

# **PARTICIPATION OF THE PUBLIC AND VICTIMS FOR MORE FAIR AND EFFECTIVE CRIMINAL JUSTICE ADMINISTRATION IN THE PHILIPPINES**

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## **I. INTRODUCTION**

In the 1998 State of the Nation Address of His Excellency, President Joseph Ejercito Estrada, the President announced the adoption of a ten-point action program by his government. The first major task he cited pertains to the strategic theme of his government, which he declared as a governance of transparency. All decision-making processes are to be publicly disclosed and must be consultative. The immediate objective of the government is to restore public confidence and its long term objective is to establish an enduring partnership among government, the business community and civil society.

One of the major task of his government is reduction of criminality by effecting the "immediate arrest of the most notorious criminals and drug pushers". He has, in fact, created a Presidential Anti-Organised Crime Task Force to coordinate efforts as regard to the reduction of criminality.

The upsurge in crimes concerns not only public security and order or political stability, but also gravely affects the favorable economic gain of the country. The consequential repercussions of such crimes have compelled the Philippine government to launch a more intensified and more unified drive to involve law enforcement, prosecutorial, and judicial agencies. In fact, even the legislative branch has

labored to prioritize legislation to curb the proliferation of crimes. The crime situation has evolved in such dimensions that that, in order to curb it, a systematized and effective crime prevention and control program is deemed imperative.

## **II. PHILIPPINE STRATEGIES FOR CRIME PREVENTION**

A basic condition for an effective and efficient criminal justice system is genuine trust and confidence of the general public. It is this trust and confidence that spells the difference between an actively supportive public on the one hand, and an apathetic community on the other hand. It is the building block of successful crime prevention strategies.

### **A. The Philippine Criminal Justice System: The 5-Pillar Approach**

The Philippine criminal justice system has four (4) formally organized components namely: law enforcement, prosecution, courts and corrections. The formal components are the traditional series of agencies that have been given formal responsibility to control crime: the police, the prosecutors, the judges, prison and jail personnel, probation and parole officers.

The fifth component is made-up of the mobilized community and is outside this formal organization. It may be composed of public entities, private groups and individuals and local officials who are performing functions related to the prevention and reduction of crime.

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The fifth pillar has a two-fold role. First, members have the responsibility to participate in law enforcement activities by being partners of the peace officers in reporting crime incidents, and helping in the arrest of the offenders. Second, they have responsibility to participate in the promotion of peace and order through crime prevention or deterrence, and in the rehabilitation of convicts and their reintegration to society.

### **B. The Holistic Approach**

Over the years, crime has continued to be one of the major social problems and questions linger in the minds of the public as to the capability of the agencies concerned to respond effectively to the threat of crime. The failure to meet targeted goals, however, should not be totally construed as a failure of the system but rather, on the prevailing environmental conditions or factors that may have precipitated the increase of crime incidence. These factors include increasing pressure from the family, peer groups, rural-to-urban migration, negative effects of mass media, impact of poverty, unemployment and inflation, and graft and corruption.

In view of this, crime prevention policies have been incorporated in national economic development plans. Under the past administration, reinventing the bureaucracy and crafting a new and reinvigorated Social Reform Agenda became priority actions. Specifically, the Philippines 2000 program, launched in February 1993, encompasses the Filipino vision for an improved quality of life for all. It is anchored in people empowerment and global competitiveness.

Significant sector-specific strategies to more equitably distribute the fruits of development, to bridge rural-urban disparities and to increase people's

participation are being introduced on all fronts.

In the reduction of crime, a systems-wide strategy was initially developed in the 1970s. This ventured into specific community-based crime prevention activities for adoption and implementation by criminal justice agencies, specifically those perceived to have the greatest potential for improving the quality of life, and hence, reducing crime. The strategies that find relevance to the present are: 1) reinforcement of the home and family life; 2) educational improvement; 3) health improvement; 4) active participation of religious organizations/groups; 5) improvement of recreational facilities; 6) involvement of mass media; and 7) citizens' involvement in crime prevention activities.

### **C. Coordination and Networking in the Philippine Criminal Justice System**

The criminal justice arena is a system of interrelated goals, functions and roles. Interagency coordinating mechanisms have been created and strengthened to optimize problem-solving for pressing issues affecting each pillar, and to work out the implementation of projects and activities within an interdisciplinary framework.

#### **1. National Peace and Order Council**

Several years ago, a centralized coordinating mechanism to carry out a national program addressed not only criminality but all forces that threaten national security was established with the promulgation of Executive Order 309, as amended by EOs 317 and 320, and recently EO 366. This national council, more popularly known as the Peace and Order Council, draws its membership from government agencies and non-governmental organizations (NGOs). It underwent reorganization and

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revitalization on all levels-national, regional, provincial and city/municipal.

The Peace and Order Council (POC) is a unified and strongly coordinated body to carry out national programs addressed to the problems of criminality, terrorism, drugs, insurgency, rebellion or disruption of public order, which threaten our national unity and security.

2. National Summit on Peace and Order

In connection with this, the government tasked the National Peace and Order Council to call on all criminal justice agencies in the country consultative meetings. This resulted in the holding of national peace and order summits to craft a common policy and action plans against criminals, especially those involved in heinous offenses.

The National Summit on Peace and Order, which was institutionalized in 1993, is an annual exercise wherein government is considered in this jurisdiction as the fifth component of the criminal justice system - not just in the implementation phase but also in the policy-formulation level.

The Summit of 1993 was the first time that public servants met with the citizenry on a national scale to openly discuss the peace and order conditions in the country on which could be forged a rationalized blueprint for action, distilled from the clash of intellectual and experimental insights.

The Summits have endeavored to learn from hindsight, to sustain the gains that have been made in the past and to find out what more could be done to improve the administration of justice in the country and the overall peace and order situation. The annual summit provides an occasion for a diagnosis of the year just past, and a prognosis of the year to follow.

Conferees in the Summit agreed to adopt a Master Plan of Action for Peace and Order to be implemented for a period of 5 years by the criminal justice system agencies and the mobilized community. Former President Fidel V. Ramos directed the Peace and Order Council through the National Police Commission's Technical Committee on Crime Prevention and Criminal Justice to oversee the implementation and monitoring of the projects contained in the Master Plan.

The Master Plan of Action for Peace and Order is the blueprint for a concerted government action against criminality, and programs, projects and activities incorporated in the plan are to be implemented from 1997 to 2001.

**III. PUBLIC PARTICIPATION AND COOPERATION IN THE CRIMINAL JUSTICE PROCESS**

Trust and confidence is built upon a firm knowledge of a criminal justice machinery that is able to deliver justice speedily, accurately, equitably, fairly and accessibly, or any combination of these depending on society's culture and norms.

As reforms in the Philippine criminal justice system gradually take root in the individual pillars, public trust and confidence can be built up into greater vigilance and active community involvement. The process of regaining people's trust and confidence in the country's criminal justice system is being orchestrated at the highest levels of government and is being coordinated through the close networking of interdisciplinary committees such as the Napolcom Technical Committee on Crime Prevention and Criminal Justice. Some of the programs initiated, by pillar, are the following.

### **A. Police Level**

By and large, this pillar represents the most visible subsystem and has the greatest membership of the four formal components. To date, the country has a total of 94,965 members of the Philippine National Police nationwide, with NCR accounting for 10,644 members, excluding uniformed and civilian volunteers comprising a total of 3,817 at present. This is the entry point of the system for first offenders and the re-entry point for the failures of the other subsystem. This is sometimes referred to as the “gateway to the Criminal Justice System”.

The law enforcement function is spearheaded by the Philippine National Police (PNP) and the National Bureau of Investigation (NBI). The PNP is national in scope and civilian in character and administered and controlled by the National Police Commission (NAPOLCOM), an attached agency of the Department of Interior and Local Government (DILG).

Several measures have been initiated at the law enforcement level to maximize the participation of the public at this level of the criminal justice system. Among these are:

1. Community Oriented Policing Concept (COPS)

The National Police Commission and the Philippine National Police agreed that there should be a specific operational program initiated by the government to counter criminality, even if some of the more successful models are those initiated by the community. The two agencies agreed to implement and institutionalize a particular community-based crime prevention program nationwide. This program is dubbed the “Community-Oriented Policing System or COPS”

The major emphasis of COPS is the imperative of cultivating a people-police partnership to champion the cause of peace and order in the community. Public support is the desideratum of police effectiveness and success. The police can not single-handedly solve the manifold problems of criminality, considering its deficiencies in manpower, mobility, communications and firepower. Only the people can fill the gap.

The Philippine National Police (PNP) has been directed to hasten the full implementation of community-based policing projects, especially in urbanized areas, nationwide. All territorial unit commanders have been directed to accelerate the institutionalization of the community policing system in their respective areas in cooperation with local government units (LGUs), other government agencies/offices, and nongovernment organizations (NGOs).

Cognizant that the support and involvement of the community is one of the significant factors in the successful implementation and institutionalization of the community policing project, the Napolcom enjoined the PNP to solicit and enter into partnership and alliance with all interested NGOs, civic organizations and LGUs to be formalized through the signing of Memorandum of Agreement without exclusivity.

The physical/structural aspect of the project is the establishment of a modest police box or police center in the community wherein the activities of the system will be planned, organized and executed. The primary function of the box or center is the organization of the community to prevent and control crime.

On the other hand, its psychological/behavioral aspect pertains to COPS as a

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philosophy that guides the approach to policing taken by every police unit. It is the process of changing the mindset and attitude of the members of the police force in solving criminality without resorting to violent means and methods. In the same manner, the members of the community will be convinced to enter into partnership with the law enforcer to keep the community peaceful. While a police agency can adopt aspects of the community policing philosophy for selected units and activities it undertakes, maximum impact cannot be achieved unless the entire station adopts the COPS philosophy and the station is organized in a manner that reflects the commitment to neighborhood problem solving.

COPS aims to cultivate the citizen-police partnership to serve the cause of peace and order in the community. It seeks the cooperation and active support of NGOs, the local government officials, and the entire community for crime prevention and control. It also ensures immediate police response to situations, thereby fostering a sense of security among the residents in the community. In the long term, it aims to facilitate the transition from the traditional reactive incident-driven model of policing to a proactive style of operation which seeks to identify and resolve community problems and actively engage members of the community in the process.

2. Institutionalization of the Peoples Law Enforcement Boards (PLEB)

People empowerment as a strategy in the administration of police administrative disciplinary system finds actualization with the organization and operation of the People's Law Enforcement Boards (PLEBs) in the cities and municipalities throughout the country.

Under R.A. No. 6975, the PLEBs are

vested with the jurisdiction to hear and decide citizens' complaints against erring personnel that are filed before them. The intent of the law is clear. In the governance over the police, local government units and the community must have substantial and more meaningful participation, particularly in the area of discipline.

PLEB members are appointed by the local executives through the recommendation of the local Peace and Order Councils. In 1995, a total of 1,510 PLEBs were organized nationwide. PLEB members are given the appropriate training upon appointment. Of the total number of PLEBs organized, 1,087 PLEBs were monitored to determine their caseload and status of case disposition, as well as to look into their technical or legal capabilities and requirements. Around 1,919 complaints against PNP members were filed with the various PLEBs. Of this number, 824 were disposed of, registering a 42.9 percent case disposition rate.

3. Establishment of "Women's and Children's Concern Desk" in Police Stations

The establishment of the Women's and Children's Concern Desks in police stations is expected to further streamline and strengthen the effort of the police in responding to problems of violence against women and children. As a management strategy, police women are assigned to man the desks, or if no female personnel are available, a trained male police officer is assigned. To date, a total of 1,632 WCCDs with 1,763 personnel (1,468 policewomen and 294 policemen) have been established nationwide. In highly urbanized cities, the WCCD handles the investigation of women and children's cases. A total of 3,463 cases of abused women and children have been reported to WCCD and acted upon appropriately. WCCP officers have been effective tools in providing services to

women and children in close coordination with the Department of Social Welfare and Development (DSWD) and concerned women-based NGOs.

Aside from these flagship programs, the police also conduct their own public information and education programs through a number of TV and radio programs. They likewise conduct regular “*Ugnayans*” or dialogue with the community and hold a “People’s Day” every month. These activities make police services accessible to the public.

4. Law Enforcement Pillar Master Plan of Action for Peace and Order

1. *Pilot-Testing of Enhanced Community-Oriented Policing System in the Municipality of Valenzuela*

This pilot testing project was conducted in the municipality of Valenzuela. All police officers in this station are specially trained in the COPs philosophy and mindset. They are also afforded better logistical support like computers, hand held radios and office equipment. Seminar-workshops on crime prevention are regularly conducted and attended by community leaders and the police. Action planning sessions are also held.

A favorable result on the implementation of the project was observed, particularly on the maintenance of peace and order. The citizens observed that the continuous monitoring and evaluation of the COPs program in their area has brought about a more favorable level of safety in the community.

**B. Prosecution Level**

The National Prosecution Service (NPS) is the prosecution arm of the Philippine government and is mandated to uphold the rule of law as a component of the criminal justice system. In the realm of the criminal

justice system, prosecution is viewed as the machinery that sets in motion the institution of action to establish the guilt of criminal offenders and law violators. Its mission is to maintain peace, order, safety and justice in the community through delivering prompt prosecutorial services, that is, the investigation of crimes and the prosecution of criminals. Tasked with this delicate function of screening and evaluating which cases are to be dropped or filed in court, the prosecution is often called the prime official in law enforcement. They represents not only the community but the people in the prosecution and trial of the accused in court. It is the prosecution’s responsibility to represent the government in court and to see that proper persons are appropriately charged.

The National Prosecution Service came into being on 11 April 1978 by virtue of Presidential Decree No. 1275. The NPS is under the supervision and control of the Department of Justice. They run a nationwide organization consisting of state prosecutors, regional prosecutors, provincial prosecutors and city/municipal prosecutors tasked to undertake the investigation and prosecution of cases involving violations of penal and special laws.

The NPS is mandated to maintain and uphold the rule of law through the effective and expeditious delivery of prosecutorial services in order to enhance peace and order. The members of the NPS are primarily tasked to investigate and prosecute all criminal offenses defined and penalized under the Revised Penal Code and other special penal laws.

The Department of Justice, in coordination with various government agencies maintains several programs to ensure citizen participation at this level of justice administration.

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**1. The Witness Protection, Security and Benefit Program (WPSBP)**

After only six years of operation, the Witness Protection, Security and Benefit Program (R.A. 6981) has proven to be an indispensable feature of the criminal justice system in the country. Clients-witnesses covered by the program have continued to play a pivotal role in the successful prosecution of significant criminal cases.

The Witness Protection, Security and Benefit Program (WPSB), under Republic Act No. 6981, is a recent legislative enactment granting witnesses certain rights and benefits and defining their responsibilities, if admitted into the Program. Apart from the primary benefit of security and protection, witnesses may be given any or all of the following benefits under the program; 1) secure housing facility for high-risk witnesses; 2) financial assistance to witnesses and their dependents, ranging from a minimum of

P3,000.00 to about P15,000.00 in certain cases; 3) travelling expenses and subsistence allowance; 4) medical and hospitalization assistance; 5) housing or rental allowance in case of witnesses is with manageable risks.

The success of the Program is best measured by the number of convictions it has secured. From 1991 to January 31, 1998, the program secured convictions in 132 cases, the most recent of which are the Dumancas Kidnapping-Murder Case (involving the heiress of the owner of a bus company) and the former Chief of Police of Bacolod City, putting behind bars a total of nine accused based on the sole testimony of a witness under the program; the Cong. Jalosjos case; and the Mayor Alonte case. For 1997, the program placed behind bars 45 accused with 23 witnesses testifying.

The Department of Justice entered into agreement with different government agencies for assistance and services to be

**Table 1**  
**Witness Protection and Benefit Program**  
**Budget and Important Statistics**

	1991	1992	1993	1994	1995	1996	1997	1998
Budget (in Million Pesos)	25.00	25.00	23.036	18.718	25.360	35.00		
Less Reserve	-	1.964	2.268	.918	1.250	-		
Net Appropriations		25.00	23.036	20.768	25.800	24.110	35.00	
Applications Received	60	149	293	499	525	317	245	112 (as of 8-31-98)
Carry over from Previous Year		50	40	16				
Total on Hand	60	199	333	515				
Admissions	6	99	247	273	300	229	189	53 (as of 8-31-98)
Denials/Archived/Withdrawn/Suspended	4	60	70	147				
Balance by Year-End	50	40	16	95	350*	500*		
Disposition Rate	17%	80%	95%	82%				

afforded to clients. The Department of Foreign Affairs agreed to render assistance in facilitating/securing passports and visas for WPSBP covered witnesses and initiate negotiation with countries to determine the feasibility of exchanges of witnesses. The Philippine Overseas Employment Authority (POEA) agreed to assist witnesses in obtaining livelihoods abroad through its government hiring schemes or other methods of deploying overseas contractual workers. The Department of Labor and Employment and the Department of Social Welfare and Development conduct skills training programs for witnesses.

2. Compensation for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes from the Board of Claims

Republic Act No.7309 is the law creating the Board of Claims under the Department of Justice, granting compensation for victims of unjust imprisonment or detention and for victims of violent crimes. One of the more vexing problems in the area of justice and human rights is the implementation of the constitutional provision against the deprivation of life, liberty and property, without due process of law. Persons have been accused and imprisoned for crimes they did not commit, only to be subsequently acquitted.

For the victims of unjust imprisonment, compensation shall be based on the number of months of imprisonment and every fraction thereof shall be considered one month, but in no case shall such compensation exceed P1,000.00 per month. In all other cases, the maximum for which the Board may approve a claim shall not exceed P10,000.00 or the amount necessary to reimburse the claimant's expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the

injury, whichever determined by the Board.

3. Prosecution Pillar Projects Under the Master-Plan of Action for Peace and Order

1. *Prosecution, Law Enforcement and Community Coordinating Committee (PROLECCs)*

One of the projects contained in the Master Plan of Action for Peace and Order is the maintenance of the prosecution, law enforcement and community coordinating service (PROLECCS). Representatives from the different pillars of the criminal justice system have taken cognizance of the low rate of cases rested in court. This could be attributed to the limited or lack of evidence presented in court. The prosecution pillar of the Technical Committee on Crime Prevention and Criminal Justice felt the need for closer coordination among prosecution, law enforcement, and community pillars, specially in evidence gathering.

Project PROLECCS provides a regular forum to achieve and sustain closer linkages among the prosecutors, law enforcers, and community in evidence-gathering, specifically in cases involving heinous crimes. It is also designed to help attain a 50% increase in the rate of cases rested in court for a 5-year period. The project envisions fostering an enhanced working relationship and to promote camaraderie among prosecutors, law enforcers and concerned non-government organizations (NGOs) through regular meetings, seminars and conferences. The project was launched in August 1996 in the Metropolitan Manila area and is being participated in by Chiefs of Police, PNP District Directors, representatives from other law enforcement units, and members of the community and cause-oriented groups such as the Crusade Against Violence (CAV), the Citizen's Crime Watch (CCW), the United Pasig Against Crime

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(UPAC) among others.

To date, the PROLECCS have conducted seven (7) general meetings and five (5) Sub-Committee meetings. During the general assembly meetings, several issues, problems and gray areas were discussed, especially on procedural matters and on the gathering and presentation of evidence, for the purpose of strengthening the merits of cases in court. Through the exchange of information during meetings, the law enforcers were made to understand certain rules regarding gathering, handling, preservation and presentation of evidence. Accordingly, the law enforcers will be able to apply the learned process in their future cases.

*2. Training Program for Drug-Identification Accredited Professionals (DIAPs Training Program)*

One of the most pressing problems that hamper the speedy disposition of cases is the lack of witnesses who will testify in court. Specifically, expert witnesses play a vital role in the speedy administration of justice in that their knowledge may be either make or break a case. Giving particular focus on the drug problem, the Technical Committee on Crime Prevention and Criminal Justice have taken cognizance of the problem of the very low conviction rate in drug cases. The problem has been traced, among others, to the dearth of government chemists who can testify as expert witnesses in court. At the time, only the chemists from the Philippine National Police, the National Bureau of Investigation (NBI), and the Dangerous Drugs Board (DDB) were allowed to appear in court as expert witnesses.

The Napolcom TCCPCJ felt the need for a project that will augment the very limited number of resident chemists in crime laboratories. The Committee, spearheaded

by the Prosecution Pillar, designed a "Training Program of Non-Chemists in Dangerous Drugs Identification". The graduates thereof shall be called Drug Identification Accredited Professionals (DIAPs). They shall be allowed to serve as expert witnesses in drug and drug-related cases. From 1995 to 1996, two batches of training were conducted, which produced a total of 52 DIAP graduates.

**C. Judiciary**

Together with the other pillars of the Criminal Justice System, the court is an important institutional agency relied upon by a great number of people in the protection of their lives, rights and dignity, as well as their property.

The court plays a dual role in our criminal justice system as both participant and supervisor of the latter's process and dispensation. In its role as participant, the court determines the guilt or innocence of the accused, the courts are responsible for the trial process. Also it must ensure that the law is properly applied to the case at hand, and that all parties to the proceedings receive justice. As supervisor, the court acts as important guardian of human rights. Thus, the court remains the final and ultimate sanctuary of the citizenry against all forms of injustice.

In their formal organization, the courts are concerned with punitive sanctions for violators of law. This concern is reflected in the activities of the courts personnel, as well as in the very trial process itself, a process that has as its goal 'the determination of the guilt or innocence of the accused'.

There is, however, an informal court organization that allows a certain degree of discretion about whom it should or should not punish. It also decides the nature and extent of the punishment that

is to be imposed. This informal side has made possible some new approaches to the control of crime, for example, by treatment instead of punishment.

As the court system now operates, an attempt is being made to be as non-punitive as possible by the use, for instance, of probation coupled with warnings of punishment for the offender who ventures outside the conditions set forth by the judge. Such conditions include continued good conduct, adequate support of families and steady employment. Several projects are being initiated to make citizens aware of the operations of the judiciary.

1. Judiciary Project Under the Five-Year Master Plan of Action for Peace and Order

1. *Conduct of Symposium on the Operational Workings of the Court*

The courts pillar of the TCCPCJ conducted symposia in different regions of the country to enhance the understanding of the public on the processes involved in the administration of justice. The symposia provided more information and familiarization on the operational system and workings of the judicial system. The symposia enlightened the minds of those with negative beliefs about the judicial system and provided public awareness of the entire criminal justice system. Participants gained insights on the actual situation in courts and the causes of delay in the disposition of cases.

2. *Grant of Awards and/or Recognition of Deserving Judges and Court Personnel through the Merit System*

To further improve the efficiency and effectiveness of the judges and court personnel, the grant of awards and recognition is given to deserving judges and personnel through a merit and award system.

The Foundation for Judicial Excellence, a private foundation, has granted awards for Judicial Excellence every year. This private foundation grants awards to three (3) Outstanding Regional Trial Court Judges, and three (3) Outstanding Metropolitan or Municipal Trial Court Judges. Likewise, the foundation also gives awards for Outstanding Public Prosecutors and Outstanding Public Defenders. The award system is implemented to affirm and encourage exemplary performance and conduct among public servants, and to strengthen citizen's faith and confidence in the rule of law.

**D. Corrections**

The corrections pillar is formally charged with the primary responsibility of reforming the deviant behavior of offenders, young and adult alike, for their eventual absorption into the social and economic streams of the community. These goals are important in developing and implementing programs to achieve the objectives of corrections, which include building and rebuilding solid ties between the offender and the community, integrating or reintegrating the offender into community life, restoring family ties and obtaining employment and education.

In the Philippines, the primary agencies for institutional corrections are the Bureau of Corrections, which is under the Department of Justice, responsible for the treatment and rehabilitation of national prisoners who are serving sentence of more than three (3) years; the Provincial Jails which are administered and supervised by their respective provincial governments. Inmates who are serving sentences from six (6) months and one (1) day to three (3) years are confined in these jails and the Municipal and City Jails which are administered by the Bureau of Jail Management and Penology (BJMP), which is under the DILG. The inmates confined

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in these jails are serving sentences of not more than six (6) months of imprisonment.

The Bureau of Corrections, which is mandated by law to safekeep and rehabilitate national prisoners, has maintained about 20,172 prisoners in 1997, who are distributed in its seven prison and penal farms. The Bureau, in cooperation with non-government organizations, has intensified the conduct of livelihood training programs for prisoners through the effective Agro-Industrial Livestock Productivity Program. The continuous conduct of religious activities, recreation programs, as well as educational (both formal and non-formal) and training programs were given by concerned NGOs.

Non-institutional corrections involve the reformation and treatment of offenders outside correctional facilities, and are community-based. These community-based alternatives to imprisonment do not include pre-trial diversions which, in the Philippine setting, take the form of case disposition under the barangay justice system, e.g release on recognizance, bail, pre-trial conference and imposition of fines. The non-institutional treatment of offenders are as follows:

(i) *Adult Probation*

A significant milestone in the Philippine Criminal Justice System is the institutionalization of the Adult Probation Law under implementation of the Probation and Parole Administration (PPA) of the Department of Justice. The Parole and Probation Administration has received 36,939 applications for probation in 1998. About 32,607 Post Sentence Investigation Reports were completed and submitted to the courts. The investigation of an applicant for probation, parole or conditional pardon involves a thorough study of criminal records, family history, educational background, married life,

occupational record, interpersonal relationships and other such aspects of life.

About 17,121 unemployed and low-income probationers, parolees and pardonees were assisted for job placement projects. About 5,434 clients were trained or extended scholarships on automotive mechanics, refrigeration, and air conditioning and radio-audio repair. Some 2,061 of them either continued their formal education or were given various income-generating projects such as animal dispersal, fish culture and backyard gardening.

(ii) *Parole and Conditional Pardon*

Under these forms of release, prisoners who no longer need institutional treatment are released and given the opportunity to be reintegrated into the community. It is the President of the Philippines who grants conditional pardon, upon recommendation of the Board of Prison and Parole (BPP) which has also authority to grant parole.

The Board of Pardons has received a total number of 17,803 *carpetas* from 1995 to 1998. Out of this number, 8,490 were granted parole, 5,392 were released and discharged, and 2,025 were recommended for conditional pardon, 5,034 for commutation of sentence and 98 for absolute pardon.

(iii) *Probation for Youth Offenders*

Youth offenders are dealt with in accordance with the provisions of the Child and Youth Welfare Code. This Code provides that "the court shall suspend all further proceedings and shall commit the minor to the custody of the Department of Social Welfare and Development (DSWD), or to any training institution operated by the government, x x x until he shall have reached twenty-one years of age x x x."

**Table 2**  
**Comparative Data of the Board of Pardons and Parole**  
**(CY 1995 to September 1998)**

<b>Particulars</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>Total</b>
Carpetas Received	5,750	4,969	3,986	3,098	17,803
Parole Granted	2,736	2,190	1,757	1,807	8,490
Recommended for Conditional Pardon	615	565	440	405	2,025
Recommended for Commutation of Sentence	1,848	1,822	1,138	226	5,034
Recommended for Absolute Pardon	42	25	15	16	98
Granted Final Release and Discharge	1,377	1,446	1,603	946	5,392

1. Community Involvement in Corrections in the Philippines

(1) *Parole and Probation Volunteer Aides*

Probation is a disposition of the court that allows a convicted offender to serve their sentence in a community and outside prison, but under the supervision of a parole and probation officer and subject to certain conditions contained in the Parole and Probation Order. Dedicated members of the community are tapped as volunteers to ensure the success of the parole and probation system. These volunteers are screened and trained. Each volunteer supervises a maximum of five clients and keeps all information about a parolee, probationer or pardonee in strict confidence. S/he works in close coordination with the Chief Probation and Parole Officer in providing counselling and placement assistance.

2. *Strengthening of Coordinative Mechanisms with Non-Government Organizations*

In line with establishing more responsible rehabilitation and correction programs and services for inmates, correctional agencies coordinate with government and nongovernment organizations like the Episcopal

Commission for Prisoners Welfare, CARITAS (formerly the Catholic Charities), and the National Manpower and Youth Council (NMYC) in providing small-scale livelihood projects and community-based programs for inmates. Likewise, several religious groups visit jails to share spiritual messages.

3. *Observance of the National Correctional Consciousness Week*

Proclamation No.551, dated March 15, 1995, declares the last week of October of every year as National Correctional Consciousness Week. A national secretariat, composed of government and private sector representatives from media, academia, civic and religious sectors formulate a national plan for the celebration.

2. Corrections Pillar Projects Under the 5-Year Master Plan of Action for Peace and Order

1. *Operation and Management of the Philippines-Japan Halfway House*

The Philippines-Japan Halfway House was designed to provide preparatory rehabilitation activities for released or pre-release clientele in a 24-hour residential setting. It is geared towards preparing the

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clientele to become emotionally, socially and economically prepared for family and community life and to cope with the different pressures in society. An interdisciplinary-trained staff provides services wherein all activities are geared to providing therapeutic impact on the clients served.

The construction of the edifice was shouldered by the Nagoya West Lions Club and the Asia Crime Prevention Foundation (ACPF). Several donations from the Nagoya West Lions Club and ACPF were also given through the efforts of the United Nations Asia and the Far East Institute for the Prevention of Crime (UNAFEI) and the Asia Crime Prevention Philippines (ACPPI). The initial seed money for operation of the Halfway House was taken from the funds of the 5-Year Master Plan of Action for Peace and Order. Various non-government organizations and several private individuals have assisted in the maintenance of the Halfway House, including the Makati Golden Lions Club, the Muntinlupa Lions Club and the Lady Judges Association of the Philippines.

## II. PUBLIC PARTICIPATION AND COOPERATION IN CRIME PREVENTION

The activities that properly belong to the community pillar are those that concern the so-called infrastructure of crime, such as the lack of educational or recreational opportunities and inadequate job skills. These are social conditions that foster crime which the formal criminal justice system can not resolve alone. Other community actions that can contribute to less crime are improvement of the home and family life, delivery of health and treatment services, reduction of criminal opportunities and safeguarding of the integrity of the government.

In line with this, government has identified several ways of encouraging the community to join in the anti-crime campaign. One way is to provide venues for community-based participation in localized crime fighting. Another is to forge partnerships with non-governmental organizations (NGOs) in the creation of more crime-watch groups nationwide. A third way is to tap media groups in implementing communication strategies that will enhance public awareness.

Great emphasis has been placed on the subject of citizen participation in crime prevention. The process offers a viable means of involving citizens in the planning, decision-making and process of change and innovation. Various indigenous concepts of adopting community-based methods were formulated in urban locales in the Philippines to assist in the process of maintaining peace and order, specifically against criminality.

### A. Community-based Strategies

There are a number of community-based crime prevention programs. Recent community-based crime prevention groups differ from classic vigilante groups in that they do not put the law into their hands. Instead, their primary function has been the surveillance and protection of their own communities, often acting as an ancillary group to regular police. They amplified law enforcement through pursuit and capture. Largely, their primary function is in information gathering and dissemination, as well as surveillance or neighborhood policing.

In the Philippine setting, the activated community is spearheaded by the *barangay*, the grassroots political unit which is primarily envisioned to strengthen the popular voice of political decision making, and at the same time augment law enforcement efforts in coordination with

police forces.

1. The *Barangay* Initiated *Ronda* System

The *Barangay* Initiated *Ronda* System is an offshot of Presidential Decree No. 1232 authorizing the organization of community groups to serve as effective vehicles for organized community participation in crime prevention. The said groups are organized by *barangay* officials. The most common community-based crime prevention program implemented by the *Barangay* Council is the *Ronda* System, conducted by the *Barangay* Security and Development Officers or *Barangay Tanods* (Village Watchmen). Based from interviews, *Ronda* has been implemented as far back as 1972 and is still in operation now.

The *Barangay* Security and Development Officers (BSDOs) or more popularly known as the *Barangay Tanod*, are the volunteers who are responsible for peace keeping activities in the *barangay*. Recruited civilian volunteers will be engaged primarily in unarmed civilian assistance that shall include intelligence information-gathering, neighborhood watch or “*rondas*”; medical/traffic/emergency assistance; assistance in the identification and implementation of community development projects; and gathering relevant information and data as inputs to peace and order planning and research.

The localities have adapted the program and have taken the liberty of assimilating the concept into native culture and beliefs. Examples of these are the *Oplan Pakigsandurot* in Cebu City and the Neighborhood Watch Group in Baguio City.

(a) *Oplan Pakigsandurot*

“*Oplan Pakigsandurot*” was initiated by the Cebu City local government. This is based on Cebu City Police Community

Involvement 93 to Cebu City Integrated Community Public Safety Plan, dated July 18, 1993. The said plan aims to promote closer ties between the police and the community, maintain peace and order through combined crime prevention, and improvement of police image.

“*Pakigsandurot*” is a Cebuano word which means an act of fostering better relationships for the purpose of getting fully acquainted with or obtaining a closer harmonious relationship. This plan encapsulates the idea of getting the police to be personally involved in the affairs of the community where they reside, specifically on matters of peace and order. The plan conceptualizes a program where the police are enjoined to render two hours voluntary service to their *barangay* residence during their time off-duty and be always on call when the need arises. It calls for their direct participation in conducting patrols and other police actions in their area, side-by-side (buddy-buddy system) with the *tanods*. *Oplan Pakigsandurot* regularly conducts meetings/dialogues or fellowship every second Saturday of the month.

Each *barangay* has a manpower complement of twenty *tanods* and 15 reserves. The group is divided into two shifts, the first shift is from 7:00 am to 7:00 pm and the second shift is from 7:00pm to 7:00am.

To complement the program, another operational activity was launched, code named *Oplan Tambayayong* or *Oplan LUBAS* (*Lungsod Batok Salaod* or City/Community Against Crime). Composed of civilian volunteers, this organization is aimed to organize an anti-crime movement, composed of well-meaning citizens to complement the various PNP units in the city in its operational activities. It is likewise designed to promote peoples’

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awareness of their basic obligation to contribute to the maintenance of peace in their community.

(b) *Baguio City's Community Oriented Policing (COP) Program*

In order to prevent or minimize the incidence of crime in the city and to promote the security and well-being of the populace, Mr. Ray Dean Salvoza, a civic leader, formulated the Community Oriented Policing (COP) Program as early as November 1991. This program intends to meet the demands of innovative and creative intervention, and is designed to promote a highly organized, high morale, efficient police force working hand in hand with the community in crime prevention. This was fully accepted in the city in 1993.

The program aims to install an integrated, interdependent law enforcement system designed to efficiently and effectively assist the Baguio City Police Force to prevent and minimize the incidence of crime. Involvement of the citizen/ community/ neighborhood crime watch systems were sought to meet day to day policing operations.

The crime prevention activity conducted by these community-based organizations is basically carried out through the *Ronda* system. The system is operated by teams of volunteers who take turns making rounds (*Ronda*) around the *barangay* during critical periods (late at night or early dawn). For operational purposes, the *barangay* is divided into "*pook* or *puroks*" and each "*purok* or *pook*" has an appointed leader. There are various methods/styles in conducting the *Ronda* and each *barangay* improvises according to its resources and needs.

The main actors in the said programs are volunteers. The main component is therefor citizen participation.

Volunteerism plays a vital role. Sustainability of any grassroots project depends on the harnessing of local resources, particularly that of human resources.

Aside from the *Ronda*, a number of indirect measures are also conducted. Some of these include establishing day-care centers, organizing the youth, conducting seminars on responsible parenthood, providing training for livelihood and assisting families in the establishment of small scale businesses.

The public perception survey reveals that such programs are effective deterrents to criminality. However, the study shows that the effectiveness of community-based crime prevention programs depend upon a host of factors. Based on the data gathered, the effectiveness of projects depends on leadership, area of jurisdiction, population size, logistical capability and the location of the *barangay*.

2. The Civilian Volunteer Organizations (CVO) Program

To reorganize and consolidate the *Barangay Tanod* of the 1970's, the government initiated in 1989 the program on Civilian Volunteer Organizations (CVO's) or *Bantay Bayan*. Most of the local governments just reorganized their *Barangay Tanod* and the same group acted as their CVOs or *Bantay-Bayan*. The establishment of another organization was triggered by inactive *Barangay Tanods*. The local executives and police officials deemed it necessary to organize a new group. The new group is called CVOs/ *Bantay-Bayan*.

**B. Forging Partnerships with Citizens' Group/ Non-Government Organizations**

Greater involvement of the community towards effective social defense in the local

setting is being mobilized through various groups. The Crusade Against Violence (CAV), the Citizens' Action Against Crime (CAAC), and the Movement for the Restoration of Peace and Order (MRPO) were created as an offshoot of the escalating incidents of violent criminality in the country. These anti-crime movements undertake: (1) protest rallies as the means of obtaining a more effective response of the government in criminal justice matters; (2) sustained court watch; (3) information campaigns to increase consciousness of victims and their families on the need to cooperate with authorities in reporting crimes and pursuing cases in court; (4) monitoring of cases pending with law enforcement agencies and the Department of Justice; (5) legal assistance and; (6) public education campaigns on crime prevention to encourage vigilance among the citizenry in the campaign against crime and violence.

The Citizens' Crime Watch is an umbrella organization of non-government organizations (NGOs) and People's Organizations (POs) working in partnership with the government in the anti-crime campaign. It provides assistance to the police in information-gathering, reporting of suspicious persons and places, service of subpoenas and other court processes, and monitoring the progress of investigation, prosecution and disposition of heinous offenses. In *barangays*, *Barangay Crime Watch Centers* are being organized by the *Barangay* Chairman in consultation with the City/Municipal Peace and Order Council concerned.

1. Most Recent Program (Example):  
Street Watch

Street Watch is a program designed to get the community actively involved in preventing crime by encouraging neighbors to help each other deal effectively with

neighborhood crime and related problems, and to cooperate in law enforcement. It involves the organization of neighborhood blocks in a *barangay* into a Street Watch unit.

Each member of the Street Watch is expected to be on the look-out for crimes and emergencies within their own premises and that of their immediate neighbors. The monitoring efforts shall be assisted by the Foundation for Crime Prevention by providing the necessary infrastructure and networking.

Support of the media is provided by one of the major television networks of the country, GMA Network, Inc. The neighborhood Street Watch information and education campaign on crime prevention is supported by the GMA's radio and television network. Crime prevention information and tips are aired in its newscasts, radio and television programs. GMA has also set up a Street Watch Action Center to follow up cases and report emergencies. The station also airs feature stories and interviews on crime prevention and criminal justice issues.

Street Watch has established an Emergency Hotline (Emergency Hotline 117) which is centrally managed by the Philippine Long Distance Telephone (PLDT) Company and operated by qualified operators from the Philippine National Police.

**C. Activities for Enhancing Public Awareness**

The media's role must be in making the public more conscious and aware of the problems of criminality, the sociology of crime, the machinery of the criminal justice system, the imperfections and problems besetting the system and the arduous process of prosecution. Criminal justice agencies can engage the services of the

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media for a more effective fight against crime. Towards this end, a Communication Plan was launched in 1994 to educate the public on what the criminal justice system is and its critical role in the prevention and control of crime.

1. The Criminal Justice System Communication Plan

A common strategy among the five pillars of the criminal justice system is the conduct of an Information Education Communication (IEC) Campaign. A Presidential Directive was issued for the five pillars of the criminal justice system to formulate and implement a comprehensive Criminal Justice System Communication Plan (CJS Complan). The CJS Complan was initiated to promote the CJS in order to enhance justice, public order and safety through an integrated and sustained communication program. Primers, posters, brochures, pamphlets and other materials containing information on the criminal justice system were prepared, reproduced and distributed to the public. CJS agencies also air a weekly one-hour radio program "*Bantay-Katarungan*" (Justice Watch) which focuses on crime prevention and the criminal justice system. It is aired every Friday from 11:00 a.m. to 12:00 noon over DZBB Radyo ng Bayan.

2. Nationwide Crime Prevention Week Celebration

The Department of the Interior and Local Government, through the National Police Commission, spearheads the annual celebration of the National Crime Prevention Week. Presidential Proclamation No. 461 dated 31 August 1994, declared the first week of September of every year as National Crime Prevention Week (NCPW).

Plans, programs and activities for the week-long celebration, are drawn up with

the active support and involvement of the Department of Education, Culture and Sports (DECS), the Peace and Order Councils, the Office of the Press Secretary-Philippine Information Agency (OPS-PIA) and various citizens groups like the Crusade Against Violence and the Citizen Action Against Crime.

In recent years, activities conducted include the Presidential Kick-Off ceremony, an inter-collegiate debate on crime prevention, an On-the-Sport poster making contests, symposia on crime prevention, skit-drama contest for high school students, motorcades and parades. These activities are conducted nationwide.

**V. KATARUNGANG PAMBARANGAY SYSTEM - CONFLICT RESOLUTION SYSTEM OUTSIDE TRIAL**

Presidential Decree No. 1508, otherwise known as the *Katarungang Pambarangay* Law, established a system of amicably settling disputes at the *barangay* level. The system aims to strengthen the family as a basic social institution, preserve and develop Filipino culture and promote the quality and speedy administration of justice being dispensed by the courts. The essence of *Katarungang Pambarangay* (KP) is embodied in two salient features of the law. One is that it makes the *barangay* settlement compulsory and a pre-requisite to bringing suits in regular courts of justice, or before any governmental office exercising adjudicative functions.

As a community-based, conflict resolution mechanism, the KP has proven its effectiveness in perpetuating the time-honored Filipino tradition of settling interpersonal disputes amicably without resorting to confrontational social behavior. Moreover, while central to the concerns of the KP is the speedy administration of justice, what appears to be of prime

significance over time is people empowerment and, therefore, highly supportive of the notions of social ordering and human development.

The Philippine *Barangay* Justice system exemplifies the personal-oriented approach to the dispensation of justice within a faster and shorter time frame, with less rigor and cheaper costs. Its performance for over more than fifteen years shows that it is one sure mechanism for diverting cases of petty crimes and civil cases from the judicial system. The amicable settlements of disputes intends to bury the rancour and bitterness between the parties and ensure the preservation of closer personal relationship within the *barangay*.

There are 41,000 *barangays* in the country, with a total number of 780,000 mediators (*Lupong Tagapamayapa* Members). The system has contributed to the improvement of the administration of justice specifically the problem of poor people having limited access to the higher courts.

Progress reports from the Department of the Interior and Local Government (DILG) indicated that some 171,042,975 cases were settled, with only 53,361 disputes being elevated to the courts. Its settlement success percentage is a high 89.25%. If this number of disputes were elevated to the courts, the government would have spent P 21,665,443,500.00 representing the total cost of adjudication of the cases. This does not take into account the other benefits to the country such as developing community leaders and providing a complementing alternative to the judicial system at the *barangay* level.

## VI. ASSESSMENT AND CONCLUSION

The success of the criminal justice system, with the goal of reducing crime

through prevention, hinges on the support and involvement of the citizenry. Without the active and meaningful involvement of the community, even the best trained and equipped police force would fail in its function of maintaining peace, order and stability in society. For instance, if the citizenry would deny a former inmate the chance to be reintegrated into community life, it would be difficult for the offender to be reformed.

“A vigilant community is a peaceful community”. In our society, emphasis and recognition should be placed on the so-called mobilized community which is composed of those who are tasked to assume a leading role not only in law enforcement, but in the endeavor to fashion the values and attitudes that make the criminal justice system work. The Philippine criminal justice system has, in its feature, the community as its fifth pillar. The community in this context refers to the elements that are mobilized and energized to help authorities in effectively addressing the law and order concerns of the citizenry.

As a sub-system of the criminal justice system, the community is the most critical and useful component in view of its massive and pervasive composition. Enlightened and cognizant of their roles in the maintenance of peace and order, as well as in the dispensation of justice, members of the community get involved in providing assistance and support to crime prevention activities, particularly in improving the detection and prosecution of crimes and the re-integration of offenders into the mainstream of society.