasay City Youth Home  | 23 minors found                                      |                                 |                                    |
|             | Caloocan Police Station<br>(Samson Rd. Sangandaan,<br>Caloocan City) | 4 minors found                                       |                                 | 3 minors<br>released on July<br>18 |
| July 14     | *Marikina Social Action<br>Center                                    | 11 minors found                                      |                                 |                                    |
|             | Marikina City Police Station   | 1 minor found  |                                 | 1 minor                            |
|             | Parancillo Police Station<br>Pasig City                              | 8 minors found                                       |                                 | 7 minors                           |
| July 15     | Pasay City Youth Home  | 22 minors found                                      |                                 |                                    |
| July 17     | Pateros Police Station   | 2 minors found                                       | 1 minor                         |                                    |
|             | Mandaluyong City Police<br>Station                                   | 3 minors found                                       |                                 |                                    |
| July 22     | Pasay City Youth Home  | 20 minors found                                      |                                 |                                    |
|             | Molave Youth Home  | 119 minors found                                     |                                 |                                    |
|             | CRADLE   | 72 minors found                                      |                                 |                                    |
| July 23     | Samal DSWD   |  | 1 minor<br>referred to<br>PREDA |                                    |
| July 24     | Molave Youth Home  | 115 minors found                                     |                                 |                                    |
|             | Mandaluyong City Police<br>Station                                   | 5 minors found                                       |                                 | 2 minors                           |
|             | Mandaluyong City Police<br>community Precint 6                       | 2 minors found                                       | 1 minor                         |                                    |
|             | *Caloocan – DSWD Office  |  | 1 minor from                    |                                    |

|         |   |   | Camarin Police Substation 4 |   |
|---------|---|---|-----------------------------|---|
| July 28 | OCARE Center  | 6 minors found  |                             |   |
| July 29 | Plaridel Municipal Jail<br>Plaridel, Bulacan                          | 3 minors found<br>(Transferred to Tanglaw<br>ng<br>Pag-asa)     |                             |   |
|         | Tanglaw ng Pag-asa  | 51 minors found   |                             |   |
| July 31 | Malabon City Police Station   | 2 minors found  |                             |   |
|         | Navotas City Drop-in Center<br>(CSWDO)                                | 23 minors found   |                             |   |
|         | Caloocan Police Station<br>(Samson Rd. Sangandaan,<br>Caloocan City)  | 5 minors found  |                             |   |
|         | Caloocan Police Substation<br>2<br>9 <sup>th</sup> Ave. Caloocan City | 5 minors found  | 1 minor<br>(August 28)      |   |
| Aug. 6  | Pasig City Police<br>Headquarters                                     | 2 minors found  |                             | 1 minor                                 |
|         | Navotas Drop-in Center /<br>DSWD                                      | 33 minors found   | 3 minors                    |   |
|         | Caloocan Police Substation<br>2<br>9 <sup>th</sup> Ave. Caloocan City | 3 minors found  |                             |   |
|         | Caloocan Police Station<br>(Samson Rd. Sangandaan,<br>Caloocan City)  | 5 minors found<br>(released to Parents on<br>August 8)          |                             | 4 minors<br>(released last<br>August 8) |
| Aug. 7  | Caloocan Police Substation<br>2<br>9 <sup>th</sup> Ave. Caloocan City | 3 minors found<br>(same minors<br>interviewed last<br>August 6) | 2 minors                    |   |
|         | Mandaluyong City Police<br>Station                                    | 2 minors found  |                             |   |
|         | Tanglaw Pag-asa   | 54 minors found   |                             |   |
|         | Limay Police Station  | 1 minor found   | 1 minor                     |   |
| Aug. 12 | CRADLE  | 64 minors found   | 1 minor                     |   |
|         | Caloocan Police Substation<br>2<br>9 <sup>th</sup> Ave. Caloocan City | 2 minors found (same<br>minors interviewd last<br>Agust 7)      |                             |   |
|         | Mandaluyong City Police<br>Station                                    | 2 minors found  |                             |   |
|         | Pasay City youth Home   | 17 minors found   |                             |   |

|          |  |   |                                 |                               |
|----------|--|---|---------------------------------|-------------------------------|
| Aug. 14  | Bagong Barrio Police Station                                       | 1 minor found   |                                 |                               |
|          | Navotas City Drop-in Center (CSWDO)                                | 33 minors found   |                                 |                               |
|          | Malabon City Police Station  | 3 minors found  |                                 |                               |
|          | Camarin Police Substation 4  | 2 minors found  | 1 minor released last August 28 |                               |
| Aug. 15  | MPD Ermita Police Station 5  | 1 minor   |                                 |                               |
| Aug. 18  | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City | 2 minors found (same minors interviewed last August 12) |                                 |                               |
| Aug. 19  | Navotas City Drop-in Center (CSWDO)                                | 33 minors found   | 3 minors                        |                               |
| Aug. 26  | Pasig City Police Headquarters                                     | 5 minors found  |                                 | 2 minors                      |
|          | Bagong Barrio Police Station                                       | 1 minor found (same minor interviewed last August 14)   |                                 |                               |
|          | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City | 1 minor found (same minor interviewed last August 18)   |                                 |                               |
| Aug. 28  | *Caloocan Social Welfare and Development Office                    |   | 1 minor referred by DSWD        |                               |
|          | Navotas Drop-in Center   | 31 minors found   | 5 minors                        |                               |
| Sept. 2  | Mandaluyong City Police Station                                    | 2 minors found  | 1 minor released on Sept.2      |                               |
| Sept. 4  | Paranaque City Police Headquarters, La Huerta                      | 5 minors found  |                                 |                               |
| Sept. 9  | Bagong Barrio Police Station                                       | 1 minor found   |                                 | 1 minor released on Sept. 16  |
|          | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City | 1 minor found   |                                 |                               |
|          | Navotas Drop-in Center   | 20 minors found   | 4 minors                        |                               |
|          | Caloocan DSWD  | Harris Guinto   | 1 minor referred by RTC Br. 131 |                               |
| Sept. 11 | Caloocan Police Station (Samson Rd. Sangandaan, Caloocan City)     | 3 minors found  |                                 | 2 minors released on Sept. 12 |

|          |  |   |                              |                              |
|----------|--|---|------------------------------|------------------------------|
|          | Taguig City Police Headquarters                                    | 1 minor found                                       |                              | 1 minor found (Sept. 15)     |
|          | Paranaque City Police Headquarters                                 | 8 minors found (3 newly admitted)                   |                              | 1 minor released on Sept. 22 |
| Sept. 16 | Camarin Police Substation 4  | 1 minor found                                       |                              |                              |
|          | Bagong Silang Police Station                                       | 3 minors found                                      | 1 minor released on Sept. 16 | 1 minor released on Sept. 24 |
| Sept. 23 | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City | 1 minor found (same minor visited last Sept. 9)     |                              |                              |
|          | CRADLE   | 57 minors   | 1 minor released on Sept. 23 |                              |
| Sept. 25 | Pasay City Youth Home  | 20 minors (19 male, 1 female)                       |                              |                              |
|          | San Juan City Social Welfare and Development Office                |   | 2 minors referred to PREDA   |                              |
|          | Caloocan City Police Station North Extension Office                | 1 minor found                                       | 1 minor released on Sept. 25 |                              |
| Sept. 30 | Pasay City Youth Home  | 20 minors (same minors found)                       |                              |                              |
|          | Caloocan Police Station (Samson Rd. Sangandaan, Caloocan City)     | 2 minors found                                      |                              |                              |
| Oct. 2   | Paranaque City Police Headquarters                                 | 5 minors found                                      |                              |                              |
| Oct. 3   | Olongapo Police Station 6 - Barretto                               | 3 minors found                                      |                              |                              |
| Oct. 3   | Olongapo Police Station 6 - Barretto                               | 3 minors found (same minors)                        |                              |                              |
| Oct. 7   | Central Market Police Station- Police Station 3                    | 1 minor found                                       |                              | 1 minor released on Oct. 8   |
|          | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City | 1 minor found                                       |                              | 1 minor released on Oct. 8   |
| Oct. 9   | Caloocan Police Station (Samson Rd. Sangandaan, Caloocan City)     | 2 minors found (same minors visitewd last Sept. 30) |                              | 1 minor released on Oct. 10  |
| Oct. 14  | Bagong Silang Police Station                                       | 1 minor found                                       |                              |                              |

|         |  |  |                             |                   |
|---------|--|--|-----------------------------|-------------------|
| Oct. 16 | Taguig City Police Headquarters                                      | 5 minors found                                   |                             | 5 minors released |
|         | Pasig City Police Headquarters                                       | 3 minors found                                   |                             |                   |
| Oct. 21 | Paranaque City Police Headquarters                                   | 6 minors found<br>(2 minors committed to CRADLE) |                             |                   |
|         | Camarin Police Substation 4  | 1 minor found                                    |                             |                   |
|         | Bagong Silang Police Station   | 2 minors found                                   |                             |                   |
| Oct. 23 | Navotas CSWDO  | 40 minors found                                  |                             |                   |
|         | Caloocan Police Station<br>(Samson Rd. Sangandaan,<br>Caloocan City) | 1 minor found                                    |                             |                   |
|         | Camarin Police Substation 4  | 1 minor found                                    |                             |                   |
|         | Caloocan City Police Station<br>North Extension Office               | 1 minor found                                    |                             |                   |
|         | Bagong Silang Police Station   | 2 minors found                                   | 1 minor released on Oct. 23 |                   |
| Oct. 28 | Mandaluyong City Police Headquarters                                 | 6 minors found                                   | 1 minor released on Oct. 28 |                   |
| Oct. 30 | Navotas Drop-in Center   |  | 1 CSEC, 1 S.A.              |                   |
|         | Bagong Silang Police Station   | 2 minors found                                   | 1 minor released on Oct. 30 |                   |
| Nov. 4  | CRADLE   | 34 minors found                                  |                             |                   |
|         | Taguig City Police Headquarters                                      | 3 minors found                                   |                             | 3 minors          |
|         | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City   | 3 minors found                                   |                             | 1 minor           |
| Nov. 6  | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City   | 2 minors found                                   |                             |                   |
|         | Navotas Drop-in Center   | 40 minors found                                  | 7 minors                    |                   |
|         |  |  |                             |                   |
| Nov. 11 | Caloocan Police Substation 2<br>9 <sup>th</sup> Ave. Caloocan City   | 2 minors found                                   | 1 minor                     |                   |
|         | Navotas Drop-in Center   | 30 minors found                                  | 4 minors                    |                   |

|         |   |                 |                  |                  |
|---------|---|-----------------|------------------|------------------|
| Nov. 18 | Pasay City Youth Home   | 16 minors found | 1 minor          |                  |
| Nov. 20 | Navotas Drop-in Center  | 24 minors found | 4 minors         |                  |
| Nov. 26 | Caloocan Police Station<br>(Samson Rd. Sangandaan,<br>Caloocan City)  | 2 minors found  |                  |                  |
|         | Caloocan Police Substation<br>2<br>9 <sup>th</sup> Ave. Caloocan City | 1 minor found   |                  |                  |
| Nov. 27 | Caloocan City Police Station-<br>North Extension Office               | 1 minor found   | 1 minor          |                  |
|         | Caloocan DSWD   |                 | 1 minor          |                  |
|         |   | <b>TOTAL</b>    | <b>69 minors</b> | <b>39 minors</b> |

## 13. Appendix 7 - Reported CICL Experiences Of Abuse In Jail

### THERAPEUTIC CENTER FOR CHILDREN IN CONFLICT WITH THE LAW

NAME : ARJAY

CASE : ROBBERY (Force upon things) C-80495

POLICE STATION : Caloocan City Police Station Substation 2

DETENTION PERIOD : November 07, 2008 November 11, 2008

The minors were detained for four days. When the time they were arrested and put inside the jail Arjay was kicked by his co inmates whom minor cannot recall the name. The minors were spanked and usually punched at their chest part by the “” if they failed to do what they want.

According to them, the policeman assigned was requested to hang them in jail steel bars Edel followed the policeman while Arjay did not follow so his hand was beaten using hanger.

During the investigation period the minors were threaten by the policeman by saying he will kill by them if he will not admit the crime.

The minors were sleeping inside the CR as demanded by the co inmates.

Foods were provided by parents minor, if the parent are failed to visit co inmates shared their food.

If the policeman assigned is sleeping, the minors have duty from 6:00 pm to 6:00 am to look for his inmates If the minors fall asleep, the “bastonero” beaten or “Takal” their head using 1.5 liter with full of water.

NAME : EDEL JOHN

CASE : ROBBERY (Force upon things) C-80495

POLICE STATION : Caloocan City Police Station Substation 2

DETENTION PERIOD : November 07, 2008 November 11, 2008

The minor was detained for 4 days.

Four policemen spank his head for the reason of his involvement in the crime During the investigation, he was threatened by the policeman and saying that they will kill him if he will not admit the crime

He was visited by his mother and give food, toiletries & money

Minor's money was took by “mayores” and his clothes was taken by co inmates

NAME : ROBERT  
CASE : ROBBERY C-80463  
POLICE STATION : Caloocan City Police Station Substation 2  
DETENTION PERIOD : November 02, 2008 November 10, 2008  
The minor was detained for eight days. When he was turned over by the Laloma Cemetery guard in the police station he experienced the following:

During the investigation period he was punched in chest and side part of his body by two policeman.

He was threatened that they will kill him if not admitted the committed crime He was forced to hang inside the jail as demanded by co inmates

His clothes was taken by the "mayores"

He was twice visited by his mother, foods came from co in mates and provided by the policeman

He was assigned to wash clothes and massage "mayores" legs.

The minor is sleeping inside CR area

NAME : Jhon Ray  
CASE : Robbery CC# 80403 and Violation of BP 6 CC# 80404  
POLICE STATION : Caloocan City Police Station Substation 3  
DETENTION PERIOD : October 13, 2008 – October 30, 2008

The minor reported that he experienced form of physical abuse inside the jail from the policemen who investigated him as well as with his inmates.

- when he was apprehended, the policemen got him inside their house using handcuff.
- during the investigation, his two hand with handcuff was placed at his back. The investigating police ordered to put his 2 feet inside of it. He was spanked using steel bar in his leg part and arm while he asking if he committed the crime. The policeman whom he can't recall the name just stop the torture when he was forced to admit the alleged crime.
- When he was inside the jail, the "mayor" punched him on his chest and backside part of his body. Aside from this, his belongings (maong short and 300.00) was stolen.
- If he did not follow their request, he was spanked using 1.5 bottle in thigh part.
- He slept in CR area due to overloaded number of inmates.
- Food supplies through mother's support

NAME : JERALD

CASE :THEFT cc# 80162

POLICE STATION : Caloocan City Police Station Substation 3

DETENTION PERIOD :August 26, 2008 – October 23, 2008

The minor reported that he experienced form of physical abuse with his inmates

- If he failed to follow their commands, he was spanked by them in head, chest and back part of his body.
- During his epileptic attacked, instead of helping him to recover they punched and kicked him.
- He was beaten at his leg using 1.5 coke bottle contain of water as part of punishment given by “Mayor” whom he cannot recall the name .
- Food supplies was given by co inmates. Family members were very rare to visit him.