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Department of Social Welfare and Development

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**TERMS OF REFERENCE FOR THE CREATION OF DSWD  
TECHNICAL WORKING GROUP ON R.A 9344**

**I. BACKGROUND:**

The enactment of Republic Act 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, is a milestone in addressing the issues on children in conflict with the law in the Philippines. It is also the state's responsibility to protect the welfare of children as a State Party to the UN Convention on the Rights of the Child (UN CRC). R.A 9344 is anchored on the restorative justice framework which gives emphasis on the rehabilitation and reintegration for children committing infractions against the law regardless of the offense committed, and is a shift from retributive justice that is punitive in nature to restorative justice framework. The same framework likewise strengthens the participation of the victims and communities in responding to the offense, which is fundamental to achieving the restorative outcome of reparation and peace.

R.A 9344 mandated the DSWD to assume chairmanship of the Juvenile Justice and Welfare Council (JJWC). Apart from this, Rule 104 of the Implementing Rules and Regulations of R.A 9344 stipulated the Department's role in the implementation of the law. Taking cognizance of the clamor of the Local Social Welfare and Development Offices (LSWDO) on such areas as capability building and technical assistance, the creation of a Technical Working Group within the Department is necessary to respond to these concerns on an integrated manner and to recommend to the JJWC matters for policy consideration. Further, the creation of a TWG within the Department hopes to synchronize all efforts of the Department and ensure immediate action on concerns relative to its implementation in compliance with the law. This body shall be composed of representatives from the concerned Department Offices, Bureaus and Services with specific functions relative to the implementation of R.A 9344.

**II. OBJECTIVES:**

Generally, the Technical Working Group (TWG) shall ensure that the DSWD functions and responsibilities specified under Rule 104 of the IRR of the law *are* being carried out as well as other mandates related to programs and services to CICL.

It is likewise meant to be a group within the Department, which shall serve as a resource to the JJWC to discuss various issues & concerns, related to the implementation of the law especially as it concerns the other pillars of justice.

**III. COMPOSITION**

The DSWD Technical Working Group shall be composed of the directors/heads of the following Offices:

Chair - Program Management Bureau

Vice Chair - Policy Development and Planning Bureau

Members : Social Technology Bureau  
Social Welfare Institutional Development Bureau  
Standards Bureau  
Legal Service

The Director/Head shall have no less than a Division Chief as alternate. An Assistant Secretary for OCBG will act as/ shall be designated as coach monitor of the TWG.

All concerns needing policy decisions, technical assistance, attendance to specific local or international trainings, conventions outside the mandate of the respective Bureaus, among others shall be directed to PMB as chair of the TWG. It shall afterwards forward the concern and coordinate with the appropriate office for proper action.

#### IV. TWG FUNCTIONS:

The following shall be the function of the Technical Working Group:

- a. To synchronize all efforts and reportorial requirements of the Department in compliance with the law regarding CICL
- b. To recommend to JJWC areas needing policy decisions related to CICL.
- c. To respond to the concerns of LGUs and other stakeholders on the implementation of RA 9344, through provision of technical assistance and capability building, in an integrated manner.
- d. Organize a Speakers Bureau in relation to function as resource person/speakers during trainings or other functions

#### V. ROLES AND RESPONSIBILITIES RELATIVE TO THE IMPLEMENTATION OF RA 9344

The following shall be the duties and responsibilities of the member offices:

- a. Program Management Bureau (PMB) shall:
  1. Act as the **Chair** of the Technical Working Group and be responsible for calling and managing regular meetings of the TWG. ***Shall likewise designate a technical staff from the same Bureau to act as the Secretariat of the TWG.***
  2. Provide technical assistance to FOs on the operationalization of community-based programs for intervention, diversion and rehabilitation as well as in case management and operation of RRCY.
  3. To provide the TWG members updated monitoring reports on R.A 9344 and periodically submit reports to JJWC containing the following data:

- a. Number of cases handled involving children in conflict with the law;
  - b. Disposition of their cases and;
  - c. Number of children undergoing intervention, diversion and rehabilitation programs and the disposition of their cases.
4. To ensure that all Field Offices are using the standard Child Information Sheet for both community and center-based CICL clients and provide technical assistance to service providers in accomplishing the form, if needed.
- b. Policy Development and Planning Bureau (PDPB) shall:
1. Act as the **Vice Chair** of the DSWD-TWG for CICL.
  2. Share with the DSWD-TWG the Department's accomplishment on the implementation of community and center-based services for CICL, which include data on the number of CICL served disaggregated by age and gender.
  3. Review reporting forms as may be necessary to ensure that all data requirements of the law are captured.
  4. Undertake research/study as may be necessary for better understanding of the situation of CICL.
- c. Social Technology Bureau (STB) shall:
1. In consultation with the LGUs, particularly Local Council for the Protection of Children (LCPC) and NGOs formulate rules and guidelines that should be followed during the diversion proceedings to protect the child from coercion, intimidation, harm, abuse or other actions detrimental to the child.
  2. Provide technical assistance to LGUs and NGOs, in the development of community-based programs for intervention, diversion and rehabilitation.
  3. Submit report to the DSWD-TWG on the evaluation of the intervention, diversion and rehabilitation programs implemented in their respective areas of jurisdiction, prior to submission to the JJWC.
  4. Conduct Trainings relative to new technologies developed.
  5. Advocate for the replication/institutionalization of existing social welfare and development technologies developed by DSWD and its intermediaries and partners.
- d. Social Welfare Institutional Development Bureau (SWIDB) shall:
1. Develop and conduct training of trainers (TOT) for the effective implementation of the law.

2. Provide periodic reports on the trainings or other capability building activities conducted relative to the implementation of the law and evaluate training programs conducted by the Department in relation to RA 9344.

e. Standards Bureau (SB) shall:

1. In consultation with concerned agencies, develop, review and enhance the standards for Youth Homes to ensure efficiency, effectiveness and accountability in the delivery of quality programs and services for children in conflict with the law who are detained pending trial.
2. Issue rules and regulations for registration, licensing, and accreditation of Youth Homes. Receive and evaluate applications for registration, license and accreditation of Youth Homes managed by LGUs or NGOs and issue the appropriate certificate when qualified.
3. Inform the JJWC of the establishment of Youth Homes by accredited private and non-government organizations as provided under section 49 of the Act and Rule 75 of the IRR.
4. To enjoin all NGOs catering to CICL to use the standard Child Information Sheet that captures data about CICL served in both center and community-based services and make this as part of the Standard for NGOs.
5. To submit report on the number of children served by NGOs using the standard template for reporting accomplishment.
6. Regularly conduct inventory of NGOs/LGUs/FBOs providing community and center-based services for CICL at risk.

f. Legal Service shall:

1. Act as a member of the TWG and provide technical support in the interpretation of the provisions of R.A 9344.

**VI. BUSINESS PROCESSES**

a. Secretariat

PMB as the secretariat of the TWG shall carry out the duties and functions, among others of records keeping, coordinating with the member offices during scheduled meetings, taking of the minutes of the meeting, and consolidating of issues and concerns arising from the implementation of the law and coordination with appropriate office for action, among others.

b. Meetings

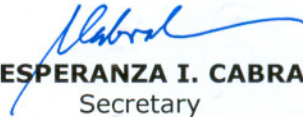
Schedule of the meetings of the TWG shall be on a quarterly basis. Special meetings shall be conducted as required.

c. Records and Reports

The following shall be maintained and updated by the TWG:

- Periodic reports as required by the JJWC.
- Uniform monitoring templates as approved by the TWG.
- Other related references.

Issued in Quezon City this 11<sup>th</sup> day of August, 2008

  
**ESPERANZA I. CABRAL**  
Secretary