



# LEAGUE OF CITIES OF THE PHILIPPINES

Unit J & K, 7th Floor, CyberOne Building, Eastwood Avenue, Bagumbayan, Quezon City, Philippines 1110

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Focal Mayor for Gender and Development

**Atty. TRICIA CLARE OCO**

Executive Director

Juvenile Justice and Welfare Council Secretariat

Dear Atty. Oco,

Greetings from the League of Cities of the Philippines!

This is to officially transmit our comments on several provisions of Senate Bill 2198 *“AN ACT STRENGTHENING THE YOUTH SOCIAL WELFARE PROGRAMS AND EXTENDING THE SCOPE OF REFORMATION AND REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW, AMENDING FOR THE PURPOSE REPUBLIC 9344, AS AMENDED, OTHERWISE KNOWN AS THE ‘JUVENILE JUSTICE AND WELFARE ACT OF 2006’, AND OTHER RELATED LAWS APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES”*.

For your reference.

Sincerely,

**Atty. SHEREEN GAIL YU-PAMINTUAN**

Executive Director

League of Cities of the Philippines



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## *Provision:* **SEC.2. Truancy Officers.**

There shall be, in every barangay, a Truancy Officer that shall be designated by the Punong Barangay from among the members of the Sangguniang Barangay. There shall be one (1) Truancy Officer for every one thousand (1,000) residents in barangay.

Truancy officers shall have the primary responsibility of ensuring that minors of school age attend school. They shall conduct regular home and school visits to ensure the child's school attendance and shall submit daily reports indicating dates of absences, contacts with parents, and other relevant information, to the Truancy Monitoring Center established in Section 3 of this Act.

1. "Truancy" as here used means absence without cause for more than five (5) schooldays in a month, not necessarily consecutive. The Truancy Officer shall refer the child who is considered truant to the Barangay Social Welfare and Development Officer for placement to any child-caring or child-placing institution licensed and accredited by the Department of Social Welfare and Development (DSWD) to implement the foster care program, or to a person registered with the DSWD who is available to provide foster care.

## *Recommendation:*

DELETE OR REMOVE THE PROVISION AND INSTEAD STRENGTHEN THE ALREADY EXISTING SEVERAL MECHANISMS PREVENTING TRUANCY.

## *Justification:*

### As to the hiring/designation of truancy officer:

The hiring and designation of truancy officer for every 1,000 residents in barangay is not feasible. This is especially true of the population per barangay in cities and municipalities with concentrated population. There are only eight barangay councilors under the Local Government Code. These barangay councilors are partly voluntary and perform many other functions i.e. mandated to vice-chair the required barangay committees. They cannot be expected to stay the whole day to regulate the premises for truant children. Moreover, there are also issues of budget for their payment and other expenses.



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## *Provision: SEC. 5. Barangay Social Welfare and Development Officer.*

There shall be, in every barangay, a Barangay Social Welfare and Development Officer whose primary duty includes house-to-house visitations, counseling, child rights education, and helping the youth, families and the community develop, improve, maintain or restore their capability for coping with the demands of their environment, through the use of social work methods and interventions. In the absence of a duly-registered Social Worker who shall act as Barangay Social Welfare and Development Officer, persons with training in social work may be employed. They shall be under the supervision of the local social welfare and development officer.

The Barangay Social Welfare Officers shall be considered employees of the barangay and shall draw their salaries and other benefits therefrom.

## *Recommendation:*

WE PROPOSE THE FOLLOWING PROVISION:

SEC. 5. SECTION 16 OF RA 9344 IS HEREBY AMENDED TO READ AS FOLLOWS:

*SEC. 16. Appointment of Local Social Welfare and Development Officer.* - All LGUs FROM PROVINCIAL AND CITY/MUNICIPALITY shall appoint a duly licensed social worker [as its local social welfare and development officer] PRIMARILY tasked to assist children in conflict with the law AND CHILDREN AT RISK OF COMING IN CONFLICT WITH THE LAW. THE CITY OR MUNICIPALITY LGU SHALL APPOINT AT LEAST ONE SOCIAL WORKER AT THE BARANGAY LEVEL.

THE NUMBER OF ASSIGNED PLANTILLA POSITIONS FOR THE LGU SPECIFICALLY FOR SOCIAL WORKERS SHALL BE INCREASED TO MEET THE STANDARD NUMBER OF STAFF POSITIONS REQUIRED FOR THE CONCERNED LGU. THE SOCIAL WORKER-CLIENT RATIO SHALL COMPLY WITH THE STANDARDS SET FORTH BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.

ALL SOCIAL WORKERS POSITION IN LOCAL GOVERNMENT UNITS SHALL RECEIVE A SALARY INCREASE WHICH SHALL NOT EXCEED THE PERCENTAGE OF THE SALARY SCHEDULE ALLOWED BY THE EXISTING LAW, EXECUTIVE ORDERS, DECREES, AND/OR ISSUANCES AND SHALL CORRESPOND TO THE INCOME CLASSIFICATION OF THE LGU. *PROVIDED* THE INCREASED SALARY PACKAGE, COMPENSATION, ALLOWANCES AND BENEFITS OF THE LOCAL SOCIAL WORKERS AS PROVIDED BY R.A. NO. 9433 OR THE MAGNA CARTA FOR SOCIAL WORKERS SHALL BE ENJOYED BY THE SOCIAL WORKERS ASSIGNED IN THE LOCAL GOVERNMENT UNITS.



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THE LGU, IN COORDINATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL DETERMINE THE ADDITIONAL PLANTILLA POSITIONS TO BE CREATED PURSUANT TO THIS ACT.

THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL PROMULGATE SUCH RULES AND REGULATIONS TO CARRY OUT THE SALARY ADJUSTMENT UNDER THIS SECTION.

### *Justification:*

The proposed provision seeks to reinforce the existing provision for social welfare and development offices to hire social workers in the barangay, city/municipality and province whose primary task is to handle CICL cases. To date, there are only 4% (or 1,594 SW) licensed social worker in the LGUs handling all cases that required social workers.

The barangay social workers should be considered employees of the local social welfare office of the city/municipality/province assigned to respective barangays. Many barangays will not be able to afford to hire barangay social workers because of limited budget. Moreover, the barangay social workers need technical supervision from the local social welfare office in the higher LGUs whose structure usually should consist of chief division levels and the staff under them.

As to the proposal to hire a person with trainings in social work in the absence of 'a duly-registered Social Worker who shall act as' the Barangay Social Worker, we recommend that social workers should be provided with aid or assistant who has training in social work instead of these people replacing a barangay social worker. If social workers have assistants or aids to help them, they can delegate certain tasks including home visitations. This rule could just be included in the IRR.

### *Provision: SEC. 9. Juvenile Reformatory Centers.*

The Department of Social Welfare and Development, in coordination with the Department of Interior and Local Government, shall establish, fund, and manage 24-hour child-caring institution providing residential care for children in conflict with the law who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery with homicide or rape, destructive arson, rape, or carnapping where the driver or occupant is killed or raped or offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment.

Each Juvenile Reformatory Center shall contain facilities such as gyms, libraries, and vocational-technical training shops.



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## Recommendation:

WE PROPOSE TO REMOVE THE PROVISION AND INSTEAD STRENGTHEN THE IMPLEMENTATION OF EXISTING PROVISIONS ON BAHAY PAG-ASA IN SECTION 9 OF RA 9344 AS AMENDED BY RA 10630.

## Justification:

The establishment of additional institution, the Juvenile Reformatory Centers (JRC) posed numerous issues.

-The SB is not clear on its purpose for establishing two separate institutions except that children committing serious crimes i.e. parricide, murder etc. as listed in the provision will be placed in JRC instead of Bahay PagAsa.

-It is not necessary to establish additional institutions with its separate operational expenses on top of Bahay PagAsa if there are no clear benefits to public safety or to the child. It is not efficient spending for the Government

-Statistics on reported incidents of children allegedly committing serious based on police report/blotter averages at 1,513 in the last 3 years. Not all children in the cases will be proven guilty and institutionalized. If JRCs are established per province or HUCs, a total of 114 JRCs will operate for an average of 13 clients per institution. If only few JRCs are established, where children across the country may be institutionalized, accessibility becomes an issue:

- Children's access to court is part of their fair trial rights. The victim also has the right to have an efficient administration of justice that does not entail any delay due to inaccessibility of the CICL.
- Children need to be visited by their families as guaranteed in the Constitution and protected by RA 9344 as amended. It is also part of the required program for the rehabilitation of the whole family which could prove difficult if there are only few JRCs.

- It is also not clear in the proposal who will fund, establish and operate the JRC. If the authority to operate all BPAs is transferred to DSWD, it will be operating more than 200 juvenile institution on top of the other facilities it is currently operating.

- It is better to focus the resources in improving and increasing the BPA capacity and the quality of community-based mechanisms. It can be done through the allocation of resources and meaningful implementation of the law. The DSWD and JJWC may also further strengthen the standards established for BPAS to address capacity of the institution.