

LEVEL OF AWARENESS AND PERCEPTION OF ELECTED OFFICIALS ON THE JUVENILE JUSTICE AND WELFARE ACT OF 2006 (RA 9344)

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-Abstract-

This is a normative - descriptive study on the Level of Awareness and Perception of Elected City and Barangay Officials of the City of Tagbilaran, Bohol on the Juvenile Justice and Welfare Act of 2006 (RA 9344), especially relative to the Implementation of the law. The data was gathered through a Perceptionnaire and personal interviews and analysed through the Statistical Package for Social Science- SSPS Version 14. Results of the study showed that while there is a High level of awareness of the respondents on the implementation of the law, they perceive that the law is only Partially implemented. However, the latter perception is based on factors not expected from the provisions of the law and clearly shows their (officials) lack of information and appreciation of the same, especially their respective roles and obligations under program. And because the study reveals that the awareness of the respondents on the law has a significant effect on their perception, there is a need for a better dissemination and more intensified campaign/ advocacy on RA 9344 even from amongst those who are supposed to be implementors of this vital piece of legislation.

Keywords: normative-descriptive study, Juvenile Justice and Welfare, juvenile delinquency, intervention, *parens patriae*

JEL Classification: Q56

1.INTRODUCTION

1.1 Rationale

The Juvenile Justice and Welfare Act of 2007 (RA 9344) was passed on March 22, 2006 and signed into law by President Gloria Macapagal-Arroyo on April 28,

2006. This Act called for the establishment of a Comprehensive Juvenile Justice and Welfare System, creating a Juvenile Justice and Welfare Council under the Department of Justice, and appropriating funds thereof.

The City Council of the City of Tagbilaran, however, passed a Resolution calling for the repeal of the said law. They (Council) were quick to say that it allows for a climate of leniency or softness, some dismiss it as having been used by syndicates to escape from criminal liability or circumvent the law, through employment of those protected by the law. (Editorial, The Sunstar Cebu, August 15, 2007). It was also perceived as hampering the effective performance of the duties among law enforcers.

The researcher believes there is a need to look into the matter of the Implementation of the Juvenile Justice and Welfare Act (RA 9344), especially as regards the awareness level and perception of officials who may have a hand in its implementation. This is important and will be most useful especially in deciphering what really is there with RA 9344. For some good law, a first of its kind in the country, and especially addressing a serious concern besetting one of the most vulnerable sectors of society, the researcher would like to know how much of the law, if at all, is understood and/or misunderstood. Better still, is there really a common perception shared by these stakeholders, or is it just that of a selected few, who from the beginning would have already opposed it. And considering the mandate of RA 9344, it is supposed to leave no room for interpretation, as it has the force and effect of a law.

The researcher chose to zero in on the City and Barangay officials of the City of Tagbilaran as they are the ones often plagued by the problem on Juvenile Delinquency in the province and have direct authority and discretion, both as to policy formulation and implementation.

1.2. Theoretical Background

Juvenile delinquents are considered victims of circumstances beyond their control, thus, should be treated as individuals with a problem who need to be provided

with appropriate assistance and services to ensure the full protection of their rights for survival, protection, development and participation (<http://www.gov.ph>, Downloaded Sept. 17, 2008). To better understand the matter of juvenile delinquency, the researcher used the following guide. It starts with the theories applicable to Juvenile Delinquency, and then proceeds with a discussion as to the relevant legal provisions under international and local laws on Juvenile Delinquency.

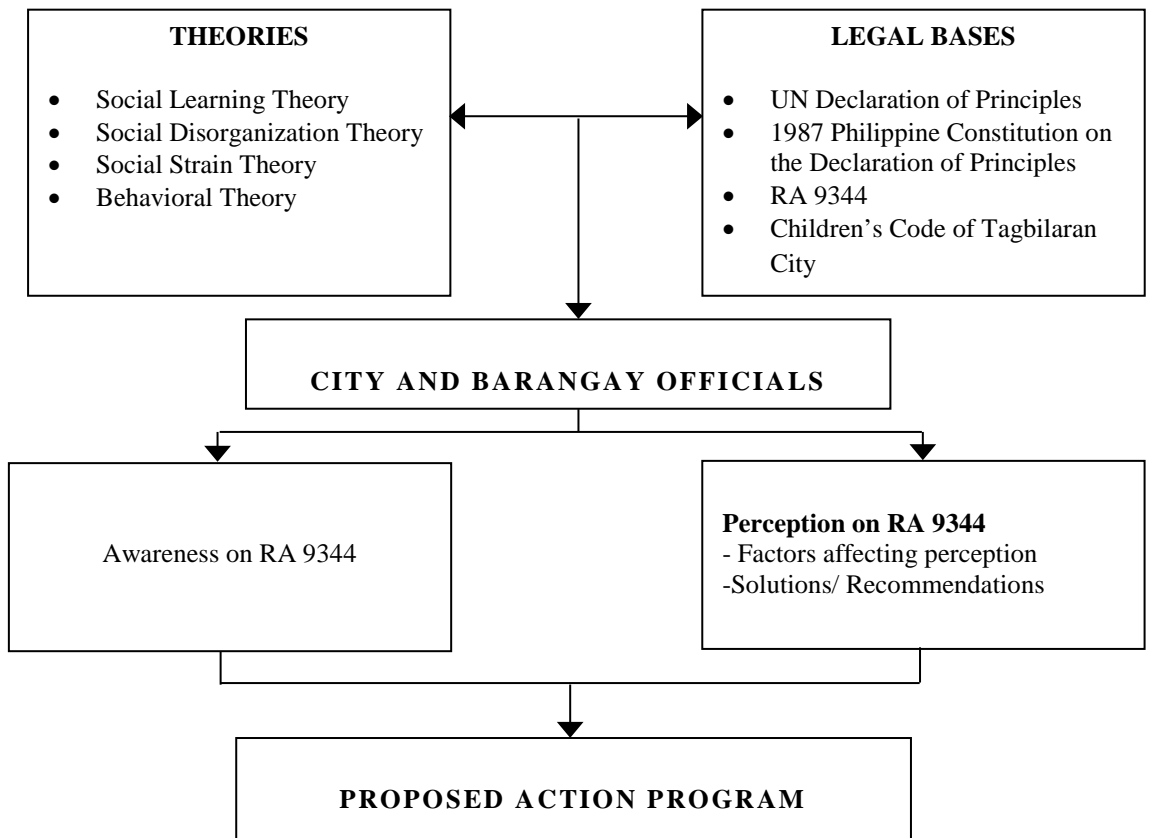


FIGURE 1 SCHEMATIC DIAGRAM OF THE STUDY

This study is anchored on the Social Learning Theory. Published by Bandura, (1977), it postulated that human learning is a continuous reciprocal interaction of cognitive, behavioral, and environmental factors. (www.articlesbase.com/law-articles/juvenile-delinquency-theories-67589.html-64k, downloaded September 13, 2008).

Corollary to the Social Learning Theory is the Social Disorganization Theory. Akin to the former, the Social Disorganization Theory postulates that young people are often affected by their cultural and socio-economic environment. It admits that criminal behavior is largely determined by factors outside a young person's control (wikipedia.org/wiki/Juvenile_delinquency-54k, downloaded August 30, 2008).

Merton's Social Strain Theory postulates that humans are conforming organisms who only violate the law when the dysfunction between goals and means become so great that the individual believes he or she can no longer pursue socially sanctioned goals via legitimate channels.

Finally, the Behavioral Theory posits that in case of negative reinforcement, a certain behavior becomes stronger by the outcome of stopping or staying away from some negative condition.

The Philippine Experience. In the Philippines, the problems of street children and juvenile delinquency are much related social problems. To survive in the street, you almost have to become delinquent. Exposed to criminal elements, these children are vulnerable to prostitution, drug addiction and pushing, and commission of crime. Most street children have become delinquents either out of necessity (because they are poor) or through force (because of syndicates). Young people in the streets are also criminalized and stigmatized for no obvious crime committed (Marianne Murdoch-Verwijs, LLM, Free University, Amsterdam@judgesandmagistrates.org.murd.htm, downloaded Sept. 3, 2008).

Statistics show that from 1995 to 2000 alone, a total of 52,576 children were monitored as having been deprived of their liberty in detention placement, under custodial setting through suspended sentence, according to the Second Country Report on the Implementation of the Convention on the Rights of the Child. The Report is an official admission that an average of 10,515 children are being arrested and detained every year – about 28 children everyday, or more than one child every hour (UNICEF, December 2003@pressinstitute.ph/archives). For the City of Tagbilaran alone, cases against Children in Conflict with the Law (CICL) have been reported. In 2005, 9 cases have been reported. These increased to 14 in

2006, but slid down to only 2 and 4 in 2007 and 2008, respectively (Tagbilaran City Police Station Data).

The Role of the State. Following the doctrine of *parens patriae*, the state has the power to act on behalf of the child and provide care and protection equivalent to that of a parent. Referring to the role of the king as the father of his country, this phrase grew to refer primarily to the responsibility of the courts and the state to act in the best interest of the child (Larry J. Siegel, et.al., 2008). The *Parens Patriae* doctrine is further bolstered by the United Nation General Assembly Resolution setting the Guidelines for the Prevention of Juvenile Delinquency, Legislation and Administration.

It has been said by UNICEF that: “Creating a juvenile justice system that meets the special needs of children in conflict with the law is one of the Philippines’ unfinished piece of business as a signatory to the Convention on the Rights of the Child.” (<http://pressinstitute.ph/archives/jds.html>).

Thus, came REPUBLIC ACT 9344, or the Juvenile Justice Welfare Act of 2006. Ratified by both houses of Congress on March 22, 2006 and signed into law by President Gloria Macapagal-Arroyo on April 28, 2006, this Act called for the establishment of a Comprehensive Juvenile Justice and Welfare System, creating a Juvenile Justice and Welfare Council under the Department of Justice, and appropriating funds thereof. RA 9344 introduces the balanced approach, or what we refer to as “Restorative Justice” (Cardona, 2007). Unlike the purely retributive response to juvenile crime, this restorative approach considers accountability, community safety and competency development in all levels of the juvenile justice system with the aim of rehabilitating the child, restoring the harm done to the victim, and to contribute to peace in the community. Adopting the standards of the United Nation, Committee on the Rights of the Child (CRC), the Beijing Rules and the Riyadh Guidelines, RA 9344 is seen as one for the best interest of the child, is not discriminating, and sees detention as a last resort. It is, therefore, to the best interest of the child that a totality of circumstances, under conditions most congenial to survival, protection, feelings of security of the child, and seen as most encouraging to the child’s physical, psychological, and emotional development (Cardona, 2007).

Who are protected by RA 9344? Exempt from criminal liability are those 15 years or younger, but still subject to intervention programs. Conditional Exemption

shall be granted to those who are above 15 and below 18 years of age (unless shown to have acted with discernment). Minority, an exempting circumstance under Criminal Law, is therefore presumed (b, Article XII, Revised Penal Code of the Philippines). By discernment it means the “mental capacity to understand the difference between right and wrong and its consequences.” Thus, if a child is 15 years and below, he/she is immediately released to the custody of his/her parents or guardian, or in the absence thereof, to the child’s nearest relative. The latter shall notify the local social welfare and development officer who will determine the appropriate programs in consultation with the child and the person(s) having custody over him/her. If parents cannot be located, the child may be released to a duly registered Non-Government Organization (NGO) or religious organization, to any barangay official who is a member of the Barangay Council for the Protection of Children (BCPC), the Local Social Welfare and Development Officer, or if the child is neglected or abused, the DSWD shall file a Petition for Involuntary Commitment.

The said law also seeks for the establishment and strengthening of the Local Councils for the Protection of Children (LCPC). This Council serves as the primary agency to coordinate with and assist the local government units in the adoption of a comprehensive program for juvenile delinquency. It is tasked to coordinate with and assist LGUs in calling on all sectors concerned, particularly the child-focused institutions, NGOs, people’s organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. They shall also assist the Punong Barangay in conducting diversion proceedings in cases, assist the Local Social Welfare and Development Officer (LSWDO) in the development of the appropriate diversion program, institute together with schools, youth organizations and other concerned agencies in their community-based programs on juvenile justice and welfare initiated by LGUs, and conduct capability building programs to enhance knowledge and skills in handling children’s programs, among others.

Concept of Intervention Program. This is given to children in conflict with the law (CICL) who are exempted from criminal liability (aged 15 and below). A series of activities are designed to address issues that caused the child to commit an offense. It may also be given to a child more than 15 years of age, and below 18, if he/she acted without discernment. The Local Social Welfare and Development Officer shall determine the appropriate intervention program for every CICL. But

the barangay should help by providing community-based programs. Intervention may come in the form of counseling, life skills training, education, support services, livelihood programs or access to child and youth organizations. Seen as an alternative process of managing CACL without resorting to formal court systems, the child is not immediately charged of a crime, but various measures are explored without jailing him/her (<http://pressinstitute.ph/archives/jds.html>).

Diversion, on the other hand, is the channeling of the child away from the normal justice system through alternative procedures and programs. It is identified as an effective choice because it provide alternatives to detention and institutional care, and is given only when the youthful offender voluntarily admits the offense. If the penalty for the offense is not more than 12 years imprisonment, the court can order diversion. Diversion may take the form of restitution of property, reparation of the damage caused, or indemnification of consequential damages, oral or written apology, care guidance and supervision orders, counseling for the child or his family, attendance in seminars (anger management, problem solving, values formation, and other skills), education, vocational and life skills training or community service. It is, therefore, a form of rehabilitation, whereby the minor undergoes a “child driven” program of treatment without resorting to formal court proceedings (<http://www.preda.org/work/childrescue/rep121008.html>).

Local Government Response. For the City of Tagbilaran, a council was created, specifically to address the problems and concerns of our youth, and that includes Juvenile Delinquency. The City Council for the Welfare of Children (TCCWC) was tasked to coordinate the formulation, implementation and enforcement of all policies, programs and projects relative to the survival, development and protection of children. It was also tasked to coordinate with the barangays in the creation and organization of the respective Barangay Council for the Protection of Children (BCPC).

1.3 Statement of the Problem

This study aimed to determine the level of awareness and perception of City and Barangay officials of the City of Tagbilaran on the Implementation of RA 9344.

Specifically, the study wanted to answer the following questions:

1. What is the level of awareness of City and Barangay Officials on RA 9344?

2. What are the perceptions of City and Barangay officials on the implementation of RA 9344, with emphasis on particular programs sanctioned by the said law?
3. Is there a significant relationship between the level of awareness of the respondents and their perception on the level of implementation of RA 9344?
4. What possible solutions/recommendations are offered by the respondents regarding the implementation of RA 9344?
5. And based on the findings, what measure(s) or course(s) of action may be proposed?

1.4 Research Methodology

Research Design

On the basis of the stated problem, the research design employed by the researcher was the descriptive normative survey. A survey form was used in the study to gather the necessary data.

Statistical Treatment of Data

Descriptive procedures were used in analyzing the data. Microsoft Excel was used in the tabulation of data with the same having been analyzed through the Statistical Package for Social Science- SPSS Version 14 (www.spss.com).

Research Respondents

Respondents included the Elected Officials of the City of Tagbilaran, including the barangay officials of all fifteen (15) barangays of the city.

TABLE I: RESPONDENTS

Respondents	Frequency	Percentage
City	8	8 %
Barangay	91	92 %
Total	99	100 %

2. RESULTS AND DISCUSSIONS

2.1 THE LEVEL OF AWARENESS AND PERCEPTION OF CITY AND BARANGAY OFFICIALS ON THE JUVENILE AND JUSTICE WELFARE ACT OF 2006

TABLE 2: LEVEL OF AWARENESS AND PERCEPTION ON THE LEVEL OF IMPLEMENTATION OF RA 9344

Factors	Level of Awareness of RA 9344		Perception on the Level of Implementation of RA 9344	
	Mean	Rank	Mean	Rank
Diversion Programs by DSWD	2.8125	4	2.1702	1
3 Year Juvenile Delinquency Prevention Program	2.4948	6	2.0000	6
1% of IRA Allocation	2.4124	7	1.9556	7
Strengthening of Local Councils	2.8367	2	2.1538	2
Establishment of Community based Juvenile Delinquency Program	2.6327	5	2.0460	5
Commitment to Convention on the Rights of the Child	2.8163	3	2.0889	4

Participation of NGOs/Pos	2.9063	1	2.1099	3
Average Awareness	2.68			
Average Perception			2.07	

As may be seen from the table 2, the awareness level of both city and barangay officials on RA 9344 is quite high. An average rating of “Much Aware” is revealed. Even taking into consideration the specific programs indicated, each one gained an average of “Much Aware”. Highest awareness rating went to the matter of the participation of non-governmental organizations and people’s organizations in the implementation of RA 9344. The lowest awareness, however, went to the respondent’s awareness that RA 9344 mandates the allocation of 1% of the Internal Revenue Allotment (IRA) of the local government unit for the program.

As may also be gleaned from the table, the average perception of City and Barangay officials on the implementation of RA 9344 is a 2.07, or an over-all perception of “Partially Implemented”. Further, it reveals that the area where the program/law is most significant is that of the Diversion Programs provided for by the Department of Social Welfare and Development (DSWD). Lowest perception rating went to the allocation of 1% of the Internal Revenue Allotment (IRA) of every local government unit (LGU) in the implementation of the law.

2.2 THE RELATIONSHIP BETWEEN THE AWARENESS OF THE RESPONDENTS AND THEIR PERCEPTION OF THE IMPLEMENTATION OF RA 9344

TABLE 3: CORRELATIONS BETWEEN THE AWARENESS OF RESPONDENTS AND THEIR PERCEPTION OF ITS IMPLEMENTATION

		Mean Score	Mean Score
Programs under RA 9344 (Awareness)	Pearson Correlation	1	0.219*
	(2-tailed)		0.029

	N	99	99
Programs under RA 9344 (Implementation)	Pearson Correlation	0.219*	1
	(2-tailed)	0.29	
	N	99	99

*Correlation is significant at the 0.05 level (2-tailed)

With a correlation of 0.219, the data would show that there indeed is a significant relationship between the respondents’ level of awareness and their perception of RA 9344, at least as far as implementation is concerned. Thus, their level of awareness significantly affects their perception of the same.

2.3 POSSIBLE SOLUTIONS/RECOMMENDATIONS BY RESPONDENT

Based on a non-exclusive list of possible solutions/recommendations to the awareness and implementation of RA 9344, the respondents were asked to check on those they felt could help address the matter of the implementation of RA 9344. It went further by asking them to rank the same according to importance or priority, with “1” as the highest rating. The Mean Rank was also determined to be able to identify which solution/recommendation is seen as most important, or should be prioritized.

TABLE 4: POSSIBLE SOLUTIONS/RECOMMENDATIONS

Solutions/Recommendations	Mean	Rank
Wide Dissemination	2.43	1
Closer Coordination among agencies	2.94	4
Stronger Advocacy	2.90	3
Prioritize Budget	2.46	2
Strict Implementation	3.09	5

Seek more active private sector support	3.88	8
Prioritize Training	3.58	7
Seek Amendments to the law	3.40	6
Others	5.78	9

And as may be seen from Table 4, it can be inferred that the solutions and/or recommendations, according to rank, are as follows: First, to undertake wide dissemination of RA 9344; Second, to ensure closer coordination between and among LGUs and the national government agencies; Third, to pursue stronger advocacy on RA 9344; Fourth, to prioritize the budget for the implementation of RA 9344; Fifth, to Strictly implement the law; Sixth, to seek more active private sector support; Seventh, to prioritize the training of our law enforcers on the program ; and Eighth, to seek amendments to the law.

Finally though, the respondents offered a few more recommendations, to wit: the provision of scholarship programs for our youth, more job opportunities and access to technical training provided for by government as its way of giving children-in-conflict-with-the law a new lease in life.

3. CONCLUSION

The researcher concludes that there is much hope in the implementation of RA 9344, at least for the City of Tagbilaran. As may be seen from the data gathered, it is evident that contrary to initial impressions on the law, not only are the respondents aware, but they indicate that the law can be given a chance, if only to address one of the most pressing problems besetting our youth, more particularly those who are in conflict with the law, or are at risk. And while there are calls for amendments to the law, it is not significant at all. Thus, since the implementation of the program is the only thing “wanting”, then the problem can be addressed.

There is, therefore, a need to prioritize and step-up the campaign for support to RA 9344 as it is a very beautiful piece of legislation, one that is one best chance for children-in-conflict-with-the-law to regain their place in society. As Nelson

Mandela once said: “there can be no keener revelation of a society’s soul than the way in which it treats its children.”

REFERENCES

A. BOOKS

Burfeind, James W. and Dawn Jeglum Bartush. *Juvenile Delinquency: An Integrated Approach*. Second Edition. Jones & Bartlett. 2006.

Cressy, Donald R. and David A Ward. *Delinquency, Crime and Social Process*. First Edition. New York: Harper & Row. 1969.

Culbertson, Robert G. and Ralph A. Weisheit. *Juvenile Delinquency: A Justice Perspective*. Fourth Edition. Waveland Press. 1999.

Giallombardo, Rose. *Juvenile Delinquency: A Book of Readings*. Fourth Edition. New York: Wiley & Johnson. 1982.

Siegel, Larry J., Brandon C. Welsh and Joseph J. Senna. *Juvenile Delinquency: Theory, Practice and Law*. Ninth Edition. U.S.A: Wadsworth Publishing. March 2008.

Tappan, Raul. *Juvenile Delinquency*. London McGraw-Hill Book Company. 1949.

B. UNPUBLISHED MATERIALS

Bullecer Jr., Tiburcio. *Implementation on Municipal Regulatory Ordinance as Perceived by Public Officials and Private Citizens: Basis for an Action Program*. March 1998.

Sarmiento, Evelia C., *Perception on the Prevalence and Causes of Illegal Gambling activities in the City of Tagbilaran*. March 2002.

C. GOVERNMENT PUBLICATIONS

Ramirez, Efren V. *The New Philippine Constitution*. 1990.

Republic Act 9344: Juvenile Justice and Welfare Act of 2006.

Juvenile Justice and Welfare Act of 2006 and its Implementing Rules and Regulations 2007 Revised Code of Administrative Ordinances of the City of Tagbilaran

Children's Code of the City of Tagbilaran. 2007.

The Revised Penal Code of the Philippines (Act No. 3815). Chan Robles Publishing Company. 1998.

DBM Local Budget Memorandum. June 29, 2007.