

IMPROVING THE TREATMENT OF OFFENDERS THROUGH THE ENHANCEMENT OF COMMUNITY-BASED ALTERNATIVES TO INCARCERATION: THE PHILIPPINE EXPERIENCE

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I. INTRODUCTION

A. Background

In the Philippines, the treatment of offenders and individuals who are in conflict with the law is undertaken by the government through the Department of Justice (DOJ), the Department of the Interior and Local Government (DILG), and the Department of Social Welfare and Development (DSWD).

The DOJ supervises and manages the national penitentiaries (for prisoners serving the penalty of imprisonment for more than three years) through the Bureau of Corrections (BuCor). There are at present seven national penitentiaries with a total population of approximately 40,000 inmates. Through the Board of Pardons and Parole (BPP) and the Parole and Probation Administration (PPA), the DOJ formulates, implements and monitors programmes and activities for offenders on probation and parole, and those granted conditional pardon with parole conditions through executive clemency by the President. As of December 2008, the PPA was supervising 34,796 probationers, 13,762 parolees and 852 pardonees, or a total of 49,410 clients, through its 15 regional offices, 99 provincial field offices and 128 city field offices, or a total of 227 field unit offices.

The DILG, through the Bureau of Jail Management and Penology (BJMP), supervises and controls city, municipal and district jails. The Philippine National Police (PNP), also under the supervision of the DILG, manages the municipal jails that cannot yet be supervised by the BJMP, including lock-up jails or precinct jails that are used as temporary detention centres for arrested individuals under investigation. The Offices of the Provincial Governor, also under the DILG, manage the provincial jails which, by law, keep convicted offenders with prison sentences that range from six months and one day to three years. In all, there are 79 provincial jails, 25 sub-provincial or extension jails, 135 district jails, 85 city jails and 1,003 municipal jails nationwide.

The DSWD operates and monitors rehabilitation centres nationwide for juveniles in conflict with the law (JICL) whose cases are still pending in court. There are 11 rehabilitation centres for JICL in the country. For the calendar year 2008, DSWD served a total of 1,532 CICL/youthful offenders comprising 1,416 males and 116 females.

As described, it is the PPA that is given the task of treatment of offenders through community-based programmes of probation, parole and/or conditional pardon. The BPP is simply concerned with policies on the grant of parole and on the recommendatory measures to the President in cases of executive clemency. Upon the grant of parole or conditional pardon, the offender is referred by the BPP for supervision to the PPA. Offenders on probation are referred by the courts of justice.

B. Purpose of the Paper

In the hope of enhancing clarity, simplicity and focus in presentation, the paper will attempt to:

1. Describe the current situations, problems and challenges in the treatment of offenders who are under probation, parole or conditional pardon;

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2. Present the measures to improve the treatment of offenders through the enhancement of community-based alternatives to incarceration; and
3. Present the highlights of other community-based alternatives outside the jurisdiction of the Parole and Probation Administration.

C. Legal Bases

1. Probation

Adult probation as a post-sentencing disposition was adopted in the Philippines on 24 July 1976 under Presidential Decree No. 968. Section 2 of the Decree enumerates the purpose of the law, as follows:

- a. Promote the correction and rehabilitation of an offender by providing him with individualized treatment;
- b. Provide an opportunity for the reformation of a penitent offender which might be less probable if he were to serve a prison sentence; and
- c. Prevent the commission of offences.

Of special interest is Section 28 of the law which provides that “to assist the Probation (and Parole) Officers in the supervision of probationers, the Probation Administrator may appoint citizens of good repute and probity to act as probation aides.”

2. Parole

The purpose of Act No. 4103, as amended, otherwise known as the Indeterminate Sentence Law, is “to uplift and redeem valuable human material to economic usefulness and to prevent unnecessary and excessive deprivation of liberty.” Under Section 5 of said Act, it is the duty of the Board of Pardons and Parole to look into the physical, mental and moral record of prisoners who have served the minimum of their prison sentence and to determine the proper time of release of said prisoners on parole.

3. Conditional Pardon

Under Section 19, Article VII of the Philippine Constitution, the President may grant executive clemency with the objective of preventing a miscarriage of justice or correcting a manifest injustice. Such grant may be exercised by the President *motu proprio* or upon recommendation of the Board of Pardons and Parole or of any other agency. Conditional pardon may be extended to a prisoner who has served at least one-half of the minimum of the original indeterminate and/or a definite prison term.

D. Organizational Mandate of the Parole and Probation Administration

1. Vision Statement

A model component of the Philippine correctional system that shall enhance the quality of life of its clients through multi-disciplinary programmes and resources, an efficient organization, and a highly professional and committed workforce in order to promote social justice and development

2. Mission Statement

To rehabilitate probationers, parolees and pardonees and promote their development as integral persons by utilizing innovative interventions and techniques which respect the dignity of man and recognize his divine destiny.

3. Goals

The Administration sets to achieve the following goals:

1. Promote the reformation of offenders and reduce the incidence of recidivism; and
2. Provide a cheaper alternative to the institutional confinement of offenders who are likely to respond to individualized, community-based treatment programmes.

4. Organizational Outcome

Rehabilitation of Offenders in a Community-Based Setting and Reduction of Crime Incidence.

II. CURRENT SITUATIONS, PROBLEMS AND CHALLENGES

A. The Treatment Paradigm



Figure 1. PPA's Harmonized Rehabilitation Programme

As shown in Figure 1, the PPA treatment paradigm has three major components: 1) Restorative Justice (RJ) as the philosophical foundation or conceptual framework, represented by the frame and handle of the umbrella; 2) Therapeutic Community (TC) as treatment modality, represented by the panelled canopy of the umbrella showing the distinct but overlapping treatment categories, namely: behaviour shaping/behaviour management; emotional/psychological aspects; intellectual/spiritual aspects; and vocational/survival skills; and 3) the Volunteer Probation Aide as the lead community resource, represented by a figure holding up the umbrella in co-operation with the Probation and Parole Officer. The umbrella matrix also highlights the extension of support to both victim and offender and their respective families/communities in the overall spirit of reconciliation and healing.

1. Restorative Justice Practices as Adopted by the PPA

By way of Memorandum Order No. 12, S.2003, dated 16 July 2003, the PPA promulgated a policy on adopting RJ practices as a major component of its treatment programme.

The Agency policy defines RJ as a philosophy and a process whereby stakeholders (offender, victim and the community) in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.

As a philosophy, RJ treats crime as a violation of people and relationships. It creates obligations to make things right through involvement of the victim, the offender and the community in searching for solutions which promote repair, reconciliation and reassurance (Van Ness quoting Zehr, 2002).

As a process, RJ resolves conflicts in a manner in which the response to the crime would be not to add to the harm caused by imposing further harm on the offender, but to do as much as possible to restore the situation. The community offers aid to the victim; the offender is held accountable and required to make reparation. Attention would be given not only to the outcome, but also to evolving a process that respects "the feelings and humanity of both victim and the offender" (Martin Wright, quoted by Van Ness, 2002). Thus, its application entails meetings or a series of meetings attended by all stakeholders – the offender, the victim/s and the members of the community. RJ seeks to achieve the following: 1) reparation for the victim; 2) reconciliation of the offender, the offended and the community; 3) reassurance to the offender that he or she can be reintegrated into society; and 4) enhancement of public safety by activating the offender, the victim and the community in prevention strategies.

The PPA's choice of RJ as a conceptual framework of its rehabilitation programme is an affirmation of a

practice that began in 1978 upon the operationalization of the substantive provisions of the Probation Law. The consultation of the offended party and the community upon the offender's petition for probation was a requirement for investigating probation officers on the basis that the inputs of the offended party, the petitioner's family and some responsible members of the community could be very critical in the release and reintegration of the offender in the same community where he or she committed the offence. Moreover, the theory and practice of RJ is very indigenous in Philippine culture which, historically, maximizes the use of mediation and conciliation in solving community conflicts. This is highlighted by the adoption of the *Katarungang Pambarangay (Barangay Justice System)* in settling disputes at the village level.

The operationalization of RJ in the community is best illustrated through the "Circle of Support" which was used by the VPA Field Training Laboratory (FTL) team in a village of San Pedro, Laguna. Please refer to Appendix A for the full-length copy of the article entitled "The Circle of Support: RJ in Community Engagement and Volunteer Resource Development" by Cecilia G. de la Cruz, Chief Facilitator, National Field Training Laboratory, PPA.

In the main, the RJ practice generally proceeds in the following manner:

(a) Investigation Stage

The investigation conducted by the Probation Officer includes the statement of the victim/offended party and of the general community towards the crime, the offender and suggestions for his/her/its reparation. At this stage, the investigating officer tries to ascertain the victim's readiness for reconciliation with the offender and the community as well as the community's capacity to provide support.

(b) Supervision Stage

The offender's supervision treatment plan (STP) shall include the need for RJ intervention as may be needed and appropriate. The RJ process may proceed in this way:

- 1) The parties should be brought within the programme of their own free will. Parties should have the right to seek legal advice before and after the restorative process.
- 2) Before agreeing to participate in the restorative process, the parties should be fully informed of their rights, the nature of the process, and the possible consequences of their decisions.
- 3) Neither the victim nor the offender should be induced by unfair means to participate in restorative justice processes or outcomes.
- 4) Where no agreement can be made between the parties, the case should be withdrawn from the restorative process.
- 5) In the event agreement is reached by parties, it should be put in writing to give substance/essence to the agreement. The failure to implement any provision of the agreement made in the course of the restorative process is a basis for the withdrawal of the case from the programme; and
- 6) Discussions and disclosures made during the process shall be treated with strict confidence and shall not be disclosed and used against the parties involved.

2. Outcome of the RJ Practices and Processes as Components of the PPA Programme

As shown in Table 1, the RJ practices used by PPA include mediation and conferencing, specially the "Circle of Support." The outcomes centered largely on the conduct of Community Work Service (CWS) for clients, the payment of civil liabilities by the offenders and, in certain instances, the reconciliation between the clients and their respective victims.

These results suggest that through these RJ practices adopted by PPA field offices, the clients, the offended party and the community are able to see their respective roles in reconciling and restoring broken relationships. In this context, all the stakeholders have heightened their sense of responsibility and accountability in pursuing an attitude that is inclined towards restoration and healing, rather than punishment and revenge.

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Table 1. Status Report on Restorative Justice Outcomes (CY 2008)

Region	Total Supervision Caseload	RJ Process Used			Numbers Involved		Outcome
		Mediation	Conferencing	Circle of Support	Clients	Victims	
I	2,139	24	15	18	87	94	CWS of 56 clients; 13 clients paid; CL of PhP59,809
II	1,046	19	32	0	47	50	CWS of 40 clients; partial payment of CL by 9 clients
III	2,592	45	40	12	50	37	CWS of 45 clients; 45 paid CL of PhP147,569
IV	5,897	45	77	10	348	128	CWS of 191 clients; 49 clients paid PhP8,000
V	2,270	13	27	1	72	37	CWS of 37 clients
VI	4,193	56	70	13	305	226	CWS of 126 clients; 35 clients paid PhP1,500
VII	5,276	14	43	0	193	128	CWS of 190 clients; 25 clients paid CL of PhP520,243.10
VIII	2,748	5	15	0	171	48	CWS of 159 clients
IX	1,622	15	105	0	382	16	CWS of 290 clients
X	3,367	28	8	0	70	53	CWS of 15 clients; Rest. – 9
XI	2,265	24	34	1	110	69	CWS of 30 clients; Rest. – 5
XII	1,549	2	23	0	27	24	Reconciliation of 2 clients with victims
XIII (CARAGA)	1,416	2	5	0	62	23	CWS of 36 clients; 3 clients paid CL
CAR	699	6	16	2	27	22	CWS of 10 clients; dropping of countercharges of client
NCR	12,331	14	11	8	35	22	CWS of 5 clients
TOTAL	49,410	312	521	65	1,986	977	

B. The Therapeutic Community (TC) as a Treatment Modality

TC is a specialized self-help learning treatment modality founded on such precepts as “responsible love and concern,” “honesty,” “humility,” “forgiveness,” “pride in quality,” “no free lunch,” and others. Its overall goal is to move the client from “wrong living” to “right living.”

The adoption of TC as the treatment modality in PPA's community-based programme began in 1998 after a series of training programmes conducted by Daytop International, Inc. New York, through funding from the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State. A total of 141 PPA officials and personnel in three batches completed the training.

Efforts were made to suit the treatment modality to the needs of Filipino clients, without disturbing the essence and structure of the modality. Thus, the graduates of the Daytop programme led by the respective RDs/ARDs formed committees and conducted echo seminars in their respective regions. A national Committee was organized and tasked to come up with training modules, session plans, and other training materials to be used.

For calendar year 2008, the TC action plan centered on five areas, namely: 1) programme implementation; 2) capacity-building; 3) programme and materials development; 4) social marketing; 5) resource generation; and 6) monitoring and evaluation.

1. Outcome of TC Implementation

As of September 2008, substantial accomplishments were reported and monitored by the 15 regional offices, as presented in Table 2.

Table 2. Status of TC Implementation (as of September 2008)

Region	Field Offices Involved		Clients Involved	
	Number	%	Number	%
I	7/13	54	342/2,139	15.99
II	9/9	100	459/1,046	43.88
III	13/14	92	334/2,592	12.88
IV	27/27	100	1,081/5,897	18.33
V	11/14	78	658/2,270	28.97
VI	26/26	100	1,590/4,193	37.92
VII	21/21	100	1,309/5,276	24.81
VIII	12/12	100	398/2,748	14.48
IX	11/13	84	209/1,622	12.88
X	16/16	100	1,158/3,367	34.39
XI	12/12	100	194/2,265	8.56
XII	12/12	100	528/1,549	34.08
XIII	9/9	100	452/1,416	31.92
CAR	8/8	100	370/699	52.93
NCR	21/21	100	1,205/12,331	9.77
TOTAL	215/227	94	10,287/49,410	20.82

Table 2-a. Status of Capacity-Building in TC (as of September 2008)

Region	Training/Activity Title	Participants			Funding Source
		PPOs	VPAs	Total	
I	1. Demonstration Training on Drug Testing	3	-	3	Donation from officers Local government units (LGU) PPA Regional Office funds
	2. Basic Training on TC for VPAs		29	29	
	3. Review of Materials and Roles in TC Implementation	17	-	17	
	4. Refresher Course on Drug Testing	25	-	25	
	5. TC Trainers' Training	7	5	12	
II	1. Basic Training for VPAs	8	11	19	Regional funds Donation from officers
III	1. TC Reorientation Seminar	53	3	56	Regional funds
	2. TC Basic Training for Implementers	11	-	11	
	3. Specialized Training on TC, RJ and Volunteerism	-	60	60	
IV	1. TC Training for VPAs	-	33	33	Regional funds

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V	1. Orientation on the TC Programme 2. Family Therapy Trainers' Training	8 2	- -	8 2	LGU funds NGOs
VI	1. Orientation on VPA Organization and TC Programme 2. Refresher Course on Drug Testing 3. Managing Resistant Clients and Case Conferencing 4. Orientation Seminar on TC	2 54 25 -	21 - - 19	23 54 25 19	Regional funds LGU funds Donation from officers and VPAs
VII	1. Cluster Meeting on PPA Community-Based Programme 2. Residential Training on TC	325 -	2 7	327 7	LGU funds Donation from officers And VPAs
VIII	1. TC Orientation Seminar for VPAs 2. Information Dissemination on TC	- 3	132 46	132 49	LGU funds
IX	1. Residential Seminar on TC (Orientation Phase) for Clients 2. TC Training for VPAs	- 2	4 25	4 27	Regional funds LGUs Donation from officers
X	1. Regional TC Committee Meeting 2. Educational Trip to Cocoon Drug Rehab Center 3. TC Enhancement Training	6 15 43	- - -	6 15 43	Regional funds
XI	1. Orientation Seminar on TC for Parents of Clients 2. Phase One 5-day Residential Training 3. Specialized Training on RJ and TC for VPAs 4. Cluster Meeting for TC Concerns	8 8 5 11	3 2 19 -	11 10 24 11	Regional funds LGUs
XII	1. TC Orientation Course 2. Seminar on Life Skills for Drug Prevention	- 32	3 -	3 32	Regional funds
XIII	1. Realigned TC Seminar 2. Seminar on Life Skills for Drug Prevention	17 34	4 -	21 34	Regional funds LGUs
CAR	1. TC Enhancement Training	39	-	39	Regional funds
NCR	1. TC Enhancement Training 2. Seminar on Management of Drug Cases 3. Orientation on TC	57 3 3	- - 25	57 3 28	Regional Funds LGUs

Under the Programme and Materials Development component of the TC Action Plan, the following were accomplished:

1. Translation of Programme Materials into Filipino and other local languages;
2. Preparation of session plans, visualization exercises, and other teaching aids such as songs, games, etc;
3. Production of other IEC materials for information drives;
4. Designing an evaluation questionnaire for programme monitoring and evaluation.

With regard to social marketing, the accomplishments included the following:

1. Formal information drive using print and media, integrating the three components of the PPA programme of TC, RJ and VPA;
2. Symposiums/Forums in schools and villages;
3. Organization of Family Associations;
4. General assembly of clients and immediate family members;
5. Meeting with the Anti-Drug Abuse Councils, Provincial/City/Municipal Development Councils, Peace and Order Councils/Members of the other pillars of the criminal justice system;
6. Publication/distribution of newsletters/primers on the programme;
7. Integrating the programme in community-service projects like tree planting, cleanliness drives, sports festivals, and the like;
8. Extending assistance, specifically on training, to other agencies such as the LGUs, BJMP, DOH and DSWD upon their request.

Under the Resource Generation component of the Programme, the following accomplishments were reported:

1. Submission of proposals to LGUs for financial/technical assistance;
2. Co-ordination with community resources, for use of seminar venues for free or at discounted rates;
3. Fund-raising activities with the help of VPAs and other community partners;
4. Review of the Memorandum of Agreement with DSWD, DILG, NAPOLCOM, PNP, NPS, PNVSCA, *Liga ng mga Barangay*, VSO-Bahaginan, Rotary Club, Lions Club and PAVE; and
5. Top level advocacy with the Department of Budget and Management for an additional budget for the Programme.

As to monitoring and evaluation, the following activities were undertaken:

1. Improvement of the Agency's reporting system;
2. On-site observation of the rehabilitation programme in randomly selected field offices;
3. Revision of the Performance Evaluation System to give due weight to the PPA Rehabilitation Programme.

C. The Volunteer Probation Aides (VPAs) as the Lead Community Resource

The enlistment and training of VPAs started in 1977 while the Agency was preparing for the operationalization of the national probation programme which was to begin on 3 January 1978.

Towards 1980, the VPA programme dwindled from around 2,123 VPAs to only 100, due to budgetary limitations in the reimbursement of travelling expenses.

Beginning in 2003, through the technical and financial assistance of UNAFEI, PPA revitalized its VPA system with due consideration of its past experience. Later, with the support of JICA, a three-year In-Country Training Programme on the Holistic Approach to Volunteer Resource Development was undertaken from 2006 to 2008. The Project was extended for another two years as a technical co-operation project until 2010.

D. VPA Programme Objectives

In light of the provisions of Executive Order No. 468 of the President of the Philippines, promulgated on 11 October 2005, directing the PPA to revitalize its VPA programme and as enunciated in the Policy Guidelines on the VPA Programme of the Agency, duly approved by the Secretary of Justice on 26 October 2006, the following objectives are pursued:

1. To amplify the extent of services rendered to clients in an effective yet economical means through the use of volunteers;
2. To develop a competent corps of VPAs who will assist the PPA officers in the effective supervision of clients;
3. To inculcate greater citizen awareness and understanding of the criminal justice system;
4. To enhance community participation in crime prevention, treatment of offenders and criminal justice administration; and
5. To foster an attitude of meaningful involvement in the social, economic, cultural and political affairs of the community.

E. Functions and Responsibilities of VPAs

A VPA is expected to perform the following functions:

1. Work in close consultation and co-operation with the Supervising PPO;
2. Keep all information about the client in strict confidentiality;
3. Maintain an honest recording and monthly reporting of activities to the Supervising PPO;
4. Devote substantial and quality time for supervision of clients and perform the following tasks:
 - 4.1 Offer advice and guidance;
 - 4.2 Act as job placement officer;

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- 4.3 Refer clients to pertinent agencies for spiritual, mental, economic, social or health needs;
- 4.4 Implement treatment objectives as provided for in the supervision treatment plan; and act as a resource individual;
- 5. Endeavour to help the PPO in extending RJ interventions to the client's situation; and
- 6. Attend TC, RJ and other activities as may be required.

F. The Roles of VPAs

The role of the VPA may be classified into two categories:

1. Direct Supervisor

The VPA should undertake the following:

- 1.1. Supervise a maximum of five clients at any given time;
- 1.2. Work Closely with a PPO and discuss the treatment plans and status of clients; and
- 1.3. Submit a monthly accomplishment report to the PPO.

2. Resource Individual

The VPA may act as a:

- 2.1 Resource speaker during training activities, information drives, etc.;
- 2.2 Counsellor;
- 2.3 Donor, sponsor or resource manager during fund-raising activities;
- 2.4 Programme co-ordinator of client activities; and a
- 2.5 Mediator, RJ Implementer, TC Facilitator.

G. Current Status of VPA Programmes

Tables 3-a, 3-b, and 3-c present the current status of the VPA programme in the Philippines:

Table 3-a. Number of Appointed VPAs Given Training

Region	No. of VPAs Appointed	No. of VPAs Trained	% Trained
I	298	277	93
II	242	129	53
III	1,154	605	52
IV	1,283	852	66
V	138	109	79
VI	725	550	76
VII	671	555	83
VIII	346	219	63
IX	435	308	71
X	388	216	56
XI	288	189	66
XII	223	150	67
XIII (CARAGA)	318	92	29
CAR	297	196	66
NCR	562	249	44
TOTAL	7,368	4,696	64

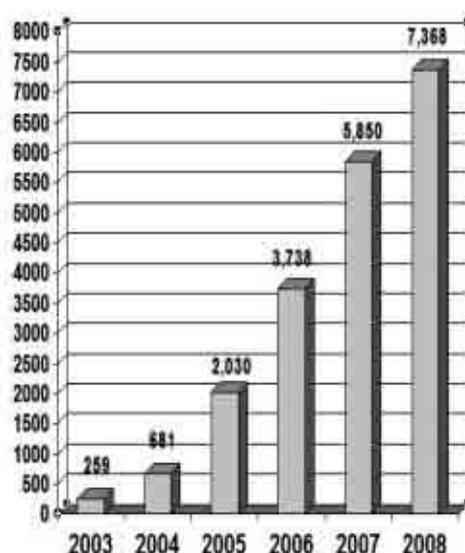
Table 3-b. Number of VPAs with Clients and Number of Clients Served (CY2008)

Region	No. of VPAs with Clients	No. of Clients Served
I	38	185
II	95	185
III	191	384
IV	317	1,051
V	94	303
VI	360	783
VII	170	846
VIII	69	192
IX	239	461
X	216	821
XI	129	452
XII	146	582
XIII (CARAGA)	113	346
CAR	109	200
NCR	116	337
TOTAL	2,402	7,128

Table 3-c. Total Number of Members per VPA Association

Region	No. of Association	No. of Members
I	12	61
II	7	102
III	13	803
IV	11	498
V	6	96
VI	20	424
VII	15	521
VIII	6	281
IX	7	371
X	5	108
XI	9	217
XII	4	97
XIII (CARAGA)	8	135
CAR	7	205
NCR	1	312
TOTAL	131	4,231

Figure 2. Growth of the PPA Programme, 2003-2008



1. Problems and Challenges

In a survey conducted in February 2008 by the Strategic Pathway on Harmonized Rehabilitation Programs, aimed at finding out how far along the 227 field offices were in the harmonized implementation of the TC, RJ and VPA components of the programme, it was revealed that TC obtained the highest score in implementation, VPA second and RJ a close third. Using a self-evaluation questionnaire, the respondents were asked to rate his or her office implementation of the programme through a 10-point scale with 1 as the lowest and 10 the highest. The summary of findings showed that, on the issue of sustainability, the average score ranged from 6 to 8, which was interpreted to be “good enough”, for starters. On the degree of harmonization, very few field offices gave equal attention and emphasis to all the three programme components. One reason advanced by the Study Committee was the issue of control and focus. Specifically, it was pointed out that in TC, the field officer/implementer deals primarily with the client over whom he/she has lot of control. In the VPA agenda, the implementer does not have as much control as in TC, including the fact that VPAs’ grasp of the programme might not be that full yet. In RJ, the implementer deals with some stakeholders over whom he has little control and who might be lukewarm or indifferent to the programme, if not downright hostile.

Table 4. Comparative Performance of Field Offices in the Implementation of the Rehabilitation Programme

Region	SCORE		
	Low	Middle	High
I	No data	No data	No data
II	RJ 6.176	VPA 7.277	TC 8.778
III	RJ 7.400	VPA 7.700	TC 8.200
IV	VPA 6.380	RJ 6.670	TC 8.720
V	No data	No data	No data
VI	RJ 6.460	VPA 7.310	TC 7.420
VII	VPA 7.200	RJ 7.650	TC 8.100
VIII	VPA 4.545	RJ 4.545	TC 6.500
IX	RJ 6.800	TC 7.000	VPA 7.700
X	VPA 5.640	RJ 6.000	TC 7.710
XI	RJ 6.550	VPA 7.270	TC 7.910
XII	RJ 4.700	VPA 6.300	TC 7.200
XIII (CARAGA)	RJ 6.000	VPA 8.000	TC 8.000
CAR	RJ 6.286	VPA 7.000	TC 8.143
NCR	RJ 6.710	VPA 7.290	TC 8.950

The Study Committee advanced its interpretation of the findings as follows:

2. Why TC Got a High Rating

The reasons given for the rating given to TC were:

1. Belief in the effectiveness of the programme;
2. Availability of manuals and other training materials;
3. Adequate training and commitment of implementers;
4. Programme is well-structured, continuous and with definite schedules;
5. Involvement of VPAs; full support of the community; financial support of LGUs; and
6. An effective monitoring system.

3. Why VPA Got a Moderate Rating

The moderate score given to the VPA programme was due to the following reasons:

1. Inability of some VPAs to fix a common time for meetings, training, etc. due to other tasks;
2. Funds for VPA training and travel are not easily available;
3. Minimal community support; ineffective recruitment strategy; and
4. Inadequate training and commitment and strong resistance of some implementers.

4. Why RJ Obtained a Low Rating

Below were the reasons given for the low rating given to RJ:

1. Inability of many clients to participate in RJ processes, including the payment of civil liabilities, due to poverty, distance of residence, and fear;
2. Non-participation/lack of co-operation of victims due to antagonism, distance, cultural barriers, and general conditions of peace and order;
3. Lack of personnel and a heavy caseload vis-à-vis RJ as a long and tedious process needing a lot of preparation;
4. Inadequate training for implementers; programme guidelines and mechanics not clear; and
5. Lack of support of some community stakeholders.

III. MEASURES TO IMPROVE THE TREATMENT OF OFFENDERS THROUGH THE ENHANCEMENT OF COMMUNITY-BASED ALTERNATIVES TO INCARCERATION

In 2006, an inter-agency collaboration effort was made by the pillars of the criminal justice system (CJS) in the Philippines to come up with a comprehensive study and discussion on how the criminal justice system can respond to the need to focus on the demand side or on how the poor and the disadvantaged can have access to justice. The fruit of the effort is the Medium-Term Development Plan for the Criminal Justice System (2007-2010). It was formulated with the participation of representatives from the five pillars. With funds provided by the United Nations Development Programme, the project was led by the Supreme Court of the Philippines which engaged the University of the Philippines' National College of Public Administration and Governance Centers for Policy and Executive Development (UP NCPAG-CPED) for technical support.

The pertinent problems and issues raised for the corrections pillar and their corresponding strategies are summarized in Table 5.

Table 5. Measures to Improve the Non-Institutional Treatment of Offenders

Problems/Issues	Recommendations/Strategies
1. Prohibitive fees and charges in securing clearances for offenders applying for probation, parole and other forms of release.	1.1 Strengthen inter-agency agreements to reduce fees 1.2 Lobby for pertinent legislation

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2. Inadequacy of services for detainees/ probationers/ parolees.	2.1 Sustain the revitalization of the Volunteer Probation Aide (VPA) programme, including provision for travel, e.g., discounted bus fare, and institutionalize the same. 2.2 Expand partnership/co-operation with private sector/ individuals. 2.2.1 Enhance the aftercare programmes, particularly among drug dependents.
3. Enactment of laws relative to community-based alternatives to incarceration.	3.1 Amendment of certain provisions of Probation Law: 3.1.2 Changing the name of VPA to Volunteer Probation Officer or enactment of a VPO Law 3.1.2 Expanding the coverage of probationable penalties from 6 years to 12 years 3.2 Merger of the PPA and the Board of Pardons and Parole 3.3 Enactment of a Recognizance Law to allow poor litigants who cannot post bail to be released on recognizance. 3.4 Enactment of a law to unify the correctional system or establishment of an inter-agency monitoring/assessment system to unify the thrusts of the corrections pillar.
4. Lack of public information on how corrections work.	4.1 Maximizing existing information drives 4.2 Engagement of the <i>barangay</i> information system

In the context of the survey conducted by the Strategic Pathway on Harmonized Rehabilitation Programme mentioned earlier, and of the outputs in the Monitoring and Evaluation Seminar of the PPA-JICA Technical Co-operation Project conducted from 12-16 January 2009, the following sets of measures appear urgent in the improvement of the non-institutional treatment of offenders.

Table 6. Measures to Improve the VPA Agenda in the PPA Harmonized Programme

Key Result Areas	Strategies/Activities
1. Sustained integration and Harmonization of TC, RJ and VPA as major components of the PPA programme	1.1 Continued adoption of the umbrella matrix as a treatment paradigm 1.2 Clear-cut definition of the PPA rehabilitation programme 1.3 Harmonization of the reporting system of the rehabilitation programme 1.4 Continued training of the VPAs in TC and RJ processes 1.5 Continued involvement of VPAs in the conduct of TC sessions and RJ processes for clients
2. Improved recruitment and appointment system for VPAs	2.1 Continued conduct of massive information drives using the IEC materials produced by the NFTL team 2.2 Continued and strengthened partnership with the community
3. Continuing system of training of VPAs	3.1 Conduct at least one basic training for FO/cluster per year 3.2 Continued inclusion of VPAs in specialized training like TC and RJ practices
4. Empowerment of VPA Associations	4.1 Early affiliation of VPA association with the national federation (AVPAP) 4.2 Continued organization of at least one association per field office level 4.3 Conducting team-building workshops for members
5. Supervision workload of VPAs	5.1 Arrangement by each field office to ensure that VPAs are assigned at least one client for supervision at any given time
6. Monitoring and evaluation of the VPA Agenda	6.1 Submission of required reports by VPAs 6.2 Regular visit and observation of field offices by the Regional Director/ Assistant Regional Director/ Administrator 6.3 Documentation of activities to make all assessments and evaluation evidence-based

IV. OTHER COMMUNITY-BASED ALTERNATIVES TO IMPRISONMENT

The other community-based alternatives to incarceration in the Philippines are mostly provided under Republic Act (RA) No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, and are applicable to juveniles or children in conflict with the law (JILC/CICL). These alternatives are outlined below.

A. Intervention Programme for CICL Exempt from Criminal Liability

Section 20 of RA 9344 provides that “if it has been determined that the child taken into custody is 15 years old or below, the authority who will have initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardians, or in the absence thereof, the child’s nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child and the person having custody over the child.”

The intervention programme may include counselling, skills training, education and other activities that will enhance the child’s psychological, emotional, and psycho-social well-being.

B. Diversion for CICL who acted with Discernment

It includes the process of determining the responsibility and treatment of a CICL on the basis of his or her social, cultural, economic, psychological or educational background, without resorting to formal court proceedings.

The diversion programme includes mediation, family conferencing and conciliation and, where appropriate, indigenous modes of conflict resolution in accordance with the best interest of the child, with a view to accomplishing the objectives of restorative justice and the formulation of a diversion programme.

The following factors shall be considered in formulating a diversion programme:

1. The child’s feelings of remorse for the offence committed;
2. The parents’ or guardians’ ability to guide and supervise the child;
3. The victim’s view about the propriety of the measures to be imposed; and
4. The availability of community-based programmes for rehabilitation and reintegration of the child.

C. Release on Bail or Recognizance

Release of the CICL on bail or on recognizance or his or her transfer to a youth home or youth centre in cases where he or she is not suitable for diversion or where diversion is not acceptable to his or her parents or is not appropriate as per assessment and recommendation of the social worker.

D. Automatic Suspension of Sentence

Section 38 of RA 9344 provides that if the CICL is found guilty of the offence charged, the court shall determine and ascertain any civil liability; however, instead of pronouncing conviction, the court shall place the CICL under suspended sentence without need for application.

E. Probation

Probation for a CICL who failed to rehabilitate while under suspended sentence.

F. Exemption

Exemption of the CICL from prosecution for crimes of vagrancy, prostitution, mendicancy, and sniffing of rugby. Instead, the CICL shall undergo an appropriate counselling and treatment programme.

V. CONCLUDING STATEMENT

The treatment of offenders in the Philippines through the enhancement of community-based alternatives to incarceration has been reformed in the last few years. The trend is towards using the holistic approach in strengthening the individualized community-based programme, in close adherence to the United Nations Standard Minimum Rules for non-custodial measures, also known as the Tokyo Rules. The journey has

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been attended by some barriers but with the overall commitment, capability and collective effort of all stakeholders, specifically, the human resources of the PPA, and the full support of its partners, local and foreign, much headway has been achieved.

The signals are quite clear that with the issues of continuity and sustainability duly addressed, the ultimate goal of improved crime prevention and treatment of offenders will be within reach in the very near future. As this happens, the PPA will be ready to execute the idea of establishing a research and training institute that would largely focus on the effective modes and strategies of engaging the community in the treatment of offenders and in the prevention of crimes.

APPENDIX A

THE “CIRCLE OF SUPPORT”: RJ IN COMMUNITY ENGAGEMENT AND VOLUNTEER RESOURCE DEVELOPMENT

*Cecilia G. Dela Cruz**

In 2003, the Parole and Probation Administration decided to revitalize its programme, which had dwindled due to multiple factors. With the possibility of long-term support for the programme from JICA (Japan International Cooperation Agency) and UNAFEI (United Nations Asia and Far East Institute [for the Prevention of Crime and the Treatment of Offenders]), the agency set up a pilot project (that was later converted into a Field Training Laboratory) that validated the processes and systems for volunteer resource development.

I. COMMUNITY ENGAGEMENT AND THE RECRUITMENT OF VOLUNTEERS

When the team first went to the communities covered by the project in four municipalities in Laguna, i.e. San Pedro, Biñan, Sta. Rosa (now a city) and Cabuyao, the members were daunted. While it was easy to go through the process of recruitment and training of individual volunteers, and later organizing them into teams, they realized that the programme needed to have a context. Community engagement then became a necessary process. This was also experienced by the other Field Training Laboratory set up in Bataan.

The team had to sort through different approaches and strategies to begin the process of community engagement. At one point, they decided that it would be best to have as point of entry the issue of grassroots participation. The difficult part was the identification of a conceptual framework on which to anchor the engagement.

After consultations, it was decided that the best conceptual framework would be Restorative Justice (RJ). Initially, the idea was simply floated in the communities, especially during the information drives and dialogues with local community institutions. After enough curiosity had been aroused, more detailed discussions of the concept were conducted. In these discussions, those involved realized that not only was RJ a desirable objective, it was also identified as the most feasible focus for grassroots participation. Although the form and process were not easy to determine, it was clear to see that as a concept, it would be easy to operationalize because the communities saw that it was inherent in Filipino psychology and culture.

In the *kapwa* psychology of the Filipino, the “shared inner self” is pivotal in all interpersonal transactions. Even in its ethics and philosophy, which is a combination of the behaviorist and humanist approaches, the personhood or inner self is of paramount importance. The idea of reconciliation as an end part of justice was not difficult to accept; the Filipino believes that whatever he does to his fellow man is reflected unto himself. This therefore paved the way for community engagement in pursuit of Restorative Justice.

The restorative process is relatively new in application, but it has existed as a principle ever since human beings thought of grouping themselves into communities. Restorative processes are particularly evident in indigenous cultures. It was only with the influx of Western thoughts and values into indigenous cultures like ours that there was a change in attitudes towards crime and offenders. Yet later on, the need arose for a more humane system of dealing with crime. People began to recognize that there is a need to restore relationships within a community.

Some advocates of RJ in different cultures worldwide had developed models in which they applied restorative processes and values. Some of these are mediations, family group conferences, circles and

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community services. In the Philippines, there are groups advocating for the adoption of the restorative process in dealing with crime. Just as other countries have seen the inadequacy of the retributive system, there is now more enthusiasm for RJ in this country. The probation system has also considered adopting this approach.

The pilot project on the holistic approach to the rehabilitation of offenders used RJ as the conceptual framework. It was determined that RJ is an important concept in rehabilitation because it involves the community, which is the core characteristic of community-based corrections. By involving the community, the broken relationship, which is a consequence of an offence, can be repaired and restored. The Volunteer Probation Aides (VPAs) who participate in CS provide the empirical objectification of "community".

But the restorative process remained a concept for some time. The main activities of the project team focused on introducing the concept at the grassroots level. The responses towards the alternative knowledge were very good. However, its application remained quite vague.

So far, the only form that has been tried in the pilot areas is the "Circle of Support". In the model that was developed, the offenders were involved in drug abuse and illegal fishing. Although these cases are labeled as "victimless crimes," that is not exactly correct because whole communities were actually victimized by the effects of these offences. The concept was crystallized with the help and advice of the prime advocate of Restorative Justice in the country, Brother Rudy Diamante. CS defines restoration as moving forward, as a time to start healing. To foster healing means to have support. Around this thought revolves the idea of the "Circle." The volunteers from San Pedro, Laguna created a hybrid model that should be suitable for a particular community and the particular crime and persons involved. In that sense, this circle model brought together clients of one community with similar offences. The team used one *barangay* in San Pedro as the locus for the process. The problem in this community was drug-related.

The idea of the "Circle" is to bring about reconciliation between the offender and the community through dialogue.

II. OPERATIONALIZING THE 'CIRCLE' AT GRASSROOTS LEVEL

The idea of the "Circle" is to bring about reconciliation between the offender and the community through dialogue. The "Circle" is composed of the offender/s and two or more three persons of their choice who can provide them with moral support during the dialogues, community representatives from the sectors most affected by the offence, the offender/s' Volunteers Probation Aide/s (VPA) and Parole and Probation Officer/s (PPO), and local government officials who could provide follow-through rehabilitation services for the offenders.

The restorative process began by preparing the participants of the Circle. Here, the offender will take responsibility for the negative effects of the crime he or she committed. Then, he or she may decide to make amends for it in ways agreed on by the victims/community. Restoration thus begins.

A. The "Circle" in San Pedro, Laguna

The first "Circle" was organized by the team in a *barangay* in San Pedro, Laguna. It involved three offenders from the community involved in drug abuse. They each had one or two "supports." Representatives from the local Catholic church, school and residents, as well as *barangay* officials and the VPA and PPO, composed this "Circle". As agreed, they met every other Saturday at the community chapel after Mass (a Catholic religious service). There were a total of six sessions each, one of which lasted for an hour.

The first session was like a forum for all participants, especially for the community members. An orientation on the concept, nature, goals and processes of Restorative Justice was conducted. The *barangay* captain, probation officers as facilitators, volunteer probation aides (some of whom were *barangay* council members), a representative from the local Catholic church, and representative from the local school attended the said session.

In the second session, two client-offenders attended together with the members of their personal support system. One brought his brother; the other brought her cousin who is a Protestant pastor. The volunteer probation aides handling their cases were also present. The process was held just after the 5:30 p.m. Mass in the San Roque chapel. The circle was comprised of 19 participants. The facilitator started with asking how the commission of crime affects anyone in the circle.

“It made me quiver as I walked back and forth inside the house while my son would bang himself against the door of our house. I felt much fear”, said a participant-mother speaking about a son who was taking drugs and who had brought its ill effects upon his family.

Other members soon spoke about their own plights. One shared her feeling as an aunt with a nephew who turned violent every time he had hallucinations brought about by drugs. Others talked about other effects of drug-related offences on the community. At one point, a volunteer went out of the room when he heard noises outside the chapel and reported back that there was a drug peddler on the run. This incident made the group see more closely the negative effects of illegal drugs on the community. More of the participants expressed their individual sentiments. Having seen the impact of the offence, all of them realized that they had a responsibility to be involved even in small ways in countering this kind of crime.

A discussion followed with the unfolding of a client’s experiences. He talked about his own dilemma of being tagged as a drug-user. Some of his personal plans were disrupted, he said, because of his hesitation brought on by the fear that he might be rejected by others once they found out about his wrongdoing in the past. He said that it was like having a “*lamat*”, or a flaw or stain on his personality.

Two volunteer probation aides even disclosed their previous addiction to drugs. They told about the hardship they underwent to change for the better. They stressed the value of self-motivation and support from outside and noted that if they had been able to change, others could do it as well. They professed that they can be used as instruments to teach a lesson to those who are taking drugs and to help them change. The discussion was fruitful. Only one client did not talk because of her personal reservations. The session, which lasted about two and a half hours, closed with a challenge for the clients to continue to change. The principle of confidentiality, which applies to every word spoken within the circle, was reiterated to the participants and upheld at all times.

Two weeks later, the third session was conducted. The same participants attended, with the addition of a client and two representatives from the school and the absence of the two clients from the last session. The facilitator started with the questions: “Is this activity worthy to be continued? Do you find any value in undergoing this? Is there a need for this Circle?” The responses were all favourable. The participants saw the need to address the effects of drug addiction in their area. Aside from realizing the help that they could extend simply by giving oral support towards an offender’s continuing change, the participants also saw the Circle as a venue to air and resolve grievances.

In restoring the relationships broken by a crime, the offender should start with ownership and assuming responsibility for the crime he or she committed. The victim and community then recognize this admittance of failure on the part of the offender. Stigmatization would thus be eliminated. When the different parties achieve openness, and total understanding of one another, making amends is then possible. The community members had very positive takes on making amends. In fact, several members of the circle encouraged a client to let the community see what she was doing to show that she had already changed. One suggestion was for the offender to give testimonies about her experience with drugs; for instance, addressing pupils/students in classrooms, to serve as an example to the rest of the community. The client was hesitant, however, to do something so public, and the rest of the circle participants understood and affirmed the value of voluntary action on the part of everyone, including the offender.

On the other hand, drug abuse is the main offence classified as a victimless crime. Naturally, it is the offender him or herself who is seen to have suffered from taking illegal drugs. But the external effects of drug abuse also eventually affect the taker’s immediate family as well as the other members of the community. It was thus decided that the community itself is victimized by this offence.

B. The “Circle” in Orion, Bataan

A “Circle” was also organized in a fishing community in Orion, Bataan. The offenders were all involved in illegal fishing. Participants in the circle were members of the community such as the “*Bantay Dagat*”, the local police and a representative from the Mayor’s Office, as well as the VPAs and PPOs of the offenders.

In the initial session of this “Circle,” the offenders were quite belligerent and initially insisted that they merely resorted to illegal means of fishing in order to survive. It was easy to see that the issue was a conflict between the law and what the offenders perceived as a right. This “Circle” holds regular sessions, even after the offenders have asked for forgiveness for their offence, with the hope that there will eventually be closure in terms of an agreement between the offenders and the service providers on what specific services they need as follow-through for their rehabilitation process.

As in the CS in San Pedro, the community church members in Orion had a strong influence in changing the initial belligerence of the offenders to humility and *hiya*. Most of the offenders and their families became involved in church fellowships. Slowly, Christian doctrine became fused with the idea of Restorative Justice.

The CS, as a model of Restorative Justice process that was tried and developed by the Field Training Laboratories (FTL), is now being shared with other unit offices of the agency. Several more “Circles” have been organized by the FTL in Laguna and have on-going sessions. The CS has thus evolved from a theoretical model into an initiative started within a community. With the participation of the community members and their responses to the process, the goal of having a peaceful society is deemed realizable by reconciling and restoring relationships. After all, our indigenous culture of eternal and communal support towards each other has existed a long time. It is all a matter of looking back to our roots.

III. SUMMING UP: BUILDING COMMUNITIES THROUGH PARTNERSHIP WITH VPAs

Based on the experiences in the Laguna and Bataan FTLs, the following insights were gained:

1. There is a set of preparatory activities that need to be carried out before starting a “Circle of Support”, such as the following:
 - a. Client’s orientation on the process and expectations;
 - b. Meeting with VPAs;
 - presentation of client’s concerns and issues;
 - identification of community members who will participate in the “Circle”;
 - c. Enlisting the support of the other participants in the process;
 - d. Setting the first session in a venue that is conducive to serious discussion;
 - e. Engaging the community with the VPA as a participant.
2. The following roles of the VPA in the process were identified:
 - a. In establishing the “Circle”:
 - identify and recommend the proper authorities and community members who will comprise the “Circle”;
 - assist the PPO in advocating and co-ordinating the preparations;
 - assist in preparing the clients for the sessions.
 - b. In sustaining the process:
 - act as moderator and facilitator;
 - act as a resource person;
 - be a catalyst for community support;
 - be part of the client’s support system.
3. Prospects
 - a. It is possible to turn over the “Circle” to the community with the VPAs as facilitators;
 - b. A real community engagement takes place when the community has realized that it is responsible for sustaining the initial steps taken by the client towards reformation.

4. Long-term impact
 - a. Full reintegration of the client into community life;
 - b. Prevention of crime and recidivism.

In essence, the CS is all about relationships. Persons bond with one another through their common humanity. But when someone commits a crime, harm is done and links are broken. The victim reacts with resentment, and often, with fury. People in the community usually stigmatize the offender. For many years, the answer for every crime committed has always been punishment. As a result, the offenders were often isolated from the rest of the community. This is the retributive system of justice. Looking at it superficially, it is very logical to be punitive. But as people became more understanding of each other's humanity, alternative ways of thinking flourish, such as that of Restorative Justice.

The RJ perspective says that "crime is suffering, and the end of crime is possible only with the end of suffering." Thus, the answer to crime is not punishment, but healing and restoration.

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