

Opening Session

Address – HE Mr. Y. Ara, Ambassador of Japan

Address – Mr. M. Kitada, Director, UNAFEI

Address – Mr. H. Ono, Resident Representative, JICA

*Address – Hon. Mr. J. Lina, Jr., Secretary, Department of the Interior and
Local Government and Chairman,
National Police Commission, the Philippines*

*Keynote Speech – Hon. Mr. H. Davide, Jr., Chief Justice,
Supreme Court of the Philippines*



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OPENING ADDRESS

By

His Excellency Mr. Yoshihisa ARA

Ambassador of Japan

*Hon. Mr. Hilario G. Davide, Jr., Chief Justice,
Hon. Mr. Jose D. Lina, Jr., Secretary of Department of Interior and Local Government,
Hon. Mr. Presbitero J. Velasco, Chief Administrator, Supreme Court of the Philippines,
Mr. Kitada, Director of UNAFEI,
Mr. Ono, Chief Representative of JICA,
Participants, Distinguished Guests, Ladies and Gentlemen,*

I am very much delighted to attend the opening ceremony of the Philippines-Japan Joint Seminar on “Community Involvement in Criminal Justice Administration.” It is also a great pleasure for me to take this opportunity to express, on behalf of the government of Japan, my heartfelt welcome to everyone in attendance today.

First of all, I would like to congratulate the organizers of this event, including the Office of the Secretary of the Local Government, UNAFEI, JICA, and other members of the organizing committee. We all know that so many people have worked so hard to ensure success of this joint seminar. My sincere gratitude goes to all of them.

There is a long history of cooperation in the field of justice administration between the Philippines and UNAFEI. Many judicial, correctional, and police officers from the Philippines have visited Japan to attend seminars organized by UNAFEI. Through the intensive study and exchange of views on crime prevention, criminal investigation, and other criminal justice matters, our continuous cooperation has contributed greatly to the development of an even closer relationship between the criminal justice administrations of our two countries.

For decades, the Japanese government has been extending technical and financial assistance for the welfare and development of the Filipino people. It is often said that economic development provides the basis for social stability. Yet, at the same time, social justice and sustainable public peace, based on law and order, are inevitably needed to ensure the fruits of economic development. This kind of cooperation will contribute further to the fair distribution of benefits from the economic development of the Philippines.

I hope that the seminar of this week will provide an opportunity for us to examine the criminal situation that may threaten our societies, and that we will continue to learn from each other’s past and future experiences in this ever changing world of advanced communications and transportation technologies.

International cooperation has become an urgent priority for controlling crime. I firmly believe that this seminar is a very important step in the direction of global crime fighting. At this point, it only remains for me to express again my best wishes for the success of this joint seminar and also for our continued and mutual efforts in fighting crime in our region.

Maraming salamat po. Thank you very much.

OPENING ADDRESS

By

Mr. Mikinao KITADA

Director of UNAFEI

*Honorable Hilario G. Davide, Jr., the Chief Justice of the Supreme Court of the Philippines,
His Excellency Yoshihisa Ara, the Ambassador of Japan to the Republic of the Philippines,
Honorable Presbitero Velasco, the Justice of the Supreme Court of the Philippines,
Honorable Hideo Ono, the Resident Representative of the Japan International Cooperation Agency of the
Philippines Office,
Honorable Guests, Distinguished Participants of the Philippines-UNAFEI-JICA Joint Seminar, Ladies and
Gentlemen,*

It is my great honor and privilege to deliver opening remarks on this occasion, the Philippines-UNAFEI-JICA Joint Seminar. First of all, I would like to express my deep gratitude to the Government of the Republic of the Philippines and the many people concerned, for their strong support and great cooperation in the successful realization of this Joint Seminar. At the same time, I would like to express my deep appreciation to the Japan International Cooperation Agency for its financial support, which has enabled us to hold this seminar.

UNAFEI is a regional institute of the United Nations Crime Prevention and Criminal Justice Programme, established in 1961. This is the 23rd joint seminar of the Institute. We are truly honored to be able to participate in this significant event with the kind presence and warm support of many high-ranking criminal justice officials of the Philippines.

We recognize that Philippine criminal justice officials have been untiring in their efforts to pursue law and order, with the ultimate goal of the happiness of the people and the prosperity of society. All of us are fully aware that the prevention of crime is not a simple or easy task, and every country is faced with various problems and difficulties in the administration of criminal justice. Thus UNAFEI offers its admiration to Philippine criminal justice professionals for so resolutely undertaking this challenge.

In this joint seminar, we will discuss “Community Involvement in Criminal Justice Administration”. The United Nations has recognized the importance of community involvement in criminal justice. For example, the United Nations held a workshop on community involvement in crime prevention at its Tenth Congress on the Prevention of Crime and the Treatment of Offenders, which was held in Vienna last year. The spirit of the collaboration of Governments and communities is expressed in the Vienna Declaration adopted by the Congress. Following this lead, UNAFEI proposed the issue of community involvement as the main theme of this joint seminar.

Crime has been a serious concern for communities in many states and it has affected the people’s quality of life and sense of security. Many contemporary trends in developing countries have given rise to concerns such as the widening gap between rich and poor, exclusion of youth, the gender gap, over-congestion and the availability of firearms in their urban centres. Thus, insecurity and fear of crime has tended to increase, especially in those urban areas. Also, it is a known fact that transnational organized crime groups have taken advantage of the insecure situations in these areas to conceal their operations and recruit new members.

Needless to say, communities partner the justice system in sharing the responsibility for social control.

Once communities lose faith in the system, the criminal justice system is bound to fail. Therefore, criminal justice agencies have an intrinsic need to reach out to the communities they serve, bring them more actively into the judicial process, and form partnerships with them as well as encourage them to build capacity to respond effectively to local concerns. To promote community safety, a comprehensive strategy that involves crime control, crime prevention and social development at local levels is required.

Spending four days on the Joint Seminar will enable us to discuss various aspects and types of community involvement at every stage of the criminal justice system. I hope that we can learn from the rich traditions of community involvement in our respective countries. I also expect that we can explore the possibility that the criminal justice system can enhance and revitalize community life by soliciting the proactive participation of the community in criminal justice.

In conclusion, I genuinely believe that the Philippines-UNAFEI-JICA Joint Seminar will be of great value and benefit for the further development of effective criminal justice in the Republic of the Philippines. Furthermore, I am confident that this will be of great significance for the cultivation of our close and friendly relationship between the Philippine criminal justice system and UNAFEI.

Thank you.

OPENING ADDRESS

By

Mr. Hideo ONO

JICA Resident Representative

Good morning. We welcome you to the Joint Seminar on Crime Prevention and Treatment of Offenders.

We very well know that to be able to attain and sustain economic progress, our efforts should not only be focused on development but on its basic foundation which is peace and security. Because of this we are very pleased to have with us today the representatives from the agencies and organizations concerned who are at the helm, if not directly assisting the government promoting peace and order in our society.

The theme “Community Involvement in the Criminal Justice Administration” is not only relevant but also a timely call for each and every citizen to carry on the ceaseless war against anarchy, of law against crime, of harmony and productive community against the destructive violence of criminals, so that we may be able to bring peace to our families, harmony to our communities and strength and progress to our country.

With focus on the task of empowering the citizens towards achieving peace and security, this is perhaps the most ideal way that we can work together and push for the reforms and programs that will enable us to properly address criminalities and other related problems.

We shall discuss and deliberate on how we can make the people and the community more involved not only in preventing crimes but also in rehabilitating offenders. We shall pursue the objective relentlessly by looking into the depth of the problems to enable us to confront them adequately with the most appropriate action plans and programs.

As one group with this common objective, I am sure we can do much to help the government in giving the protection the people need and in ensuring their safety and security. With the initiatives that will hopefully create, and the programs we will come up through this activity, we shall likewise be able to contribute in preventing crime and building a society where peace and order reign, and an environment free from abuse that we all dream about.

We therefore thank you for taking up the cudgels to work together in addressing the problems and crimes which have started to undermine the safety and security of the people. We also thank you for being supportive of the efforts to encourage synergy between service and the citizenry and to develop awareness among the people and the community of the vital role and responsibility in this effort and commend you for heeding to our call for support and cooperation.

We in JICA are privileged to be a part of this undertaking. We hope that you will always be vigilant in safeguarding peace and order and in protecting the rights of every individual. We also hope to see you act as role models for the rest of the members of your respective agencies in the continuing search for security and stability and in spearheading programs and activities that will contribute to peace and progress throughout the country.

Congratulations and best wishes for more success in all the worthy endeavors of this joint undertaking.

OPENING ADDRESS

By

Hon. Mr. Jose D. LINA, Jr.*

**Secretary, Department of the Interior and
Local Government and Chairman, NAPOLCOM**

*Honorable Chief Justice Hilario G. Davide, Jr.,
Honorable Court Administrator Presbitero J. Velasco, Jr.,
Our Distinguished Japanese Guests Headed by His Excellency,
Ambassador Yoshihisa Ara,
UNAFEI Director Mikinao Kitada,
JICA Resident Representative, Mr. Hideo Ono,
Other Guests, Friends and Allies from Various Non-government Organizations, Sectoral Representatives,
Fellow Criminal Justice Administrators, Participants, Ladies and Gentlemen,*

It comes as an honor and privilege for me to formally open the Philippines-Japan Joint Seminar on Crime Prevention and the Treatment of Offenders. This is the second time that the Philippine Government, with the national police commission as lead agency, is hosting this kind of international seminar. The first was conducted 13 years ago, in December 1988. And I am pleased to announce that this is also the second time that the Government of Japan is co-sponsoring this activity, through the financial and technical support of the Japan international cooperation agency or JICA and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders or UNAFEI.

It is noteworthy to mention that UNAFEI has long established and maintained collaborative linkages with the Philippine Government in its efforts to prevent crime and enhance the mechanisms for the treatment and rehabilitation of offenders, primarily through the provision of training and seminar courses for Philippine criminal justice practitioners, including the conduct of overseas joint seminars, such as this one, which is a major component of JICA's bilateral assistance program. Certainly, the joint seminars have proven to be an important venue for the effective exchange of information between UNAFEI and the Government of the Philippines in addressing present and emerging Problems related to crime and criminal justice administration.

May I emphasize further that the conduct of this seminar is in accordance with the state policies of the Philippine Government, in that being a member-state of the United Nations, our country strongly advocates global cooperation in the promotion of international activities concerned with the prevention of crime and the development of sound criminal justice policies in the context of development. Likewise, it is the policy of the government to encourage non-government, community-based or sectoral organizations that promote citizens' involvement in all aspects of governance, particularly in the maintenance of peaceful and orderly society.

Ladies and Gentlemen, it is not uncommon knowledge that the administration of president Gloria Macapagal-Arroyo espouses programs and projects geared toward improving the quality of life of the majority of our people. The president's anti-poverty agenda, is in fact, the government's development priority. And what better way to attain this under a socio-politico-economic climate which guarantees that peace and order and public safety continually thrive.

* This paper was delivered by Mr. E. Torres, Commissioner NAPOLCOM, the Philippines

Such a milieu of peace and order is being promoted on various fronts with the help of the community. The community-at-large – through the appropriate legislative agencies, public and private educational institutions, parents, churches, religious organizations, civic associations, and other cause-oriented groups — develops and exacts conformity with acceptable moral and ethical values; creates the environment for the development of civic-spirited citizens; and, fosters respect for and observance of the rule of law.

This universal sentiment is aptly reflected in our theme — “Community Involvement in the Criminal Justice Administration” — which prescribes the positive stance that we have to take in confronting several of the challenges that face the Philippine criminal justice system, particularly in the aspect of effective, efficient and responsive administration of justice in our country. We, the community, should be more proactive not only in the fight against crime as we become more vigilant and more cooperative with our law enforcers, but also be more involved in the whole gamut of the criminal justice process — from prosecution to court trial, to the rehabilitation and treatment of criminal offenders, up to their eventual reintegration to civil society.

To realize all these, it is incumbent upon us all to reflect on the special and peculiar concerns and responses that our local communities should take in order to ensure that our criminal justice machinery will grind swiftly but fairly. The realities of continuity and change require from those of us in government, and also those of us working outside of government, innovative, unique and relevant modes of thinking and doing, or even a paradigmatic shift in perspectives, if we are really intent in moving towards socioeconomic reforms and nation-building in this globally competitive world.

In closing, allow me to express to our Japanese guests, on behalf of the officials and staff of the national police commission and the officers and members of the UNAFEI alumni association of the Philippines, incorporated or UAAPI – The lead agency and organization for this activity, respectively - and the Filipino people, our profound thanks for your untiring support and assistance.

To the local delegates, I urge you to participate actively in all the sessions and workshops for the next four days. Your full cooperation and commitment will surely go a long way in unifying all our efforts toward making this nation a better place to live in.

Thank you, *arigato gozai mashita*, and *mabuhay!*

**COMMUNITY INVOLVEMENT IN THE ADMINISTRATION
OF THE CRIMINAL JUSTICE SYSTEM**

KEYNOTE SPEECH

By

Hon. Mr. H. DAVIDE, Jr.

Chief Justice, Supreme Court of the Philippines

*Your Excellency Ambassador Ara of Japan,
MME. Court of Appeals Presiding Justice Alicia Austria-Martinez,
Court of Appeals Justices Buenaventura Guerrero, Conchita Carpio Morales, and Mariano Del Castillo,
Court Administrator Justice Velasco,
Deputy Court Administrator Jose Perez,
Director Kitada of the United Nations Asia and Far East Institute,
Mr. Ono of the Japan International Cooperation Agency,
Director General Mendoza,
Commissioner Dula Torres,
UNAFEI officials,
Our Friends in JICA,
Distinguished Speakers, Participants, Observers and Organizers of this Joint Seminar,
Guests; Ladies and Gentlemen,*

When Secretary Lina sent me the invitation last 12 November to give a message this morning, I did not have the heart to decline because I already had regretfully begged off, due to a prior commitment, his earlier invitation to deliver the keynote address at the conclusion of this joint seminar. I certainly cannot discount the special importance and relevance of your joint seminar. Recent developments in basic penology and the growing interest of the community in the administration of the criminal justice system, *vis-à-vis* the universal cry for justice and peace, make it so.

I am here, of course, of my own free will, not only as a representative of the Judiciary, which is one of the pillars of the criminal justice system, but also as a staunch supporter of programs aimed at involving the community in the administration of justice. A very good example of such program is what you are having now – a joint seminar on crime prevention and the treatment of offenders with its theme, “Community Involvement in Criminal Justice Administration.” Thus, I am doubly honored to stand before you now as history unfolds through this collaborative effort between the governments of Japan and the Philippines.

I dare refer to this joint seminar as a historic event because it dwells on two subjects that have always been traditionally and inextricably linked at every phase of our nation’s development – justice and the community. In the Philippines, our justice system is founded on an odd mixture of customary law, Roman law, and Anglo-Saxon law. As a premise, allow me to mention some basic historical facts.

Before the arrival of the Portuguese explorer Ferdinand Magellan in 1521, our ancestors lived in small communities called *barangays*, with their own sets of family and penal laws. One of our oldest written laws, known as the Code of Maragtas, dealt with crimes and punishment. Justice was meted out based on this code, which was interpreted and enforced by a council of elders, composed of respected and influential

members of the *barangay*.

When Magellan and his Spanish compatriots sailed into the port of Cebu – my home province – they bore two very relevant gifts for the local ruler, King Humabon. One was Christianity, which supplanted what the occidentals perceived to be paganism. The other was Roman law, which did not officially take root in the Philippines until 1565, when General Miguel Lopez de Legazpi established a settlement and claimed the archipelago for the King of Spain. For the next three centuries, Roman law concepts imported from the west became the bedrock of our laws on family and personal relations, criminal justice, and commerce. Naturally, the courts of justice interpreted these laws according to precedents set in Spanish courts.

The 19th Century, however, ushered in a period that saw the crumbling of the colonial system and the emergence of a new world power. Our forefathers valiantly fought for the country's independence from Spain. With some help from the Americans, Spain formally ceded its interests in the Philippines to the United States of America with the signing of the Treaty of Paris in December 1898. After a three-year struggle – this time against the Americans – the Philippines was placed under the same common-law system prevailing in the United States. With civil law concepts so deeply ingrained in Filipino consciousness, American public education proved highly valuable in the ensuing cultural and legal indoctrination. Democratic principles leaked out of every textbook. The Supreme Court, established in 1901 and patterned after the United States Supreme Court, began interpreting the law using American precedents as points of reference. By this time, therefore, the country's legal and justice system had evolved into a hybrid of Roman civil law and American common law.

Verily, when we speak of the law, we refer to one of the most basic social institutions — and one of the most necessary. No society could ever exist if everyone did as they pleased, with no regard for the rights of others. Nor could society subsist if its members had no sense of obligation toward the State or its citizens. Therefore, the law, with precious influence from the community, sets and defines what rules should govern each person's rights and obligations. It determines the penalties for people who violate these rules, and proclaims how government should enforce the same. Manmade laws, however, are very dynamic. Change, through the amendment or revision of laws, occurs periodically to reflect corresponding transformations in society's needs and attitudes.

In most societies, there are five pillars of justice to support the law. Enforcement comes from the police and from the courts. They make sure that the laws are obeyed. And because a person can be penalized for violating the law, there is a consensus that laws should be just. Justice, then, is a moral standard that applies to all human conduct. And because laws enforced by government have a strong moral element, justice has generally been one of the law's guiding principles. But governments can, and sometimes do, enforce laws that many people believe to be unjust. If this apprehension escalates, respect for the law deteriorates and people may rebel by disobeying it. In democratic societies, however, the law itself provides safety valves intended to diffuse social unrest and dissatisfaction. One of these is by looking at customs and tradition, the bloodline of every community.

Customs form part of the culture shared by members of a social group. Many customs come to life because people like to know what to expect in social situations. It is, therefore, a kind of learned behavior that varies from one race to another. In the context of your joint seminar, this can be best illustrated by how the community deals with crimes. Concepts of right and wrong may transcend racial or political boundaries, but States follow different procedures in enforcing their respective laws. This is due in no small measure to culture and tradition, especially the influence of religion.

Laws and concepts of justice borne out of custom and tradition and enhanced by a rich spiritual and cultural heritage last longer and find greater success in implementation partly because people find it easier to conform to rules established by the community than to face the disapproval of their social group. Many

customs, such as those relating to weddings or funerals, produce only mild reactions when broken. Important customs, however, or that which we call “mores,” reflect society’s ideas of right and wrong. Such customs dictate how we as a people and as members of civilized community should respond to acts deemed as social anathema, like heinous crimes.

The only conclusion we can draw from this discussion is that the success of any system of justice, especially criminal justice, relies on a strong community base. This is where this joint seminar gains true significance and relevance. We live in societies that are inherently and historically close-knit. The participation of the community in the administration of justice is not only ideal but even indispensable if we are to move on in this millennium in our common struggle against the evils of criminality or any other form of anti-social acts.

As a pillar in the criminal justice system, the community can assist in the prevention of crime and in the rehabilitation of offenders in several ways. One is through reformation. Community support can do wonders for the truly repentant by providing them some form of livelihood or, at the very least, accepting them back as members of society, instead of rejecting them on the sole basis of their criminal record.

On the other hand, the community can aid in crime prevention by adopting and pursuing programs and activities aimed at exposing the evils of crimes and transforming potential offenders into law-abiding citizens. It can also actively assist the police in the performance of its duties. The community, as a watchdog, can also help the police clean its ranks and promote its effectiveness and integrity. In all these, vigilance is the key.

This level of vigilance can be raised a notch higher by, among other things, devising a two-way information exchange system where the police is very visible and the community provides leads to the police in their investigation. This will, of course, require the ubiquitous presence of the police and a high level of trust on the part of the people – just like in Japan where they have the *koban* in strategic locations.

With the people in every community and the police working in tandem, would-be criminals would think twice before committing any offense. I am sure this is precisely the kind of partnership that this joint seminar envisions.

The role of every individual in the community inevitably becomes more critical and indispensable if we consider the support the individual can provide in paving a road of acceptance for reformed ex-offenders. In the end, the preservation of social harmony and peace becomes the overriding concern for all efforts toward community involvement in the administration of the criminal justice system. Social harmony and peace are the ingredients for development, programs and prosperity.

I commend then the organizers and sponsors of this joint seminar, namely, the Governments of Japan and of the Philippines. His Excellency Ambassador Yoshihisa Ara of Japan has in more ways than one supported our government through various programs and activities. This joint seminar is only one of them. I extend my personal gratitude to the Government of Japan and to Ambassador Ara for choosing the Philippines to be the venue for this historic joint-seminar; and to the Japan International Cooperation Agency or JICA, led by Mr. Hideo Ono, and the United Nations Asia and Far East Institute for Crime Prevention and the Treatment of Offenders, or UNAFEI, under the leadership of Director Mikinao Kitada, for their invaluable assistance.

As host country, I am proud to say that our National Police Commission, chaired by Secretary Joey Lina of the Department of the Interior and Local Government, did a wonderful job in organizing and steering this joint seminar. A cursory look at the programme would also reveal that other government and non-government agencies involved in the administration of the criminal justice system contributed immensely to the preparations for this event. Thus, special thanks are also due the speakers, reactors, and participants

from both countries.

Finally, on behalf of the Supreme Court, I congratulate everyone here present for the assured success of this joint seminar. Thank you all for giving me the privilege to be part of the history you are now shaping.

A pleasant day to all.