

# **COMMUNITY- BASED TREATMENT FOR OFFENDERS IN THE PHILIPPINES: OLD CONCEPTS, NEW APPROACHES, BEST PRACTICES**

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## **I. INTRODUCTION**

The reintegration of offenders into their own community and society is one of the universally accepted goals of corrections, whether the latter is carried out in institutions or through non-custodial measures. To ensure that offenders discharged from detention centers, jails, penal institutions or rehabilitation centers re-claim their part and role in society, there is a need to assist them in their reunification with their families and re-entry into the community. Thus, it is imperative to sustain rehabilitation and achieve reintegration through the community-based treatment of ex-offenders.

Moreover, the commission of crime is a result or consequence of the inter-play of factors and conditions in one's self, the immediate and bigger environment, and one's choices and decision-making processes. Hence, it is necessary that these human and environmental factors are examined closely and appropriate measures adopted to assist ex-offenders in their reintegration efforts.

Recognizing that the community is usually also the locus of the offense or crime, the community must be harnessed to assume greater responsibility in reforming offenders and preventing recidivism. The community and society must also play vital roles in the elimination of the psycho-social, economic, and cultural barriers and other causes of crime in its

environ, in order to prevent crime, ensure peace, and promote development in the locality.

To maximize the role of the community in an offender's reintegration process, there is a need to continuously re-examine the concepts related to community-based corrections. At the same time, new approaches that have evolved locally and globally, related to these concepts, should be appreciated. In this process, best practices in community based corrections must be documented and replicated, so that they continue to be viable alternatives to custodial care of offenders.

This paper is a modest contribution to the continuous quest for effective treatment measures to facilitate the reintegration of offenders into society. It examines these measures mostly from a social development perspective, with emphasis on the role of social institutions such as the family and the community within the Philippine experience. The term 'offender' rather than 'prisoner' has been adopted and used throughout the paper because it covers both adult and youth offenders, as well as examines effective practices before, during and after trial that are conducive to the rehabilitation of offenders.

## **II. RATIONALE FOR COMMUNITY-BASED TREATMENT**

The international community has long recognized that the goals of a humane criminal justice system are best served if offenders are reintegrated and rehabilitated by means other than

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incarceration. In fact, it has been widely accepted that incarceration or imprisonment should be a last resort and utilized for those who have committed serious and heinous crimes, and that community-based treatment should instead be promoted whenever possible and feasible to hasten an offenders' reintegration into society.

Imprisonment leads to other problems related to an offender's stigmatization and desocialization. Often, prisons thwart the offenders' potential for growth and excellence, and spawn dependence and mistrust on their part instead. Prisons usually alienate offenders from their family, friends and acquaintances. Due to overcrowding, prisons lead to dehumanizing conditions, which make reintegration and resocialization even more difficult.

Prisons spawn the formation of "sub-cultures" among prisoners that tend to harden them. This is so because prisoners have to counteract the effects of deprivations of imprisonment and the conditions prevailing in jails which are often rigid and arbitrary.

Corrective actions and treatment measures are better achieved in a natural environment such as the community where offenders can highlight and re-live the areas of their life they want to change.

Since the community is the natural locus for legal, socio-economic and cultural changes and development, community based corrections enable offenders to adapt more effectively to such changes in a more realistic and flexible manner. The community also provides a network of relationships and a range of activities that enable offenders to know themselves better in a variety of real life situations, thus improving their social skills and enhancing their social functioning.

Moreover, offenders are able to continue dispensing responsibilities for many day-to-day basic socio-economic commitments

such as managing a home, budgeting resources, deciding on family matters, etc. when s/he is with their family. This enables them to maintain self-esteem. Due to their exposure to the day-to-day realities of life in society, they are afforded more participation in planning, implementing and evaluating their reintegration plans in natural settings. The planning process is also more responsive and relevant because both constraints and resources in the community are taken into consideration by the offender in a "here-and-now" situation which calls for dynamic responses from them. This contrasts with imprisonment, where rehabilitation work is based more on a reflection of past failures and planning for the future.

The implementation and evaluation of rehabilitation and reintegration plans, on the other hand, can be monitored more closely as these are related to the offenders' daily living in the community. Due to this, re-planning can be easily resorted to, based on immediate feedback.

From an economic point of view, the burden of maintaining an entire prison bureaucracy is eliminated in community-based treatment. It is a fact that the cost of rehabilitation is relatively cheaper outside of prison, where huge personnel complements, operating costs, capital outlays and other costs have to be maintained. The cost of assisting and supervising offenders is supplemented and complemented by existing community resources and infrastructures, which are otherwise not present in institutional arrangements.

Moreover, community-based corrections offer opportunity costs that are not present in most custodial-care arrangements. Examples of these opportunity costs are the costs of income and productive efforts as head or a member of the family and the community.

### **III. OLD CONCEPTS AND NEW APPROACHES IN THE TREATMENT OF OFFENDERS**

The Philippines has been supportive of the goals of community-based treatment and has continuously adopted measures consistent with the United Nations Standard Minimum Rules for Non-custodial measures or the Tokyo Rules.

In order to appreciate fully the goals and advantages of community-based treatment in the context of the Philippines, there is a need to revisit the old and traditional concepts of treating offenders and those of emerging ones, specifically from a social development framework.

Social development, as defined by the United Nations, is the greater capacity of the social system, social structure, institutions, services and policy to utilize resources to generate favorable changes in levels of living, interpreted in the broad sense as related to accepted social values and a better distribution of income, wealth and opportunities. Social development therefore, covers a comprehensive, yet integrated, field that encompasses education, health and nutrition, livelihood, social welfare, etc. It involves the services of educators, medical practitioners, social workers, psychologists and other social scientists that contribute to improvement in the quality of human life.

Doreen Elliott (1993) argues that social development values represent an ideology close to that of the values of social work, except that the values are less individually focused. She argues further that while social work is essentially individually oriented and politically conservative, social development is globally and radically oriented. Omer (1979) suggests that human dignity, equality and social justice are key values in a social development approach. These values are therefore consistent with those adopted by the United Nations Minimum Standard that

encourages countries to pursue crime prevention and criminal justice within the framework of the promotion of human rights, social justice and social development.

From this social development context, it is best to examine old concepts related to the treatment of offenders vis-a-vis the new approaches in this field.

#### **A. Individual Pathology vis-a-vis Empowerment Approach**

The traditional concept of treating offenders has been towards examining the offender's characteristics, behavior, values and other personal traits and the causes behind committing a crime, among other factors. Criminals would be examined from a criminologic point of view, which usually led to self-blaming. Thus, the treatment approach would be individual therapy, focusing on behavior modification.

The empowerment approach, which is basically a social development approach, however, looks not only at simplistic uni-causal explanations, but at the offender as a "person-in-environment", i.e., one in a dynamic relationship with their environment and prescribed roles in varied social situations. It assumes an interdependence of relationships between the parts (the offender and his/her family) and the whole (community and society).

Thus, while behavior modification continues to be a goal in rehabilitation and reintegration, empowerment, which is the harnessing of the offender's adaptive capacities, decision-making abilities and capability to link and access to outside resources, is a tandem goal in our present efforts. Harnessing and honing adaptive capacities are deemed necessary because of the fast changing conditions in the environment brought about by globalization, information technology, accelerated development and other factors.

The failure of some individuals and families to adapt to such sudden and swift

changes brings about crisis in their adaptation and social functioning. This therefore calls for harnessing not only the offender's capacity to handle crisis, solve problems, and make right and timely decisions, but also their own and family's ability to identify resources. Through this empowerment scheme, they are made aware of what are the resources from within and outside the family, which they can tap to address their needs and problems.

**B. Analytical cum Systems Approaches**

Consistent with a lesser emphasis on individual pathology is the move from the analytical approach towards a systems approach. In the analytical approach, the whole is broken into parts and examined

closely. Thus, an offender's mental, psychological and socio-economic conditions are examined thoroughly and dissected carefully as basis for treatment goals.

In the systems approach, on the other hand, the parts are linked and integrated as a whole. It is an inter-disciplinary and holistic approach. Elliott offers a context model or paradigm for the systems analysis node of guidance in approaching social problems, as shown in Table I. It ranges through the system levels: international, national, state, regional, local, organizational, family and individual, and sets these alongside functional social systems such as economic, political, socio-cultural, scientific and religious.

Through this paradigm, problems will be less likely viewed from an individual

**TABLE I**

Context Model for Systems Analysis

Social System	Economic	Political	Sociocultural	Scientific	Religious
System Level					
International	Production	Distribution of goods, services, income, wealth, opportunity	Structures, groups, sub-groups	Medical	Worship
National	Distribution	Identifying needs	Communication systems	Ecological	Unification and Bonding
State Regional	Exchange	Value/education rationalization	Creativity	Physical	Healing
Local		Power distribution and maintenance	Recreation		
Organizational		Access to goods	Education	Mathematical and services	
Family Individual					

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pathology but from a systems approach. Elliott is cited as an example of the examination of the interface between economic (on the social system dimension) and the drug culture and the individual (on the system level). Drug culture offers many young people in the cities a quick way to achieve material goals, which may be closed to them through legitimate means. The lack of social stimulation and a poor environment clearly impinges on drug-related behavior. Current responses such as border control and the growth of prisons emphasize social control.

A social development approach, however, would address the problems at various levels, namely:

- (1) individual therapy so that immediate and short term considerations are not ignored;
- (2) economic re-structuring with a focus on urban and rural poverty;
- (3) preventive educational campaigns; and
- (4) empowerment schemes.

Thus, participants in the drug culture would not be seen as criminal or sick *per se*, but as underprivileged and victims of social injustice.

### **C. Micro-Macro Continuum Approach**

The foregoing discussions lead to the adoption of a micro-macro continuum in the prevention of crime and treatment of offenders. It links micro, or individual therapy approaches, to macro or systems approaches that enable multi-level and multi-system intervention.

These multi-level approaches and interventions from the Philippines experience include:

#### **1. Total Family Approach**

A recognition of the importance which the family plays in the commission of crime and on the offender's rehabilitation

continues to be the focus of contemporary community-based corrections in the country. Today not only is the offender the focus of intervention, but also their family as well. Realizing and recognizing that the crime offenders commit can be a symptom of a deeper problem or dysfunctioning within the family, the family members are assisted and harnessed to realize their potentials as individuals in this most basic unit of society.

The family has been considered as a primary support group for the offender's rehabilitation and eventual reintegration. Most rehabilitation efforts are focused on maintaining harmonious relations between the offender, their family and the community; strengthening and empowering them altogether. This stems from the realization that in a number of instances, the offender's reason for committing a crime is family-related i.e., the family is poor or hungry, lacking in basic amenities, needing hospitalization, etc.. Family-related concerns are also reasons frequently given by offenders for their escape from jails, prisons or rehabilitation centers and their desire to be free.

The influence of family members is also evident in the rehabilitation process, especially since most family members constitute the "significant others" in an offender's life; thus providing a source of motivation, help and "healing" to the offender.

The total family approach in community-based corrections looks at the offender in the context of their family - its strengths and weaknesses, its resources and problems, potentials and constraints. Family resources- both human and material - are pooled together so that the offender's reintegration can be hastened and facilitated, while at the same time addressing the problems of other family members.

Family-centered treatment is therefore

adopted and maximized by organizations to assist the offender and their family. For example, due to realization of the importance of the family as a support system, youth offenders who no longer have families are placed in foster care, wage homes or are afforded kinship-support assistance to ensure that they are provided the benefits and advantages of living in a natural, home-life situation and atmosphere.

## 2. Community Structure Support

Next to the family, the immediate community is seen as a valuable support system for an offender. The community should assume primary responsibility for the offender, as it is usually the origin of crime. It is in the community where the offender's roots are, where his/her peers and friends are often found, where they can be further educated and trained, where they practice their religion, pursue life goals and continuously strive to belong. It is also a resource for their and their family, in times of need and desolation, and to which they and their family also contribute their share and resources whenever possible. The community is thus the bigger locus for an offender's change and transformation given its resources, networks and the opportunities it offers to pursue a productive and useful life.

New approaches in community-based treatment involve the harnessing and maximization of community structures outside of the family. Schools, the church, community leaders and members, non-government, voluntary and people's organizations, civic associations, business groups and other sectors, in addition to government, should be tapped and mobilized to contribute their resources to the treatment and reintegration of offenders, and the strengthening of their families. These community structures complement and supplement the services for offenders offered by the State.

With the mushrooming of non-governmental organizations, people's organizations, civic, religious or professional groups, and other community structures, there are now many resources to help offenders and their families lead productive and meaningful lives.

Volunteer groups have become necessary components in the rehabilitation of offenders and their reintegration. Both at the institutional and non-institutional settings, volunteer groups form part of the rehabilitation resources. They are utilized in the educational, physical, spiritual, social and cultural activities of offenders.

The Department of Social Welfare and Development (DSWD) has a Volunteer Intervention Program for Youth in Conflict with the Law, which utilizes senior citizens, women groups, civic, religious and other organizations and individuals. These volunteers are trained and provided technical assistance in their volunteer work of assisting and monitoring the youth as they are rehabilitated and reintegrated into society.

The Department of Justice correctional bureaus also utilize volunteer groups to a large extent. The Probation and Parole Administration (PPA) utilizes volunteer probation aides which assist probation officers in rehabilitating parolees and probationers. Likewise, volunteers are utilized in penitentiaries and penal institutions.

The local government units and the Bureau of Jail Management and Penology, under the Department of Interior and Local Government, also utilize volunteers to a great extent in educational, medical, religious, cultural and recreational activities.

## 3. Maximizing Socio-Cultural Values as Treatment Stimulus

The role of culture in crime prevention and the treatment of offenders has long been recognized. In the Philippines,

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certain cultural values are maximized to assist in the reintegration of offenders and in their "healing" process.

Among the strengths of the Filipino character is a deep faith in God or belief in a Supreme Being. Such belief arouses reverence, gratitude, the will to obey and serve and other positive values. In ordaining and promulgating the country's Constitution, and in everyday life, the Filipino people invoke the aid of Almighty God, whether this God at the individual level is Jesus Christ, Allah, Buddha, Jehovah, etc.. We ascribe human traits, our fate, and fortune to a supernatural God whom we honor and love. This enables us to accept reality in the context of God's will and plan. Due to this sense of spirituality, we can be optimistic even at the most pressing of times. Spirituality encourages a life with values based on truth and love rather than the acquisition of material things.

This sense of spirituality is thus recognized and considered in formulating treatment measures for the socially and economically disadvantaged, including offenders. The spiritual dimension of reintegration not only into the family and the community, but also with one's Creator makes the treatment plans more complete and holistic. It also makes the offender more remorseful and insightful because of the belief that "man does not live by bread alone" and that s/he must also take care of what happens to their spirit.

Spiritual programs are therefore integrated among the services and opportunities afforded to offenders, both in institutional and non-institutional settings, enabling them to strive towards moral purity and healthy living in accordance with God's intent and purposes.

Moreover, among the regular volunteers in prisons, jails or rehabilitation centers, as well as community-based programs, are spiritual and religious groups. These groups contribute to the improvement and

betterment of the offenders' personality and character, by giving deeper meaning to life and the enhancement of the corrections' programs.

#### 4. Devolution of Basic Services

Recent development of management practices at the sub-regional levels of the country have also contributed to the micro-macro continuum of the treatment of offenders. In 1992, the national government through the Local Government Code, devolved responsibility for the provision of basic services, together with the corresponding funds, manpower and other resources, to the local government units in the provinces, cities, municipalities and barangays (villages). This signaled the change of responsibility from national agencies to local government units over the provision of basic social services. Included in this devolution is the management of community-based services along with the socio-economic development of families within the local government's area of responsibility. Local government units have therefore taken primary roles in the alleviation of poverty among their constituencies, the promotion of peace and order, and socio-economic development in their areas.

Due to this devolution, support services needed for the rehabilitation and reintegration of offenders into the community became closer and more accessible to them and their families. In view of the autonomy given to local governments, they have embarked on new and innovative ways of managing and administering basic social services aimed at improving the lives of their constituents and promoting growth with equity. This move complemented the strengthening of families and communities as support groups for the disadvantaged such as the offenders. It also afforded local governments the opportunity to craft new services that are relevant and responsive

to the local residents, given their resources and the problems to be confronted. In fact, a number of provincial governments have made innovations in the management of provincial jails which are now under them, a welcome development in the reintegration of offenders.

#### 5. Adoption of Social Reform Agenda

In 1994, the Philippines launched the Social Reform Agenda (SRA) which is the commitment of the Ramos Administration to attain a balance between economic growth and social equity. The SRA is a package of programs and reforms that addresses the minimum basic needs of families, and the reform needs of basic sectors to reduce poverty. It is likewise a strategy of effectively converging all sectors — government, civil society and business sectors-and matching their programs with the needs of target communities and families. It is aimed at improving the quality of life of Filipino families, especially those whose income falls below the poverty threshold.

A feature of the SRA that directly relates to the reintegration of offenders and strengthening of their family is the use of the Minimum Basic Needs (MBN) approach in assessing the socio-economic levels of poor families. It addresses purposively the survival, security and enabling needs of poor families through 33 indicators.

The MBN for survival comprise of maternal and child health, adequate nutrition, water and sanitation and basic clothing. The MBN regarding security is addressed by the program in terms of income and employment, security and safety of families, and housing. Specifically, under the security minimum basic needs, two indicators are identified directly with crime prevention, i.e., Indicator no. 18 (no family member is to be victimized by crime against persons) and Indicator no. 19 (no family member is to

be victimized by crime against property).

Since there is a purposive targeting of families in given communities through the MBN, the poor conditions that spawn crime and impinge on the successful reintegration of offenders are improved. Also, the prevention of crime is made manifest at the family and village levels, because target families of the program consciously exert efforts to prevent crime and avoid being victims or offenders.

The enabling needs addressed are education, people's participation and family care/psycho-social requirements.

### **IV. MODALITIES IN THE TREATMENT OF OFFENDERS IN THE PHILIPPINES**

Like many countries, the correctional system in the Philippines has both an institution-based and a community-based component. It also has separate treatment systems for youth offenders and adult offenders.

The custodial care of adult offenders is handled by the following:

1. The Bureau of Jail Management and Penology (BJMP) under the Department of Interior and Local Government (DILG) which has supervision over all district, city and municipal jails and detention centers. These jails house detainees awaiting judicial disposition of their case and offenders whose sentence range from one (1) day to three (3) years.
2. The Provincial Governments, which have supervision and control over provincial jails. These jails house court detainees and prisoners whose prison terms range from six (6) months and one (1) day, to three (3) years.
3. The Bureau of Corrections (BUCOR)

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under the Department of Justice (DOJ), which has control over the national penitentiary and its penal farms, houses convicted offenders with prison sentences ranging from three (3) years and one (1) day, to life imprisonment.

Youth offenders in the Philippines are treated differently. A youth offender is defined as a child over nine (9) years but below eighteen (18) years of age at the time of the commission of an offense. Under the country's laws, these youth offenders are entitled to a suspended sentence. Instead of serving their sentence, they are rehabilitated in regional youth rehabilitation centers, which are managed and supervised by the Department of Social Welfare and Development (DSWD). There are ten (10) rehabilitation centers for youth offenders, one of which is a National Training School for Boys and the other, a National Training School for Girls. Their stay in the center can be shorter than their sentence term, depending on how they respond to the rehabilitation process therein.

The non-institutional treatment of adult offenders is managed primarily by the Department of Justice (DOJ) through its Parole and Probation Administration and the Board of Pardons. Probation for adult offenders is available to those whose penalty of imprisonment does not exceed six (6) years. It is considered as a matter of privilege and not of right. Hence, the adult offender has to apply for probation before the court upon conviction. This is also true for the parole system.

The Department, in cooperation with other agencies and the Asia Crime Prevention Philippines Inc. (ACPPPI), now operates the recently constructed Philippine-Japan Halfway House, a new alternative for treating adult offenders.

On the other hand, community-based rehabilitation services for the youth are

administered by the DSWD through its regional field offices nationwide, in coordination with the local government's social welfare and development offices. After-care and follow-up services are likewise carried out for youth offenders by the DSWD.

## V. BEST PRACTICES IN COMMUNITY BASED TREATMENT

After revisiting the concepts, approaches and modalities in community-based treatment of offenders in the Philippines, an appreciation of the "best practices" or effective treatment measures during the pre-trial, trial, post trial and post institutionalization is in order.

### 1. Pre-Trial

#### (1) The "*Katarungang Pambarangay*" (Village Justice System)

The Philippines takes pride in the fact that it has a unique and indigenous way of settling disputes and treating offenders at its smallest political unit level - the village or "*barangay*". The system is called "*Katarungang Pambarangay*" and is aimed at the amicable settlement of disputes at the barangay level. Established in 1978, it aims to promote the speedy, peaceful and inexpensive administration of justice and to relieve the police, prosecutors' offices and courts of conciliable cases. Settlements and awards rendered under this system have the force and effect of a final court judgment.

Under the jurisdiction of the "*Katarungang Pambarangay*" are all disputes which are punishable by imprisonment not exceeding one (1) year or a fine not exceeding P5,000 between and among parties actually residing in the same village, city or municipality. Non-criminal cases outside of the coverage of the *Katarungang*

*Pambarangay* may be referred, for amicable settlement, to the “*Lupong Tagapamayapa*” or peacekeeping board at any time before trial by the police, prosecutor or court.

This peace-keeping board carries out the functions of the *Katarungang Pambarangay* and is created in each of the more than 42,000 *barangays*/villages in the Philippines. It is headed by the *barangay* Chairman and not less than 10, nor more than 20, members selected every three (3) years from among the *barangay* residents or persons working in the *barangay* not otherwise disqualified by law.

A three-member “*pangkat na tagapagkasundo*” or mediation team is constituted from among the *Lupong Tagapamayapa* to continue conciliatory efforts when the *barangay* chairman fails to amicably settle disputes submitted before the *Lupon*.

This form of justice administration enables both the victim and the offender the opportunity to amicably settle their disputes amongst people who have a more intimate knowledge of them, and therefore the reasons for their dispute. Due to their proximity to the locus of the crime, the *Lupon* members are also able to take stock of the socio-economic and cultural dimensions of the dispute and thus have a better understanding of the crime and the parties involved.

Consequently, since the *barangay* chairman, who is the chief executive officer at the village level, is also the chair of the *Lupon*, he/she can link the parties involved in productive and meaningful endeavors and address the root causes of or contributory factors to their problems which may be present in the community which she heads. These community factors may include the lack of employment, the presence of vices, negative peer influences and so forth.

Thus, the early detection of possible

offenders and the correction of their negative behavior can hopefully be better addressed in a manner that is more responsive and relevant to them through the *Katarungang Pambarangay* which prevents their further involvement in crimes and offenses.

## **(2) Release on Recognizance and Other Diversion Services**

A Filipino juvenile who comes in conflict with the law whether at the *barangay* or police level is immediately referred to the Department of Social Welfare and Development (DSWD), or the local social welfare offices, by virtue of the provisions of the Child and Youth Welfare Code or Presidential Decree (PD) 603 enacted in 1974, way ahead of the Beijing Rules. This law provides full protection of the rights of Filipino children and youths and enhances their meaningful participation in national development, regardless of their socio-cultural and economic status in life.

Through community-based diversion services, social welfare workers are called upon to assist youths who have come in conflict with the law as early as when they come to the attention of the *Lupon Tagapamayapa* at the *barangay*. They also visit detention centers and jails regularly i.e., at least once a week, to check whether there are women and youth offenders in detention. These workers also maintain close coordination with Women Desks and Child and Youth Relations Units of police stations, which have Women Desk Officers and Child and Youth Relations Officers among the police force. So juvenile offenders are diverted from the criminal justice system, released on recognizance and placed under supervision of a responsible adult or are reunited with his/her family under the supervision of a social worker. Once diverted or out of detention, the youths are assisted in their problems, in

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the context of their family conditions and situations, through the formulation of a treatment and rehabilitation plan. Most of them are assisted to go back to school, to gain some skills or, if already able to work, assisted in having self or open employment. Their families' concerns are also looked into and they are linked to resources that can help them.

This scheme enables the youth to be protected, rehabilitated and trained for socio-economic and civic responsibility for the betterment of himself/herself, their family and community, without undergoing unnecessary detention and eventual alienation.

The Republic Act 306 or the Release on Recognizance Law also applies to offenders whose penalty is six (6) months or less and/or a fine of P2,000.00. They are usually released in to the custody of a responsible person in the community, instead of posting a bail bond.

## 2. Trial or Adjudication Stage

### **(1) Suspended Sentence for Youth Offenders**

Under the provisions of the Child and Youth Welfare Code, the execution of the sentence of youth offenders is suspended and s/he instead is either committed to the care and custody of the DSWD's rehabilitation centers for youths, or placed under its custody supervision/probation servise.

The probationary treatment of juvenile offenders in the Philippines preceded that of the adult offenders and started on December 3, 1924 when Act 3202, the first juvenile delinquency law of the land was passed. The probation service for the youth offenders starts when, after formal adjudication, s/he is released to their family, guardian or responsible person in the community under the direct supervision of the DSWD, instead of commitment to a youth rehabilitation center. The

placement continues until such time that the Court terminates the case upon proper recommendation of the DSWD social worker.

The social worker and the youth, together with their family, prepare a treatment and rehabilitation plan that guides the youth. Linkages and referral to community services and institutions such as school, the church, non-government organizations and other government agencies are maintained to enable the early reintegration of the youth offender.

Commitment to a DSWD rehabilitation center for youths also offers various opportunities for an offender's early reintegration to the community. Since the DSWD's rehabilitation centers are open institutions and are situated in the regions where offenders come from, the youth is afforded an opportunity to interface with the community or experience homelife conditions in a number of ways that are conducive to reintegration and rehabilitation. These opportunities are integrated in a package of programs and services with the acronym "SHEPHERDS", namely:

(a) *Social Services*: The DSWD social workers in rehabilitation centers take the lead not only in the formulation of treatment plans but also in the integration of services for the offender and their family. The social worker ensures that offenders are afforded individualized treatment by the rehabilitation team. Case conferences are done regularly among the rehabilitation team members to monitor the progress of treatment plans.

In addition to providing the youth casework and counseling services, the rehabilitation centers provide opportunities for the youth to

continue contact with their family not only by mail, but also through regular visitations by the offender to their family and vice-versa. The centers also celebrate a "Family Day" once a month where the youths' families are invited to a day of inter-action not only with their children, but also with the latter's fellow wards, social workers, substitute houseparents and the Center's other personnel. The youth can also be granted an "out-on-pass" privilege through the court to attend important family developments such as when a parent is sick or passed away; during Christmas and New Year, and other significant occasions, based on good behavior.

To ensure the successful re-integration of the offenders into their community, the Center staff involve the community-based social workers in the treatment planning and implementation, where the latter attends to the needs of the offender's family. As early as the treatment planning stage, reintegration is already included as a goal for the offender's family. For instance, where an offender's problem stems from the fact that their family has a low income, his/her siblings are not in school, or his/her parents lack parenting skills, the community social worker addresses these concerns and reports progress on these efforts to the Center staff.

The center-based and community-based social workers also collaborate on the discharge planning for the offender. Eventually, the community social worker provides supervision and after care services to the discharged offender to ensure that the reintegration plan is put into action.

- (b) *Homelife Services*: enables the youth to learn household chores such as shopping, cooking, cleaning, making beds, etc., as well as positive values in relation to their present home-based roles as son/daughter, brother/sister, etc., in addition to those roles they will assume in the future if they choose to have their own families.
- (c) *Educational Services*: these centers utilize existing schools within the vicinity or, if the schools are within the center, the youths in the nearby community are allowed to avail of the center's school. This enables the youth offender to be mainstreamed and to interface with other youths without cases, thus preventing their further alienation. In a few instances, offenders are allowed to pursue education beyond high school in cooperation with nearby colleges and universities.
- (d) *Psychological Services*: provide the youth opportunities to understand themselves better, to know how to behave in a group, and to relate with others. Upon admission, the youth undergoes psychological testing which is utilized in the crafting of the treatment and reintegration plan, and in helping them modify their behavior according to the socio-cultural norm of the community. Through this service, individual and group sessions are held with the Center's residents.
- (e) *Health Services*: are provided to youth offenders to hasten their physical development. Medical and dental services enable the youth to attain physical well being that contributes to their personality development and sense of security as they prepare to be reintegrated into

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their community.

(f) *Economic Programs and Services in Rehabilitation Centers:* provide skills training, entrepreneurial or business management exposure and direct experience in productivity or livelihood projects to the offenders. The skills or crafts they are trained in and exposed to are in accordance with their "back-home situation". For example, if an offender comes from an agricultural area, s/he is trained in agricultural productivity skills. The offender is also equipped with the appropriate work ethics and values relevant to their work when they are finally discharged from the rehabilitation center, thus ensuring that reintegration is easier.

(g) *Recreational Services:* are likewise made available to the offender in line with their interest and physical condition. Recreation can come in the form of indoor or outdoor games and sports, television viewing, painting, reading, and the like. Their exposure to sports enables the offender to practice discipline, sportsmanship and know how to relate with others.

(h) *Developmental Services:* are also afforded to the offenders through their exposure to group meetings, consultations, and other group experience. The offenders are organized into youth groups known as "Pag-asa (Hope) Youth Association (PYA)" which becomes a means for offenders to participate in the planning and decision-making processes inside the Center. Since the PYA is also present in the community where they live, it becomes easier for the offender to be re-integrated into the community by linking them with existing PYA groups in the area.

Their experience as a member or leader of the youth group enables them to have planning and management skills that will be useful should they wish to be active members of their *barangay* development councils and/or assume community leadership roles in the future.

(i) *Socio-cultural Programs:* are likewise available in the DSWD's rehabilitation centers. These include cultural presentations that enable the youth to develop their talents and skills along theater, acting, drama, dancing, singing, etc., as well as to appreciate cultural practices handed over from one generation to another, to deepen their roots and love of country.

Spiritual programs are part of this category of services for the offender. By experiencing a deeper relationship with their Creator, the offenders are afforded more guidance, protection, liberation and friendship. Through this program, they are encouraged to have faith in their capacity to change, and in God, and in God's plan for them. They are made to understand that they are unique and have a distinct role to play to make the world a better place, hence are enabled to perform all their daily roles with care and enjoyment.

The statistics of the DSWD for 1996 and 1997 indicate that for every one (1) youth offender served in the Rehabilitation Centers, a corresponding number of four (4) offenders avail of custody supervision/probation in the community, or a ratio of 1:4 institutional versus non-institutional treatment. Table II details these figures. From the figures in the table II, it can be gleaned that community-based treatment has been maximized for youth offenders by

the DSWD. This is not only in line with the country's support for the Convention on the Rights of the Child, but in accordance with the provisions of the Philippine Constitution which recognizes the vital role of the youth in nation-building, and promotes and protects their physical, moral, spiritual, intellectual and social well-being.

**TABLE II**  
**NO. OF YOUTH OFFENDERS**  
**SERVED BY DSWD (1996 - 1997)**

Corrections Mode	1996	1997
1. Served in 10 Rehabilitation Centers	1,861	1,691
2. Served through Custody/Supervision	7,361	6,747
<b>TOTAL</b>	<b>9,222</b>	<b>8,438</b>

Source: DSWD Planning Service

**(2) Probation for Adult Offenders**

Probation for adult offenders in the Philippines came much later than that for youth offenders. Started in 1976 through Presidential Decree (PD)968, adult probation can be availed only once, and usually only by first time offenders, for penalties of imprisonment not exceeding six (6) years. Thus, an offender has to apply for probation before the court upon conviction.

Probation as defined in the PD, refers to a disposition under which a defendant, after conviction and sentence, is released subject to conditions imposed by the Court and under the supervision of a probation officer. The investigation and supervision of probationers are latched on the Department of Justice's Parole and Probation Administration (PPA) which was created upon the passage of PD 968 in 1976, and which has administrative authority over probation officers. Probation supervision aims to bring about the rehabilitation of the probationer and

their re-integration into the community.

The probationers are afforded by the PPA the opportunity to continue education (whether formal or non-formal), be employed or engaged in income generating activities and pursue other worth-while projects while under supervision. These are carried out directly by the PPA or through coordination with other government agencies such as the DSWD, the Department of Education, Culture and Sports (DECS) and local government agencies, as well as private and civic groups. While already a form of community-based treatment by itself, probation in the Philippines allows for early termination of probation cases on certain grounds.

The following probationers are eligible for recommendation of early termination of their cases:

- (1) Those who are suffering from serious physical and/or mental disability such as the deaf-mute, lepers, the crippled, the blind, the senile, the bed-ridden, and the like.
- (2) Those who do not need further supervision as evidenced by the following:
  - (a) Consistent and religious compliance with all the conditions imposed in the order granting probation;
  - (b) Positive response to the programs of supervision designed for their rehabilitation;
  - (c) Significant improvements in their social and economic life;
  - (d) Absence of any derogatory record while under probation;
  - (e) Marked improvement in their outlook in life through becoming socially aware and responsible members of the family and community; and
  - (f) Significant growth in self-esteem, discipline and self-fulfillment.

Provided that, the probationers involved have already served one-third of the

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imposed period of probation; and provided further, that in no case shall the actual supervision period be less than six (6) months.

(3) Those who have:

(a) To travel abroad due to any of the following:

- An approved overseas job contract or any other similar documents; or
- An approved application for scholarship, observation tour or study grant for a period not less than six (6) months; or
- An approved application for immigration;

(b) To render public service:

- Having been elected to any public office; or
- Having been appointed to any public office.

Provided, however, that the probationers involved have fully paid their civil liabilities, if any.

(4) Other probationers who have fully cooperated with/participated in the programs of supervision designed for their rehabilitation and who are situated under conditions/circumstances similar in nature to those above described at the discretion of the proper authorities.

3. Post-Trial Stage

**(1) Open Prison Programs**

The Bureau of Corrections (Bucor) under the Department of Justice also maintains penal colonies and farms outside of prisons where deserving prisoners can bring their families. They are also allowed to engage in livelihood by being contract farmers, cultivating a piece of land, raising livestock and poultry, engaging in different crafts for their subsistence and being involved in other economic and socio-cultural activities. This open

arrangement also enhances reintegration efforts for ex-offenders and their re-adjustment in community setting.

**(2) Pardon**

The act of forgiving the wrongdoing of an offender and which is conducive to early reintegration, is also practiced in the Philippines. Under Philippine Law, a Board of Pardons and Parole oversees this program and recommends to the President of the Republic the grant of executive clemency to certain prisoners. Executive clemency refers to either the commutation of sentence, absolute pardon and conditional pardon, with or without parole conditions as may be granted by the President upon recommendation of the Board.

**(3) Parole**

Which refers to the conditional release of an offender from a penal or correctional institution after s/he has served the minimum period of their prison sentence under the continued custody of the State and under conditions that permit their reincarceration if s/he violates a condition for their release, is also administered by the Parole and Probation Administration (PPA).

The Board of Pardons and Parole, which recommends both pardon and parole privileges to the President, do so under the policy of “uplifting and redeeming valuable human material to economic usefulness and to prevent unnecessary and excessive deprivation of personal liberty”.

4. Post-Institutionalization

**(1) Halfway House for Adult Prisoners**

An essential transition arrangement between institutional placement, especially among prisoners or offenders long confined in closed institutions, and

that of community-based services is that of a halfway house. A halfway house, as the term connotes, is a residential facility where released prisoners can be provided the opportunities to gradually adjust to community life, and to prepare them for full reintegration to society.

The first halfway house for offenders in the Philippines was that for youth offenders. Set up in the mid-1960's in a regular community in Quezon City, Metro Manila, this halfway house, known as a Youth Residence, was supervised by the DSWD for youth offenders released from the National Training School for Boys (NTSB). At that time, there was only one reformatory school for boys. When regional youth rehabilitation centers were established all over the country in the late 1970's, the need for the Youth Residence was no longer seen as necessary. This was because the regional centers provided a community-based setting for the youth offenders that hastened their reintegration process without the necessity of going through a halfway house. Thus, the Youth Residence was phased out in 1979.

It was, however, a different case for adult prisoners confined in the national penitentiary, who needed a halfway facility because the national penal institution was situated in Metro Manila. Thus in 1996, a Philippines-Japan Halfway House was started to provide residential setting for released or pre-released prisoners. The facility was a joint effort of the Asia Crime Prevention Foundation (ACFP), the Nagoya West Lions Club, and UNAFEI from the Japanese end, while the Asia Crime Prevention Philippines, Inc. (ACPPI), the Department of Justice, the National Police Commission, the Department of Social Welfare and

Development, the Muntinlupa Lions Club, and other non-governmental organizations provided the support from the Philippines end.

The halfway house provides home life and group living experiences to the adult ex-offenders, offers them opportunities for vocational and economic skills, and subsequently job placement and employment. The residents are likewise afforded opportunities to grow emotionally, mentally, physically and spiritually for their eventual reintegration into their family and community. A multi-disciplinary team of social workers, psychologists, educators, and other rehabilitation workers manage the house.

## **(2) After Care Services**

Youth offenders discharged from the DSWD's rehabilitation centers are provided after care services upon discharge up to a period of one (1) year. As discussed earlier in this paper, social workers in the communities where the youth come from are involved early in the formulation of the treatment and discharge planning. Thus, they are maximized in monitoring and assisting the discharged youth in the reintegration process. Communication is maintained between the center and community social workers on the minor's status, and those of their family, to determine if they need further assistance.

The youth is assisted by the community social worker to either go back to school, acquire productivity skills or be employed if of employable age. Meanwhile, the halfway house for adult prisoners also provides after-care monitoring for ex-residents of the house, in coordination with the DSWD and DOJ regional and field offices, local government units and other entities.

**VI. LESSONS LEARNED:  
NEED FOR AN INTEGRATED  
APPROACH IN REINTEGRATING  
EX-OFFENDERS**

The management of community-based treatment measures for persons in conflict with the law has its share of problems and weaknesses. Firstly, low priority has been given to budgetary outlays and support for offenders and prisoners because of the stigma attached to crimes and offenses. Secondly, the general public perception on offenders continues to be in the context that they have violated laws and human rights. Thus, continuous advocacy efforts have to be done to change the mind set about offenders and their capacity to be rehabilitated and be productive.

Thirdly, while village level efforts are welcome and widely used, personal and familial ties sometimes influence decisions at that level, thus, affecting the efficacy of some corrective measures. This is a disadvantage of the informal system, which can be addressed by constant orientation, information, and education of community leaders and residents.

Fourthly, while youth offenders are welcomed easily, adult offenders are less accepted by communities because of the fact that they are perceived to have full cognisance of their offenses and wrongdoing. Thus, there are more opportunities for youth offenders than adult, because of the perceived higher chance of rehabilitation by the latter.

The fifth, and most important lesson, is that investing in prevention and developmental programs, to ensure economic stability and social equity among the populace, is far better and less costlier than the treatment of offenders. This is in consonance with the old saying that "an ounce of prevention is better than a pound of cure." Thus, the government and civil services are investing in strengthening families as a basic unit of society that

should nurture, care and develop its members to be useful and responsible members of society.

Crime prevention and the treatment of offenders are among the most important tasks and responsibilities of governments. This fact is confirmed by the 1997 World Bank Development Report that listed the five fundamental tasks of the States in our changing world. The five tasks are:

1. Establishing a foundation of law.
2. Maintaining a non-distortionary policy environment, including macro-economic stability.
3. Investing in basic social services and infrastructure.
4. Protecting the vulnerable.
5. Protecting the environment.

Clearly, tasks numbers 1 and 4 (above) cover crime prevention and control and treatment of offenders, respectively. Thus states of the world should invest in this endeavor in order to ensure that its development goals are achieved and its progress attained.

To fully operate these state tasks, particularly in the field of the community-based treatment of offenders and ex-offenders, there is a need for a comprehensive and integrated planning, implementation, monitoring and evaluation system between and among the five (5) pillars of the criminal justice. Since these pillars have the same goals that vary only in degree of congruence and emphasis, they form a chain of efforts to rehabilitate and reintegrate offenders. These pillars constitute the sectors in a reintegration continuum: community (development, prevention, early detection); law enforcement (interrogation, detention); prosecution (investigation); courts (adjudication); corrections (retribution, rehabilitation)

The initial step towards this integrated approach is ensuring a common paradigm in reintegration that starts and ends with the community as the vital and leading

component of a reintegration continuum.

Proceeding from a systems approach in rehabilitation, reintegration goals must permeate and be integrated in all pillars of the criminal justice system. This also calls for a comprehensive and wholistic view of reintegration as a continuum - starting at the point where an offender is separated from their community, to the time s/he is brought before law enforcement entities, the prosecution, the courts, the corrections authorities and finally back to the community. Thus, even at the first instance when s/he is apprehended, the police must view an offender not just as a criminal, but a human resource that can be a potential loss and a subject for rehabilitation and eventual reintegration. Subsequent pillars, to which the offender must be exposed, should also have these common goals.

At the initial stages of interrogation, detention and investigation, therefore, an offender must be seen not only as an individual whose criminal behavior needs to be contained or curtailed, but also as a person in an especially difficult circumstance who should nonetheless be helped in facing their problems and coping with life's realities. Similarly, while the prosecution and the court pillars treat offenders as worthy of deterrent measures and punishment, they must have reintegration in final view. Correction officials and staff should not, therefore, be the only advocates for reintegration.

This reintegration continuum approach, at the formal criminal justice pillar levels, must be supplemented and complemented by informal social control and economic growth mechanisms at the community level to improve quality of lives and strengthen the prevention of crime at its very source - the individual, their family and community. These efforts must be supported by all the elements and sectors of a nation that must see crime as a manifestation of weaknesses in a given

society. For in ultimate analysis, the strength of a nation can only be truly tested at the level of its poorest and most vulnerable families, and those of its weakest communities.

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