Painted Gray Faces
Behind Bars
and in the Streets

PHILIPPINE REPORT

Street Children and the Juvenile Justice System
The Consortium for Street Children (CSC) is a network of NGOs working with street-involved children, and children at risk of taking to street life in Africa, Asia, Eastern and Central Europe, and Latin America.

Street children are particularly vulnerable to abuses in juvenile justice systems: they are more likely to come into (actual or perceived) conflict with the law, and they are less able to defend themselves from abuse once within the system. CSC has undertaken a two-year research and advocacy project with local partners to examine the situation of street children in juvenile justice systems in six countries: Kenya, Nicaragua, Nigeria, Pakistan, the Philippines and Romania.

This report documents the findings from this project in relation to the Philippines.

The international project is funded by the UK Community Fund, the UK Foreign and Commonwealth Office Human Rights Project Fund, and the UK Methodist Association of Youth Clubs ‘Streets Apart’ Campaign.

The project in the Philippines is funded with generous support from the UK Community Fund and the UK Methodist Association of Youth Clubs ‘Streets Apart’ Campaign.
PAINTED GRAY FACES, Behind Bars and in the Streets

Street Children and the Juvenile Justice System in the Philippines
PAINTED GRAY FACES

Behind Bars and in the Streets
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Street Children and the Juvenile Justice System in the Philippines

A Project by the Program on Psychosocial Trauma and Human Rights Program Center for Integrative and Development Studies University of the Philippines

In partnership with The Consortium for Street Children
The Consortium for Street Children (CSC) is a network of NGOs working with street-involved children, and children at risk of taking to street life in Africa, Asia, Eastern and Central Europe, and Latin America.

In many countries around the world street children are particularly vulnerable to abuses in juvenile justice systems: they are highly likely to come into contact with the criminal justice system in the first place, and they are less able to defend themselves from abuse once within the system. In some countries, in the absence of adequate social welfare responses, the criminal justice system is used to warehouse homeless children regardless of whether or not they have committed a crime. In other countries, outdated legislation means that children face harsh sentences for petty (often ‘survival’) theft, substance abuse, begging and ‘vagrancy’. In short, these children are discriminated against and have their rights violated because they are poor.

In response to the internationally identified need to address the particular overlap between street children and the criminal justice system, CSC has undertaken a two-year research and advocacy project working with local partners to examine the situation of the human rights abuses of street children in juvenile justice systems in six countries: Kenya, Nicaragua, Nigeria, Pakistan, the Philippines and Romania.

Research was undertaken and national, cross-sectoral workshops were convened involving street children themselves, civil society organisations, the police, judiciary, social and probation services and other stakeholders to identify key obstacles to the implementation of international human rights standards for street children in juvenile justice systems in each country. With an emphasis on constructive dialogue and collaboration between civil society and government, the workshops addressed issues of national relevance, examined examples of innovative good practice in this area and outlined recommendations for further action. The project in the Philippines uniquely
focused on eliciting the views and participation of children themselves from around the country through a series of creative methodologies that were subsequently shared with the other participating countries.

The overall project helped to promote international exchange of experiences through a workshop attended by project partners from all six countries, held in London in July 2003, as well as through the compilation of project findings, along with case studies from other countries, into a practical, international handbook on street children and juvenile justice.

CSC would like to thank all those who contributed to this project in the Philippines, in particular our local partners, without whose dedication, enthusiasm and hard work, none of this would have been possible: Childhope Asia Philippines, FREELA V A, PREDA Foundation and Tambayan Center for the Care of Abused Children, coordinated by the Psychosocial Trauma and Human Rights Program, Centre for Integrative Development Studies, University of the Philippines. Special thanks also go to the children who had the opportunity to take part in this project, as well as to those who did not: those who are still on the streets or behind bars. Hopefully this project will go some way towards sharing their stories and highlighting their incredible resiliency, courage and imagination in the face of exceptionally difficult circumstances, reminding us that street children are first and foremost children, humans entitled to human rights, who need us to work together as a matter of urgency to put the ‘justice’ back into the ‘justice’ system.

Marie Wernham
Advocacy Officer
Consortium for Street Children
www.streetchildren.org.uk
Background

PAINTED GRAY FACES, Behind Bars and in the Streets

Street Children and the Juvenile Justice System in the Philippines

THE INTERNATIONAL PROJECT

The aim of the project under which this book was made, is the mobilization of national and international response to uphold the human rights of street children within the juvenile justice system, recognizing and highlighting the pivotal issues and problems and working towards child-friendly resolutions. As part of an on-going global campaign and a multi-country production of a Handbook on Street Children and the Juvenile Justice System by the Consortium for Street Children (UK), this book is also intended as a tool for lobbying and advocating the rights of street children in detention or in the juvenile justice system.

THE PROJECT IN THE PHILIPPINES

Culling reports and studies made by different government organizations and agencies, NGOs and other institutions, this book is the culmination of researches and workshops conducted by the Psychosocial Trauma and Human Rights Program of University of the Philippines Center for Integrative and Developmental Studies (UP CIDS-PST). The assistance given by our regional partners, Childhope Asia Philippines (CHAP), People’s Recovery, Empowerment and Development Assistance (PREDAA) Foundation, Inc., Free Legal Assistance Volunteers Association (FREELAVA), Inc.,
and the Tambayan Center for the Care of Abused Children, Inc., was indispensable throughout the workshops, which were conducted with support from the **Consortium for Street Children (UK)**, and funding by the **UK Community Fund**, and the **UK Methodist Association of Youth Clubs ‘Streets Apart’ Campaign**. The organizations and people, particularly the voices behind this book believe it is paramount that street children in general and children in conflict with the law (CICL) in particular play a key role in the development of policies and programming for their own rehabilitation, reintegration and education.

Prior to the National Children’s Workshop on Street Children and the Juvenile Justice System, the steering committee members, specifically the previously mentioned regional partners, organized and conducted their own regional workshops in Metro Manila, and in the cities of Olongapo, Cebu and Davao. Each of these organizations conducted one community-based consultation workshop and another workshop in detention or a rehabilitation center. These workshops were developed to obtain a comprehensive evaluation of the current situation of street children and the juvenile justice system in the Philippines. The participants in each regional consultation workshop chose among themselves fifteen (15) delegates for the National Workshop, on the basis of gender (male and female), age (younger and older), articulation of ideas and concerns, and active participation.

### The Regional Community Based Workshops

<table>
<thead>
<tr>
<th>Regional Region</th>
<th>Organizational Name/Location</th>
<th>Date</th>
<th>Sponsor</th>
<th>Number of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luzon Region²</td>
<td>People’s Recovery, Empowerment and Development Assistance Foundation, Inc. (PREDA) Center, Olongapo City</td>
<td>June 06-07, 2002</td>
<td>PREDA</td>
<td>30 participants</td>
</tr>
<tr>
<td>National Capital Region³</td>
<td>Asian Social Institute, Manila</td>
<td>July 17-18, 2002</td>
<td>CHAP</td>
<td>28 participants</td>
</tr>
<tr>
<td>Visayas Region⁴</td>
<td>Boy Scouts of the Philippines Camp, Cebu City</td>
<td>June 28-30, 2002</td>
<td>FREELAVA</td>
<td>20 participants</td>
</tr>
</tbody>
</table>
Regional Workshops in Detention/Rehabilitation

- **National Capital Region**: Manila Youth Reception Center, Quezon City. July 19, 2002, sponsored by CHAP. 11 participants.
- **Visayas Region**: Regional Rehabilitation Center for Youth (RRCY). July 22, 2002, sponsored by FREELAVA. 20 participants.

The National Children’s Workshop on Street Children and the Juvenile Justice System

Held at the Skyline Riverbend Hotel in Marikina City from August 8 to 10, 2002, the National Children’s Workshop on Street Children and the Juvenile Justice System was designed to be a children’s workshop because children’s participation has been the weakest component in current advocacy and intervention efforts in the Philippines. Their involvement is valuable since their knowledge and experience in the streets and with the juvenile justice system is more profound and extensive. The workshop was an assembly of sixty (60) child participants from the different provinces and cities of the...
National Capital Region (NCR), Luzon, Visayas and Mindanao. Participants of the workshop included children living in the streets, former and current children in conflict with the law (CICL), community-based and center-based children. The objectives of the workshop were:

- To thresh out from the children, issues and problems of street children and the juvenile justice system;
- To raise awareness and promote a better understanding of the rights, laws, policies and programs for street children and the juvenile justice system;
- To draw out from the children good practices in upholding and promoting the rights of street children in the juvenile justice system; and
- To come up with realistic and systematic programs or plans directly from the children that address the issues and problems of street children and the juvenile justice system.

Just as they had done during the regional workshops, the child participants of the National Workshop shared their experiences with the law, identified factors that assisted them in their times of darkness, and presented ways of upholding their rights, preventing violations or abuses against their rights, and making the juvenile justice system more child-friendly.
acknowledgement

This Country Report is a result of the collaborative efforts of many individuals and organizations, a process of interaction and consultations among the children, researchers and the Steering Committee members.

We are grateful to Teresita Silva, Nancy Again, Alex Hermoso, Elizabeth Protacio-de Castro, Agnes Camacho, Antonio Auditor, and Edith Casiple for their tireless participation in the numerous Steering Committee meetings, for their ideas and energy throughout, and for their patience and flexibility.

On behalf of the Steering Committee of this project, we would like to thank the following institutions for facilitating the participation of the children in the Regional Workshops and National Workshop: Tarlac Lingap Center (Tarlac) Regional Youth Rehabilitation Center (Pampanga), Tayo ang Tinig at Gabay (Olongapo City) Nazareth Home for Children (Bulacan), Regional Rehabilitation Center for Youth (La Union), Caring for the Future Fdn. (Pangasinan), Manila Youth Rehabilitation Center (Manila), Regional Rehabilitation Center for the Youth (Cebu City), Marcellin Foundation (General Santos City), Child Hope (Iligan City), Balay sa Gugma (Cagayan de Oro City) Higala Foundation (Davao City), Kaugmaon Foundation (Davao City). METSA Foundation (Davao City), Talikala, Inc. (Davao City), and Rehabilitation Center for Drug Dependents (Davao City).

We are especially grateful to Joseph Betarmos, Maribel Penonia, Jose Berondo, Lota Jane Ofianza, Levy Sison, Jason Tero, Jerobel Dolum, Jackie Agunyon, Vangie Damasco, Erwin Guce, May Naig, Mary Grace Operana and Joel Soriano who helped us in planning and facilitating the sessions of the National Workshop. We are grateful to a long list of children, government agencies, and non-government organizations for their involvement in the National Workshop and its regional preparatory workshops, whose thoughts and recommendations are reflected in this Country Report.

Our special gratitude goes to Ernesto Cloma for facilitating the National Workshop and Emily Palma for her over-all coordination of this project.
We are indebted to Marco Puzon for accepting the challenge of writing the final text of this Country Report, under the supervision of Elizabeth Protacio-de Castro and Agnes Zenaida V. Camacho, based on initial input by Will P. Ortiz and Dana Alimorong. We are appreciative of the comments on various drafts of this Country Report provided by Maria Glenda Ramirez, Teresita Silva, and Marie Wernham.

Many individuals helped us in the production of this report. We are particularly grateful to Joseph Betarmos whose drawings gave life to the text and for Omna Cadavida Jalmaani for the lay-out and design of this book. This project likewise benefited from the assistance of the PST staff: Faye, Jay, July, Mary Rose, Mike, Mitch, Nora, Omna, Tess and Will.

Last but not the least, we would like to thank the organizations that provided the funds for the completion of this project, namely the Consortium for Street Children and the UK Methodist Church.
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AKAP</td>
<td><em>Adhikain Para sa Karapatang Pambata</em> (Child’s Rights Unit)</td>
</tr>
<tr>
<td>barangay</td>
<td>The smallest unit in the Philippine political system, normally composed of 1,000 households in a small contiguous area, within a city or a municipality.</td>
</tr>
<tr>
<td>barkada</td>
<td>A colloquial Filipino word with both positive and negative connotations, <em>barkada</em> can be translated as “friend/s, gang, gangmates, peers, peer group, buddy/buddies, colleagues, and companion/s.”</td>
</tr>
<tr>
<td>BCPC</td>
<td>Barangay Council for the Protection of Children</td>
</tr>
<tr>
<td>BCYW</td>
<td>Bureau of Child and Youth Welfare</td>
</tr>
<tr>
<td>BJMP</td>
<td>Bureau of Jail Management and Penology</td>
</tr>
<tr>
<td>Camp Sampaguita</td>
<td>Under the jurisdiction of the BJMP, and also called the “Medium Security Camp,” this is one of the three camps in the National Penitentiary in Muntinlupa City. This camp is more of a penal/correctional facility than a rehabilitation center.</td>
</tr>
<tr>
<td>CAPCL</td>
<td>Children in actual or perceived conflict with the law</td>
</tr>
<tr>
<td>CHAP</td>
<td>Childhope Asia Philippines</td>
</tr>
<tr>
<td>CICL</td>
<td>Children in conflict with the law</td>
</tr>
<tr>
<td>CSC</td>
<td>Consortium for Street Children</td>
</tr>
<tr>
<td>CYRS</td>
<td>Child and Youth Relations Sector</td>
</tr>
<tr>
<td>DCPR</td>
<td>Directorate for Community and Public Relations</td>
</tr>
<tr>
<td>DIDM</td>
<td>Directorate for Investigation and Detective Management</td>
</tr>
<tr>
<td>DOJ</td>
<td>Department of Justice</td>
</tr>
<tr>
<td>DSLU-SDRC</td>
<td>De la Salle University-Social Development Research Center</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>DSWD</td>
<td>Department of Social Welfare and Development</td>
</tr>
<tr>
<td>ESCAP</td>
<td>Economic and Social Commission for Asia and the Pacific</td>
</tr>
<tr>
<td>FJGADD</td>
<td>Family, Juvenile and Gender Development Division</td>
</tr>
<tr>
<td>FREELAVA</td>
<td>Free Legal Assistance Volunteers Association</td>
</tr>
<tr>
<td>HB</td>
<td>House Bill</td>
</tr>
<tr>
<td>JJG</td>
<td>Juvenile Justice Group</td>
</tr>
<tr>
<td>Kagawad</td>
<td>An elected official of the barangay</td>
</tr>
<tr>
<td>LCPC</td>
<td>Local Council for the Protection of Children</td>
</tr>
<tr>
<td>LGUs</td>
<td>Local Government Units</td>
</tr>
<tr>
<td>Lupon</td>
<td>Filipino word meaning council</td>
</tr>
<tr>
<td>Mayora (Mayor)</td>
<td>In prison jargon, the mayor (m.) is the recognized leader of a particular group or gang.</td>
</tr>
<tr>
<td>MYRC</td>
<td>Manila Youth Rehabilitation Center</td>
</tr>
<tr>
<td>NAPOLCOM</td>
<td>National Police Commission</td>
</tr>
<tr>
<td>NBP</td>
<td>New Bilibid Prison</td>
</tr>
<tr>
<td>NCR</td>
<td>National Capital Region</td>
</tr>
<tr>
<td>NCSD</td>
<td>National Center for Social Development</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-governmental organizations</td>
</tr>
<tr>
<td>NPSC</td>
<td>National Project for Street Children</td>
</tr>
<tr>
<td>PAO</td>
<td>Public Attorney’s Office</td>
</tr>
<tr>
<td>PAYO</td>
<td>Philippine Action for Youth Offenders</td>
</tr>
<tr>
<td>PD 603</td>
<td>Presidential Decree 603</td>
</tr>
<tr>
<td>PD 1508</td>
<td>Presidential Decree 1508</td>
</tr>
<tr>
<td>PJPS</td>
<td>Philippine Jesuit Prison Service</td>
</tr>
</tbody>
</table>
Rugby is the brand name of an inexpensive commercial amber-colored resin. Nonetheless, categorized as an inhalant, it is listed as one of the primary drugs abused by users confined in different rehabilitation centers. Street children throughout the country are known to inhale the strong vapors of this product to relieve themselves of hunger pains.

*sampaguita* Filipino word for “jasmine”

shabu Methamphetamine hydrochloride, an expensive narcotic synthetic drug.

**glossary**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>PNP</td>
<td>Philippine National Police</td>
</tr>
<tr>
<td>POEA</td>
<td>Philippine Overseas Employment Agency</td>
</tr>
<tr>
<td>PPAC</td>
<td>Philippine Plan of Action for Children</td>
</tr>
<tr>
<td>PREDÁ</td>
<td>People’s Recovery, Empowerment and Development Assistance Foundation</td>
</tr>
<tr>
<td>RCDD</td>
<td>Regional Center for Drug Dependents</td>
</tr>
<tr>
<td>RPC</td>
<td>Revised Penal Code</td>
</tr>
<tr>
<td>RRCY</td>
<td>Regional Rehabilitation Center for Youth</td>
</tr>
<tr>
<td>Rugby</td>
<td>Rugby is the brand name of an inexpensive commercial amber-colored resin. Nonetheless, categorized as an inhalant, it is listed as one of the primary drugs abused by users confined in different rehabilitation centers. Street children throughout the country are known to inhale the strong vapors of this product to relieve themselves of hunger pains.</td>
</tr>
<tr>
<td>sampaguita</td>
<td>Filipino word for “jasmine”</td>
</tr>
<tr>
<td>SB</td>
<td>Senate Bill</td>
</tr>
<tr>
<td>SC</td>
<td>Supreme Court</td>
</tr>
<tr>
<td>shabu</td>
<td>Methamphetamine hydrochloride, an expensive narcotic synthetic drug.</td>
</tr>
<tr>
<td>SCWSC</td>
<td>Streetchildren and Childworkers Support Center</td>
</tr>
<tr>
<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nation’s Children’s Fund</td>
</tr>
<tr>
<td>UP CIDS-PST</td>
<td>University of the Philippines – Center for Integrative and Development Studies – Psychosocial Trauma and Human Rights Program</td>
</tr>
<tr>
<td>WCD</td>
<td>Women’s and Children’s Desk</td>
</tr>
<tr>
<td>WCPD</td>
<td>Women and Children Protection Desk</td>
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Introduction

“Sana pakinggan din nila ang aming kuro-kuro at hinaing”
(I hope they would listen to our views and concerns)

This simple aspiration of a child participant in one of the regional workshops conducted prior to the National Children’s Workshop (August 2002, Marikina City) summarizes the rationale behind this book. Daily, street children face serious dangers to their health, and moral and social development. Welfare organizations and literature often characterize them as a high-risk group. Through the media, we have heard their stories of abuse and neglect, even by their own families and relatives. Stereotypes for the street child abound. We have often held them in very low esteem and even condemned them as criminals. Society has “painted a gray picture of the character and the individuality of the street children, not mindful of the fact that despite their predicament, they are still children.” We have painted their faces with the grays of our feelings of indifference and resentment, stigmatization, and condemnation.

With the United Nations Convention on the Rights of the Child (UNCRC) definition of a child as the backdrop, the book provides an overview of the situation of Filipino street children and children in conflict with the law (CICL) as well as the status of the Philippine juvenile justice system. Within the context of traditional culture, social organization and local setting, the work provides a demographic and qualitative description of Filipino street children and CICL and their families.

We have limited the discussion on the profile of street children and CICL to the topic of age and gender. This is a departure from previous studies, which lumped factors such as educational attainment, home environment, alcohol and drug abuse as part of the profile of street children and CICL. For this book, we have clearly qualified them as interrelated factors that have brought children to circumstances leading to conflict with the law. These factors are not part of the sum of the identities of these children.
The book also examines the reasons behind why these children ended up in the street as well as the offenses they had commonly committed. It also explores the socio-cultural factors behind the commission of crimes. However, rather than just presenting these children within the realm of risks and offenses, the book is also an attempt to feature their resilience. While interest in the concept of resilience is quite recent among local and overseas professional workers and researchers, we are hoping for a shift in perspective. By using this forward approach, we hope to remove the stigmatizing paint off the faces of these children, and portray them as they are - “thinking, acting, and feeling human beings, with their own preferences and particular experiences.”

“Painted gray faces, behind bars and in the streets – Street Children and the Juvenile Justice System in the Philippines” is an attempt to de-emphasize the “street” in “street children.”

The “street” is hardly a representation of “the sum total of their social networks or experiences.” Definitely, “there is more to the lives of [street] children than what is revealed by ad hoc categorizations based on criteria of physical location, social neglect, and economic activity.” Documenting the experiences of street children from the point they had left their homes to the time of arrest, detention, prosecution, the conduct of post-trial processes, and rehabilitation and reintegration, the book records the voices of these children. One of the chapters tells about their aspirations, using themes of resilience as the framework. The book also contains an overview on the existing responses and projects of the national and regional governments, NGOs and other institutions, as well as examples of successful intervention and good practices. In identifying areas where stronger responses are desired and what challenges both system and society face in their efforts to address the plight of street children, the book looks into the Philippine juvenile justice system, which operates through the “Five Pillars of the Criminal Justice System” – Law Enforcement, Prosecution, Courts, Correction, and Community. Most importantly, the work presents proposals as stated by the child participants themselves for the improvement of mechanisms at the legislative, administrative, judicial and policy levels.

“Street youth are over-represented in the juvenile justice system, although not all youth in detention come from disadvantaged sectors. An estimate put forth by Médecins Sans Frontières (Belgium), based on a series of interviews with approximately one thousand youth offenders in Metro Manila indicated that 70% of imprisoned minors are street children. It is however important to note that not all children in the justice system are in conflict with the law. Children are arrested simply for being on the streets – either through prejudiced suspicion that they are likely to commit offenses or through outdated legislation such as Anti-Vagrancy Laws, which are contrary to international human rights guidelines, criminalizes poverty.
Many of the quotations throughout this work were taken directly from the proceedings of the regional and national workshops. Others were taken from previous studies and reports. With regards to the names of the children who participated in the national and regional workshops whose statements were quoted in the book, they have been changed for purposes of protection and privacy. We have provided English translations in the cases the quotes were in the vernacular. Stressing the use of child-sensitive terminology and unless quoting references and identifying the titles of previous researches, we carefully avoided using the terms “youth offender” and “juvenile delinquent,” which appear all too often in local literature on CICL. As part of this policy point, we, unless quoting sources, have also used the word “children” and not “minors” or “juvenile” in referring to children. Terms such as “juvenil” and “minor” detract from the reality that children are children. Originally, we also wanted to feature the actual pictures drawn by the child participants to the consultations, however they were not in an appropriate format for reproduction. Instead we are featuring the artworks of one of the workshop participants. Through his illustrations, we are given insights into the world of street children and CICL in the Philippines and their experiences with the justice system.

We hope that virtually as an extension of the workshops, this book will be valuable to policy makers and implementers, and encourage more support and genuine concern from the general public for the welfare of street children and CICL in particular.

*Bigyang halaga ang bukas*
Give the future importance

*Bigyang katugunan ang pangangailangan*
Provide answer to need

*Ikaw, ako, tayong lahat*
I, you, all of us

*Simbolo ng bukas*
Symbol of a new day

Chorus (and free translation) of the workshop theme song *Simbolo ng Bukas* (Symbol of a New Day) taught to and sung by the child delegates to the NCW (August 2002, Marikina City).
Executive Summary

We have painted their faces with the grays of our feelings of indifference and resentment, stigmatization, and condemnation.

IN CONTEXT

THE INTERPLAY OF VARIOUS FACTORS, ranging from the cultural to socio-economic and from the legal to the psychosocial cannot be missed in accurately presenting and discussing in context the issue of street children and their experience with the Philippine juvenile justice system. Local/cultural concepts of childhood, child and adolescence, and the traditional views and assumptions of Filipino adults on children play a vital and undeniable role in the development and in the lives of children - not excepting the ones begging in the street or languishing behind bars. Filipino parents, for example, view that their children owe their lives to them. As a result, children are expected to augment family income. As in many cases of these traditional assumptions, the distinction between discipline and abuse is blurred. Emphasizing male dominance, tradition also places more freedom for boys than it would for girls. This may account for the predominance of males in the number of street children and CICL in the Philippines. In many cases, it is while being engaged in legal and illegal activities to survive in the harsh streets or to augment family income that young Filipino boys and girls come into actual or perceived conflict with the law.

Notwithstanding the negative connotations to and the debate over the term “street children,” street children exist in cities throughout the Philippines. A generic term, the label is generally understood to include all children found in or on the streets doing some activities regardless whether they have a family or not. The term also widely refers to: (1) children who live in the streets and fend for themselves either because they
have no families, were abandoned, or ran away from their families and (2) children who work in the streets but return home after having earned enough or at the end of the day. Closely related to the various definitions of the term “street children” is the difficulty in coming up with an accurate number of street children in the Philippines, and this remains a major problem. For the Metro Manila area alone, different agencies and organizations have presented varying and sometimes conflicting estimates, ranging from almost 120,000 to a high of 1.5 million. Children and their counterparts who have come into conflict with the law in the Philippines leave home for the streets due to various reasons. The situation in the family of these children shows a history of abuse and neglect, and under this climate, the children look to the streets as their new home. Unable to cope with abuse, violence and neglect at the home front, many are forced to work and/or live in the streets, where they become more vulnerable to more abuses and dangers. Cultural expectations and poor standards of living forced them to engage in hazardous or illegal activities, such as prostitution and the drug trade.

PROFILE AND FACTORS

THE VARIOUS STUDIES ON FILIPINO CICL, often labeled in outdated, child-unfriendly terms such as “youth offender” in local literature, provide a general profile: that they are commonly from the disadvantaged sector of society, predominantly boys aged between 14 to 17, with low educational attainment, a history of abuse, drug and alcohol use, etc. For this book, the discussion on the profile of street children and CICL is limited to the topic of age and gender. Educational attainment, home environment, alcohol and drug abuse, part of the given profile of street children and CICL by previous studies, are discussed as inter-related factors that have brought children to circumstances leading to conflict with the law. These factors are not part of the sum of these children’s identities.

For example, among many Filipino families, little is left for other expenses such as education and medical care, with food and housing accounting for the bulk of the expenditures. The educational needs of the children are frequently neglected due to the insufficiency of the income of their parents or guardians. As a result, the children are forced to work in the streets in a host of jobs such as car washers, vendors and peddlers, and even prostitutes. Various studies, including those by PAYO, DSLU-SDRC, and
NAPOLCOM pointed out that majority of these children are boys who quit school due to financial difficulties. A large family size, as a result of traditional values placed on the number of children and on the priority to have male children over females, also plays a strong role in the predominance of males in the number of street children and CICL. The traditional tendency for parents to spoil the first-born and the last-born child may also account for the predominance of middle-born children in the numbers who have come into conflict with the law. This demonstrates the undeniable role of culture in each of the factors enumerated in this book.

Also, the important role of the barkada, whether it has a positive or negative impact on the lives and outlook of the children, cannot be disregarded. Studies and statistics have often identified gang involvement as part of the profile of street children and CICL. On the other hand, the results of these studies vary, suggesting that the commission of crimes did not necessarily mean that the children in question are part of a gang. Whether gang membership is a contributory factor to the commission of an offense or not, may depend on the individual experience of the child. These previous studies, such as those conducted by PAYO and BCYW-NAPOLCOM, as well as statistical data from government agencies such as the PNP and BJMP also presented data on the common crimes committed by the children and on the numbers of children that have committed these crimes. The most common crimes committed by children are: (1) theft/robbery, (2) rape, (3) physical injuries, murder, and homicide (4) illegal drug possession/use of solvents, and (5) vagrancy.

Children have their reasons for committing these crimes. In the case of theft and robbery, for example, one study by Dr. Arellano-Carandang revealed that half of the children interviewed said that they stole to have money to buy drugs or illegal substances and food, while some stole to get money for medicines and food for their family. The study also noted that children also engaged in these crimes as an act of revenge against those who wronged or doubted them, or as a result of feelings of resentment towards their parents. Aside from the socio-economic factor, the psychosocial factor also plays just as strong a role in the commission of the crimes by children.
REALITY AND RESPONSES

IN THE PHILIPPINES, laws for the protection and promotion of the rights and welfare of children have been promulgated and guidelines and manuals on the handling of CICL have been formulated. However, there is the problem of lack of inter-agency coordination and non-implementation in some areas regarding the laws on the handling and treatment of children, who are often abused all over again in the legal process. The general experience of children while under the system reveals serious gaps in the implementation of many of the laws. The narrations featured in this book reveal many forms and instances of abuse and neglect, particularly at the point of arrest and during the period of detention, which are remembered most by the children. These instances of abuse and neglect persist in spite of existing national laws and programs to uphold current international standards in the survival, protection, development and participation rights and the treatment of children, regardless whether they are street children, child soldiers, or prostituted children.

Take the case of a 16-year old girl named Dahlia, one of the participants to the Regional Community Based Workshop in Davao, Mindanao (July 2002). She was arrested and hit with the butt of a gun and a dustpan by a barangay official. The second time she was arrested, a policeman hit her with a piece of wood. “We were in jail for a night. They told us that we could have our freedom if we let them place their fingers inside our vaginas or let them fondle our breasts,” she narrated. Her case showed clear violations of many of the laws and judicial rulings, such as the Supreme Court Rule on Apprehension of Rules on Juvenile in Conflict with the Law, which, among other things, calls on arresting officers to refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child.

Nonetheless, government bodies and agencies, such as the DSWD, DOJ and the PNP, have undertaken responses and programs to address the well-being and welfare of children who have come into conflict with the law. Meanwhile, non-government and private organizations have also initiated and undertaken responses and programs to address the issue. While there are many NGOs in the country that provide services to street children, they commonly provide short-term initiatives geared to address needs like food, clothing, health, and education. Based on the main areas of program focus and activities, the types of programs for street children are commonly classified into three: (1) center-based, (2) street-based, and (3) community-based.
Centers are drop-in centers, night shelters, temporary shelters and residential homes and these offer children food, shelter, and informal education through tutorials, counseling and value education. Street-based programs are carried out by social workers in the streets and workplaces of children. The most common of these programs is street education, where children are taught basic reading and counting skills, their rights and ways to protect themselves in the streets, and the provision of food, medical assistance, and counseling. This type of program can also include protection and support for CICL in terms of release from police stations and detention centers and assistance during court hearings. Community-based programs meanwhile address the conditions that push children to live or work in the streets. Both preventive and curative, these programs involve community organizing, the empowerment of communities and families through livelihood development. NGOs, however, may adopt a combination of these approaches. Gaps still exist in the system. During the National Consultation Workshop in Marikina City, Metro Manila (August 2002), five main and interrelated gaps were identified:

1. Only custodial care was done in the centers. There were no comprehensive rehabilitation programs;
2. Government institutions have limited budgets;
3. The supplementary rules of the RPC – PD 603 were not totally enforced;
4. Monitoring mechanisms were lacking on different levels; and
5. Existing women and children’s desks were not necessarily responding to the needs of CICL.

The lack of political will and action by legislators translates to limited budgets for government institutions, such as those in the correctional pillar of justice. The limited budget further translates into the lack of a comprehensive rehabilitation program as well as problems in implementation. The latter is the source of the many problems encountered by children and young people who have come into contact with the justice system.
UPCIDS-PST researchers who have worked with abused and exploited children, identified fourteen themes of resilience. These themes include: the acceptance of difficulty and adjustment to the demands of difficult situations, the capacity to be self-reliant and self-governing, the ability to be other-centered and to see situations as temporary. The narrations of the child participants to the National and Regional Workshops point out to proofs of resilience. The narratives showed the positive and inspiring sides of street children and CICL that could not be seen when we encounter them in the streets as we go about our daily lives. We have painted the faces of these children gray, and we have to peel off this layer. We can do this by understanding that children, not excepting street children and CICL, interestingly have traits and views that defy expectation and that they are not the violent teenage menace that we imagine them to be.

Take the case of Donald, aged 17, who had been arrested four times for different offenses. He is no stranger to incarceration and experiences of torture. However, he is an example of a child on his way to recovery. With the help of his uncle who is a policeman, charges leveled against him were dropped and he was brought to a Davao-based NGO, which supported his education. During the sharing session on post-detention experiences, Donald said that he changed through the help of the foundation, which he said, was teaching him right conduct. He displayed the determination to move on with life, saying that he would like to continue what he is doing. His words showed that he has been recovering from past wounds and is moving on with life. Donald exhibited resilience.

Examples of successful intervention and good practices

During the National Consultation Workshop in Marikina City, Metro Manila (August 2002) the adult participants identified six elements of good practices.

- First, they use a multi-disciplinary approach.
- Second, coalition and consensus building had been established between organizations and institutions advocating for the rights and welfare of children.
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- Third, these practices mean an adoption of or re-orientation towards a more child-focused perspective.
- Fourth, advocacy efforts targeting legislative, executive and judicial officials at all levels were strong and creative.
- Fifth, capacity building activities were carried out.
- Sixth, the importance of research was underscored, while clear goals and objectives were assured.

The adult and child participants also identified examples of successful intervention and good practices. We have used some of the UNCRC articles related to children’s justice as the framework to show that these successful interventions and good practices uphold the rights of children. For example, according to Article 3.1, In the courts of law, the best interests of the child shall be a primary consideration in all actions concerning children. Some of the examples of good practices identified during the workshop closely relate to this article. Some child participants described the atmosphere in the courtroom and the attitude of the lawyers as non-threatening. The judges did not even wear black robes. Questions were stated properly during the proceedings. The adult participants meanwhile reported that judges who received training on the rights of children were already child-sensitive. Children were recognized as competent to testify. Adults were also appointed as special advocates for the children. In Cebu, multi-disciplinary teams composed of the police, prosecutors, judges and social workers were employed to minimize the trauma of multiple interviews with the children. Meanwhile, the people in the centres worked to give the children a new hope to continue living.

THE PLIGHT OF FILIPINO STREET CHILDREN AND CICL: WHY IS IT A PUBLIC ISSUE?

THE ISSUE OF STREET CHILDREN goes beyond our common perception of them as homeless, hungry, and troublesome children living in the streets. Beyond societal variables and factors, their world, like ours, is a complex combination of issues. In understanding the plight of street children and in realizing that it is a public issue, we
have to remember that they are children. Why is their plight a public issue? All children have the right to be given all the opportunities that will help develop their potentials and grow into well-rounded and secure individuals. **A child’s situation in the street and/or commission of crimes does not mean an exemption from this right or any of their fundamental rights.**

**Existence of violations of fundamental rights of the child**

Within and outside the juvenile justice system, many violations have been committed against street children and CICL. Many of them have experienced abuse, exploitation and violence at home and this is one of the reasons why they leave their home and live in the streets. During their initial contact with the law, they are made to suffer and are even tortured by insensitive law enforcers and community peacekeepers. Although there have been some improvements, the general treatment of CICL at the hands of law enforcers and conditions in jails are dehumanizing and contrary to the child’s rights and best interests.

**Physical and psychosocial well-being of children**

The harsh living conditions in the streets, the manner of handling by law enforcers, and the conditions in detention leave emotional, physical and mental scars on children. Many street children are exposed to physical dangers while working in the street. The degrading treatment they experience at the hands of law enforcers and other adults while in prison results to physical trauma and psychological consequences such as fear and anxiety, feelings of helplessness, worthlessness and apathy. Street children engaged in prostitution as well as those sexually abused in prison, face the serious danger of being exposed to sexually transmitted infections and even HIV/AIDS. There is also the issue of abortion and the deep psychosocial effects sexual abuse and prostitution have had on them. The issue of street children therefore clearly involves adolescent reproductive health concerns.
A socio-developmental and peace issue

The plight of street children and CICL is clearly a socio-developmental and peace issue. We cannot disregard these children nor consider them as outcasts since they still are members of society. Nonetheless, the presence of street children is a result of the eroding capacity of families to provide and care for their children, the break-up of families, and poverty. However, poverty is not the sole cause of children living and working in the streets: there are also strong cultural factors. The sum of the experiences of street children and CICL points to serious issues in the mental, emotional, and moral development of the child and the security of his and her family and of the community in general. The issue of substance and alcohol abuse and its relation to the commission of crimes also cannot be ignored.

Regrettably, there is the lack of political will and public pressure to address their plight. Regarding the issue of family violence and police brutality towards children, it breeds a cycle of violence. Street children and CICL who have experienced physical abuse at the hands of their parents and authorities have even justified the commission of crimes as a way of getting back at their families and society in general. With very limited education, CICL who have regained their freedom may experience difficulty in reintegration with the community and this may lead to more problems. Without adequate and proper support from family, friends and the community, their reintegration and recovery may prove to be unforthcoming. In many cases, the family is part of the problem as well as the solution.

Issues on sex, gender, and gender-related violence

Many street children have witnessed gender-related violence in their homes. Meanwhile, street educators have anecdotes of rape and sexual abuse among girls as well as boys in the streets. The physical and sexual abuses experienced by street children at the hands of authorities and fellow gang members and the reality of young girls and boys forced into prostitution in the streets of the cities throughout the Philippines point to the effects and the roots of gender-related violence in Filipino society. Instances of
Girls raped and sexually abused, or worse, murdered by their contemporaries and adults including law enforcers make it a pressing issue. Boys are also targeted by pedophiles and many of them have engaged in prostitution. Again, there is the risk of being exposed to sexually transmitted infections. Considering these serious health risks, the dangers of abortion, and the HIV/AIDS pandemic, there is the urgent need to educate them about safe sex and to empower them to make informed choices.

A PAINTBRUSH FOR CHANGE, A PALETTE FOR A BETTER FUTURE: RECOMMENDATIONS

The final chapter presents recommendations made by the child and adult participants to the National Consultation Workshop in Marikina City, Metro Manila (August 2002). Synthesizing these recommendations with others made during past conferences or forums and in recent researches by other institutions, we hope to present a paintbrush for change and a palette for a better future for Filipino street children and CICL. The child and adult participants gave recommendations to the Five Pillars of the Justice System. The following is a synthesis of these recommendations and those made in previous studies and other forums.

Law enforcement

- Stop the non-maltreatment or abuse of children and safeguard their human rights;
- Adhere to the right process in arresting children and the proper procedures in investigation;
- Disallow the taking of photographs of children during investigation or detention, particularly those wherein the children are made to pose in humiliating and degrading manner depicting their alleged crimes;
- Dismiss and punish police officers found to have violated children’s rights;
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- Create a system in precincts throughout the country that would effectively respond to the children’s problems and needs;
- Conduct a dialogue with law enforcers and local officials regarding the proper procedures in the administration of justice within the system;
- Train personnel of the PNP and BJMP on the proper handling of children, who should not be jailed for minor offenses;
- Stress the importance of education, with a hands-on training included in the training curriculum for law enforcers;
- Create an agency to monitor the implementation of training of PNP and BJMP personnel;
- Create or heighten the awareness of every police officer regarding international and local legal frameworks in observing the rights of CICL and the protection they require from local enforcement. All police officers should be required to undergo orientation and skills enhancement on CICL;
- Promote a child-friendly movement in the PNP organization through a comprehensive child protection program in the next 20 years;
- Activate a juvenile justice system within the PNP organization to respond to CICL concerns;
- Win the trust of the children, with the child as the centerpiece of the PNP’s law enforcement efforts, and with every police officer acting as a “big brother/sister” to children, thereby creating a positive role model for the children;
- Tap local resources to provide appropriate assistance to police personnel and the solving of disputes at the community level;
- Recommend legislators to sponsor a bill calling for an increase in the salary of police officers and the provision of incentives to prevent the temptation to exploit the issue of bail;
- Ensure that the documented age of a minor is brought to the attention of all judicial and custodial officials coming into contact with the child and is noted in the custodial investigation report.
Prosecution and courts

- Adhere to the right process during hearings, with the children provided the chance to speak or be heard;
- Practice a slow and clear articulation of questions during court hearings;
- Create a child-sensitive environment in the courtroom;
- Facilitate a speedy trial;
- Promulgate lighter sentences for children;
- Give greater consideration to the age of the child at the time of the commission rather than the present age of the accused;
- Conduct proper case management, emphasizing the need for proper documentation, monitoring, and the mobilization of resources;
- Document, publish and systematize activities and researches, and conduct research for advocacy, all of which stress the importance of diversion or the non-institutionalization of CICL;
- Formulate policies on length of confinement, calling for a need to lobby for non-confinement for light offenses such as violations of the anti-vagrancy laws and use of solvents and rugby;
- Create a Memorandum of Agreement (MOA) with the Department of the Interior and Local Government (DILG) to make sure that the barangay mechanisms like the Lupon (over which the courts have no jurisdiction) seriously consider cases;
- Take a second look over the Katarungang Pambarangay Law and locate and address gaps to respond to demands for restorative justice;
- Create a legal provision to increase the scope of participation of barangay justice in the handling and management of CICL;
- Investigate the tendency of defense counsels to advise the CICL to plead guilty;
- Facilitate closer coordination between the courts and the other pillars of justice, including the DSWD social workers;
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- Immediately commute any death sentences passed on children upon proof of age;
- Establish the age of any suspect accused of a crime for which Philippine law allows death penalty to ensure that children are not sentenced to death.

Correction

- Provide children in detention educational services as well as more vocational and skills training courses;
- Institutionalize visitation in jails and rehabilitation centers;
- Provide separate facilities and appropriate management and monitoring systems for CICL;
- Allocate funds for the provision of basic needs of the children;
- Conduct proper case management in this pillar of justice;
- Conduct training for BJMP personnel on the proper handling of children;
- Include hands-on training in the curriculum;
- Create an agency to monitor the implementation of training for people in the correction pillar of the justice system;
- Change conditions of detention in line with international standards for the detention of CICL.

Community

- Work for the realization of advocacy efforts and dissemination of children rights;
- Conduct seminar workshops on children’s rights to parents, community members, government personnel and students;
- Hold a “re-echo seminar” and more consultation workshops on juvenile justice and the rights of the child;
- Lobby for an increase in the budget for program on street children;
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- Construct more rehabilitation centers;
- Assign or deploy more social workers to help street children and CICL;
- Provide greater assistance for street educators in teaching children’s rights to other children;
- Lobby for the passage of a bill on juvenile justice;
- Use tri-media in advocating for the rights of the street children in the juvenile justice system;
- Conduct a massive information/education campaign for LGUs on CICL, and the mobilization of the BCPC;
- Facilitate the debriefing of the child wherein questions should be asked to help the child realize and process the events that had happened in his or her life;
- Encourage the family and community to conduct more visits to children in jails and detention centers;
- Provide proper knowledge and information to children;
- Provide immediate intervention and appropriate sanctions and treatment to CICL;
- Extend support for programs that address and prevent youth involvement in alcohol, drugs and gangs;
- Provide opportunities for children and youth;
- Strengthen and mobilize communities and families, realizing that crime is a problem of the community and not just the police;
- Break the cycle of violence by addressing youth victimization, abuse and neglect;
- Support the development of innovative approaches on early intervention and prevention programs;
- Implement aggressive public outreach campaigns to promote effective strategies to combat criminality among the young;
- Strengthen family ties, values clarification and reorientation for community and family members.
No amount or type of well-thought recommendations is truly valuable without understanding the psychosocial needs of street children in general and CICL in particular. Our efforts for instituting reforms and improvements in the juvenile justice system go beyond goals – the lives of the intended beneficiaries hang in the balance of the scales of justice or injustice. **We note two special recommendations:** (1) realizing the importance of the “barkada” and the “self” as a key to these children’s hearts; and (2) realizing that **these children have a need for a family.** Also, there is the basic and common psychological need of the children to experience a nurturing family environment. Parenting and conflict resolution skills come in handy. While the family has played a large role in why children left for the streets, it also holds the key to solutions.

With the family being its basic unit, society plays just as a vital role in searching for solutions to the problems faced by street children. The government, meanwhile, which has a mandate to look after the well-being of all its constituents regardless of age, gender, sex, or social status, must do its share in promoting and safeguarding children’s rights. There is the pressing need for the government to address, in concrete terms, the root causes that bring children unto the streets and into conflict with the law: inequity, poverty, racism, ineffective governance and impunity, all of which lead to the denial of children’s economic, social, cultural, civil and political rights.
LOCAL/CULTURAL CONCEPTS OF CHILDHOOD, CHILD, AND ADOLESCENCE

In starting to understand street children and their counterparts who have come into conflict with the law in the Philippines, we first need to look at the world and culture of the Filipino, particularly local/cultural concepts of childhood, child, and adolescence. Throughout the book, we will show that many of the problems and difficulties encountered by these children have deep cultural roots and are the results of an adult Filipino view of the world, children and adolescents.

Related to the debate over the period when childhood begins is the difficulty in reaching an agreement where it ends. The concept of childhood is often seen in contexts pertaining to assumptions behind age “which changes according to historical time, geographical environment, local culture, and socio-economic conditions.”21 In general, childhood is often understood as the timeframe a person is considered as a child, whether under the definitive limits set by law or as dictated by religious beliefs. Child-centered NGOs and child rights advocates in the Philippines have however noted difficulty to “bring the UNCRC into the mainstream due to specific culture restrictions.”22

The very strong role played by culture on the concepts of child and childhood is undeniable. The predominantly Roman Catholic, mainly agricultural but poor and landless families of the Philippines believe that “maturity is measured when the community recognizes an individual’s capacity to hold responsibility like forming a family.”23 Meanwhile, the more economically disadvantaged, politically and socially marginalized indigenous and Moslem communities of the Philippines “enjoin their children to follow traditions of marrying in their adolescence as a form of survival.”24 The Sama Dilaut of the southwestern Philippines believe that “a girl is ready for marriage when she has had her first menstruation.”25
One of the assumptions about children imbedded in Filipino society in general is that they “owe their lives to their parents,”26 who expect them to help augment family income. Although this assumption is currently being challenged, it has often blurred the line between discipline and abuse. In both the urban and rural areas, children as young as seven are working to support the family’s need for food security, and in these cases, “a child of seven years is not necessarily a child anymore.”27 They work as farmhands in the rural areas and as assistants of deep-sea fishermen throughout the waters of the republic. Below-18s carry out a host of odd and even dangerous jobs in the larger towns and major cities, often getting involved in illegal activities. Nonetheless, it is under this scenario that many of the street children come in conflict with the law. In the highly urbanized population centers, gangs of children meet in their favorite tambayan or hangout, or roam around late at night – sometimes in ignorance of or strong defiance against local vagrancy laws. They are also most visible during periodic lulls in the enforcement of such laws.

In the Philippines, the “social status of adolescents is based on their sexual development.”28 The Filipino words binata and dalaga, the terms used for adolescent boys and girls respectively, also means males and females of marriageable age. Although sex differentiation begins early during childhood, the Filipino adolescent is expected to follow specific behavioral patterns and conform to adult expectations. Filipinos, rural or urban, Christian, Moslem or indigenous, generally believe that adulthood begins after the appearance of secondary sexual characteristics among males and the start of menarche among females. “Male dominance begins to be emphasized within the sibling group,”29 with the younger siblings expected to obey the firstborn. In the rural and urban poor communities, parents expect adolescent males to contribute to the family. Mothers often remind their female adolescent children to be cautious in their relationships with boys. Tradition dictates that adolescent girls are not supposed to go out at night. “Adolescent boys are supposed to do manly work; the girls, feminine tasks.”30 Nonetheless, many Filipino children are prematurely initiated into the social and economic demands of the adult, allowing little transition between childhood and adulthood.

This cultural ambiguity has a negative impact on the treatment of street children and children in the justice system, causing them to be processed as adults and mixed with adults in detention. This is in contrast to international juvenile justice norms which acknowledge that the psychosocial experiences associated with childhood and adolescence are different from those of adults and that therefore children require a specialized justice system distinct from that of adults.
PAINTED GRAY FACES, Behind Bars and in the Streets
DEFINITION OF A STREET CHILD

Batang lansangan, batang libud suroy sa kadalanan

“Street children” in Filipino and Cebuano, two of the Philippines’ major languages

Palaboy, buntog, salot, laagan, lagalag,
    bugoy-bugoy, tun-og, shine boys/girls

Some of the ugly names given to street children and CICL in the Philippines. The words “palaboy” and “laagan,” and “lagalag” mean a “good for nothing loafer/idler,” while “bugoy-bugoy” approximately means a “toughie or bully.” “Tun-og,” which actually means “dewdrops” in Cebuano has to come to mean a “girl child prostitute,” and “shine boys/girls” is a local term for prostituted children. “Salot,” a term also used to describe homosexuals, means “pest” or “pestilence.”

UNICEF, which has reworked the term several times, had earlier defined “street children” as “minors whose home ties are so weakened that they essentially live on the streets, relying on their efforts to meet virtually all their basic needs.” The United Nations meanwhile defined the term as “any boy or girl... for whom the street in the widest sense of the word... has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised, or directed by responsible adults.” A generic term indeed, the label is often understood to include all children found in or on the streets doing some activities regardless whether they had a family or not. The term also widely refers to: (1) children who live in the streets and fend for themselves because they have no families, were abandoned, or had run away from their families and (2) children who work in the streets but return home after having earned enough or at the end of the day.
Meanwhile, the DSWD defines street children as “boys and girls aged below 18 years of age who have adopted the street as their abode and/or source of livelihood. Inadequately supervised, protected and directed by responsible adults, these children spend about 6 to 14 hours daily working in the streets to augment family income.”

Interestingly, street children themselves in the Philippines, as early as the 1990s, have come to question the use of the term “street child,” which connotes society’s negative images of these children as “deviants, young criminals, trouble makers or petty thieves.”

The Consortium for Street Children (CSC) acknowledges the limitations and many connotations, both positive and negative, of the term “street children,” but – in the absence of a widely acceptable alternative - uses the term for convenience, on the understanding that “in reality, street children themselves often defy such convenient generalizations because each child is unique.” CSC also maintains that definitions of “street children” in different contexts must take into account the child’s own perceptions of their individual circumstances and how they themselves wish to be described.

**VARIED ESTIMATES**

THE DE LA SALLE UNIVERSITY-Social Development Research Center (DSLU-SDRC) study reported, “As of 1996, the exact actual population of street children in the country is non-existent. Coming up with a headcount, or perhaps even a close estimate remains a major problem.” It pointed out that the generic nature of the term “street children” and the need for clarity in its usage brought about “methodological problems with regard to arriving at estimates in the number of street children in the country…”

Documents from various agencies in the country showed various estimates. In 1995, UNICEF estimated around 220,000 street children in 65 major cities of the Philippines. In 1996, it provided an estimate of 87,000 street children in Metro Manila.

On the other hand, a survey done during the same year by the DSWD-NCR Office gave a headcount of 5,131 street children in Metro Manila. In 1998, a document by the DSWD Rescue Operation Program named “Ahon sa Lansangan” (Rescue Street Children) reported that there were 222,417 street children in the country, of which 111,208 were in the Metro Manila area. In 1999, Senator Ernesto Herrera, in his advocacy for House
Bill 620 establishing a 100-million peso fund for children’s welfare, noted that the number of street children rose from 223,000 to 1.5 million from 1991 to 1999.44

FROM HOME TO STREET

My mother was a bargirl. It was my grandmother who took care of me. But she got tired of me, so she gave me to someone who was not even a relative. My “new mother” was so harsh. She punished me often for doing little mistakes. I was able to bear it for a while but when I could not any longer, I ran away and became a street child.

Detail of the report presented by participants from Luzon during the NCW (August 2002, Marikina City)

MORE THAN ANYTHING ELSE, street children are not just statistics or figures in a report. Behind these numbers are stories of abuse and domestic violence. The child referred to in the report by Luzon participants to the National Consultation Workshop (August 2002 Marikina City), like many other street children, experienced verbal and physical abuse. These include “being beaten and hit, kicked, boxed, hanged in a sack, and chained” and “being humiliated in public.”45 Many have run away from home, unable to cope with the abuses and incidences of violence. Cultural expectations and poor standards of living forced them to work in the streets, where they are prone to more abuses and dangers. They become members of street gangs, but not necessarily those that are involved in crime. Nonetheless, children may be lured to become involved in prostitution, and substance abuse, which street children view as a part of living in the streets.

According to a 1996 study by Childhope Asia Philippines (CHAP), a majority of the street children “reported maltreatment within the home – from one or both parents, a stepfather or a stepmother, or an elder sibling.”46 Although some of them have not experienced physical abuse, “they wanted to escape an atmosphere of conflict in the home, with constant quarrels between the parents.”47 Street children were also asked “by one or both parents to help augment the family income” by pitching in before or after
The study identified the three greatest difficulties encountered by street children in general: (1) lack of food, (2) harassment, and (3) physical difficulties, especially fatigue. Street children have complained of extortion of earnings by other street children and by law enforcers.

Child participants to the NCW (August 2002, Marikina City) noted that their sad plight were the results of:

- A weakening foundation and relationship between family members;
- The proliferation of child abuse and the lack of support system for recovery;
- Strong negative influences in the environment such as vices, drugs, and distorted values about life;
- The insensitive system of justice for children in the country that still views CICL as criminals rather than victims.

Consider this statement given during the NCW (August 2002 Marikina City) by delegates from the southern Philippine region of Mindanao:

“We find out too soon that one shouldn’t mess with the law. We find out too soon that unlike other systems in the government, this one is swift and unforgiving – especially when you are poor and powerless. Especially when you are a street child.”
PAINTED GRAY FACES

Behind Bars and in the Streets

Facts presented by the four earlier surveys on the sex and age of Filipino CICL: 65

PAYO: out of the 232 respondents, 92% are male, 53% are between 15 and 17 years of age

NAPOLCOM: majority of respondents are male, 4.91% are female, 90.98% of respondents were aged 16 years old and above

BCYW-NAPOLCOM: majority of 46 males in Camp Sampaguita, five females confined at the Correctional Institute for Women, 52.94% of respondents were 17 years old at the time of commission of offense

NCSD: 46.9% of CICL who are street children belonged to the 13 to 16-age bracket, while among non-street children, 67% belonged to the 17 to 20-age group.

(My name is Lalaine Campos. We are representatives of street children in Metro Manila. We are striving hard daily to make ends meet. Our family is happy and helps each other out but because of the hardships in life, our parents often fight and we are affected and neglected. Because of family problems, we left home and stayed out in the streets with friends. Here, we learned how to break the law in order to survive and this is why the police caught us. We experienced different kinds of abuse under the hands of older people.)

A statement by a girl participant, aged 14, from the NCR during the NCW (August 2002, Marikina City).

IT WOULD NOT BE SURPRISING to hear the most callous remarks on the origin of street children and children who have come into conflict with the law from people who hold on to traditional Filipino assumptions about children. This includes the assumption behind the saying “kung ano ang puno, iyun ang bunga,” translated as “what the tree is, the fruit will surely be.” The parent’s abilities and characteristics and not of those of the children become the yardsticks in growth and development. With this assumption, it
is concluded that, “whatever the parents are, the children will inevitably be, as they are considered extensions of their parents.”

Lalaine’s statement gives us a glimpse into the world of street children and CICL in the Philippines. It briefly gives us an idea about her family background as well as the circumstances that brought her to live a life in the streets and come into conflict with the law. Lalaine is not part of the majority that fits the general profile of Filipino street children and children that have come in conflict with the law, but her story describes an underlying commonality among children and young people like her and their respective families. A more inquisitive look into the story of Lalaine would lead us to think about the question of who are the children at risk of coming to conflict with the law. We could quickly conclude that they would have to be primarily street children. Considering the traditional assumption of lumping children either as “normal” or “abnormal,” there is the strong perception that “children turn out bad when they grow up in the street.”

From the early to mid-1990s, four studies were conducted to identify the profile of CICL in the country:

1. “Survey of Non-Institutional Offenders at the National Capital Region” by the NAPOLCOM Technical Committee on Crime Prevention and Criminal Justice in 1996;
2. “Survey of Youth Offenders in Detention” by the Philippine Action for Youthful Offenders (PAYO) in 1995;
3. “Children and Youth in Conflict with the Law: A Situational Analysis in Metro Manila, Olongapo City and Baguio City” by the NCSD in 1994; and
4. Survey on Youth Offenders at Camp Sampaguita and Correctional Institute for Women by the DSWD-Bureau of Child and Youth Welfare (BCYW) and NAPOLCOM in 1993.

Focusing on variables regarding the sex, age, and education attainment of Filipino CICL as well as the family situation and its socio-economic status, the vices of and the crimes commonly committed by the CICL, and gang membership, these studies presented a clear “profile” of Filipino CICL. They were found to be mostly “male, 14 to 17 years old, elementary school level, from a family of four to six children, parents are low-
earning workers or unemployed, committed theft or robbery, committed crimes with peers or relatives, used drugs or drank alcohol.”

The DSLU-SDRC study, done in 2000 in cooperation with UNICEF and the National Project on Street Children (NPSC), provided a profile on CICL that falls parallel to those given by previous studies: “Those who are apprehended by the police are males, and in their adolescence years, middle among the siblings, were high-school drop-outs, have separated parents and their mothers were engaged in gainful work.”

Nonetheless, a mere presentation of statistics and variables or study of the profile of these children is not enough to understand the plight of these children. The impact of religion and traditional values on the adult view towards children cannot be discounted since these views form part of the “total cultural environment into which children enter, grow up, and eventually participate.” Most important is the cultivation of an understanding of the moral, intellectual, psychosocial and behavioral facet of the lives of these children and a genuine appreciation of their views. “A genuine understanding of children can occur by beginning where the children thrive,” but this does not necessarily mean placing emphasis on the “street.” It would be unjust to view the lives of the children using the “street” as the sole identifying factor in their lives.

For this chapter, we departed from the manner the previously mentioned studies have presented the children (1) by limiting the discussion on profile to age and gender, and (2) by qualifying realities in the children’s lives, such as family situation, educational attainment, drug and alcohol use, and gang involvement, as contributory factors for a child to come in conflict with the law and not lumping them as part of the children’s profiles. Our purpose is to stress our policy point that street children and CICL are children and that these contributory factors are not part of the sum of these children’s identities.
### THIS IS WHO WE ARE: GENDER AND AGE (PROFILE)

#### Facts presented by the four earlier surveys on the gender and age of Filipino CICL: 65

<table>
<thead>
<tr>
<th>Survey</th>
<th>Details</th>
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<tbody>
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The findings of the 2002 DSLU-SDRC are consistent with these earlier studies. “Children who experienced being apprehended by the police are mainly adolescents aged 13-15 years (36%) and 16-18 years (30.7%). More than one-fourth are also in their middle years, aged 6-12 (24%). As expected, most of them are males at 83%.” 67

Latest figures from the Bureau of Jail Management and Penology (BJMP)68 likewise indicated that males predominantly comprise the number of Filipino CICL. For the month of September 2002, the BJMP report said that out of the total 2,098 children sentenced or detained69 in jail, 95.04% or 1,994 were males. Only six females comprised the 288
PAINTED GRAY FACES, Behind Bars and in the Streets

sentenced CICL. Most recent statistics from the DSWD also corroborate these data. Out of the 8,525 CICL served in both community- and center-based institutions in 2001, 7,913 or 92.82% are male. In 2000, the DSWD served 10,094 CICL, 93.02% or 9,390 of which, are male. These findings collaborate with data from other countries. In Indonesia in 1997, males accounted for 98.04% or 8,999 of the 9,178 CICL in prison in North Sumatra, and on Java, including Jakarta.

The predominance of males in the number of street children and CICL can be attributed to “the Filipino socialization pattern wherein male children are allowed to roam around in the streets even during the night…” The predominance of males also suggests the traditionally lesser involvement of females in criminal activities. Although the demographics indicated that Filipino CICL would likely be male and between 14 and 17 years of age, this does not mean that young girls are not at risk of becoming street children and at one point, even come in conflict with the law. Young girls, whether street children or not, remain vulnerable to sexual abuse, prostitution, and pornography. Children of both sexes can be lured to prostitution by circumstances not of their own making. (See also Chapter 9 - The plight of Filipino street children and CICL, a public issue? Issues on sex, gender and gender-related violence)

During the period from ages 14 to 17 - identified as the age bracket fitting the profile of a CICL - the individual child experiences rapid changes in physical, psychosocial and physiological development. Issues concerning independence, intimacy, identity, intellect, and integrity surface during these years, with the adolescent experiencing a period of “transition between two worlds: the happy carefree world of the child and the responsible world of the adult.” During this period, the adolescent boy and girl are awakened to “new things, new experiences, new abilities, relationships, and perspectives.” Nonetheless, Filipino parents generally impart on their children the concept that “age is equated with wisdom and experience.” Two traditional corollaries are impressed on the mind of the young - that “youth has the immaturity of impulsive action and the rashness of innocence” and the “judgment of the young may be right but is seldom wise.”

In the case of street children and even of working and prostituted children as they try to earn a living for themselves or for their families, it seems that the harsh circumstances and poverty surrounding them result in the deprivation of their childhood. For some children, however, working in the streets provides them time for play. “The lack of playgrounds… and the little time left for their leisure drive the children to play in the
streets while working for a living.”

However, “even in their choice of games to play, the children reveal signs of adulthood at a very early age.” Many studies have noted that street children are engaged in gambling activities. Gambling is visibly rampant in depressed communities, with bettors often wagering hard-earned money. It would not be improbable to think that a young boy would be brought along by his father to cock-fighting arenas on Sundays or even asked to sit for him in card games. During wakes in the Philippines where gambling is an accepted practice, it would not be unusual to find young children gambling among themselves in games such as “heads or tails” or card games such as Lucky Nine. The same learning pattern goes with alcohol and substance abuse, which, along with gambling, could be the street children’s coping mechanism rather than deviant behaviors.

All the studies and reports on CICL done in the country point to the predominance of boys among the numbers of children who had come into actual or perceived conflict with the law. Behind these numbers are factors such as the greater degrees of freedom and social mobility given to boys and men than girls and women in Filipino society. These cultural facets of the gender equation in the Philippines and these analyses of age and gender go towards explaining the general statistical trend that this disadvantaged sector of children is predominantly male and are between 14 to 17 years of age.

LALAINÉ HAD LEFT HOME and stayed out in the streets because she wanted to leave or avoid the problems in her family. A desire to look deeper into Lalaine’s case might prompt us to look at the cause of the problems in her family. In Lalaine’s street, there could have been a neighboring family that was faced with the same problems, but their daughter did not run away to live in the streets. In understanding the individual cases of Lalaine and her neighbor, we might find a chain of factors that have brought Lalaine to
circumstances leading to conflict with the law but these same factors were not strong enough to have pushed the other girl to turn to the streets as her new home. In understanding children like Lalaine, we need to look into these factors. In this section, we present a discussion on interrelated factors such as educational attainment, family situation, living arrangements, and others.

Educational attainment

<table>
<thead>
<tr>
<th>Bernard (m 17):</th>
<th>Layas ako from first to fourth year high school, nakatapos ako na layas pa rin. (From first to fourth year high school, I was truant. I managed to finish school even as a truant.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jasmine (f 10):</td>
<td>Noong nanganak ang ina ko, kami ang pinagbabantay. Hindi ako pinag-aral. Buti na lang may nag-sponsor sa akin kaya ako nakapag-aral. (When my mother gave birth, we were tasked to look after [the child]. I was not sent to school. It is a good thing that someone helped me so I was able to study.)</td>
</tr>
</tbody>
</table>

Thoughts shared by two participants during the session entitled Bago ang Lahat (Before It All) during the RCBW Mindanao (July 2002, Tambayan/Davao).

Although each is different, the cases of Bernard and Jasmine both reflect facts about the educational attainment of Filipino street children in general. Bernard managed to finish high school despite his adventurous pursuits. Jasmine, on the other hand, was not sent to school since she had to look after her newborn sibling. She was able to go to school only after someone had sponsored her studies. Bernard and Jasmine are lucky. Most other street children and CICL do not even go to school, let alone graduate from the primary or secondary levels of education.79
Consider these facts regarding the educational attainment of Filipino CICL: 80

**PAYO:**
51.7% finished or are still in the elementary level
41.4% reached high school

**NAPOLCOM:**
45.9% high school undergraduates
25.4% elementary undergraduates
71.0% out-of-school youth

**BCYW-NAPOLCOM:**
50.98% still in elementary grade
17.65% completed elementary level
15.68% reached high school
15.98% did not go undergo any formal schooling
62.74% stopped going to school primarily due to financial constraints

**NCSD:**
48.4% elementary undergraduates
24.6% high school undergraduates
16.6% elementary graduates
80.2% were already out of school
10.3% were attending classes

**DSLU-SDRC:**
58.5% of the 1529 cases did not participate in school.
53.5% of the 684 had been out of school for one to two years, 25.3% had been out of school for three to four years

**Note:** Quoted figures do not add to 100%

Among many Filipino families, little is left for other expenses such as education and medical care, with food and housing accounting for the bulk of the expenditures. The educational needs of the children are frequently neglected due to the insufficiency of the
wages of their parents or guardians. The 1995 PAYO study revealed that more than half of the respondents or 57.8% were forced to quit school due to financial difficulties. This is lower than the 62.74% reported by BCYW-NAPOLCOM in 1993. Meanwhile, the DSLU-SDRC study showed that majority of the children who had experienced police arrest were school dropouts and that they had been out of school for more than two years.

Peer influence and family problems were identified by the respondents to the PAYO study as the other reasons for dropping out of school. The 2001 Survey on Children by the National Statistics Office (NSO) revealed that, according to child and parent/guardian respondents, loss of interest ranked as the number one reason among male dropout working students. This is followed by insufficient family income to support their education. The NSO survey also noted that children belonging to the 15 to 17-year old age bracket had almost twice the probability of quitting school than those between ages 10 to 14. It also stated that there were more male dropouts than females, with a ratio of 2:1. Meanwhile, the 1997 National Demographic and Health Survey (NDHS) showed that the mean number of years of schooling for males is 5.8, while it was 6.0 for females. These facts may also contribute towards the predominance of males in the street children and CICL population.

As provided by the constitution of the Philippines, public elementary education is mandatory and entirely supported by the national government. On the other hand, for various reasons, many children in the country are unable to complete the elementary school level. This may mean a want or poor development of skills in basic literacy and numeracy, as well as thinking and work skills to enhance their learning capacities and values. Even a lesser number of children manage to finish high school, the next level of general education that prepares children for vocational or college education. Moreover, the quality of education in the public sector has been observed to be inferior compared to that in the private sector. For the most cases of street children, they “have not been going to school on a continuous basis. Dropping out and later resuming school is a normal cycle among them.” Nonetheless, even if street working children are unable to complete the first two levels of formal education, it has always been observed that they possess a “high level of street-smartness” that enables them to survive in the streets.
Family situation

Louie (m 13): I think family planning [is important]. Couples keep on having babies, whom they cannot support and provide proper care, and this is why so many children decide to stay in the streets.

Roberto (m age unspecified): After having three children, mothers should not bear children anymore.

Thoughts shared by participants at one of the small group discussions during the NCW (August 2002, Marikina City.)

The 1996 NAPOLCOM survey indicated that 72.95% of the respondents had five or less siblings. Meanwhile, the BCYW-NAPOLCOM survey conducted three years earlier, discovered that 17.56% of the CICL interviewed came from a family of two, 7.48% from a family of three, and 11.77% from a family of six. The 1995 PAYO research showed that 45.2% of CICL come from families with four to six children. The study also carried that 42.7% of the CICL respondents come from families with six to eight members, 32.8% from families with three to five members, and 20.72% from families with nine to 12 members. The divergent results of these surveys, however, suggest that household size may be a negligible factor in determining whether a child will become in conflict with the law.

The reason for Filipino families to have more than two children can be traced to the traditional view that held “children as investments.” The belief that the blessing of having many children offsets the lack of material wealth, gives the general perception that “by having more children, an individual has more chances that one of them will succeed in the future; hence, a better economic and social life.” The reality however often proves otherwise, with more mouths to feed. Apart from the strong influence of the Roman Catholic Church against the use of artificial contraceptive methods, the other general attitudes held by Filipino adults on children have a direct bearing on a couple’s decision on the number of children they wish to have. These attitudes include the necessity
of having many children, preferably males, in maintaining the family lineage and the importance of an even distribution of sex of children. The decision on the number of children often rests with the Filipino male. Underneath Louie’s observation on couples keeping on having babies are these attitudes and values of the Filipino towards having many children in a family. His fellow participant, Roberto even suggested a limited number of children per family. These two children saw the importance of family planning and responsible parenthood for individual and family welfare.

Filipino CICL often includes those coming from families with four to six children. Most CICL, in terms of order of birth, “are in the middle or in-between child.”98 The DLSU-SDRC study likewise indicated that middle children composed 65% of the 1,478 cases, while 22.2% were eldest children. One possible reason for the predominance of middle children in the number of CICL is the result of the tendency of Filipino parents, siblings, and relatives to spoil the eldest and youngest children. The eldest tends to be spoiled because he or she is the “first empirical evidence of love, perhaps also the first grandchild,”99 and the same is true for the youngest because “he or she is the last baby of the family.”100 Older children, particularly males, are often expected to help the family earn income, and such activities expose the child to corresponding risks while working in the streets or in other areas. This is particularly so when their means of survival involves stealing and other illegal activities.

“Ang ama ay ang haligi ng tahanan, at ang ina ay ang ilaw.”101
(The father is the pillar of the home, and the mother is the light.)

No Filipino child has ever missed hearing this saying in school or at home. Stressing the important roles of fathers and mothers in a household, the oft-quoted figure of speech compares the role of the father to that of the haligi or pillar, which supports the entire structure. The guiding role of the mother is compared to that of ilaw or light, without which the house is cast in darkness. Figuratively speaking, a house with no house-post and/or no light means a family without both or either parent.

Respondents to the NSCD research gave the following reasons why their family was no longer intact: (1) either the father or mother died, (2) both parents are dead, (3) parents are in another place because of work, and (4) abandonment.
Consider these statements shared by child participants to the consultation workshops:

Arthur (m 17): Buo pa ang aking pamilya noong buhay pa ang aking ama. Pagkamatay ng aking ama, pumunta ako sa Panabo. Pagbalik ko may asawa na ang aking ina. Dalawa ang naging anak nila. Masyadong matapang ang aking stepfather, kaya naisip kong maglayas na lang kasama ng barkada. (My family was still together when my father was still alive. When my father died, I went to Panabo. When I returned, I found out that my mother had remarried. They had two children. My stepfather was very unkind, so I thought about running away with my friends.)

Cora (f 13): Hinuli ang aking ama dahil sa shabu. Yan ang dahilan kung bakit nagkawatak-watak ang aming pamilya at nangaliwa ang aking ina. Lumayas ako at nakitira sa bahay ng barkada. Nasa kulungan pa rin ang aking ama. (My father was imprisoned because of amphetamines. That’s the reason why my family broke apart and why my mother went with another man. I ran away and stayed at a friend’s house. My father is still in jail.)

Marissa (f 12): Masaya ako nuong buo at magkasama pa ang pamilya. Nagsisimba tuwing linggo. Noong namatay ang ina ko, natuto akong magbisyo. Seven or eight years old lang ako noon. Nag-estambay, layas. (I was happy when my family was still together and intact. We went to church every Sunday. When my mother died, I learned some vices. I was only seven or eight years old. I hung around and went everywhere I pleased.)

Nestor (m 13): Sa pamilya namin, kulang kami dahil wala ang totoong tatay ko. Malungkot ako, pero may stepfather ako. Mula noong maliit pa ako, di ko pa nakikita si tatay, kaya ako umalis ng bahay. Sumama ako sa barkada... (In my family, we are not complete because my real father is not around. I am sad, but I have a stepfather. Even when I was little, I haven’t seen him, and that’s why I left home. I went to my friends...)
Jayson (m 17):  Bata pa ko, hiwalay na ang mga magulang ko. Sumama kami kay Nanay, kaya lang kinuha [kami] ni Tatay. Lumayas ako sa dami ng trabaho. (My parents separated even when I was young. We stayed with Mama, but Papa took us back. I left because there was too much work.)

The situation in the respective families of Arthur, Cora and the other participants are different, but there is a common denominator: their families are no longer intact. The life stories of the child participants to the consultation workshops seem to strongly support generalizations that street children and their counterparts who have landed in jail or detention centers are a result of broken families, or of the diverse marital status of parents, who may be separated, widowed or living together in consensual unions. The DSLU-SDRC study noted that in half of the 1,460 cases, the parents were separated. On the other hand, the presence of both parents (or a foster parent in place of a deceased or absent parent) is not a guarantee that the child would not run away, find solace with friends, and eventually become entangled in circumstances leading to conflict with the law. There are more factors to be considered. Studies like the one by DSLU-SDRC suggest that the presence or absence of parents seems to be a less critical factor in comparison to living arrangements, home climate, and the maintenance and frequency of contacts between the children and their parents. Nonetheless, the loss of parents or separation and the consequences prove to be difficult or harsh for the children.

Living arrangements

The PAYO study noted that 77.6% of the respondents were not living with their parents, while the NSCD research showed that 62.8% were living with only one parent or neither parents. According to the DSLU-SDRC study, out of the 1,511 cases of children who experienced police arrest, 70% were living with family or relatives, while 30% were living with non-relatives. The DSLU-SDRC study defines living arrangement to be a “critical variable in understanding the situation and the behaviors of the children in the streets.” The study noted that adolescents and youth, with a higher percentage for males, tend to live with non-relatives. Again, this trend can be explained by the traditional
beliefs and practices that extend more privileges to the male adolescent than their female counterparts, and by the consensus that there is “no moral risk involved in a man’s mobility.”

**Home environment**

A study by Dr. Estefania Aldaba-Lim on CICL revealed that home climate and parental discipline frequently fail because of indifference, neglect, and punitive methods of correction. Again, traditional assumptions on children and generally accepted child-rearing practices play a large part.

**Consider the following cases:**

**Michael (m 14):** *Marami problema sa bahay namin. Minsan napabayaan ko ang kapatid kong alaga. Pinalo ako kaya naisip kong maglayas. Pumunta ako sa barkada ko...* (There are so many problems at home. Once, I neglected a sibling under my care. I was punished, so I thought about running away. I went to my friends.)

**James (m 13):** *Lagi akong pinapagalitan ng magulang ko. Minsan di na ko umuwi kasama ng barkada. (My parents always scolded me. Once I never came home and went with my friends.)*

Thoughts shared by participants during RWDR-Visayas (August 2002, FREELAVA/Cebu).

Corporal punishment, such as “whipping the buttocks with slippers, piece of stick, leather belt or bare hands” and deprivation of rewards, like “withholding meals, sending children out of the house,” are two types of punishment generally employed by Filipino parents. A 1966 ethnographic study on Filipino child rearing and personality development by George M. Guthrie and Pepita Jimenez Jacobs noted that Filipinos “were not reluctant to use physical punishment.” This still appears to be the case today. The writer of a Streetchildren and Childworkers Support Center (SCWSC) study on street children recalled her encounters with a grandmother who punished her grandchildren excessively:
“Gerry’s grandmother took pride in many instances I had with her with the way she disciplines her grandchildren. She gives a litany of the bad deeds her grandchildren supposedly did to her. For which she beat them to the blue. She even rams their heads against the wall on worst situations.”

In their ethnographic study, Guthrie and Jimenez said that “parents particularly and older siblings as well are convinced that they know what is best for the child. Noncompliance of the child is interpreted as a lack of faith in, and respect for, the older person.” On the other hand, Jocano said that traditional “discipline during adolescence does not involve physical punishment, as it did during childhood. In fact, to upbraid a young man in public is considered unnecessary and bad.”

Even so, as illustrated by the cases of Michael and James, these forms of punishment and punitive methods of disciplining children may have a negative rather than a positive outcome. Adolescents, the recipients of these forms of punishment, are generally observed to detest being scolded. “They do not like too many rules; they rebel against rigid authority and predictable routines that censor their thoughts and actions.”

Correlating with the findings of previous studies and researches, the DSLU-SDRC study noted that problems in the family remain as “a persistent factor and a magnetic force attracting children to stay and live in the streets.” Consider the various reasons why the street children did not like to go home and the corresponding percentages:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>because they are physically abused by their parents or older siblings</td>
<td>(21.40%)</td>
</tr>
<tr>
<td>because they do not like their own homes</td>
<td>(21.00%)</td>
</tr>
<tr>
<td>because they were abandoned by their parents or do not know where they are</td>
<td>(14.70%)</td>
</tr>
<tr>
<td>because they have no house to go home to or preferred to stay at the center</td>
<td>(13.30%)</td>
</tr>
<tr>
<td>because they stowed away</td>
<td>(8.30%)</td>
</tr>
<tr>
<td>because of the accessibility to and from their home</td>
<td>(7.90%)</td>
</tr>
<tr>
<td>because their parents were separated or because of their step-parent</td>
<td>(5.90%)</td>
</tr>
</tbody>
</table>
Arthur ran away from home because of his unkind stepfather. Cora took to the streets because she did not like the decision of her mother to live with another man. Nestor greatly longed for his biological father. Michael experienced physical abuse and just like James, did not like conditions at home. Jason ran away because of too much work at home. Marissa, on the other hand, probably simply preferred to be with her friends. Each had different reasons for running away.

Based from the results of the DSLU-SDRC study, the two most predominant reasons given by street children living with their parents and relatives for not going home were physical and verbal abuse and abandonment, at 31.4% and 27.7% of the 191 cases respectively. Meanwhile, 26.09% of the 366 cases of children living with non-relatives did not like to go home because they disliked their place of residence. Some 19.2% of the 366 children living with non-relatives gave the lack of a home and preference for the shelter or center as the reasons why they did not like to go home. Nonetheless, 16.1% of the children living with non-relatives cited physical and verbal abuse for not coming home. “Other reasons for leaving home included having done something ‘shameful’ such as stealing from an employer or getting caught in possession of drugs.”

A 1996 study by clinical psychologist Maria Lourdes Arellano-Carandang revealed that family disharmony was the main reason cited by CICL for leaving home and living in the streets. A child or adolescent’s perspective of and reaction towards constant fighting among parents or stepparents, and verbal and physical abuse are valid points to consider. Adolescents are observed to “detest instances of breakups and reprimands. They feel awful when… their parents fight… They do not like to be embarrassed in public by their parents. They also have an aversion to broken promises and being stood-
The main issues preoccupying the minds of CICL who participated in the study included the “separation from loved ones and a longing for harmonious family relations. They are also preoccupied with the stigma of being a ‘bad boy’ and doing bad things.”

Dr. Arellano-Carandang observed that CICL had a negative view about their mothers, and had slightly more positive views towards their fathers.

A comment by a child participant during one of the exercises carried out at the First Metro Manila Street Children’s Conference in 1990 perhaps best summarizes the role of home climate in determining whether a child would run to the streets or not: Napupunta sa lansangan ang kabataan dahil sa kapabayaan ng magulang. (Children go to the streets because of parental neglect.) A street child’s relationship with his or her family and relatives remains a crucial factor, and as shown by the following statements of some of the participants in one of the regional workshops, specific events and the quality of life at home, whether good or bad, left a strong imprint in their minds:

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**Malungkot ako nuong... (I was sad when...)**
- *kasama ko pa ang magulang ko dahil madalas silang mag-away.*  
  (I was still with my parents because they often fought each other.)
- *umilinom ang tatay ko ng alak dahil sinasaktan ako.*  
  (my father drank alcohol because he gets physical with me.)
- *nagkaroon ng bagong asawa ang tatay ko dahil di na siya umuwi sa amin.*  
  (my father had a new wife because he no longer came home.)
- *nakulong ang nanay ko dahil sa droga.*  
  (my mother was jailed because of drugs.)
- *nagalit ang stepfather ko at pinalayas ako dahil sa rugby.*  
  (my stepfather got angry and sent me out of the house because of rugby.)

**Masaya ako kapag... (I am happy when...)**
- *kasama ko ang magulang ko at kapatid sa paghahanap-buhay*  
  (I am together earning a living with my parents and siblings.)
- *kapag nakikita kong masaya ang mga magulang ko dahil hindi sila nag-aaway.*  
  (I see my parents happy because they are not fighting.)
- *nagkasundo kami sa loob ng bahay.*  
  (all of us at home understand each other.)

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Migration patterns

The last sixty years have seen rapid socio-economic changes in the Philippines. These include increased rural-to-urban migration, greater cross-country movement, and the continuous stream of Filipinos to work overseas. “This trend results in millions of families being separated and in the long run, disintegration of the family.”112 The Philippine Overseas Employment Administration (POEA)113 estimated in 2000, that there were 4.2 million Filipino overseas contract workers or OCWs in different countries worldwide.114 Rural folk have been moving to the urban areas to escape military operations in their villages or in search of employment. Often they found themselves in worse circumstances, with 80% of them ending up in the depressed areas.115 These conditions have weakened
family ties, values, and influence. The PAYO study identified rural to urban migration as a “contributory factor in the growing incidence of juvenile crime.”

Lamberte notes that most of the street children in Metro Manila were not recent migrants like those in previous studies, but that many of them were born in the metropolis. Nonetheless, it has been observed that “among Manila’s urban poor families, once a migrant, always a migrant.” CHAP identifies migration status as a strong risk indicator of “living on the edge” in Manila. “However, where relatives can live within easy reach of one another, they can provide support in emergency situations and ease the migrant family’s lot.” Ideally, the Filipino family, which includes relations bound by blood, law or affinity in the extended form, “functions as a shock absorber for its members.” Jocano further notes that, “Many of the contemporary city dwellers were once upon a time rural residents. That is why many of the urban family values and practices continue to reflect rural-based values and practices.” This observation is especially true among the urban poor communities throughout the Philippines.

Socio-economic status

The AKAP study mentioned that most CICL are from low-income families. Meanwhile, regarding the occupation of parents of CICL, the BCYW-NAPOLCOM survey disclosed a high proportion of low earning workers “whose income afforded them an impoverished environment where prospects for advancement, socially and economically, are highly improbable”. The survey identified the occupations of the parents: “farmer, fisherman, driver, vendor, laborer, carpenter, domestic helper, dressmaker, laundrywoman, etc.” The nature of their occupations and the urgent need to earn money for food on the table require the parents to spend long hours at work.

CHAP points out that while living below the poverty line is a generally valid indicator, “it cannot be taken separately from other relevant indicators... Domestic violence, atmosphere of conflict at home, poor communication and parent’s lack of clear expectations from the children are additional risk indicators that may strongly react with poverty in pushing children to the streets.” On the other hand, CHAP also noted that the “presence of caring adults is the first positive factor for keeping the family intact even in the face of economic crises or other stressful experiences.”
We do not have any money so we learned to do the following to survive:

- *mag-parking* (guard parked cars for a fee)
- *magtinda* (sell or vend)
- *magpalimos* (beg for food or money)
- *magnakaw* (rob)
- *magsugal* (gamble)
- *mang-insnatch* (steal)
- *mangustomer* (sell our bodies)

We also do other stuff so we can eat and buy what we need.

From the “Before” section of the narrative report by participants from the NCR to NCW (August 2002, Marikina City)

In her study, Dr. Arellano-Carandang reported, “Among children who are in conflict with the law, it is noteworthy that most of them are working.” Their occupations vary, but most are menial and exhausting jobs that strain their young bodies and minds. They work as maids, dishwashers, prostitutes, delivery boys, houseboys, housepainters, and car washers while others were “tricycle and pedicab” drivers, street vendors of cigarettes, bread and cold drinks, or as small junk dealers of old newspapers and bottles.” Various researchers have observed that street children started to earn at an early age. Considering the large families and socio-economic status of their families, “the presence of working children can be seen as necessary for the survival of the family.” Aside from putting food on the table, CHAP reports, “Even the children’s meager earnings could be used to put a little more food on the table, pay for basic necessities such as medicine, water and electricity, or in one case, buy some materials for house repairs.”

Lamberte notes that putting children to work is a “form of coping strategy employed by the family” and that “economic depression has forced them to earn even at an early
In Manila’s flooded streets during the monsoon season, street children build ingenious makeshift bridges over clogged areas using planks of wood. They charge pedestrians, who do not wish to get their feet and shoes wet, a token of one to two pesos. Eagerly competing with adults, the enterprising street children offer “escorted umbrella services” for the unprepared.

Meanwhile, some children, upon having seen others working in the street, follow suit and become initiated to a life in the streets. Consider the case of Julio, seventeen, a boy child participant at the NCW (August 2002, Marikina City):

“I saw children selling sampaguita in the street and I also tried it and that was the start of my stay in the street and involvement in vices.”

Some street children reportedly spend their earnings on gambling or illegal substances and sometimes, their earnings are taken by older and tougher street children and by law enforcement officers. Consider the following statement by a street child:

*Mahirap ang maghugas ng jeep, mabigat ang balde at palaging puyat gabi-gabi.
Kung minsan ninanakaw pa ang konting kita ko ni Ringo at Egay.*

(It is hard to wash jeeps, the pail is heavy and I stay up late every night. Sometimes, Ringo and Egay steal the little earnings I make.)

On the other hand, a phenomenological study on CICL by Rosales Cornelia Araneta-de Leon of the Ateneo de Manila University (ADMU) noted that some of the children surveyed had listed “stealing” as one of their “jobs.”
We thought of running away from home to be in the streets with our friends to escape our problems in the family. When we are with friends, we feel happy – we are together through thick and thin.

From the “Before” section of the narrative report by participants from the NCR to the NCW (August 2002, Marikina City).

According to researchers from UP CIDS-PST, “the barkada is a positive concept (camaraderie, dependability, friendship) until adults place an unconstructive label to it.” The world of the adolescent gravitates towards the barkada, “which has somehow replaced the family. This set up makes parents uncomfortable and angry towards their children’s new circle.”

Arthur, Cora, Marissa and the others experienced confusion, and argued with or felt resentment towards their parents. With a growing sense of identity, they had drawn apart from their elders and turned towards their peers, with whom they enjoyed an intense relationship.

The barkada, ranked by Filipino ethnographer F. Landa Jocano as the third most important unit in Filipino social organization after kinship and family, gave them psychological and economic support outside the family. Araneta-de Leon explains that the peer group provides “companionship, ‘alaga’ or care, food, and even the bail money when they are arrested. In simple terms, their barkada is their ‘family’.” The children’s view of their barkada is also important in understanding the role of the peer group in their lives. Dr. Arellano-Carandang revealed that CICL almost always viewed their peers “as having positively take[n] care of them even if these ‘barkada’ were also the ones who led them to their present life of crime.” Along with disharmony in the family, she identifies “peer influence” as one of the two reasons children leave home. With their friends, Arthur and his fellow participants, for their reasons, engaged in risky activities.
Dr. Arellano-Carandang however notes that many street children “dislike the disharmonious relationships with their peers especially fighting… They become irritable or angry when their peers say something nasty about them or deliberately irritate them.”

A street child’s relationship with his or her peers cannot be discounted, and the strong role or influence the barkada played in the individual’s life is undeniable. Consider the following statements by some of the participants to one of the regional workshops:

### Masaya ako kapag... (I am happy when...)
- kasama ko ang mga kaibigan ko dahil tinutulungan nila ako kapag may problema. (I am with my friends because they help me whenever I have a problem.)
- nagso-solvent, nagru-rugby at ngsusugal kami ng barkada ko. (we inhale solvents or rugby and gamble.)

### Ang aking kaibigan ay... (My friend is...)
- matapang dahil nakikipag-riot. (brave because [he/she] joins in the street fights.)
- mabubuti dahil tinutulungan akong magkapera sa pamamagitan ng pagpa-parking. (good because they help me earn money by working as parking aides.)
- mapagbiro, pero masayang kasama. (a teaser, but fun to be with.)
- malungkot kapag naghihiwalayan kami. (sad when we go our separate ways.)
- masarap kasama dahil tinutulungan ako sa problema sa kalye. (great to be with because [he/she] helps me with problems in the street.)
- masayang kasama lalo na pag nagru-rugby, naninigarilyo, naglalaro at nagtutulungan. (fun to be with especially when we do drugs, smoke, play and help each other.)
- makukulit dahil lagi akong pinagtri-tripan. (a prankster because [he/she] always plays tricks on me.)
- mahal ko dahil kasama ko lagi sila. (loved by me because I am always with them.)

Thoughts shared by participants during the sentence completion exercises carried out during the RCBW-NCR (July 2002, CHAP/Manila).
In their study on children involved in the sex industry, UP CIDS-PST researchers identified the dominance of the themes of reciprocity and bonding among the narratives of the boys. “Reciprocity reinforces bonding to the extent that an individual who ignores the rule risks exclusion from the group.” Such a requirement for reciprocity exists “for such group bonding activities as inuman (drinking session), and in some cases, group pot session.”

Also, the role of shared experience through activities such as kuwentuhan (chatting) and the pleasure of dance, music and style among members of the barkada reinforce the predominance and centrality of the peer group in the social relationships of the child. The former can be “felt at the deeper level of affection, fears, uncertainties, and a host of other problems, as well as dreams, plans and ambitions in life.” The latter presents two themes: (1) “excitement or the intense and sheer pleasure one gets from dancing, being with friends, and meeting friends,” and (2) “avoidance or the abandonment, albeit temporarily, of the responsibilities and burdens, problems and dangers in their young lives.”

Gang involvement

According to the PAYO study, 40.9% of the respondents were gang members. The NCSD study meanwhile reported that 18.2% were actual members of a gang. It also revealed that 84.4% of the youth committed their offenses in association with peers/relatives. Although the statistics provided by these studies varied, both suggested that offenses committed by street children were associated with gang membership. The findings of the BCYW-NAPOCOM showed a different result, stressing that 60.78% were not affiliated with any gang before imprisonment. The differing results suggest that the commission of crimes did not necessarily mean that the CICL in question are part of a gang. The NCSD study noted that membership to a gang is neither common nor a positive experience among the respondents. Whether gang membership is a contributory factor to a child’s commission of an offense or not, may depend on the individual experience of a street child. It is nonetheless important to go beneath the numbers and understand why street children join gangs and fraternities like AKHRO, Tau Gamma, Crime Busters, Deltan, or SRB. Filipino society places a greater importance on the collective over the individual and this value system is ingrained on the young by their parents and by the community. “Banding together for collective
self-defense and survival seems to be the rule” among street children.\textsuperscript{152} “The desire to protect and defend each other perhaps comes naturally among themselves. Most of them see no one who can do so for them.”\textsuperscript{153} Street children join gangs “in response to social exclusion, loneliness and the need for protection, in a society that has failed to provide them with their basic physical and emotional needs.”\textsuperscript{154} Gang involvement can therefore be viewed as one of the ways street children cope with the tough demands of living in the streets. Each with their brand of harsh initiation rites, the gangs become a source of security and pride among its young members. Take the case of a 14-year old boy from an urban poor community:

Isoy used to be a member of AKHRO, a fraternity among street children perhaps with affiliates all over the country... To be a member, Isoy informed us that one has to pass the fraternity’s initiation rites... Isoy reveals one has to be a member of a fraternity to be protected from tough guys from the other communities... Isoy is considered by the other boys as the toughest among them. But he seems to take upon himself to defend and protect the other boys from harm. Every now and then he is being asked by the younger boys to go after some tough boys in the community who are making fun of, threatening, or harming them.\textsuperscript{155}

Even so, the barkada or gang may introduce a member to alcohol and drug-use. “To be a good barkada member, one has to do what other members do,”\textsuperscript{156} and this may mean drinking intoxicating drinks and taking drugs, introduced either through persuasion or force. Again, the theme of reciprocity and bonding surfaces, with gang membership, drugs, alcohol and sex viewed as a part of street life. Meanwhile, incidences and reasons for inter-gang violence abound, and stories of the rape of girl gang members are not unusual. Take the case of 10-year old Jasmine:


(There was a gang war everyday. I did not want to join because I feared that I might die. One of my companions was raped. Her belly was sliced open. She was murdered. I was forced [to join the group]. They slapped me and I cried.)

Thoughts shared by a participant during the RCBW-Mindanao (July 2002, Tambayan/Davao).
Alcohol and substance abuse

Facts presented on alcohol and substance abuse by CICL: 157

**PAYO:**
- 48.3% drug users
- 38.4% alcoholic

**BCYW-NAPOLCOM:**
- 35.37% had been drinking alcoholic beverages
- 31.37% had been using drugs

**NCSD:**
- 56.2% of street children are drug users

A 1998 National Youth Commission (NYC) report estimated that there are about three million children and young people hooked in substance abuse.158 The DSLU-SDRC study meanwhile notes that 20.6% of the 1,462 cases of children who experienced arrest by the police were apprehended for substance abuse. It also gave a profile of substance abusing children: “Children who engage in substance abuse are likely in their teens and in their adolescent stage. They are predominantly males and are likely either the middle or eldest among the siblings.”159 (For a discussion on the possession of illegal drugs/the use of solvents and the other offenses committed by CICL, see succeeding chapter, Below-18 and doing time: Children in jail in the Philippines Drug possession/use of solvents)

Some do, but some don’t...

The life-story of a particular street child reveals underlying factors that drove him or her to leave home and live in the streets. Nonetheless, not all urban poor children are street children and not all street children have come in conflict with the law. Notwithstanding the factors mentioned in this section, does it mean that since a child comes from a large, low-income, and migrant family, and is less inclined to go to school and heavily involved with his barkada, he or she shall eventually become vulnerable to involvement in the juvenile justice system? On the other hand, “Even before arrest, children who come into conflict with the law tend to represent the most disadvantaged and marginalized sectors of society.”160
PAINTED GRAY FACES, Behind Bars
and in the Streets
FROM ARREST TO INVESTIGATION: WE GO THROUGH WHAT ADULT PRISONERS GO THROUGH

Arrest or apprehension, the first stage of the process, is the “taking of a person into custody in order that he or she may be bound to answer for the commission of an offense.” Although, a child may be arrested only by virtue of a warrant of arrest, the law provides three exemptions. When lawful, a police officer or even a private person may arrest a person when: (1) in his presence, the person to be arrested has committed,
is actually committing or is attempting to commit an offense, (2) the offense has just been committed, and he has personal knowledge of fact indicating that the person to be arrested has committed it, and (3) when the person to be arrested is an escapee from the law.\textsuperscript{163} PREDA notes that, “Nearly all children in jail were arrested, according to the prosecutor’s reports, \textit{in flagrante delicto}, and so warrants were not issued.”\textsuperscript{164} Meanwhile, \textbf{detention} is the period a person spends in jail or any facility for the purpose of awaiting trial, while undergoing trial or of serving a sentence. \textbf{Investigation} includes the process of securing facts about the crime and the statement of the accused, complainant and witnesses, if any. Of all their experiences with the law, the time of arrest and detention, particularly the abuses they experienced, are the ones most remembered by the children. (For accounts of children during arrest or apprehension, detention, and investigation, see Chapter 5: Through our eyes)
How many of us are in jail or detention in the Philippines?

In recent years, there has been a significant increase in the number of children passing through the justice system. The following are figures presented by the Bureau of Jail Management and Penology (BJMP) on the number of sentenced and detained children throughout the regions in the country in 1996, as of April of 2000, and as of September of 2002.

<table>
<thead>
<tr>
<th></th>
<th>1996</th>
<th>2000</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sentenced</td>
<td>126</td>
<td>116</td>
<td>288</td>
</tr>
<tr>
<td>Detained</td>
<td>1,254</td>
<td>1,848</td>
<td>1,810</td>
</tr>
<tr>
<td>Total</td>
<td>1,380</td>
<td>1,964</td>
<td>2,098</td>
</tr>
</tbody>
</table>

From 1986 to 1992, the DSWD reported that in the Metro Manila area alone, it had handled 4,038 CICL cases. In the year 2000, the DSWD reported that it had served 10,094 cases nationwide in both center- and community-based programs. Majority of the cases were male. A year later, the agency served 8,525 cases, and again, males constituted the majority.

In 1999, the Philippine National Police (PNP) reported 3,747 cases of crimes committed by children. The following year, the number of cases rose by around 74.5%, at 5,031. In 2001, the PNP reported 5,905 cases of crimes committed by children.

(First case, I was at a shabu-session. The police caught us. Second case, I was high on marijuana. I hit two people who were on a date. The police had caught me and they saw that I had some marijuana in my pocket. Third case, we stole a fighting cock. My companion had shouted at its owner, a CAFGU member, who shot us. One of my companions was hit on the arm, and it was torn off. I came back for him, but the CAFGU caught us. Fourth case, I stole a watch from my grandmother, and some money many times. I did not know that she had already filed a complaint and that there was already a warrant of arrest. Once, I came home, the police arrested me. The detachment is located near our house. I did it because of my addiction to drugs.)

Thoughts shared by a participant to the RCBW-Mindanao (July 2002, Tambayan/Davao).

On four occasions, Donald had been caught and arrested for different offenses. Consider the following statistics on the offenses committed by children in the 2001 PNP report.