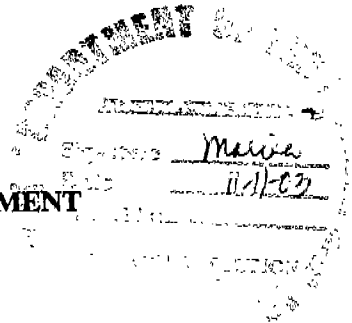




REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II, EDSA Cor. Mapagmahal St.,
Diliman, Quezon City



November 10, 2003

MEMORANDUM CIRCULAR

No. 2003-217

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS, DILG REGIONAL DIRECTORS/FIELD OFFICERS AND OTHERS CONCERNED

SUBJECT : ROLES/RESPONSIBILITIES OF LGUs IN HANDLING JUVENILE OFFENDERS

The Philippine Senate, through Resolution No. 109 dated 20 July 1990 ratified the Convention on the Rights of the Child (CRC) paving the way for its implementation at the domestic level. The CRC and its ratification by more than one hundred fifty (150) State Parties further strengthened the set of human rights standards applicable to juvenile persons. CRC Articles 37, 39 and 40 deal with the treatment of juvenile offenders.

Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation & Discrimination Act", declares that it is a State Policy "to provide special protection to children from all forms of abuses, cruelty and other conditions prejudicial to their development".

Section 16 of the Local Government Code, clearly states that "every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. xxx"

Likewise, Republic Act No. 6975 Rule VI, Section 16 (v) "deputized the Governors and mayors as representatives of the National Police Commission in their respective territorial jurisdictions and vesting them certain authority over the police units in their respective localities."

In view of the above, all Provincial Governors, City Mayors, Municipal Mayors and all concerned are encouraged to ensure that the following are observed in handling juvenile offenders:

- Provide/establish detention centers for juvenile offenders in every city/municipality or at least one in every district in the rural areas, and to adhere with the requirements of international standards that child detainees shall be separated from adult offenders;
- Assist in providing the basic needs of the juvenile offender while in detention;

- The local government units to allocate annual budget for the construction and maintenance of such facilities.
- Local law enforcement officials concerned shall, upon arrest or his first encounter or contact with the suspect must immediately inquire the latter's age or any other suspect who appears and/or claims to be younger than eighteen years of age;
- Document/s proving the age of the juvenile offender must be presented and brought before the attention of all judicial and custodial officials;

The Public Attorney's Office (PAO) shall immediately be notified that their services are required to ensure that the accused juvenile offender is provided with legal counsel and his Constitutional rights are protected;

- Any allegations of torture or ill-treatment of children at any time during arrest or in detention must be investigated immediately and impartially.

Further, all Local Chief Executives, through their respective Local Council for the Protection of Children (LCPCs), are hereby enjoined to take the lead in the implementation of all children's programs in the respective localities.

For strict compliance.

Jose D. Lina Jr.
JOSE D. LINA JR.
 Secretary

Attested by:

Alan Roullo Yap
ATTY. ALAN ROULLO YAP
 Head Executive Assistant

RDS - MAILED ENL dtd. 11-12-03

11-12-03 NPSO - ORIGINATING

K.A. IV-A *[Signature]*