



REPUBLIKA NG PILIPINAS  
TANGGAPAN NG PANGULO  
**Pangasiwaan Sa Pagpapaunlad Ng Kalakhang Maynila**  
(Metropolitan Manila Development Authority)  
*"Tapat na Serbisyo sa Bagong Milenyo"*

**METRO MANILA COUNCIL**

**MMDA Resolution No. 07-13**  
**Series of 2007**

**URGING THE LOCAL GOVERNMENT UNITS OF METROPOLITAN MANILA TO ESTABLISH A HOME FOR THE CHILDREN IN CONFLICT WITH THE LAW IN THEIR AREAS OF JURISDICTION IN ACCORDANCE WITH THEIR EXISTING RESOURCES AND CAPABILITY**

**WHEREAS**, many of the minors apprehended for violation of penal laws are detained in the city, municipal, district or provincial jails while investigation or trial is ongoing. This scenario is supported by the findings of Adhikain Para sa Karapatang Pambata (AKAP) of the Ateneo Human Rights Center, Ateneo Law School and United Nations Children's Fund that despite clearly stated guidelines, laws and policies regarding the treatment of detained juveniles, there exists a startling disregard for the most basic standard – the segregation of children from adult offenders inside detention centers or jails.

**WHEREAS**, the 1987 Constitution of the Republic of the Philippines provides that the State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;

**WHEREAS**, PD No. 603, as amended provides that a youthful offender held for physical and mental examination or trial pending appeal, if unable to post bail, shall, from the time of his arrest be committed to the care of the Department of Social Welfare and Development or the local rehabilitation center or a detention home in the province or city which shall be responsible for his appearance in court whenever required;

**WHEREAS**, the State recognizes the right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development;

**WHEREAS**, RA 9344 known as the Juvenile Justice Welfare Act, provides that it shall be mandatory that children in conflict with the law shall be separated from adults in all rehabilitation or training facilities unless they are members of the same family;

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**WHEREAS**, the same law provides that female children in conflict with the law (CICL) placed in an institution shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, corrections officers and social workers and shall be accommodated separately from male children in conflict with the law;

**WHEREAS**, the same law further provides that the LGUs shall earmark specific amount for the establishment of youth detention homes. The youth detention homes may also be established by private and NGOs licensed and accredited by the DSWD, in consultation with the Juvenile Justice Welfare Council (JJWC).

**WHEREAS**, the Local Government Code of 1991 mandates the LGUs to provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependent, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

**WHEREAS**, the Metro Manila Council (Council), in session duly assembled, after due deliberation, recognized the need for the LGUs to establish homes for children in conflict with the law so that they will be provided with proper care and attention pending trial of their cases, in accordance with their existing resources and capability.

**NOW, THEREFORE**, be it resolved as it is hereby resolved pursuant to Section 6 of RA 7924, that:

**Section 1. Title** – This Council Resolution shall be known and cited as “**Establishment of Home for Children in Conflict with the Law**”.

**Section 2. Definition of Terms** – As used in this Resolution, the terms, words and phrases shall be construed to mean as follows:

- a. “Child” refers to a person under the age of eighteen (18) years.
- b. “Child in conflict with the law” – refers to a child who is alleged as accused of, or adjudged as, having committed an offense under Philippine laws.

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- c. "Court" – refers to a family court or, in places where there are no family courts, any regional trial court.
- d. "Youth Detention Home" – A Youth Detention Home is a 24 hour child-caring institution managed by LGUs and licensed and/or accredited NGOs providing residential care for children in conflict with the law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

**Section 3. Set up of the detention home**

- a. Children in conflict with the law who are detained pending trial, or are detained with adults at the time of the effectivity of the Act may be placed in the custody of Youth Homes.
- b. Institutionalization in Youth Home shall only be done through a court order after a determination that the continued deprivation of liberty is necessary and that there is no appropriate alternative for detention.
- c. Youth Homes shall be separate and located in a compound far from jails and other detention centers for adults.
- d. The DILG shall monitor the establishment and management of Youth Homes in the LGUs.
- e. Appoint a duly licensed social worker as its Local Social Welfare Development Officer (LSWDO), who shall be tasked to assist children in conflict with the law. The Local Social Welfare Development Office shall supervise the management of Children In Conflict with the Law (CICL) cases in the youth home.

**Section 4. Objectives of Youth Home**

- a. The youth home shall provide and meet the basic needs of children in conflict with the law.
- b. Children whose liberty is restricted pending trial shall undergo programs different from those programs given to children whose sentence is suspended.

**Section 5. Operation and Standards**

- Youth Homes shall operate 24 hours ensuring utmost safety and protection of children in conflict with the law, staff and the community where it is located. It shall engage them in a helping relationship with a team of various disciplines in a home-like environment in accordance

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with the standards set forth by the DSWD Standard Bureau on Standards for Youth Detention Home.

- Policies and procedures set forth in the DSWD Administrative Order No. 06 series of 2005 (Omnibus Guidelines on the Registration and Licensing of Social Welfare and Development Agencies and the accreditation of Social Welfare and Development Programs and Services, as Amended) shall govern the accreditation process and requirements in setting a detention home for children in conflict with the law through the use of appropriate instruments.
- DSWD Administrative Order No. 15 Series of 2005, Standards for Youth Detention Homes – One (1) registered social worker shall managed the following simultaneously:
  - a. at most twenty five (25) residents at a time for case work
  - b. at most three (3) groups at a time for group work

**Section 6. Progress of the Child in the Center**

- Case study reports shall be submitted to the court stating information and assessment that address the requirements per order of the court and the current concern of the minor that has to be presented in court.
- Progress report of the minor shall be submitted to the court at least every four (4) months, or as required by the court.

**Section 7. Budget/Expenses**

- The expenses for the care and maintenance of a child in conflict with the law under the youth homes shall be borne by his/her parents or those persons liable to support him/her. In case the parents of the child in conflict with the law or those persons liable to support him/her cannot pay all or part of said expense, the local government shall shoulder said expenses in accordance with Rule 100.a of the RA 9344.
- The Local Council for the Protection of Children (LCPC) shall prepare the budget for the establishment of youth detention home.
- One percent (1%) of the internal revenue allotment (IRA) of barangays, municipalities and cities shall be allocated for the strengthening and implementation of the programs of the LCPC. The disbursement of this fund shall be made by the LGU concerned.

**Section 8. Effectivity.** The Resolution shall take effect upon its approval.

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Approved this 22<sup>nd</sup> day of March 2007, in Makati City, Metro Manila, Philippines.



**BAYANI H. FERNANDO**  
Chairman



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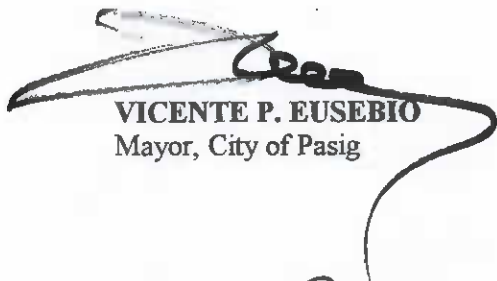
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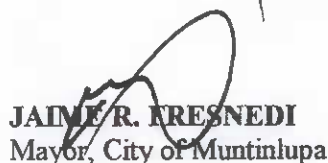
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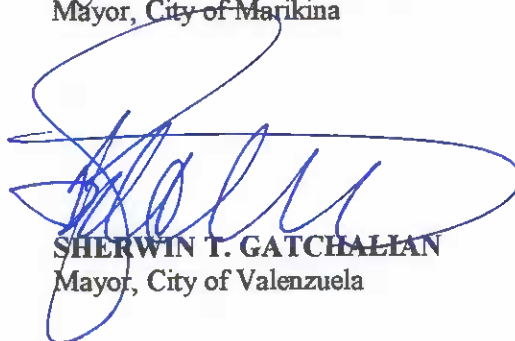
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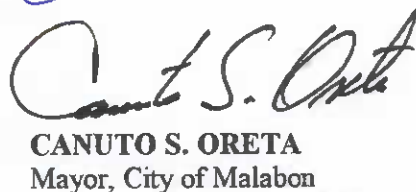
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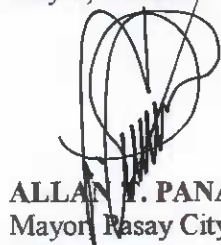
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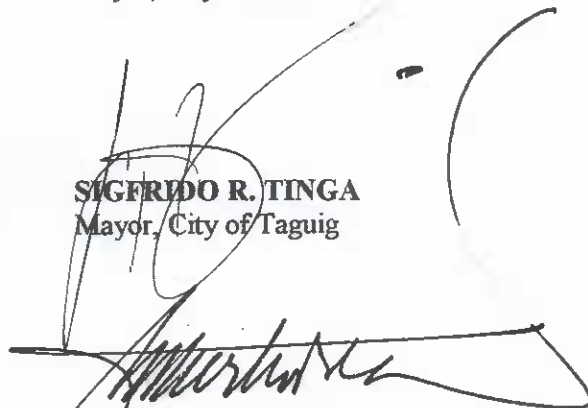
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