

## GMA on child prisoners: Feigning Ignorance?

An Online Writers Program Article

**T**here is something disturbing about the recent statement of President Arroyo with regards to the CNN expose on children being locked up with adult crime suspects in filthy jails. There, the children—thousands of them—get sodomized, raped, tortured, tattooed, and subjected to various forms of cruel, inhumane, and degrading treatment and punishment.

What the CNN poignantly portrayed was actually a microcosm of how the state has been dealing with children of the poorest of the poor who have been mushrooming in recent years, soaring to a staggering figure of 52,000 in 2004. A year earlier, Senator Francis Pangilinan pegged the children in conflict with the law (CICL) at 20,000. These are higher than the 13,300 CICL whom the Public Attorney's Office provided with free legal aid in 2002. Truth is, more CICL—especially those locked up into oblivion in police jails—fail to be documented. They don't officially exist. No grassroots mechanisms exist to prevent, monitor, or redress the barbarity inflicted upon children who get detained with adult inmates.



To put the issue in its proper context, adult prisoners themselves are fighting for their own survival in the hands of their jailers. Under such conditions, children are pushed towards the edges of sub-human prison existence. They get to sleep near the stinking toilet, for example, or ordered to do odd jobs at the beck and call of their jailers and adult prisoners.

In her speech during the mass oath taking and 74th founding anniversary of the Volunteers Against Crime and Corruption (VACC) held at the Rizal Hall in Malacañang last August 12, however, Mrs. Arroyo simply dished out—in a lackadaisical fashion—rhetoric in the face of the damning CNN report. She miserably failed to grab the bull by its horns and root out what in reality is a national catastrophe that has been shaking the moral foundations of the nation. This calamity destroys the young and wreaks havoc upon their lives on a permanent basis, in the form of stigma and trauma, antipathy and rebelliousness towards authority and society, and initiation into a lifetime of crime.

Lamentably, the President's statement on this issue shows her own lack of concern, much less sense of urgency, in addressing what is actually a form of crimes against humanity systematically being perpetrated against the young in an organized and widespread manner by state functionaries and police officers, with her tacit, conspiratorial acquiescence. The Special Child Protection Act (Republic Act 7610) penalizes



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government officials and law enforcers responsible for jailing children with adults with a 12-year jail term. The state practice of jailing children with adult crime suspects in decrepit police jails qualifies under Article VI, Section 10(a) of RA 7610 "as other acts of child abuse, cruelty or exploitation or... other conditions prejudicial to the child's development."

Instead of ordering Philippine National Police (PNP) honchos to stop this barbarity, however, Mrs. Arroyo simply had this to say: "*Yung napag-usapan natin ang Department of Justice. Sana tulungan ng VACC ang Department of Justice sa huling inatas ko kay Secretary of Justice Raul Gonzalez na tignan itong mga kaso ng mga minors na nasa preso, yung lumabas doon sa international television. Hindi natin pwedeng sabihing wala tayong magagawa doon. Meron tayong magagawa kaya sana VACC, DOJ at iba pang ahensiya magtulungan tayo para mabigyan natin ng mas katarungan yung mga minor offenders or juvenile delinquents na ang kanilang... Ang pagtrato ng ating lipunan sa kanila ay sang-ayon sa ating batas at batas ng buong mundo.*"

This is a given. At the most, what this reveals is that the President acknowledges the fact that the treatment by state functionaries of children in conflict with the law indeed violates national and international laws. What the world awaits is for the President to act decisively in weeding out this wholesale crime being committed by the police and government officials with impunity.

But where is her order for the police to stop this egregious practice? The net effect of this criminal neglect on her part to stop this monstrosity is nothing short of perpetuating the status quo for which Arroyo should be held accountable, along with her top police and Cabinet officials.

But her remark shows that not even the President herself assumes responsibility for perpetrating this mayhem: "*Gaya ng sabi ko, yung mga adult, yung mga able-bodied adult yon ang mga dapat nasa preso. Wag yung mga matatandang masyado at huwag naman yung mga bata. Kasi ayon sa batas kapag ikaw ay child offender eh dapat hindi nga aabot hanggang preso, sa welfare. Doon sa may... Di ba kaya may boystown at girlstown tayo. Kapag naman ikaw ay juvenile offender lilitisin ka hanggang sa punto bago magkaroon ng judgment. Tapos ang judgment ng judge -- di ba, judge ganito yon? -- litis ang juvenile offender parang adult offender at the point of judgment ang sasabihin ng judge you are committed to this institution kaysa sa preso. Ngayon kung papaano yung mga juvenile offender ended up in jail baka ito ay dahil detention awaiting trial. Gawa nang hindi ba yung juvenile offender they go through a trial like any adult.*"

What is catastrophic is that Arroyo's remarks during the VACC occasion also sidesteps the issue of police child detention.

She continued: "*Ano ang ating solusyon doon sa mga juvenile offenders that are under detention awaiting trial? Ang isang importante siguro -- pero kayo ang makakagawa noon, hindi ako makaka-utos sa judge -- baka unahin yung mga kaso ng juvenile offender para sa madaling panahon makalabas na sila sa welfare institution kung saan sila dapat nananatili at hindi nakakahalo-halo doon sa mga hardened adult criminals. Yon ang hinihingi ko sa*



Minors in Navotas, Metro Manila prison during



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Arroyo seems to be missing the point, if not deliberately dodging the issue of police child detention.

The President's remarks craftily evaded the issue altogether, in the face of the exposure before the global community of this inhumanity inflicted by government officials upon children. What CNN actually portrayed is just the tip of the iceberg, that is, the institutionalized jailing by PNP officers of thousands of children upon arrest in police jails packed with adult crime suspects, prior to their turn over to the custody of the Bureau of Jail Management and Penology (BJMP). Both the BJMP and the PNP are under the control and supervision of the Department of Interior and Local Governments (DILG). Through the Interior Secretary, therefore, the President ultimately bears command responsibility for the wide scale jailing of children with adults in police jails nationwide.

Is the President simply feigning inexcusable ignorance about the nature and extent of police child detention in the country?

The preventive detention of children takes place in rotten police jails from the time of arrest until the court issues an order committing them to BJMP custody. Hence, strictly speaking, the child prisoners locked up in police jails all over the country are not facing trial yet. They have just been arrested by the police and are awaiting court orders for the police to turn them over to BJMP custody. Only then are children released from police jails.

Two separate agencies are involved in this process. First, the PNP which controls police jails, and second, the BJMP, which controls detention facilities separate from the ones kept by the police.

A case in point involves children arrested in Quezon City. Operatives of the Central Police District Command—contrary to Article 171 of the Child and Youth Welfare Code (PD 603) and in violation of RA 7610—haul off children to prison swarming with adult detainees. The children languish in police prisons for a period ranging from one to two months, awaiting the order of the Family Courts for them to be turned over to BJMP custody. A detention facility exclusively for children, Molave is supervised by the Social Services Development Department of the Quezon City government. BJMP provides security to children prisoners locked up in Molave.



On cities and municipalities bereft of separate BJMP facilities for minors, child prisoners are worse off since they perpetually get mixed up with adult crime suspects.

Given this factual backdrop, Arroyo's remark was totally off the mark.

If the President herself shows abject ignorance in the face of this mounting problem, how could this rampant form of child abuse and cruelty be abated?

Or is she simply feigning ignorance in order to avoid criminal liability

for the crime of jailing thousands of children with adults?

Taking cue from the President, Justice Secretary Raul Gonzales ordered his underlings to report to him about the conditions of children facing trial. The approach taken, thus, totally missed the gist of the CNN report.

Again, the President's ineptness in dealing with her own crime, based on the principle of command responsibility, condemns children to further victimization in the hands of the police.

By Perfecto Caparas

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