

# NANAY, INC, - 2006 SUMMARY OF MISSION TRIP TO THE PHILIPPINES



## Jan 6, 2006 (Friday)

Spent the morning at Bantay Bata-ABS/CBN, and spent the afternoon reviewing Senator Pangilinan's Nov 22 amended Comprehensive Juvenile Justice and Restorative System Bill that passed the second & third readings in Senate on Dec 6. Thus far, through the lobbying efforts of Eric Mallonga and Dr Chee Garcia, we have been successful in getting the following provisions passed:

1) Children 15 years old (instead of 12) and below at the time of commission of crime shall be immediately dismissed, exempt from criminal liability and subjected to an intervention program.



2) Children above 15 and below 18 years of age shall be likewise exempt from criminal liability and subjected to an intervention program unless he/she has acted with discernment (we just need to lobby a little bit more for the specific conditions that require discernment)

3) The child in conflict with the law will enjoy the presumption of minority, and shall enjoy all the rights of CICL until he/she is proven to be 18 years old or older (determined from the child's birth certificate, baptismal certificate, information supplied by the child himself, testimonies from other persons, the physical appearance of the child and other

relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

- 4) The Office of Juvenile Welfare and Restorative System (OJWRS) shall be created and established under the Dept of Social Welfare and Development (DSWD), not DOJ. OJWRS will be the one coordinating with all the other agencies focused on juvenile justice and intervention programs, and will oversee and supervise the implementation of the Act/Bill
- 5) Local Councils for the Protection of Children (LCPCs composed of community members, including a representative from the youth, local government unit concerned, and an NGO or private agency concerned with the welfare of children) will be established and will be the primary agency to oversee the implementation of the Juvenile Intervention Program.
- 6) If the arrested child is determined to be 15 years old or below, the authority having initial contact with the child shall immediately release the child to the custody of the parent, relative, guardian or DSWD, and shall immediately take the child to the proper medical and health officer for a thorough physical and mental examination.
- 7) CICL shall undergo diversion program without undergoing court proceedings, provided: where the imposable crime committed is not more than six years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the local social welfare development officer shall conduct mediation, family conferencing and reconciliation and, when appropriate, adopt indigenous modes of conflict resolution for the best interest of the child, for restorative justice, and formulation of a diversion program.



- 8) Under no circumstance shall a child in conflict with the law be placed in the same confinement as adults
- 9) Female CICL shall be detained separately from male CICL
- 10) An initial amount of FIFTY Million Pesos (instead of 10 million pesos) will be included in the General Appropriations Act of the year, for the purpose of setting up the OJRs
- 11) One percent (1%) of the Internal Revenue Allotment of Barangays (P332 million share of barangay for 2006, P564.4 million share of municipalities for 2006) shall be allocated for the

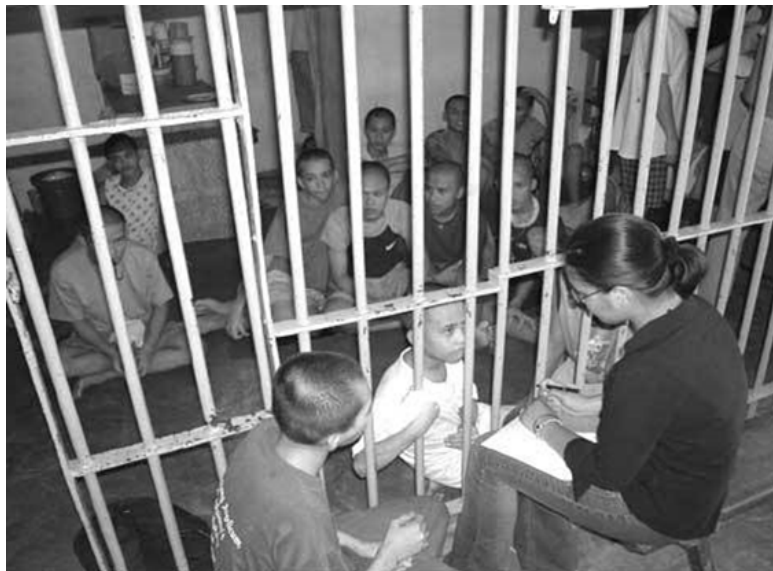
strengthening and implementation of the programs of the Local Councils for the Protection of Children (LCPCs)

These provisions are much better than the original provisions of the Act (thanks to the kind intervention of Senator Pimentel, Sen Myriam Defensor-Santiago, Sen Pangilinan, UNICEF, Atty Eric Mallonga and Dr Chee Garcia).

The next step will be to lobby with Congress, for the second reading, prior to the bicameral proceedings. We plan to meet with some key people next week, before congress starts its session, to at least have similar (and additional) amendments passed for the second reading.

### **Jan 9, 2006 (Monday)**

Visited Molave Youth Center : 170 youth currently in prison (158 males, 12 females), release of 52 children currently in progress.



We visited the Caloocan jail, that so far has released some 50+ children already (there are currently only 27 or 29 children behind bars, and they are separated from adults). They have educational classes in jail twice a week. Major needs are for medical supplies and medicine-- particularly for TB, scabies, skin diseases and antibiotics for infection. I am still waiting for the complete list.

We looked at the area that will soon be the site of a youth center (CHILD, under the Caloocan diocese and through the intervention of Tess Gomez, Fr. Gigi, Councilor Eugenio Taguba (who is also an engineer and consultant for committee on education) and others. The building of the youth center will be financed by grant coming from Japan.

Tess Gomez is also now currently working on a paralegal program, that will train volunteers to become certified paralegals to help process and follow up papers for the CICL.

In Malabon jail, there are 19 incarcerated youth, ages 13-17. So far, 43 were released between Sept and Dec. Average length of stay in prison was 4 months to 1 year. Offenses included malicious mischief, curfew, theft, robbery, attempted homicide, frustrated murder and rape. 8 were reclassified as adult, 7 served sentence, 2 paid fine, 6 posted bond, 8 were released on recognizance (under custody), 11 were case-dismissed (6 provisionally).

### **Jan 11, 2006 (Wed)**

Accompanied by Myrla Baldonado of the People's Task Force for Bases Cleanup, we drove to Clark Airbase and Subic to visit the children who were affected by the toxic waste from the former US Military Bases. Saw and talked to the families of children who were born with nervous system disorders (hydrocephalus, microcephaly, cerebral palsy, etc) after mothers got exposed to toxic waste. More than 3,000 families are currently affected, and some are still living in exposed areas. In one evacuation center (Madapdap), hundreds of families have toxic levels of lead, mercury, asbestos and other contaminants; only a few received check-up and initial treatment at PGH, but were not followed up. This underscores the need for more lobbying to clean up the bases, and help these children and families.

In the afternoon, we proceeded to PREDA's facilities in Olongapo which was very impressive. It has more than 150 children currently staying in the facility and receiving numerous programs and supportive services, not only for CICL but also for abused children. PREDA is looking forward to increasing the number of children served to at least 300, once their negotiation for additional facilities (from Gov Magsaysay) is finalized. We did not get the chance to meet with Fr Shay, who was in Navotas jail when we visited.



### **Jan 12, 2006 (Thursday)**

We went to Manila Youth Reception Center run by DSWD. The facility is still overcrowded, despite the reduction of children from 242 to 175 (maximum capacity 80). Girls are separated from boys. Although average stay is 2 weeks, many of the children are kept for months, and sometimes up to two years because of the backlog in judges' dockets. These children receive counseling, schooling and review classes for Acceleration and Evaluation Exam (ANE) that would qualify them to attend college. While 44 are eligible now, difficulties arise because they need court orders to be able to send them to P. Gomez Elem School, the only government approved test site. They need buses to take children to school. We have arranged to go to court on Tuesday, for the release of two of the 14 girls, to be legally represented by Eric.

We also visited the Reception and Action Center (RAC) that currently serves as a temporary shelter for 267 street children/abused children (sometimes going up to 500) and 6

social workers.

In the evening, I met with Elsa Bayani and Mely Nicolas. We agreed to continue sharing information and collaborating on projects to help the CICL.

### **Jan 13, 2006 (Friday)**

Went to visit Tuloy sa Don Bosco in Alabang, and met with Fr Rocky and Alex Kho. Tuloy has a very impressive residential/educational/support program both inhouse and as part of community outreach, serving more than 500 street children. At their 10-building facility, the following services are provided: Food, clothing and shelter, spiritual and moral formation, recreation and arts, computer classes, medical and dental services, counseling, and vocational/technical training that prepares them for On-The-Job Training and job placements.

In the afternoon, we proceeded to Virlanie Foundation in Makati, that provides a family and home environment for street children. Virlanie has 12 homes and now cares for more than 300 children aged 0-18 years old who are abandoned, neglected, abused, just released from jail.

### **Jan 14, 2006 (Saturday)**

We visited the clinic of Dr. Manny Mancal in Pasig City, and tested his Electronic Detoxification system. Plan is to purchase at least one full system to be used for detoxifying the U.S. military base children with toxic levels of lead, mercury. We also looked at various Virgin Coconut Oil products that we plan to test and market when we get back to Florida.

In the evening, we went on radio (Public Broadcasting System) and talked about various issues, including the Veterans Equity Act, Children in Conflict with the Law, US Military Base Toxic Waste, Dual Citizenship, ACE International and the role of Filipinos abroad in addressing the needs of our elders and youth in the Philippines.

### **Jan 16, 2006 (Monday)**

We went to see Congressman Datumanong, the main author of the Juvenile Justice Congressional Bill. The original bill proposes to increase the age of criminal liability from 9 to 12, still under the Dept of Justice. Although initially resistant to our suggestion of increasing the age of criminal liability to at least 15 (if not 18) and assigning the children's cases directly to DSWD instead of DOJ, he finally agreed to re-consider, and perhaps accept amendments on the floor, if someone else would present a plenary amended bill for the next session.

We proceeded to the office of Congressman Sumulong who, after some discussion, agreed to support and submit an amended bill specifying the conditions that we were lobbying for (increase in age of criminal liability, increase in age of discernment, children directly under DSWD instead of DOJ, and adequate appropriations to implement the bill).

The offices of Congresswoman Darlene Antonino and Congressman Nerrie Acosta also promised



support.

The later part of the afternoon was spent with DSWD Secretary Pablo who was very supportive of our efforts, and excited about the possibility of interacting and partnering with Filipino groups abroad through ACE International to address the CICL issue.

**Jan 17, 2006 (Tuesday)**



We went to the Family Court in the morning-- and released two children (to be placed under the care of Virlanie Foundation): The first is a 16-year old boy who snatched a cellphone (his co- accused uncle was carrying a bladed weapon, so the kid was charged with aggravated robbery). The second is a 15 year old boy charged with theft, for allegedly stealing 30 TONS of hydraulic press from PLDT, valued at Php 7,000. He was released to Virlanie Foundation, on suspended sentence, pending counseling, criminal information waived.

Four more kids will be released at the next hearing next month. Eric Mallonga served as their legal counsel.

We had a meeting with Judge Socorro B Inting at her Chamber during break (we were impressed with her compassion for the kids in prison). Her major problem is inability to process papers quickly due to lack of computer (they are still doing paper work manually, and she only has a 286 computer at the office). (A new computer was purchased the next day, c/o ACE International, and will be delivered to her office after programs are installed next week -- to facilitate processing of papers on CICL)

In the afternoon, we met with Senator Magsaysay, who reiterated his promise for a 3-5 hectare land in Magsaysay Agricultural University in Olongapo), which we will use to build a residential and

rehab facility for the CICL, with health clinic and livelihood training to raise pigs, chicken, goat. Senator Magsaysay to also look into operational funding when he gets our project proposal (which we intend to submit the next 3 months).

We met with Senator Pimentel, who also promised to help secure government funding for a similar project in Cagayan de Oro. He suggested that we partner with House of Hope .

Also met briefly with Senator Mar Roxas, to discuss the Senate Juvenile Welfare Act (and requested for support during the final Bicameral Hearing).

### **Wednesday (Jan 18)**

We had our first organizational meeting for ACE International- Philippines, Inc., whose mission is to protect the human rights and improve the lives of underserved Philippine elders and children, including but not limited to CICL.

Incorporators were: Joy Bruce, Chee Garcia, Eric Mallonga, Tess Gomez, Virgie Bruce, Letty Roque (from Cagayan de Oro).

Board of Trustees/Officers: Chee Garcia (Pres/CEO), Eric Mallonga (VicePres), Tess Gomez (Treas), Letty Roque (Sec), Virgie Bruce (Asst Sec), Joy Bruce (member), Ed Pascual (Member).

Ogie Navarete will provide IT and agricultural training/consulting for the CICL, Ivo B. will be help with the Statistics. Perpe Roque will connect with Kiwanis (in Cagayan de Oro).

Plan is to incorporate ACE International-Florida as a parallel organization to support the programs in the Philippines for Children in Prison and other issues.