

DEPARTMENT OF JUSTICE – PAROLE ANG PROBATION

ADMINISTRATION

Restorative Justice

An effort to achieve All-Inclusive Justice Outcome

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BOARD OF PARDONS AND PAROLE

Under the Philippine setting, there are five (5) Pillars of the Criminal Justice System (CJS) namely: Law Enforcement, Prosecution, Courts, Corrections and Community.

Corrections as the 4th Pillar of CJS , is tasked to rehabilitate and reform offenders who may be placed through institution or non-institution based corrections or otherwise known as Community-Based Corrections, a non-prisoncentric treatment of offenders, complements or complete the overall goals of Institution-Based treatment of offenders.

The twin concepts of community corrections, one as an alternative to a prison term such as probation, suspended sentence and other diversion program or as a re-entry intervention like parole, pardon with parole conditions, are significant mandates of the **PAROLE AND PROBATION ADMINISTRATION (PPA)**, an attached Agency of the Department of Justice, mandated to administer the probation and parole systems of the country. Originally, the

Agency was named as Probation Administration by virtue of the passage of Presidential Decree No. 968, the Probation Law of 1976, to administer the Probation System on the Philippines. However, Under Executive Order No 292, the Administrative Code of 1987, the Agency was renamed into Parole and Probation Administration, and granted the added mandate of assisting the Board of Pardons and Parole of the Philippines in administering the Parole System. Subsequently, adjustment in the mandate took place to include first-time minor Drug offenders placed under suspended sentence, and the supervision of released detention prisoners under the program of "released on recognizance" was given to Probation and Parole Officers without prejudice to the continuation of their trials, among others.

The Agency aimed to help judicially declared offenders to savour the glimpse of hope for crime free existence and a chance in a lifetime to redirect and readjust their behavior to conform to acceptable social conduct and social norms.

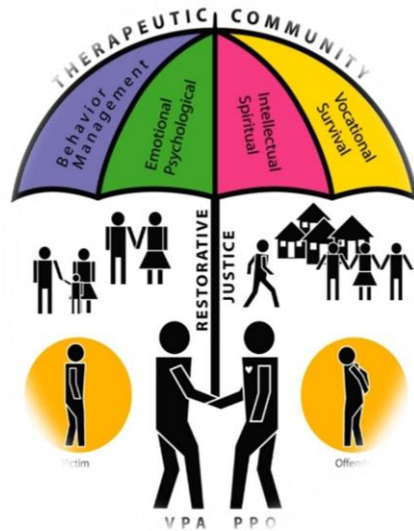
Parole and Probation Administration (PPA) is a Corrections agency. The central goal of the DOJ-PPA is to enhance the safety of the State and its citizens by preventing reoffending of its offenders-clients. Its basic intervention program focuses on helping the offender to live a productive existence and be a law-abiding member of the community. By its mandate, the Agency administers the probation and parole system with the following goals:

1. Promote the correction and rehabilitation of an offender by providing them with individualized treatment in a community-based setting;
2. Provide less costly alternative to jail/prison confinement, and an opportunity for the reformation of penitent offenders which might be less probable if they were serve prison sentence; and
3. Prevent further commission of crime by transforming them into productive, law-abiding and self-respecting individuals.

To carry out its responsibility, the DOJ-PPA is at present organized into sixteen (16) Regional offices which supervise and provide administrative and support services to the two-hundred twenty seven (227) city and provincial field offices that directly undertake the investigation (selection), supervision (surveillance) and rehabilitation of clients-offenders released on probation, parole, pardon with parole conditions, and minor offenders under suspended sentence.

DOJ-PPA's mandate is to promote the reformation of criminal offenders who are placed under community correction, either as an alternative to imprisonment or as re-entry program . In its rehabilitation initiative, the Agency employs the Community-based treatment through a three-pronged intervention such as: Restorative Justice as the philosophical framework; Therapeutic Community as its treatment modality of choice; and, volunteerism as the lead community resource. In the Agency, it is known as a the three (3) pronged approach in the treatment of offenders.

Three-Pronged Approach in Treatment of Offenders



It is an individualized, community-based three-pronged approach to crime prevention and treatment of offenders with Restorative Justice as its philosophical foundation,

Therapeutic Community as the treatment modality, and

Volunteers as lead community resources.

Restorative Justice (RJ), as component of the three (3) approaches, is a process through which remorseful offenders accept responsibility for their misconduct to those injured and to the community, which in response, allows the reintegration of the offender into the said community. RJ treats crime as a violation of people and right relationships. It creates an obligation to make things right through proactive involvement of victims, ownership of crime by the offender, and the participation of the community in search for a solution which promotes repair, reconciliation, and reassurance. It is a victim-centered response to crime that provides opportunities for those directly or indirectly affected on its impact to meet circle of support, and recognized indigenous way of settling disputes.

Therapeutic Community (TC) is a self-help social learning treatment model used in the rehabilitation of drug offenders and those clients with behaviour problems. TC adheres to the precepts of "Right Living". TC is an environment that helps people gets help while helping them. It operates in a similar fashion to a functional family with a hierarchical structure of older and younger members. Each member has a defined role and responsibilities for sustaining the proper functioning of a TC environment. The primary "therapist" and teacher is the community itself, consisting of fellow clients-offenders, officers of the Agency and volunteers who , as role models of successful personal change, serve as guide in the recovery process.

The **Volunteer Probation Assistants** (VPAs) Program is a strategy of the Agency to generate citizen's participation in community involvement. Section 28 of Pres. Decree No. 968, as amended by RA 10707, otherwise known as the Probation Law of the 1976, which empowered the Administrator of the Agency to appoint citizens of good repute and probity to assist organic Probation and Parole Officers in the supervision of released offenders.

Individualized, Community-based Treatment

The vision of the Agency is to transform PPA into a model component of the Philippines correctional system that would strive to enhance the quality of life of the clientele through the utilization of multi-disciplinary programs and

resources, an efficient organization, and a highly professional and committed work force to promote the ends of social justice and development.

As one of its treatment intervention RJ was adopted to promote and encourage active involvement of the Three (3) stakeholders in a crime or dispute, namely the victims, offenders and the community.

The adaption of RJ is, very much compatible with the Agency mission which is to promote the development of its clients as integral person by utilizing innovativeintervention and techniques which strictly respect the human dignity and rights, recognize his divine destiny to achieve the ends of justice, best interest of the public as well as that of the individual offender who is struggling to optimize his social reintegration.

RJ – The Philosophical Foundation of Community Correction

Community Corrections should be recognized as a healthy alternative to prison/jails. In its approach to crime prevention and treatment of offenders, its utilizes strategy anchored on “Restorative Justice” to balance the application of Corrective or rectificatory justice.



DOJ – PPA BALANCE AND RESTORATIVE JUSTICE

Crime or conflict hurts people and relationships. The three stakeholders are

disturbed by the impact of crime or conflict; therefore, their relationship is affected, and they deserve the end-goals of restorative justice. The client-offender should be accountable to correct his or her mistake, and retribute whatever damages were inflicted (accountability). The victim has to be compensated and be empowered again (competency development). The community and its inhabitants deserve an orderly and peaceful society (public safety).

The DOJ-PPA's role, through its provincial and City Field Offices, is very vital in the implementation of the RJ programme with respect to its clientele who

are in the process of supervised rehabilitation and reintegration. The RJ programme, which has implication to the total efforts in the rehabilitation and reintegration of offenders, has vital national consequence on the evolving issues of human rights and social justice. These offenders, if not properly managed, and if the appropriate treatment is not implemented, certainly have impact to national security.

RESTORATIVE JUSTICE -Emphasizes the importance of elevating the role of the victims and the community members through more active involvement in the justice process, holding offenders directly accountable to the people they have violated and providing a range of opportunities for dialogue, negotiations, and problem solving, which can lead to a greater sense of community safety, social harmony and peace for all.

Three (3) Fundamental Principles of the Restorative Justice

Crime is ,more than law breaking:

- 1.therefore, victims, offenders and the affected communities should have opportunities for active involvement in the justice process as early and fully as possible
2. justice therefore, requires that all stakeholders should work to heal victims, offenders, and the communities who have been affected.

3. therefore, we must rethink the relative roles and responsibilities of the government and the community. In broad terms, in promoting justice, government is responsible for preserving just order, and the community for establishing just peace.

BASIC ELEMENTS OF RJ

- Encounter: Create opportunities for victims, offenders and the community members who want to meet and discuss the crime and its aftermath;
- Amends: Expect offenders to take steps to repair harm they have caused to their victims;
- Reintegration: Seek to restore victims and offenders as a whole and help them become contributing members of society; and
- Inclusion: Provide opportunities for parties with a stake in a specific crime to participate in the resolution.

GOALS OF RJ

- Exert effort to appropriately respond to the victim's harm;
- Accordingly held offenders accountable;
- Reduce the victimization of the victim again;
- Improve active involvement and cooperation of victims; and
- Protect and empower victims.

BENEFITS OF RJ

- It view criminal acts more comprehensively: rather than defining crime only as lawbreaking, it recognizes that offenders harm victims, communities and even themselves
- It involves more parties: rather than giving key roles only to government and the offender it includes victims and communities as well
- It measures success differently: rather than measuring how much punishment has been inflicted, it measures how much harm has been repaired or prevented
- It recognizes the importance of community involvement and initiative in responding to and reducing crime, rather than leaving the problem of crime to the government alone.

OBJECTIVES OF RJ

- To proactively involve the community to support and assist in the rehabilitation of victims and offenders;
- To attend to the needs of the victims, survivors and other persons impacted by the crime as vital participating stakeholders in the criminal justice system, rather than mere objects or passive recipients of service or intervention that may be unwanted inappropriate or ineffective;
- To reintegrate offenders to the social mainstream and to encourage them to assume active responsibility for the injuries inflicted to the victims and to the community;

- To ultimately heal the effects of the crime or wrongdoing suffered by the respective stakeholders; and
- To prevent further commission of crime and delinquency.

COMPARISON OF RETRIBUTIVE AND RESTORATIVE JUSTICE

RETRIBUTIVE JUSTICE	RESTORATIVE JUSTICE
State and Community	
Crime is an act against the State. A violation of law; an abstract idea	Crime is an act against individual person and/or the community
Control of crime lies in the criminal justice system	Control lies in the community
Community is in the peripheral as represented by the State through the Court, Prosecution and Defense attorney	Community as facilitator in the restorative process
Offender and Victim	
Reliance on the Justice professionals	Direct participation by the stakeholders
Victims are peripheral to the process	Victims are central to the process of resolving a crime
Focus on establishing on guilt and the law violated on past (Did he/she do it?)	Focus on problem solving on liabilities/obligations, future (What should be done?)
Response to address on offender's past	Response to address on harmful consequences of offender's

	behavior emphasis on the future
Relationship	
Emphasis on adversarial relationship (win-lost)	Emphasis on dialogue and negotiation (win-win)
Accountability	
Crime is an individual act with individual responsibility	Crime has both individual and social dimensions of responsibility
Offender accountability defined as taking punishment	Accountability defined as assuming responsibility and taking action to repair them
Punishment is effective. Threat of punishment deters crime. Punishment changes behavior	Punishment alone is not effective in changing behavior and is disruptive to community harmony and good relationships

VICTIMS OF CRIME

Victimology

Victimology is the scientific study of victimization, including the relationships between victims and offenders, the interactions between victims and the criminal justice system – the police, prosecution, court, and corrections services – and the connections between victims and the other social groups and institutions. In RJ, no such classification of victimless crime is acceptable, because all crimes have direct or indirect victims and even the offender is also in broad terms considered a victim.

In reality, the issue of victimization is an encompassing issue that involves not just the direct victims, but likewise the indirect victims who have suffered the effect of victimization. The traditional justice system does not recognize the

suffering of these indirect victims like the members of the family of the complainant (victim), and the community that are affected.

Restorative efforts shifted the definition of a case from an offender-based focus to victim-focus, and likewise change the nature of the intervention to humanize and transform the means by which community safety, accountability, competency development, and healing of victims is achieved. The community, a side stream victim, facilitates the process through participative dialogue, and responds to present and future needs and obligations of stakeholders. In the case of the offender, restorative efforts are directed towards “righting the wrong” committed, and voluntarily understanding harm from the other person’s point of view; recognizing the fact that he or she has choices; taking steps to make changes for the better so that it will not happen again. To a victim, the above is his or her possible expectations and will satisfy his or her craving for truth and justice thereby reducing the chronic and catastrophic stressors that traumatized the victim.

10 Fundamental Victim’s Rights in the UN Declaration

1. The fundamental rights for victim to be treated with compassion and the dignity of the victim to be respected.
2. The right of the victim to receive information.

3. The right of the victim to provide information to the authorities; that is it allows for the views of the victim to be presented and considered in the course of criminal proceedings.
4. The right of victims to have proper assistance throughout the legal process.
5. The right of victims to protection of privacy and physical safety.
6. The right of victims to participate in any formal dispute resolution (restorative justice was not included in the 1985 UN Declaration).
7. The right of victims to social assistance.
8. The right of victims to restitution by the offender.
9. The right of victims to state compensation.
10. The right of victims that State should build partnerships between government agencies, NGO, and civil society to promote victims' rights.

STAGES ON THE APPLICATION OF RJ

RJ, as a new model of balanced justice, is globally emerging and experiencing remarkable growth of awareness and interest as a newly discovered correctional theme, guiding framework or paradigm shift ultimately focused to promote and encourage active involvement of the three (3) stakeholders in a crime situation, specifically the victim, offender and the community. As an emerging concept, the treatment of crime is future oriented, and it affords the

stakeholders a chance to be heard and participate in the making of a better and brighter future by arriving at a solution which promote repair, reconciliation, reassurance and re-empowerment.

INVESTIGATION STAGE

This start the introduction of RJ concepts and processes to victim and their family and the community. Probation and Parole Officer get in touch with the victim and the community, and acquired the victims' version of the offence, the effect of victimization to their lives, families, future, and plans to overcome the impact of victimization should be given importance in the RJ process. Likewise, obtaining victims' suggestions on how the damage/harm inflicted by the crime could be repaired, and accordingly healed

Soliciting stakeholders' interest for their introduction to the restorative process shall commence during this stage.

SUPERVISION STAGE

RJ Program (e.g. payment of civil liability or any RJ outcome as a result of an RJ process during the stage) should be part of the condition of client's conditional release incorporated in his My Personal Development Plan (MPDP) previously called Supervision Treatment Plan (STP).

Basic Guide for DOJ – PPA RJ Practitioner

- The Parties should be brought within the program of their own free will. Parties should have the right to seek legal advice before and after the restorative process;
- Before agreeing to participate in the restorative process, the parties should be fully informed of their rights, the nature of the process, and the possible consequences of their decision;
- Neither the victim nor the offender should be induced by unfair means to participate in RJ processes or outcomes;
- Where no agreement can be made between the parties, the case should be withdrawn from the restorative process;
- In the event agreement was reached by parties, it should be put in writing to give substance/essence to the agreement. The failure to implement any provision of the agreement made in the course of the restorative justice is a basis for the withdrawal of the case from the program; and
- Discussion and disclosure made during the process shall be treated with strict confidentiality and shall not be disclosed and used against the parties involved.

Supervision Process with RJ Impact

1. A Probation and Parole Officer individually assigned to handle investigation and supervision caseloads shall act as RJ planner. As such, he/she have the following responsibilities:

- a. Identifies and recommends to Chief Probation and Parole Officer (CPPO) a potential case for Peacemaking encounter;
- b. Conducts dialogue to explore together the possibility of RJ process;
- c. Coordinates/collaborate with responsible members and leaders of community for their participation in the conference;
- d. Serve as facilitator-strength in the conference;
- e. Assists in healing process of stakeholders based in the STP;
- f. Prepares case notes reflective of RJ values and utilizing the following points:
 - i. Impact of crime and effect of victimization
 - ii. Victim inputs and involvement opportunities
 - iii. Offender opportunity to take direct responsibility for the harm

2. A chief Probation and Parole Officer shall have the following responsibilities:

- a. The CPPO approves case for Peace Encounter Conference and issues office order;
- b. Monitors plans and agreement for implementation achieved during the conference and sets direction to realize success of the process.

3. A Volunteer Probation Assistants (VPAs) have the following responsibilities as assigned or designated by the CPPO or OIC;

- a. Work in close consultation and cooperation with the Supervising Officer in the conduct of RJ process;
- b. Keep all information about the supervisee in strict confidentiality;
- c. Make reports of activities in relation to the RJ process;
- d. Denote a substantial and quality time for supervision of clients;
- e. Act as resource individual, as donor, lecturer, speaker, organizer, coordinator, facilitator, mediator and planner for RJ activities;
- f. VPAs assigned to supervise clients may be deputized to secure Circle of Support venue, provide refreshments, etc.;
- g. Endeavor to heal the victim, client and community relationships;
and
- h. Attend RJ activities as may be required.

Ground Rules to Ensure Order during RJ Process

1. When somebody is talking, participants are expected to listen and refrain from interrupting.
2. When a participant wants to be heard, he should raise his hand and wait until the mediator/facilitator recognizes him to speak. Likewise, a

participant should be advised to remain seated throughout the process, and may only stand when acknowledged by the facilitator or mediator.

3. Participants are asked to refrain from saying foul or vulgar statements or making unnecessary comments.
4. Cell phones or any gadgets which may disturb or disrupt the process must be put off.
5. Sharp or pointed objects or any deadly weapon is not allowed inside the activity room.
6. All matters discussed are to be kept confidential.

Four Sequential Objectives

During and at the conclusion of the restorative sessions, the stakeholders on any RJ process should:

1. Admit the harm inflicted. When crime happens there is damage in the stakeholders (e.g. broken relationships, physical harm, etc.). This realization is essential for the offender as he needs to reach that point of accepting the fact that he had caused harm. Thus, it is important for the facts to be discussed carefully.
2. Share and understand the harmful effects of crime done. Sharing feelings about what happened can promote openness to the stakeholders. Personal liberation can be achieved and that every incident properly

discussed can transcend perspectives. Differences are leveled off as the feelings expressed to one another.

3. Agree on terms of reparation. Agreement entered after undergoing the process of careful dialogue and discussion is an indication of a successful encounter. Steps for total reconciliation with the victims are laid down through the terms stipulated in the agreement of the parties. This also provides re-employment of the stakeholders who were previously degraded by the crime.
4. Understand future behavior and plan actions. This is carrying out of the plans for “amends”. Renewed behavior and actions of the offender signify his remorse for the crime committed and is working towards righting the wrongs of the past. This ensures that the reforms implemented are genuine.

DOJ – PPA’s RJ PROCESSES

1. Mediation

Mediation is also known as VOM (Victim-Offender-Mediation). It is a form of alternative dispute resolution (ADR), a way of resolving disputes between parties with concrete effects. Typically, a third stakeholder, the

mediator, assists the parties to negotiate a settlement. The mediator may moderate disputes in a variety of fields, such as commercial, legal, diplomatic, interested victim/s an opportunity to meet the offender in a safe and structured setting, and engage in a mediated discussion of the crime.

In mediation for criminal cases, a neutral third party provides the bridge for a dialogue between Victim and Offender.

2. Conferencing

Conferencing is a voluntary, structured meeting between offender/s, victim/s and/or both parties' family and friends, in which they address consequences such as restitution and other outcomes.

- a. Family Conferencing – composed of different members of the family
- b. Group Conferencing – composed of the victim's and the offender's support groups.

3. Circle of Support

Circle of support (COS) is a model of RJ which provides an opportunity for victims, offenders and community to discuss the crime,

and its aftermath, particularly its effects on the relationship in the community.

It also provides opportunities for stakeholders to participate in its resolution, and expect offenders to take the steps to repair the harm they have caused. Its ultimate objective is to restore broken relationships among the victims, offenders and community.

Circle of support can be considered as an appropriate RJ Model in the community-based treatment of offenders because of the active involvement of community as represented by the Volunteer Probation Assistants (VPAs) or other members such as but not limited to barangay officials in the process.

The success of the Circle of Support lies not only on the skill of the facilitator, but more importantly, on the readiness and openness of parties – (victims, offenders, supporters and community representatives) to come together and to collectively decide on what can be done to repair and restore broken relationships among the stakeholders.

The role of the Probation and Parole Officer is only to facilitate the process. We want the community to eventually own the model and espouse or use any of the other RJ processes as tools in healing broken relationship of its members. With this end view, the stakeholders will

hopefully benefit from the results thus, rendering the community as the strongest pillar of our Criminal Justice System.

INDIGENOUS PRACTICES

Guidelines on the Conciliation Practices of Indigenous Tribal Clients of PPA-DOJ

(Based from the Paper of PPO II Joyce A. Rendon, Region XI)

It is the policy of the PPA-DOJ to:

- Preserve, promote and protect the rights of the PPA tribal clients to cultural integrity and identity and to prescribe mechanisms to protect their customary beliefs;
- Ensure and guarantee the due exercise of rights of the concerned tribal community to reject or allow the intervention, documentation and publication of PPA-DOJ of the indigenous conciliation practice undertaken.

Operating Principles of Indigenous Process

In the implementation of the RJ Program to PPA tribal clients, the following measures shall be adopted:

- Protection of cultural intellectual rights and cultural treasures. PPA-DOJ shall give utmost respect and recognize the religious beliefs, tradition, ceremonies and culture of the concerned community. Any risks or foreseen adverse impacts must be fully disclosed to the concerned

community. Thus, measures for the elimination or mitigation of the occurrence of such risks must be given utmost attention.

- Tribal community consent. Prior consent by the concerned tribal community shall be secured before any case referral of the DOJ - PPA may commence. Their voluntary consent should be based on informed opinion which means that they should be fully informed what the activity is all about, the resources collated and the expected output, among other concerns
- Culture sensitivity. The cultural peculiarities and specific circumstances of the concerned community shall be respected and given due compensation
- Participatory. The full anticipation of the tribal community in all levels and stage of the activity shall be required. The nature and dynamics of participation of concerned stakeholders shall strictly adhere to customary laws. The Probation and Parole Officers shall limit themselves only to referral, coordination to the concerned indigenous community, documentation, monitoring to the agreement reached and evaluation of the whole activity.

Role of the Probation and Parole Officer

- Identification and referral of a potential case for indigenous conciliation practice to CPPO;

- Proper approval of the case referral and issuance of an Office Order;
- Make coordination to the concerned indigenous community;
- Ensure compliance to the concerned indigenous community;
- Facilitate, coordinate and document the whole activity;
- Assist the concerned indigenous community in the crafting and execution of agreements;
- Monitor compliance of the terms and conditions of agreements entered into;
- Prepare case notes reflective of the progress of the indigenous conciliation practice undertaken;
- Coordinate with National Commission on Indigenous People if necessary.

Kinds of Indigenous Practices

Ifugao Justice System

(Based from the Article of Prof. Mary Constancy Barrameda)

The Ifugao Justice System can be described as the process by which peace and harmony in the Ifugao community should be preserved and maintained, through a peaceable resolution of a dispute over a wrong or wrongs that threaten an eruption of conflict. This is based on public determination of the truth concerning the alleged wrong or wrongs participated in by the community or its representatives, permitting a collective decision or judgement of guilt or

innocence, with appropriate sanctions, compliance of judgement, and rituals for healing and restoration of social fabric.

Vital to this justice system is the Ifugao religion. It is the firm belief that justice basically the intervention of their God in the vindication of the innocent and the exposure and condemnation of wrong-doing in the breach of peace, and the purging of sin committed in the latter case through repentance by prompt acknowledgement of guilt, atonement through payment of stipulated reparation, and reconciliation with aggrieved parties through healing rituals called *hidit*.

Manobo Justice System

1. Conflict caused by gossip

In setting this conflict, the Datu will conduct his investigation. Then, both the identified source and subject of the gossip are summoned to his presence. Based on the merit of his investigation, he would counsel and warn them not to repeat the issue. When both parties agree, he would cover the gong to symbolize an end to the conflict or gossip and will no longer hear the issue.

However, if the gossip continues, the offender will be fined or penalized to the Datu's specification. Then, the Datu will say:

- *Tampud Tabahon* – cut a rattan to close the case
- *Tadto Mata Alaw* – point to the sun and promise not to do it again
- *Abukkatuso* – turn off the lamp to indicate that the gossip is off
- *Sagpong Talinga* – cover the ears so that one will not hear

- *Sagpong Ta Mata* – even if she sees it, she will keep quiet so that there will be no trouble
- *Sablagan* – the offender will give the offended party with food or animals. When she receives the *sablag*, she will not do anything because the fairies had blessed her.

Manabo-Dulangan Justice System

The Justice System of the Manobo-Dulangan ICCs is called Antang-antang. The common infractions are coveting another man's wife, theft, cattle rustling, homicide, murder and land disputes. These disputes are usually brought the attention of the Sultan or Datu for resolution.

Restorative Justice Outcome

Restorative Outcome is an agreement obtained as a product of a restorative process. Each hallmark of the restorative process – Mediation, Conferencing, Circle of Support and other indigenous ways of setting disputes – ends with an agreement on how the offender will make amends for the harm caused by the crime.

The two traditional justice sanctions used in restorative response to crime are Restitution and Community Work Services.

Restitution

Restitution is the payment by an offender of a sum of money to compensate the victim for the financial losses caused by the crime.

Community Work Service

As an integral component of Restorative Justice, Community Work Service (CWS) imposed upon an offender whether as probation or parole condition or part of the treatment plan. In a way, work service in the community as an intervention if properly implemented will connect the missing link between the offender struggling to reintegrate himself and the community disturbed by the effect of the offender's behavior necessary to make the treatment therapy a workable intervention, and not just to restrain offender's movement, or merely an added compliance with imposed conditions, thereby defeating its real purpose.

Definition of Community Work Service

Community work service (CWS) is a work performed by the offender without compensation for the benefit of the community as an outcome of an RJ process reached on a restorative agreement among stakeholders. CWS is:

- A free public labor performed by a criminal offender as a sanction for an offense for the benefit for the benefit of the community.
- Its essence is to present meaningful lesson for offender-client to realize that crime he has committed has a public repercussion, and therefore on his part incurred restorative obligation to settle.

- As a restorative practice, it should be included either as a condition of his release on individualized community-based program or incorporated in the My Personal Development Plan (MPDP)

Goals of Community Work Service

- Holds offender accountable for the harm caused to the community.
- Provide communities with human resources that can improve the quality of life in public environment, business and even individual residences.
- Helps offender develop new skills through supervised work activities.
- Allow victim a voice and occasionally some direct benefit by recommending the type of community work service.
- It has 3 aims: Accountability in the part of the offender; Competency development; and Community Protection or safety.

Forms of Community Work Service

- Mentoring and Integrational Service – Offenders will develop their maturing needs through caring for other people; example: with senior citizens, orphanage, or street children.
- Economic Development – to link directly in the business project; examples: cleaning downtown area, tree planting, maintenance of business zones, housing restoration, garbage and waste

management, cleaning of esteros, recycling, construction, repair of streets, and the like.

- Citizenship and Civic Participation – experiential activities which involve solving community problems; examples puppet shows that showcase values, street dramas, peer-counseling.
- Helping the Disadvantaged – This will enhance offender's self-esteem; examples: assist handicapped, assist in soup kitchen, tutor peers, visit the aged in jails and hospitals.
- Crime prevention Projects – Examples: "barangay ronda", giving testimony to the youth.

Coverage

For Probationers: All, except when:

- The community does not accept them;
- Due to ill health that may hinder performing CWS;
- If working or staying outside the country with proper authority;
- Other work/job which may not give probationers time for CWS
- All at the discretion of the supervising officer.

For Parolees/Pardonees: All, provided they will not pose danger to the community.

Timeframe

Serving client should be granted time to adjust to life which is not more than six (6) months before doing CWS. Its duration should depend on the length of the project, needs of the offender and the community within the RJ framework.

Probation / Surveillance Period	Length of CWS
6 years but not less than 5 years	144 hours or 6 hours/week
Not more than 5 years but not less than 4 years	120 hours
Not more than 4 years but not less than 3 years	96 hours
Not more than 3 years but not less than 2 years	72 hours
Not more than 2 years but not less than 1 year	28 hours
Less than 1 year	24 hours

Procedural Implementation

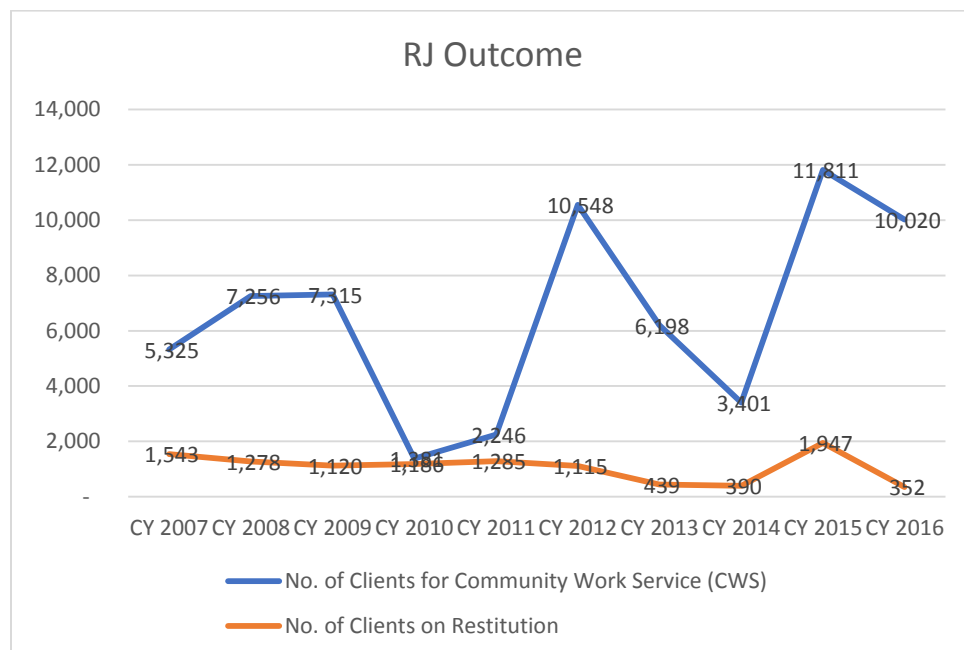
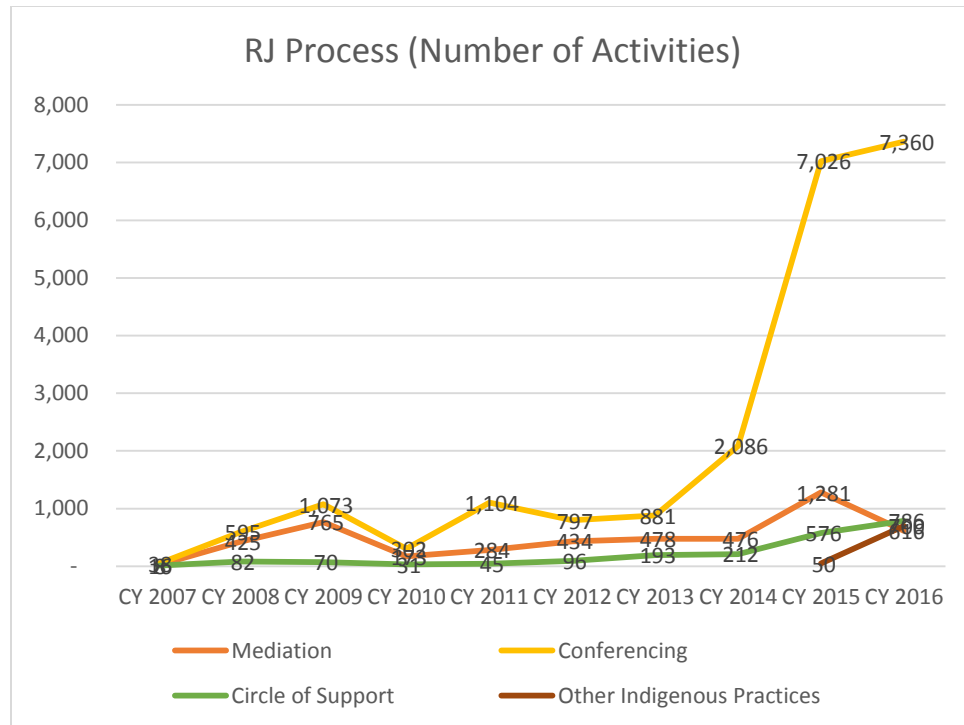
1. Such community work shall be recommended as one of the conditions on the case of probation and/or included in the My Personal Development Plan (MPDP), specifying the number of hours of community work to be rendered by offender, the type of work service, and possibly the place and the contact person in the community. Successful community work service program basically requires a true public-private partnership. All these may

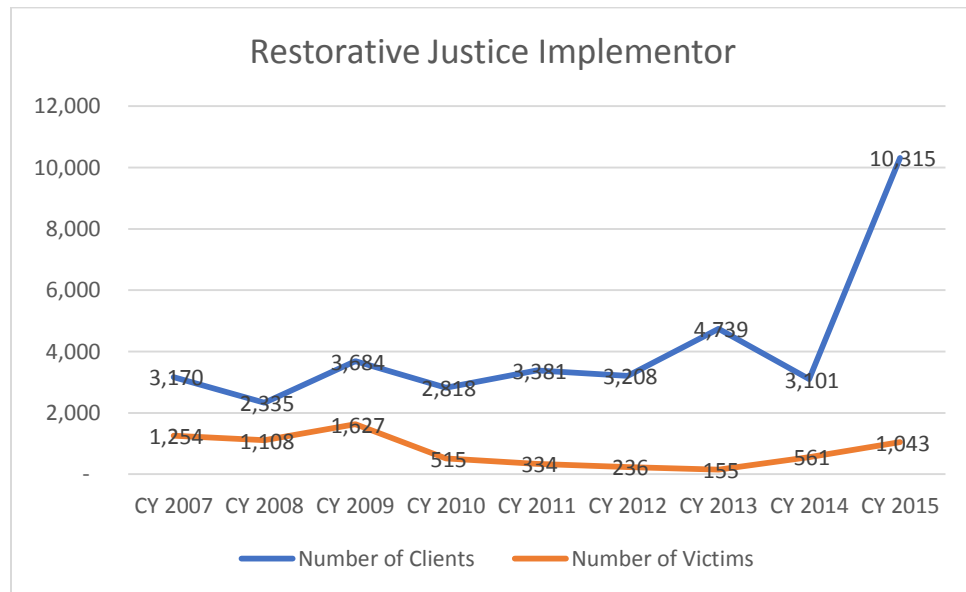
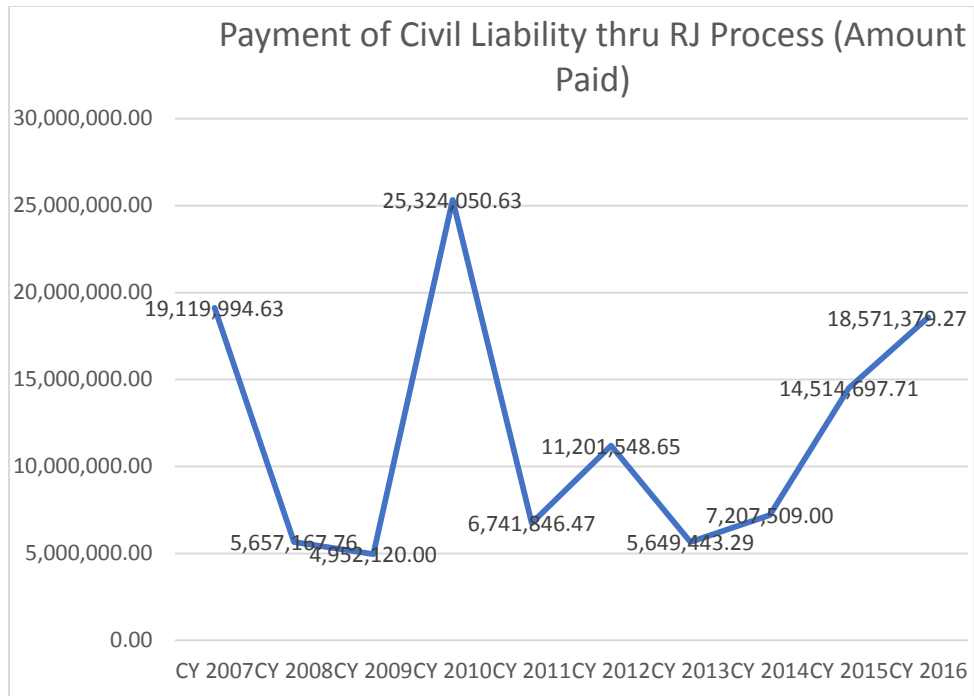
be done in coordination with local government units, other government offices, civic and religious organizations and other significant community support and healing circles.

2. During initial supervision, the client offender shall execute an undertaking duly subscribed before the Chief Probation and Parole Officer (CPPO) that he/she is willing to render community work service in compliance with the conditions of his/her probation or My Personal Development Plan (MPDP)
3. The undertaking shall be in triplicate distributed as follows: 1) Supervision Case Folder, 2) Responsible persons or office giving community work to client, 3) Client
4. After completion of Community Work Service, the offender shall secure a Certification that he/she performed work service in a particular community, indicating therein the type or kind of work performed, the number of work hours rendered, and the date when community service is done.
5. Such Certification obtained by the client shall be surrendered to the PPA Office to be filed in his folder.
6. Compliance of this condition on Community Work Service shall be indicated in the Final or Summary Report submitted by his/her Supervising Officer to the court or Board of Pardons and Parole.

RJ IMPLEMENTATION

Restorative Justice Implementor									
Year	Number of Clients	Number of Victims	RJ Process (Number of Activities)				RJ Outcome		Payment of Civil Liability thru RJ Process (Amount Paid)
			Mediation	Conferencing	Circle of Support	Other Indigenous Practices	No. of Clients for Community Work Service (CWS)	No. of Clients on Restitution	
CY 2007	3,170	1,254	16	38	8		5,325	1,543	19,119,994.63
CY 2008	2,335	1,108	425	595	82		7,256	1,278	5,657,167.76
CY 2009	3,684	1,627	765	1,073	70		7,315	1,120	4,952,120.00
CY 2010	2,818	515	173	302	31		1,381	1,186	25,324,050.63
CY 2011	3,381	334	284	1,104	45		2,246	1,285	6,741,846.47
CY 2012	3,208	236	434	797	96		10,548	1,115	11,201,548.65
CY 2013	4,739	155	478	881	193		6,198	439	5,649,443.29
CY 2014	3,101	561	476	2,086	212		3,401	390	7,207,509.00
CY 2015	10,315	1,043	1,281	7,026	576	50	11,811	1,947	14,514,697.71
CY 2016			616	7,360	786	700	10,020	352	18,571,379.27





CWS Indicators of Success of Success

1. Must have satisfactory completed the prescribed number of hours of community work service;
2. Presence of established community linkage and work resources;
3. Has gained a certain degree of recognition and/or benefited the community;
4. Has maintained a favorable relationship with his/her community worker and the community;
5. Gained positive attitude towards work and sense of satisfaction for his voluntary service; and
6. Gained or enhanced competency in a specific area of work.

BASES AND REFERENCES

1. Republic Act No. 9285 -An Act to institutionalize the use of an Alternative Dispute Resolution System in the Philippines and to establish the office for ADR, and for other purposes.
2. Special Rules of Court on Alternative Dispute Resolution (Approved: June 19, 1953)
3. Presidential Decree No. 968: The Probation Law of 1976
4. Act No. 4103: The Indeterminate Sentence Law
5. Memorandum Order No. 12 s. 2003 – DOJ-PPA subject: Implementation Guidelines of the Restorative Justice
6. Memorandum Order No. 13 s. 2006 – DOJ-PPA Subject: A guide on the Conduct of Mediation and Conferencing
7. The Indigenous People's Right Act of 1997 or R.A. No. 8371
8. "Healing and Restoring Hope and dignity to the Community: A Source Book on Restorative Justice", Published by Coalition Against Death Penalty (CADP), Manila 2006.
9. "Raising the Global Standards for the Victims: The Proposed Convention on Justice for Victims of Crime and Abuse of Power", Edited by John P.J. Dussich and Keiran G. Mundy, Tokiwa International Victimology Institute. Seibundo Publishing Co, Ltd., Tokyo 2009.

10. "Restoring Justice" 2nd Ed., Daniel W. Van Ness and Karen Heetderks-Strong. Anderson Publishing Co., Cincinnati 2002.
11. "Working for Justice That Heals: A Source for Prison Ministry", Published by Catholic Bishops' Conference of the Philippines (CBCP) and Episcopal Commission on Prison Pastoral Care (ECPPC). Manila, 2006.
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13. "The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Philippine Criminal Justice System" by Manuel G. Co, as published in the UNAFEI Resource Material Series No. 81, August 2010 issue, pp. 149-165. United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo 2010.
14. "Tongtongan, Gaygayam, Bagbaga: The Indigenous Way of Achieving Justice, Peace and Harmony" by Prof. Mory Constaney Barrameda, as published in Healing and Restoring Hope and Dignity to the Community: A Source Book on Restorative Justice, pp. 16-27. CADP, Manila, 2006.
15. Memorandum Order No. 12, Series 2003, dated July 16, 2003, "Implementing Guidelines of the Restorative Justice"

16. Memorandum Order No. 1, Series 2005, dated May 19, 2005, "Report on Regional RJ Activities"
17. Memorandum Order No. 18, Series 2005, dated June 23, 2005, "Supplemental Guidelines to integrate Restorative Justice to the Overall Rehabilitation Program of the PPA"
18. Memorandum Order No. 6, Series 2006, dated February 14, 2006, "Amendment of Memorandum Order No. 12, Series 2003"
19. Memorandum Order No. 10, Series 2006, dated March 23, 2006, "Guidelines in Accomplishing the Quarterly Monitoring Report on Restorative Justice"
20. Memorandum Order No. 12, Series 2006 dated March 29, 2009, "Designation of Restorative Justice Coordinators"
21. Memorandum Order No. 13, Series 2006, dated March 31, 2006, "A Guide in the Conduct of Mediation and Conferencing"
22. Memorandum Order No. 04, Series 2009, dated March 5, 2009, "Clarifying Concepts/Terminologies in Relation to Restorative Justice Practices as Adopted by PPA"
23. Memorandum Order No. 16, Series 2011, dated June 8, 2011, "Guidelines in Organizing a Circle of Support"
24. Memorandum Order No. 19, Series 2012, dated April 3, 2012, "Reinforce RJ Implementing Guidelines"

25. Memorandum No. 2, Series July 31, 2012, "Supplemental Guidelines on Restorative Justice"
26. Unnumbered Memorandum, dated July 31, 2012, "Tribal Justice System of the Indigenous People of Region XII"
27. Administrative Order No. 1, Series 2012, "The Indigenous Knowledge System and Practices and Customary Laws Research and Documentation Guidelines of 2012", National Commission on Indigenous People (NCIP)
28. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UN General Assembly, 29 November 1985.