

[DepEd Order No. 18, s. 2015, May 18, 2015]

**DEPED GUIDELINES AND PROCEDURES ON THE MANAGEMENT
OF CHILDREN-AT-RISK (CAR) AND CHILDREN IN CONFLICT
WITH THE LAW (CICL)**

*Adopted: 18 May 2015
Date Filed: 22 May 2015*

1. For the information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed copy of the **Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL)**.
2. All other DepEd rules, regulations and issuances which are inconsistent with these guidelines and procedures are deemed amended accordingly upon its effectivity.
3. This Order shall take effect immediately upon its issuance.
4. Immediate dissemination of and strict compliance with this Order is directed.

(SGD.) BR. ARMIN A. LUISTRO FSC
Secretary

(Enclosure to DepEd Order No. 18, s. 2015)

**DepEd Guidelines and Procedures on the Management of
Children-at-Risk (CAR) and Children in Conflict with the Law
(CICL)**

I. General Provisions

Section 1. Rationale

Incidents of violence involving children in the school setting have been reported to the Department of Education (DepEd), which include physical and sexual violence, gang- related and fraternity violence, drug and alcohol abuse, and other similar acts. While there have been initiatives at the school level, there is no integrated system within the Department to respond to these concerns. Hence, there is a need for a policy for the management of Children in Conflict with the Law (CICL) and Children-at-Risk (CAR) of offending.

As a member agency of the Juvenile Justice and Welfare Council (JJWC), (Section 8, RA No. 9344, as amended) the DepEd is mandated to issue

appropriate guidelines for the implementation of the Juvenile Justice and Welfare Act, RA No. 9344, as amended (Rule 18, RIRR of RA No. 9344, as amended), thus these guidelines and procedures on the management of CAR and CICL with the aim of assisting schools and Community Learning Centers (CLC), including all concerned authorities, in the management of CICL and CAR of offending.

Section 2. Statement of Policy

The Department has the vital role of ensuring that pupils, students, or learners are protected and their rights respected. When there are CAR, the responsibility is to prevent them from being in conflict with the law. For CICL, the goal is to facilitate reintegration to the school and community and prevent them from re-offending.

Pursuant to the 1987 Philippine Constitution, the State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all (Sec. 1, Art. XIV). Moreover, it shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development (Sec. 3 (b), Art. XV, 1987 Philippine Constitution).

The core principles of the United Nations Convention on the Rights of the Child (UNCRC) such as non-discrimination, best interest of the child, the right to life, survival and development, and respect for the views of the child govern all States Parties in all actions concerning children. Consequently, the welfare of children is given the utmost priority, always ensuring the promotion of their sense of dignity and worth in every situation.

Republic Act No. 9344, as amended, otherwise known as Juvenile Justice and Welfare Act of 2006, mandates all educational institutions to provide adequate, necessary and individualized educational schemes for children who are manifesting difficult behavior, CAR, and CICL and to work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of CICL (Rule 16, RIRR of RA No. 9344, as amended).

The issuance of these guidelines and procedures supports the DepEd Child Protection Policy (DO No. 40, s. 2012), Implementing Rules and Regulations of RA No. 10627 also known as Anti-Bullying Act of 2013 (DO No. 55, s. 2013), as well as the prohibition of the practice of hazing and the operation of fraternities and sororities in elementary and secondary schools (DO No. 7, s. 2006).

II. Definition of Terms

Section 3. Definition of terms

As used in these guidelines and procedures:

- A. **Bahay Pag-Asa** refers to a 24-hour child-caring institution established, funded and managed by Local Government Units (LGUs) and licensed and/or accredited Non- Government Organizations (NGOs) providing short-term residential care for children in conflict with the law who are above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

Part of the features of a *Bahay Pag-asa* is an Intensive Juvenile Intervention and Support Center. This will cater to children in conflict with the law in accordance with Sections 20, 20-A and 20-B of RA No. 9344, as amended.

A Multi-Disciplinary Team (MDT) composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/ guidance counselor and a member of the Barangay Council for the Protection of Children (BCPC), shall operate the *Bahay Pag-asa*. The MDT will work on the individualized intervention plan with the child and the child's family (Rule 2 (2), RIRR of RA No. 9344, as amended).

- B. **Child** refers to a person under the age of eighteen (18) years (Sec. 4. (c), RA No.

9344, as amended).

- C. **Child in Conflict with the Law** or **CICL** refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws (Section 4. (e), RA No. 9344, as amended).

- D. **Child-at-Risk** or **CAR** refers to a child who is vulnerable to and at risk of behaving in a way that can harm himself, herself or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances such as, but not limited to, the following:

1. being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
2. being exploited including sexually or economically;
3. being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
4. coming from a dysfunctional or broken family or being without a parent or guardian;
5. being out of school;
6. being a street child;
7. being a member of a gang;

8. living in a community with a high level of criminality or drug abuse; and
9. living in situations of armed conflict.

Moreover, it may also refer to a child who has violated ordinances enacted by local governments concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.

Children-at-Risk also includes those who commit:

1. A status offense under Section 57 of RA No. 9344 as amended;
2. Prostitution under Section 202 of the Revised Penal Code, as amended;
3. Mendicancy under Presidential Decree No. 1563; and
4. Sniffing of rugby under Presidential Decree No. 1619.

The Juvenile Justice and Welfare Council (JJWC) shall, from time to time, issue resolutions identifying other offenses for which a child shall be considered as a CAR and not a CICL (Rule 2 (8), RIRR of RA No. 9344, as amended).

E. ***Diversion*** refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. (Sec. 4 (i), RA No. 9344, as amended).

F. ***Diversion Program*** refers to the program that the CICL is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings. (Sec. 4 (j), RA No. 9344, as amended).

G. ***Intervention*** refers to programmatic approaches or systematic social protection programs for children that are designed and intended to:

1. Promote the physical and social well-being of the children;
2. Avert or prevent juvenile delinquency from occurring; and
3. Stop or prevent children from re-offending (Rule 2 (18), RIRR of RA No. 9344, as amended).

III. Rights of Children in Conflict with the Law (CICL)

Section 4. Rights of Children in Conflict with the Law (CICL)

Every CICAL shall have the following rights, including but not limited to:

- A. the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- B. the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- C. the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- D. the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her case in a separate holding area. A CICAL shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- E. the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- F. the right to bail and recognizance, in appropriate cases;
- G. the right to testify as a witness in his/her own behalf under the Rule on Examination of a Child Witness;
- H. the right to have his/her privacy respected fully at all stages of the proceedings;
- I. the right to diversion if he/she is qualified and voluntarily avails of the same;
- J. the right to be imposed a judgment in proportion to the gravity of the offense, and where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- K. the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose a fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- L. in general, the right to automatic suspension of sentence;
- M. the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- N. the right to be free from liability for perjury, concealment or misrepresentation; and
- O. other rights as provided for under existing laws, rules and regulations.

The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or the "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile