

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

Office of the Secretary

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SENATE
P. S. R. No. 835

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Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DEPLORABLE ABUSES ALLEGEDLY PERPETRATED BY BARANGAY OFFICIALS AND THE NEED TO INSTITUTE STANDARD PROCEDURE FOR HANDLING CASES OF CHILDREN IN CONFLICT WITH THE LAW ESPECIALLY IN THE BARANGAY LEVEL

WHEREAS, the Constitution, Article 2, Section 13 provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being";

WHEREAS, Republic Act No. 7610, also known as Special Protection of Children Against Abuse, Exploitation and Discrimination Act, Section 2 mandates: "It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination";

WHEREAS, according to a 26 June 2012 article in www.interaksyon.com, three male children were allegedly abused and tortured by an officer and guards of a barangay in Quezon City after the minors were reportedly caught stealing screws from a parked jeep owned by barangay ex-officio member Eleuterio P. Endozo Jr. last June 23;

WHEREAS, based on the news report, the children, aged 12, 13, and 15, were brought to the barangay hall in Marilag, Project 4 and were allegedly punished by Endozo and the guards by electrocuting them inside the comfort room with a stun gun;

WHEREAS, the minors were also reportedly ordered to take off their clothes to check if they had tattoos on their bodies; the barangay guards then allegedly asked the children to sweep the plaza for four hours while the rusty knots of the screws they stole from the jeep were inside their mouths;

WHEREAS, afterwards, the children, using a megaphone, were allegedly asked to shout that they would never repeat what they did and the children were also allegedly bribed with P20 each so they won't disclose to anyone what had happened to them in the hands of the barangay guards;

WHEREAS, there is an urgent need to investigate these abuses against the children in conflict with the law (CICL) which has become a systemic and prevailing cultural practice;

WHEREAS, CICL encompass those who had been arrested or apprehended for violating a law but whose cases have not been filed in court; CICL refer to children at all stages of the juvenile justice process—from law enforcement at the community level to the police, courts, jails and rehabilitation;

WHEREAS, according to the study entitled, “Understanding the Children in Conflict with the Law” conducted by Ms. Mae Fe-Ancheta Templa, based on the account by children themselves and the NGOs working with them, arrests by barangay authorities are made without regard to child rights and, in many cases, even involve outright violation of these rights;

WHEREAS, first-hand accounts of children apprehended and arrested at the barangay level tell of verbal and physical abuse such as the abuses perpetrated by Endozo;

WHEREAS, this incidence is due to the absence of standard procedure for handling cases of CICL at the barangay level and this results in inconsistency in the treatment and handling of CIC since much depends on the discretion of arresting barangay officials or civilian volunteers;

WHEREAS, as a result of the violation of protocols in the handling of children, the children are subject to maltreatment or abuse;

WHEREAS, there is a need to divert children from the criminal justice system through a community-based diversion programme and drastic changes in policy and practice will have to be pursued within the five pillars of the justice system to ensure that the rights of children who are already in the system are not violated nor ignored;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the deplorable abuses allegedly perpetrated by barangay officials and the need to institute standard procedure for handling cases of children in conflict with the law especially in the barangay level.

Adopted,

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
ack.

/dpm