

# Philippine Youth Gangs and Delinquent: An Overview

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**Abstract:-** Upon birth, a child is bestowed his rights as a member of society. He receives not merely the love and affection of his natural parents but also the aid and protection of his parent State. Children is considered as one of the most significant resources of the country, however, these children may go astray. This will lead them to become juvenile offenders. These juvenile offenders are joining youth gangs and become a national problem through their activities in drugs and numbers of crimes they commit. With this issue, the study seeks to assess the current status of youth gangs and delinquency in the Philippines after the reception of the United Nations Declaration of the Rights of the Child as well as other laws related to it. This study used mixed method of research which focused on acquiring information through open-ended and conversational correspondence. The study is delimited in the National Capital Region (NCR) and the participants are the officers and workers in-charge on the in the implementation of the restorative justice and community-based intervention programs for children in conflict with the law. Based on the result of data gathered and documentary evidence presented at hand, the study suggests that youth join gangs and delinquency because of antisocial behavior, inadequate moral development, inconsistent parenting, lack of communication with parents, school adjustment problems, low IQ, and low self-esteem. Also, the protocols in dealing with these youth gangs and delinquent is in accordance with the provisions of R.A. No. 9344, as amended and the Family Courts Law.

**Keywords:-** *Child in Conflict with the Law; Delinquency; Juvenile; Youth Gangs.*

## I. INTRODUCTION

Upon birth, a child is bestowed his rights as a member of society. He receives not merely the love and affection of his natural parents but also the aid and protection of his parent State. The child is considered as one of the most significant resources of the country. Each exertion ought to be applied to advance his welfare and upgrade his chances for a helpful and cheerful life. The child is definitely not an insignificant creature of the State. Henceforth, his individual characteristics and aptitudes ought to be developed to the most extreme to the extent that they don't struggle with the general welfare.

The State pronounces that "Youth" is the basic time frame in an individual's development and improvement from the beginning of pre-adulthood towards the pinnacle of develop, independent and mindful adulthood including the significant segment of the populace from the age of fifteen (15) to thirty (30) years.

The 1987 Philippine Constitution, Article II, Section 13 gives that the State perceives the imperative job of youth in country constructing and will advance and ensure their physical, moral, spiritual, intellectual and social well-being. It will instill in the young enthusiasm and patriotism and energize their association in public and civic affairs.

To additionally perceive the job of the youth in country building, previous President Ferdinand E. Marcos gave P.D. No. 210 as a result permitting the 15 years of age to take part in across the nation referenda directed on significant national issues so as to widen the base of resident interest in the majority rule process. He in like manner declared P.D. No. 684 approving the production of associations known as Kabataang Barangay who are in any event 15 years old yet under 18 to allot to the young people of every single Barangay a positive job just as bear the cost of them a medium to successfully communicate their perspectives and conclusions on issues of transcendental significance.

The age at which a youth becomes an adult, in the eyes of the law, is considered the legal age. An individual below the legal age is called juvenile. Legal age in the Philippine is 18 years old, hence, below 18 years are considered juvenile. Juvenile is a youngster or a child who, under the particular legitimate frameworks, might be managed for an offense in a way which is not the same as a grown-up. Delinquent Juvenile is one who has been arbitrated by a legal official of a legal court as having submitted a juvenile demonstration. These adolescent delinquents some of the time have mental scatters/social issues, for example, post-horrendous pressure issue or bipolar issue and are now and again determined to have direct turmoil mostly because of their reprobate practices. Juvenile Offender is a kid or youngster who is claimed to have submitted or has been found to have submitted an offense. (Rule 2.2 [a and c], UN Standard Minimum Rules for the Administration of Juvenile Justice)

Albeit each nation has a lawful framework to control wrongdoing and improve open security, it is clear that not all adolescent equity frameworks function just as they are structured. In this manner, youth posse and misconduct are viewed as a general marvel. It is likewise intriguing to take note of that while the Philippines have administered laws, rules and guidelines, and extra strategies to ensure Filipino youth, how can it be that some despite everything submit infringement of correctional laws.

Youth gangs have become a national problem through their activities in drugs and numbers of crimes they commit. Belonging to a gang is not illegal; however, the activities of gang members frequently are illegal. The size of their activities has created a feeling of fear in the average citizens, especially during the nighttime hours, which restrict normal adult activity and recreation. In addition to drug dealing, gang members are often engaged in vandalism, robbery, theft, arson, shooting, physical injuries, stabbing, intimidation, and other forms of violence.

Youth gang is defined as a group of individuals who form a social allegiance for a common purpose and engage in unlawful or criminal activity (Bennett & Hess, p. 603). Teen Gang is a self-formed association of person, bound together by mutual interests, with identifiable leadership, well-developed lines of authority, and other organizational features, who act in concert to achieve a specific purpose or purposes, which generally include the conduct of illegal activity and control over a particular territory, facility, or type of enterprise. (Miller, 1980)

#### *Theoretical Framework*

This study was anchored on the principle of *parens patriae*, meaning "parent of the nation." It refers to the inherent power of the State acting through the courts and other government agencies, to serve as a guardian over all children/youth who, because of their minority are incapacitated to act for themselves. In other words, the Government acting as *parens patriae* promotes the full growth of the faculties of every child or youth. The State acts as a wise parent who is able to take good care of children or youth in order that their best interests are served. The 1987 Philippine Constitution, Article 15, Section 3 gives that the State will safeguard the privilege of youngsters to help, including appropriate consideration and nourishment, and unique insurance from all types of disregard, misuse, remorselessness, abuse, and different conditions biased to their turn of events.

The legal premise of this examination is the national standards for Filipino youth as gave under Section 2 of Republic Act No. 8044, known as the "Adolescent in Nation-Building Act," indeed: 1) Promotion and assurance of the physical, moral, spiritual, intellectual and social well-being of the young to the end that the adolescent understand their potential for improving the personal satisfaction; 2) Inculcation in the young people of energy, patriotism and other essential alluring qualities to inject of life and poise of the human individual, conviction for the quality and solidarity of the family and adherence to truth and equity; 3)

Encouragement of youth association in character-building and advancement exercises for common proficiency, stewardship of regular assets, rural and modern profitability, and a comprehension of world monetary duties on levies and exchange and support in structures for approach making and program execution to lessen the rate of neediness and quicken financial turn of events; and 4) Mobilization of youth's capacities, abilities and aptitudes and diverting their innovativeness, creative virtuoso and well spring of eagerness and trust in the opportunity of our kin from dread, craving and foul play.

The procedural premise of this examination is Republic Act No. 9344, known as the "Juvenile Justice and Welfare Act of 2006," as amended. The law applies the rule of helpful equity in all its executing rules and guidelines, approaches and projects appropriate to Children in Conflict with the Law (CICL). Restorative Justice tries to acquire reparation for the person in question; compromise of the guilty party, the annoyed and the network; and consolation to the wrongdoer that he/she can be reintegrated into society. It additionally upgrades open security by initiating the wrongdoer, the person in question and the network in anticipation techniques. (Sec. 4, R.A. No. 9344)

In like manner, the Social Learning Theory by Albert Bandura will attempt to clarify the reason for adolescent misconduct. The last discovered that individual learn by copying things that they see around themselves. At the end of the day, kids initially see how individuals around them act, and afterward mimic them. During the adolescent years, youngsters invest more energy with their companions as opposed to their family. In such conditions, if the youngsters are not given legitimate direction, the impact of the friend gathering can offer ascent to reprobate conduct. It is additionally said that watching shows and movies, which are fierce, can likewise offer ascent to reprobate conduct.

Besides, the issue situated policing will be received to distinguish the basic causes and supporters of wrongdoing and search out answers for the issues. The issue situated methodology contends that conjuring the criminal laws is just a single road for managing cultural issues. Rather, various issues require elective arrangements or mediation. The police hence, need to recognize and seek after answers for the root issue. Erick and Spelman (1989) offers four-steps process for critical thinking. These means are scanning, analysis, response, and assessment (SARA). Filtering takes care of the recognizable proof of the issues, issues, and worries in the network. The subsequent stage is the examination of the issue. It is especially significant that something other than the police are associated with this movement. A variety of people and offices ought to take an interest in the investigation. For instance, if the medication action bases on young people, it might be prudent to incorporate the schools, probation office, or youth associations all the while. It is from this agreeable connection that various reactions will rise. The last, yet basic advance is appraisal. This whole procedure can succeed just if the mediations are assessed for their adequacy.

### *Statement of the Problem*

The study seeks to assess the current status of Youth Gangs and Delinquency in the Philippines after the adoption of the United Nations Declaration of the Rights of the Child; implementation of Republic Act No. 9344, known as the Juvenile Justice Welfare Act of 2006; and other related laws, rules and regulations on youth gangs and juvenile delinquency. The researcher attempts to answer the following sub-problems:

1. What are the contributory factors for Filipino youth in joining gangs and delinquency?
2. What are the protocols in dealing with these youth gangs and delinquent?

## **II. RESEARCH METHODOLOGY**

This chapter is a presentation of the methods and procedures utilized by the researcher in the conduct of the study. Specifically, it described the main research design, the research environment, the methods of data collection, the respondents, sampling procedure, and the research instrument.

### *Research Methodology*

This study used the mixed method of research. For Statement of the Problem (SOP) number one (1), the researcher used the quantitative research. For SOP Number two (2), the qualitative method of research was used. The research method focuses on obtaining data through open-ended and conversational communication to acquire about what the respondents think about the subject of the research. The lists of arrested youth gangs and juvenile delinquents, the primary data was requested by the researcher to the Chief of the Regional Investigation and Detective Management Division (RIDMD) of the National Capital Region Police Office (NCRPO). The primary data is a consolidated list from the Women and Children Protection Division (WCPD) of the five police district of NCRPO composed of Manila Police District (MPD), Northern Police District (NPD), Quezon City Police District (QCPD), Eastern Police District (EPD), and Southern Police District (SPD).

### *Population and Locale of the Study*

This study is limited only in the National Capital Region (NCR). The three (3) respondents of this study are ten (10) Investigators from the Women and Children Protection Division (WCPD) of the five (5) Police District of National Capital Region Police Office (NCRPO); five (5) Local Social Workers recommended by the 10 investigators who are their working partners in the implementation of the restorative justice and community-based intervention programs of the Department of Social Welfare and Development (DSWD) for children in conflict with the law (CICL); and five (5) records officers of the Regional Investigation and Detective Management Division of NCRPO. Youth gangs and CICL were not included as respondents because of the confidentiality of their identity while undergoing treatment and rehabilitation programs.

### *Data Gathering Instruments*

The researcher employed interview as a method in gathering data. The interview guide is designed in a manner to enable the validation of the problems raised in the study and to seek their opinion regarding the contributory factors for Filipino youth in joining gangs and delinquency and the protocols in dealing with the problems. Interview with the investigator-on-case and city social workers handling CICL cases in Metro Manila and securing confidential records from the Regional Investigation and Detective Management Division of NCRPO, with a non-disclosure agreement (NDA) not to divulge the identity of these youth gangs and CICL undergoing rehabilitation programs and court proceedings. The interview guide and process will be designed in accordance with the statement of the problem of the study.

The interview was also utilized for the purpose of validating responses in the instrument and at the same time to shed further light on issues affecting the youth gangs and delinquency. Result of the interview was presented, evaluated, analyzed and interpreted as part of Chapter 3 of this study.

**Documentary Analysis.** Review of confidential lists of juvenile gangs under investigation and monitoring of the police and those undergoing community-based rehabilitation programs of the City Social Welfare Development (CSWD). Analysis of the application of the laws, rules and regulations, departmental policies, and intervention programs which are relevant in the assessment of Youth Gangs and Delinquent in the Philippines.

**Thematic Analysis** was also used to analysed the qualitative data. The researcher closely examines the data or the varied answers of the respondents during the interview to identify common reasons or factors that leads Filipino youth in joining criminal gangs. The approached used by the researcher in conducting the thematic analysis is by reviewing the common ideas or answers of the respondents.

### *Data Gathering Procedure*

Pertinent permission and endorsement were obtained prior to the conduct of any data gathering activities for the study. With regards to primary data which is the lists of youth gangs and juvenile delinquents in Metro Manila, proper coordination was made to the Chief, Regional Investigation and Detective Management Division (RIDMD) of the National Capital Region Police Office, Camp Bagong Diwa, Bicutan, Taguig City. Investigator-on-Case and City Social Workers were identified, interview and documentary evidence were likewise requested. All requested documentary evidence and responses gathered from the group of respondents were analyzed, evaluated and present the data in tabulated form.

As to secondary data or information such as provisions of laws, rules and regulations, departmental policies and guidelines relating to youth gangs and delinquency, no need to seek written consent of authors of such works considering that it is taken from open sources and public websites. Proper quotation was observed from printed works by other authors. All data gathered from the secondary sources was first written

in index cards and filed alphabetically according to subject issue.

During the interview of the respondents, they are given enough time to answer intelligently and carefully the interview guide and they are also guaranteed of the utmost confidentiality of their responses as well as the supporting documents they have provided.

#### *Treatment of Data*

The quantitative and qualitative data that will be obtained through the conduct of interview, result of requested documents evidence and existing laws, rules and regulations relating to youth offenders was analyzed, evaluated and interpreted.

### **III. DISCUSSION**

This part presents the analysis and interpretation of the information accumulated by the researcher. The presentation, analysis and interpretation of these information were strengthened were arranged in a similar request as they were introduced in the statement of the issue and the researcher made instrument.

#### ***Contributory Factors for Filipino Youth in Joining Gangs and Delinquency***

Data analysis of the acquired lists of arrested members of youth gangs and juvenile delinquents in Metro Manila from the Regional Investigation and Detective Management Division (RIDMD) of NCRPO revealed that there are five (5) active youth gangs operating within Metro Manila, to wit: the Batang Hamog operating within the area of responsibility of the Southern Police District, 18Angels and 18Dragon (18A&18D) in the Eastern area, Salisi Gang or Titikgan in the Northern part of Metro Manila, the Gagamboys of Manila particularly within the area of Moriones Tondo, and Rugby Boys of Quezon City.

The study suggests the common profile of the five (5) youth gangs existing in Metro Manila. Records from the National Capital Region Social Welfare and Development Office indicates that members of Filipino youth gangs and juvenile delinquents are composed of mostly male ranging from 14-17 years old; drop-out with elementary school level; from a family of 4-6 children; parents are low-earning workers or unemployed; lack of education or low educational attainment; those that are maltreated, abused and neglected; committed the crime of theft or robbery; committed crimes with peers; used drugs or drunk alcohol.

In addition, the study suggests that WCPD Investigators of NCRPO noted three (3) common roots for high rates of youth gangs and delinquency: 1) Drug and alcohol addiction; 2) Association with deviant peers for protection and company; and 3) Having alcoholic and drug addict parents. On the other hand, the City Social Workers provide seven (7) factors that leads youth to join gangs and delinquency, to wit: 1) Antisocial behavior; 2) Inadequate Moral Development; 3) Inconsistent Parenting; 4) Lack of Communication with

Parents; 5) School Adjustment Problems; 6) Low IQ; and 7) Low Self-Esteem.

#### ***Protocols in Dealing with These Youth Gangs and Delinquent***

Result of interview conducted to WCPD Investigators of the five (5) police districts of NCRPO and City Social Workers of NCR-DSWD reveals that in handling youth gangs and juvenile offenders, the provisions of R.A. No. 9344 as amended is being observed and implemented. They explained in a nutshell the stages of the juvenile justice process, to wit:

1. Law Enforcement Initial Contact – There must be an underlying contact with-the child guilty party through misgiving or taking into custody of a Child in Conflict with the Law (CICL) by law enforcers or private residents. It incorporates when the child alleged to be in conflict with the law gets a summon or request in cases that don't require preliminary investigation or where there is no need to put the conflict with the law under immediate custody.
2. Assessment of Discernment – The Local Social Worker Development Office (LSWDO), after the law enforcer alludes the records of a child who is 15 years of age or above however beneath 18 years of age will set up a report showing an appraisal if the child acted with discernment for the purpose of determining whether to proceed with intervention or with diversion under RA 9344. The underlying evaluation will be without partiality to the arrangement of a progressively thorough contextual analysis report. In the wake of making an appraisal, the LSWDO will set up a report indicating the reason for the evaluation if the child acted with or without discernment. This report will be submitted to the law requirement official taking care of the instance of the child. After receipt of the report by the LSWDO, the law enforcer will finish up the underlying examination and turn over the care of the kid to the parents, guardians, or the LSWDO.
3. Intervention and Diversion Programs – By express arrangement of the law, preoccupation might be led at the Katarungang Pambarangay, during the police examination or the investigation or fundamental examination stage and at all levels and periods of the procedures including legal level. The redirection program will incorporate sufficient socio-social and mental reactions and administrations for the child. At the various stages where preoccupation might be turned to, the accompanying redirection projects might be settled upon, for example, however not restricted to: restitution of property; reparation of the harm caused; indemnification for weighty harms; written or oral expression of remorse; care, direction and management orders; counseling for the youngster in strife with the law and the child's family; attendance in trainings, classes and talks; participation in accessible network based projects, including network administration; or participation in instruction, employment and fundamental abilities programs.
4. Inquest Proceedings – A criminal action maybe instituted against a CICL by filing a complaint with the prosecutor. Only child charged with an offense punishable by more than 6 years of imprisonment may be subject of an inquest proceeding. Where the offense charged is punishable by imprisonment of not more than 6 years, the prosecutor shall direct the law enforcement officer to turn over the custody of the CICL to the LSWDO for the required diversion or intervention proceedings, as the case may be



5. Preliminary Investigation and Filing of Case – Where the CICL is charged with an offense punishable by imprisonment of not more than 4 years, and 2 months, the prosecutor may file the complaint or information directly with the family court without conducting a preliminary investigation. Where a preliminary investigation is required, before the filing of the complaint or information in court, the investigating prosecutor shall conduct the required preliminary investigation. The CICL, parent/legal guardian and his/her counsel shall be furnished forthwith a copy of the approved resolution. The prosecutor shall conduct a preliminary investigation in the following instances: when the CICL does not qualify for diversion; when the child, his/her parents or guardian does not agree to diversion; and when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the CICL.

6. Detention of the Child Pending Trial – Whenever detention is necessary, a child will always be detained in youth detention homes established by local governments, in the city or municipality where the child resides. In the absence of a youth detention home, the CICL might be focused on the consideration of the DSWD or a nearby restoration place perceived by the administration in the territory, city or region inside the locale of the court. The inside or office concerned will be liable for the child's appearance in court at whatever point required. On the off chance that the child has been found by the nearby social government assistance and improvement official to be needy, deserted, dismissed or mishandled by his/her folks and the well-being of the youngster necessitates that he/she be set in an adolescent consideration office or Bahay Pag-asa, the child's parents or guardians will execute a written authorization for the voluntary commitment of the child.

7. Court Proceedings – The arraignment will be booked within seven (7) days from the date of the recording of the complaint or information with the Family Court, except if a shorter period is given by law. Arraignment will be held in chambers and led by the appointed authority by outfitting the child a duplicate of complaint or information, perusing the equivalent in a language or tongue known to a comprehended by him, clarifying the nature and outcomes of a request of blameworthy or not liable and asking him what his supplication is. All hearings will be led in a way helpful for the eventual benefits of the kid and in a domain that will permit him to partake completely and unreservedly as per the Rule on Examination of a Child Witness.

The judge may either acquit or convict the CICL. If acquitted, the CICL is ordered released unless he is being held for another case. On the off chance that he is seen as blameworthy, the appointed authority will enter a judgment of conviction. On the off chance that, after preliminary, the court should see the CICL as liable past sensible uncertainty of the offense charged, it will force the best possible punishment, including any thoughtful risk which the child may have caused, and declare the sentence. When the child who is under 18 years old at the hour of the commission of the offense is seen as blameworthy of the offense charged, the court will decide and discover any considerable obligation which may have come about because of the offense submitted. Be that as it may, rather than articulating the judgment of conviction, the

court will put the CICL under suspended sentence, without need of utilization: Suspension of sentence will in any case be applied regardless of whether the child is as of now 18 years old or more at the hour of the proclamation of his/her blame. Endless supply of sentence and subsequent to thinking about the different conditions of the youngster, the court will force the fitting attitude measures. Whenever said CICL has arrived at 18 years old while under suspended sentence, the court will decide if to release the kid, to arrange execution of sentence, or to expand the suspended sentence for a specific determined period or until the youngster arrives at the most extreme age of 21 years. In the event that the court finds that the child (a) is hopeless; or (b) has not indicated the ability of turning into a helpful citizen; or (c) has tenaciously neglected to consent to the states of the aura or recovery program; (d) or the youngster's proceeded with remain in the preparation establishment isn't in the kid's well-being, the child will be brought under the watchful eye of the court for execution of the judgment.

8. Service of Sentence or Release on Probation – The two main dispositions that the court may order are the grant of (1) probation or (2) commitment to the Bureau of Corrections (BuCor). Upon the order of the court for the convicted juvenile to serve his/her sentence to the BuCor, the CICL shall be credited in the services of his/her sentence with the full time spent in actual commitment and detention under the provisions of R.A. No. 9344. The court may, after it shall have convicted and sentenced a CICL and upon application at any time, place the child on probation if qualified, in lieu of service of sentence taking into account the best interest of the child.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the summary of the study, the findings and conclusions based from the results of the analysis and interpretation of the gathered data. The recommendations were suggested to enhance effective implementation of the juvenile justice process, the treatment and rehabilitation of youthful offenders, and the reintegration of juvenile offenders to the community.

##### *Conclusions*

Based on the result of data gathered and documentary evidence presented at hand, the researcher arrived from the following conclusion:

1. Data from WCPD Investigators shows that there are three (3) common roots for high rates of youth gangs and delinquency in Metro Manila, these are: Drug and alcohol addiction; Association with deviant peers for protection and company; and Having alcoholic and drug addict parents.
2. City Social Workers established that youth join gangs and delinquency because of Antisocial behavior; Inadequate Moral Development; Inconsistent Parenting; Lack of Communication with Parents; School Adjustment Problems; Low IQ; and Low Self-Esteem.
3. Data from DSWD-NCR revealed the profile of youth gang members in Metro Manila which includes male ranging from 14-17 years old; drop-out with elementary school

- level; from a family of 4-6 children; parents are low-earning workers or unemployed; lack of education or low educational attainment; those that are maltreated, abused and neglected; committed the crime of theft or robbery; committed crimes with peers; used drugs or drunk alcohol.
4. In handling youth gang and juvenile, the following stages in the Juvenile Justice Process are being observed and implemented: Law Enforcement Initial Contact; Assessment of Discernment; Intervention and Diversion Programs; Inquest Proceedings; Preliminary Investigation and Filing of Case; Detention of the Child Pending Trial; Court Proceedings; and Service of Sentence or Release on Probation.
  5. The protocols of juvenile justice process, treatment and rehabilitation of youthful offenders is in accordance with the provisions of R.A. No. 9344, as amended and the Family Courts Law.

#### *Recommendations*

Wherefore, premises considered, the researcher hereby recommend the following:

1. Adopt the Restorative Justice as a rehabilitation programs for youthful offenders specially when the juvenile delinquents remorsefully accept responsibility for their misconduct, particularly to their victims and to the community.
2. In addressing drug and alcohol addiction, the voluntary submission program and compulsory confinement for the rehabilitation and treatment of drug dependents as provided under R.A. No. 9165 must be strictly implemented to juvenile drug dependents.
3. LGUs are mandated by law to fund and managed Bahay Pag-asa (Youth Detention Home) for short-term residential care for children in conflict with the law who are above 15 but below 18 years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.
4. Teaching values to children will prepare them to a life which will bring them success, social acceptance, good opportunities, and happiness.
5. Families need to have a family code. The family code reflects the attributes and expectations around which family members live their lives.

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