

Y4K

**YOUTH FOR
KATARUNGAN**

PARALEGAL TRAINING TOOLKIT



Funded by
the European Union

GOJUST
GOVERNANCE IN JUSTICE
A JUSTICE SECTOR REFORM PROGRAMME

▲ACTIVE VISTA▲

DAK/LA

GUIDE TO THIS PRIMER

➡ ABOUT THIS TOOLKIT

➡ **KARAPATAN:** Core Principles of Human Rights and Dignity

➡ Human Rights and Dignity

➡ The Rule of Law

➡ The Role of Duty-Bearers and Rights-Holders

➡ **KATARUNGAN:** The Philippine Legal and Justice System

➡ Overview of the Philippine Justice System

➡ Legal Devices and Remedies

➡ Custody, Arrest, Detain, Bail

➡ **KABAYANIHAN:** The Alternative Path to Justice

➡ The Paralegal Approach to Justice

➡ Skills of a Paralegal

ABOUT THIS TOOLKIT

This toolkit introduces the basic principles of human rights and provides an overview of the justice system in the Philippines. These resources are designed to help you understand legal frameworks, navigate challenges, and take informed action as you take the paralegal path to justice. Divided into three modules, Karapatan, Katarungan and Kabayahinan, it provides essential guidance and practical strategies for effective paralegal work and community advocacy.



KARAPATAN



As young advocates of justice, it is essential that we know our rights to be effective in upholding and protecting them. This part of the toolkit covers the basic principles of Human Rights, the kinds of rights inherent to us, and the different roles the state and citizens take in upholding and preserving human dignity.

What are Human Rights?

Human rights are moral principles, or norms, for certain standards of human behavior and are regularly protected as substantive rights. These are rights inherent to all human beings, regardless of race, gender identity and sexual orientation, nationality, ethnicity, language, religion, or any other status.

What is Human Dignity?

- Human Dignity is the affirmation that all people deserve to be respected because they are human beings.
- Dignity is a concept that talks about a person's intrinsic worth - a value of all people, that they are born with as human beings.
- It is also an individual or group's sense of self-respect and self-worth, physical and psychological integrity, and empowerment.

What are the Principles of Human Rights?

• **Equality and Non-discrimination**

Human Rights recognize the inherent dignity of every individual. It recognizes that all humans are born free and equal in dignity and rights. No one should be denied the enjoyment of their human rights.

• **Indivisibility and Interdependence**

Human Rights are presented in all spheres of life, whether civil, political, economic, social, cultural, or even collective rights. The advancement of one right facilitates the advancement of the other rights. The same way that the violation or deprivation of one right affects the others.

**KNOW
YOUR
RIGHTS**

Keywords: Holistic. Indivisible. Different aspects of being human.
Inter-related. Categories. Social. Economic. Cultural. Civil. Political.

- **Universality and Inalienability**

Human rights are based on shared values of dignity, fairness, equality, respect, and independence. The rights that an individual has cannot be taken away, surrendered, or transferred, except in specific situations and under due process.

What are the Types of Rights?

- **Civil Rights** - protects the freedom of every individual from repression or discrimination
- **Political Rights** - allows the citizens to participate in political affairs such as the right to vote
- **Economic Rights** - ensures that citizens have the right to adequate salaries and right to own properties
- **Social Rights** - promotes the rights for privacy, recreation, healthcare, and freedom from discrimination.
- **Cultural Rights** - guarantees that people and communities enjoy and participate in cultural rights and heritage.

What are the Derogations of Rights?

Rights may be categorized into derogable and non-derogable rights:

- **Non-derogable rights** – “absolute” rights that cannot be limited in any way, under any circumstances, not even under the gravest of emergencies. These are the right to life, the right to be free from torture and other inhumane or degrading treatment or punishment, the right to be free from slavery or servitude, and the right to be free from retroactive application of penal laws.
- **Derogable rights** – rights that can be limited or restricted to preserve social life.

Derogations of rights can only be enforced under three conditions:

1. It must be provided by law and not by executive whim
2. It is necessary to preserve society, protect public health, public morals or similar rights of others; and
3. It must not exceed what is strictly necessary to achieve their purpose.



Lens of Human Rights

How can we look at social issues through a human right rights lens?

LIFE - We analyze social issues through the lens of civil and political rights by asking: *"How does this affect life, safety, and freedom? Is there discrimination or repression that is occurring? Does this hinder or promote the ability to seek justice and/or participate in political and civil society?"*

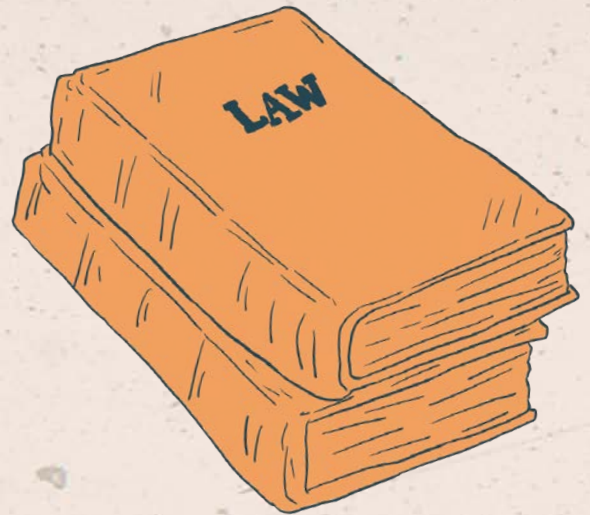
LIVELIHOOD - We analyze social issues through the lens of social and economic rights by asking: *"How does this affect workers and working conditions? Does this hinder the ability to seek gainful employment, earn a living wage, maintain an adequate standard of living, and/or enjoy sufficient time for rest and leisure? How does this affect access to education, healthcare, and/or basic needs like food, water, and shelter?"*

LIFESTYLE - We analyze social issues through the lens of cultural rights by asking: *"How does this affect the ability to participate in the cultural life of the community, enjoy the arts, and/or share in scientific and technological advancements? Does this hinder or promote personal development?"*



What is the Rule of Law?

In a democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government. All citizens are equal under the law. The law is fairly, impartially, and consistently enforced, by courts that are independent of the other branches of government.



Duty-Bearers in a Democracy ensure that these rights and the rule of law are upheld and violators are held accountable.

What is the Role of Duty-Bearers?

In a democratic nation, *duty-bearer* simply means the State and its agencies of governance.

- **Respect** – means that the State should not interfere with the enjoyment of human rights.
- **Protect** – means that the State should take steps to ensure that third parties do not interfere with the enjoyment of the human rights of each citizen.
- **Fulfill** – means that the State should take steps to progressively realize the right in question. This obligation is sometimes subdivided into obligations to facilitate and to provide for its realization.
 - The former refers to the obligation of the State to engage proactively in activities that would strengthen people’s ability to meet their own needs.
 - The obligation to “provide” goes one step further, involving the direct provision of services if the right(s) concerned cannot be realized otherwise, for example, to compensate for market failure or to help groups that are unable to provide for themselves.

The State as the Duty Bearer should take steps to progressively realize the rights/freedoms in question.

- **Facilitate:** refers to the obligation of the State to engage proactively in activities that would strengthen people’s ability to meet their own needs.
- **Provide:** goes one step further, involving direct provision of services if the right(s) concerned cannot be realized otherwise, for example, to compensate for market failure or to help groups that are unable to provide for themselves.

What are the People's (Rights-Holders) Role in the Bayan?

- **The key role of citizens in a democracy is participation.** This takes many forms. Citizens have an obligation to become informed about public issues, monitor the conduct of their leaders and representatives, and express their own opinions. Participation also involves voting in elections, debating issues, attending community meetings, becoming involved in private, voluntary organizations, and even protesting.
- However, political participation in a democracy must be peaceful, respectful of the law, and tolerant of the different views of other groups and individuals.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

- Universal Declaration of Human Rights, Preamble

What is the Role of Citizens in Social Progress?

Empowering people to undertake their development is giving them the power to make informed choices. For people to make genuinely informed choices, they need to be able to:

- Engage meaningfully in open dialogue and debate
- Access relevant and objective information so that your views are informed
- Perceive that your participation in the debate and subsequent decision-making has value
- Feel safe, and make a free decision without suffering or fearing harm to yourself or your family.



KATARUNGAN

As young paralegals, it is essential that we know the legal framework in the Philippines to navigate avenues to advocate for justice effectively. This part of the toolkit covers the legal framework in the Philippines, due process, fundamental laws of access to legal knowledge, and the processes of filing cases in the Philippines.

OVERVIEW OF THE PHILIPPINE JUSTICE SYSTEM

What is the Justice System?

- The Justice System are the institutions that are central to resolving conflicts arising over alleged violations or different interpretations of the rules that societies create to govern members' behavior; and that, as a consequence, are central to strengthening the laws and rules that shape public and private actions.
- Beyond these rules, the justice system has the key task of upholding the rule of law, including by providing checks and balances on abuse of power by the executive and legislative branches of government.

What is Due Process?

- Due process simply means that before a man can be deprived of his life, liberty or property, he must be given an opportunity to defend himself.
- Due process of law simply states that "It is part of the sporting idea of fair play to hear "the other side" before an opinion is formed or a decision is made by those who sit in judgment.
- It covers any governmental action which constitutes a deprivation of some person's life, liberty, or property.



KINDS OF DUE PROCESS

a. Procedural Due Process - is one which hears before it condemns which proceeds upon inquiry and renders judgment only after trial.

b. Substantive Due Process - this requires the intrinsic validity of the law in interfering with the rights of the person to his life, liberty, or property.

THE CRIMINAL JUSTICE SYSTEM

- The machinery which the society uses in the prevention and control of crimes. It may also refer to the totality of the activities of the law enforcers, prosecutors, judges, and corrections personnel, as well as those of the mobilized community in crime prevention and control
- The Criminal Justice System is an integrated apparatus that is concerned with the following;
 1. Apprehension
 2. Prosecution
 3. Trial
 4. Conviction
 5. Sentencing
 6. Rehabilitating or correcting criminal offenders



THE PILLARS OF THE JUSTICE SYSTEM



Law Enforcement



Prosecution



Court



Corrections



Community

WHO IS ENTITLED TO ACCESS THE JUSTICE SYSTEM IN THE PHILIPPINES?

Under Art. III, Sec. 11. Of the 1987 Philippine Constitution

“Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.”

LIST OF PROGRAMS TO PROMOTE ACCESS TO JUSTICE:

Indigent litigants exempt from payment of legal fees (Rule of Court)

R.A. No. 7160 - Revised Katarungang Pambarangay Law in Local Government Court

R.A. No. 7438 - Rights of Persons Arrested, Detained or under Custodial Investigation

R.A. No. 8493 - The Speedy Trial Act of 1998

R.A. No. 9285 - Alternative Dispute Resolution Act of 2004

R.A. No. 9999 - Free Legal Assistance Act of 2010

R.A. No. 8371 - Indigenous Peoples Rights Act

Community Legal Aid Service Rule of Supreme Court

Clinical Legal Education Program of the Supreme Court

How does the Legal System and Remedies in the Philippines look like?



Police Power:

The power to create policies/laws and implement them



Eminent Domain:

The power to take private property for public use with just compensation



Taxation:

The power to collect tax

Article 3 of the 1987 Constitution of the Philippines or the Bill of Rights was imposed for such reasons - to keep such powers in check.

The three branches of the government:



Executive:

To enforce the law and use the budget accordingly



Legislative:

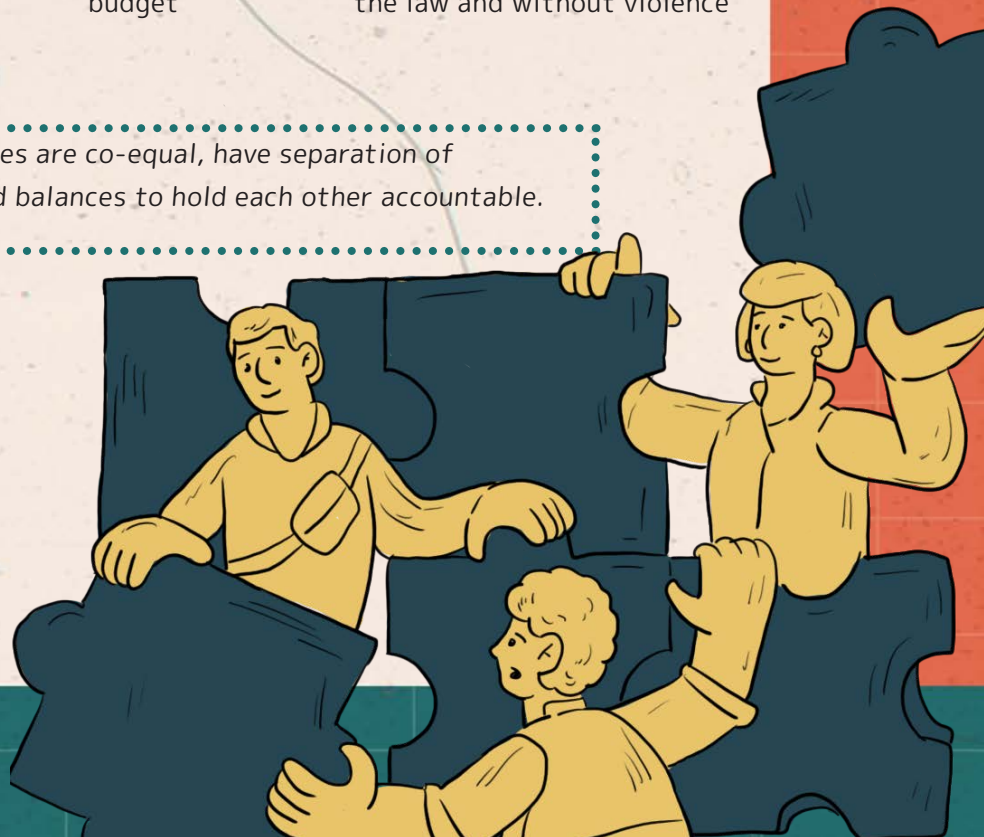
To make laws and create the budget



Judiciary:

To resolve disputes within the law and without violence

Remember: These branches are co-equal, have separation of powers, and do checks and balances to hold each other accountable.



How does the Judicial System work? THE JUDICIAL SYSTEM

ANG HUDIKATURA



**Metropolitan Trial Courts / Municipal Trial Courts / Municipal Trial Courts in Cities / Municipal Circuit Trial Courts*

Prosecutor - Before cases are filed in a court, they must go through a fiscal first. The fiscal will then determine if there is probable cause to file the case in court.



LEGAL DEVICES AND REMEDIES

Writ of Habeas Corpus

- Literally means “produce the body”
- It is a court order directed to anyone having a person in his custody or under his restraint, commanding him to produce such person at a certain time and place and to state the reasons why he is held in custody or under restraint.

Requisites for application (Sec. 3)

- Verified petition;
- Signed by the party for whose relief it is intended, or by some person on his behalf;
- Stating that the person in whose behalf is imprisoned or restrained of his liberty;
- Stating the officer or name of the person by whom he is imprisoned or restrained, but if unknown, described by an appellation;
- Stating the place of imprisonment or restraint;
- Commitment or cause of detention, or declaration if the imprisonment or restraint is without legal authority.

Writ of Amparo

- Literally means “protection”
- A remedy available to any person whose right to life, liberty, and security is violated or threatened with violation by an unlawful act or omission
- by a public official or employee, or
- by a private individual or entity
- Covers extralegal killings and enforced disappearances or threats thereof

Where to file for legal remedies? (Sec. 3)

- Regional Trial Court of the place where the threat, act, omission was committed, or any of its elements occurred, or
- Sandiganbayan; or
- Court of Appeals; or
- Supreme Court

Contents of Petition (Sec. 5)

- Personal circumstances of petitioner;
- Name and personal circumstances of respondents or his appellation;
- Right to life, liberty or security violated or threatened, degree of violation and other details in supporting affidavits;
- Investigation conducted, personal circumstances of investigating authority, and extent of investigation, together with report;
- Actions and recourse taken by the petitioner to determine the fate of whereabouts of the aggrieved party and identity or person responsible
- Relief prayed for.

Writ of Habeas Data

- The writ of habeas data is a legal remedy designed to protect an individual's right to privacy and control over their personal information. It is a legal concept that empowers individuals to access, update, and even delete personal information held by government agencies or private entities, regarding the persons, family, home, and correspondence of aggrieved parties.
- It is a remedy available to any person whose right to privacy in life, liberty, or security is violated or threatened. By an unlawful act or omission of a public official or employee, or

Contents of Petition:

- Personal circumstances of petitioner and respondent;
- The manner in which the right to privacy is violated or threatened, and how it affects the right to life, liberty, and security of the aggrieved party;
- The location of files, registers to databases, the government office, and the person in charge, in possession, or in control of the information or data if known;
- The reliefs prayed for, which includes updating, rectifying, suppressing, or destroying the information or database or files kept by the respondent.



What does Arrest, Detain, and Bail mean?

ARREST

Arrest is to take another person to answer for a crime. In essence, an arrest is a form of restraint of one's liberty with the state limiting that individual's freedom of movement.

There are only two legal bases to arrest an individual:

- If there is an ongoing case in court and a warrant of arrest was released against the accused.
- If the individual is caught in a situation where there is no need for a warrantless arrest.

Other kinds and forms of arrest

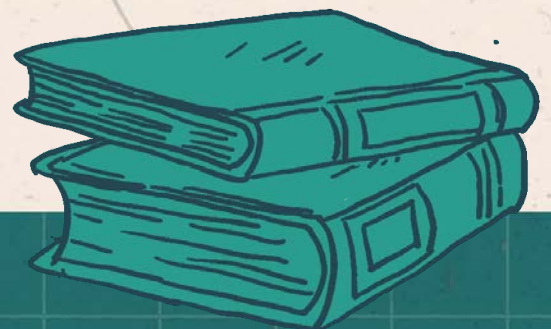
Invitation - it is an invitation to ask for an individual's statement but in essence, it is an arrest because there is an element of coercion and intimidation, and sometimes it resorts to violence.

Custodial Investigation - although it is a legal concept, this is no different from tactical interrogation in essence, based on experiences its processes violate human rights.

Police Line-Up - "usual suspects" or "fall-guys" are made to fall in line, and then a "witness" will point to someone who will answer to the crime.

Forced Re-Enactment: an individual will be brought to the scene of the crime to re-enact the accounts, but most of the time this is forced.

REMEMBER: THESE OTHER KINDS AND FORMS OF ARREST ARE NOT ALLOWED



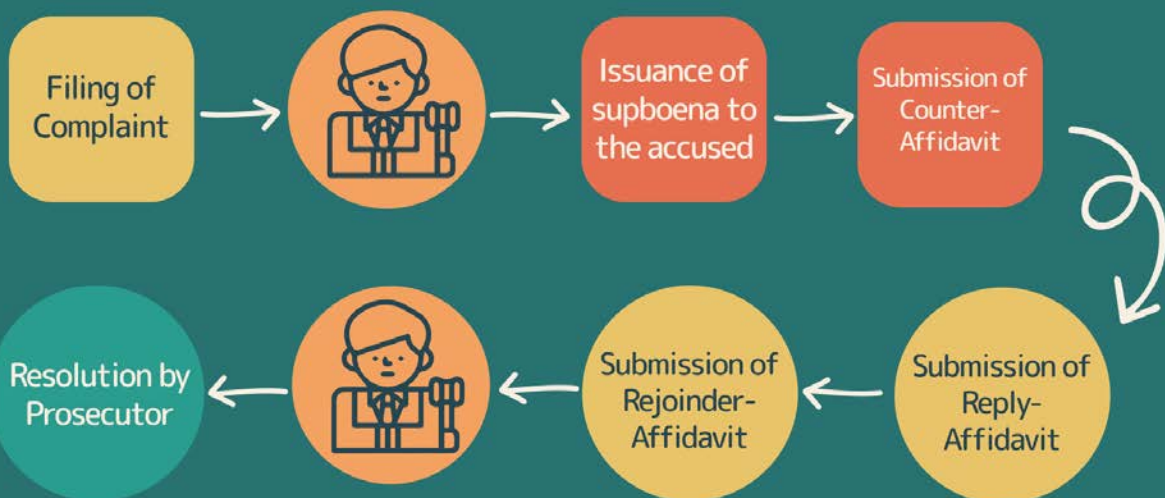
THE TWO FORMS OF ARREST WITH LEGAL BASES:

First form of Legal Arrest: If there is an ongoing case

First form of Legal Arrest: If there is an ongoing case

PRELIMINARY INVESTIGATION (PI)

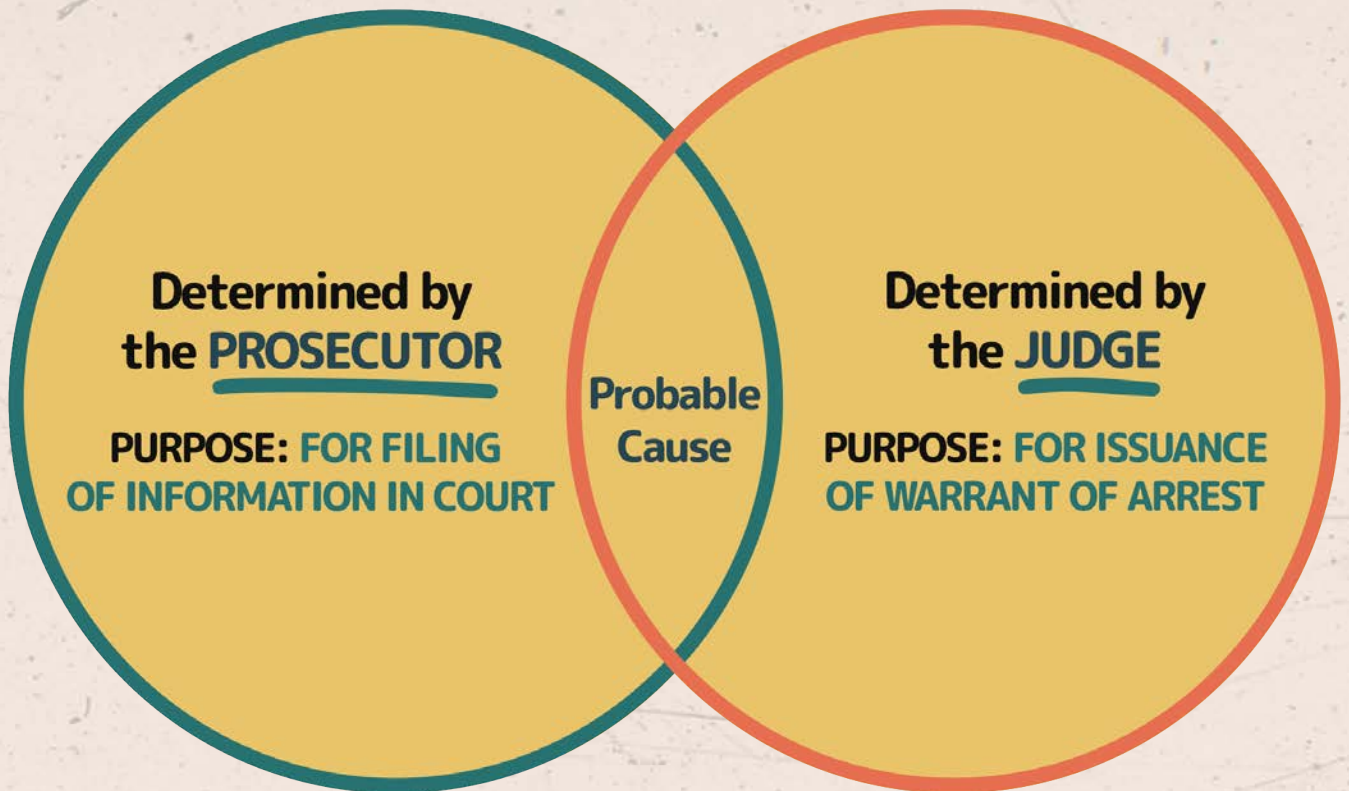
For cases with prison sentences not lower than 4 years, 2 months, and 1 day



The fiscal decision should either be of the following:

- Dismiss the complaint
- Refer "for further investigation"
- File the case to court. The fiscal will provide the INFORMATION where there is a formal complaint against an individual

Note: Once it has been decided which branch the case will proceed to, the judge will check for a "probable cause" or enough basis to issue a warrant of arrest.



INFORMATION is the document issued by the fiscal that states that an individual is formally being sued after the case has gone through preliminary investigation.

A WARRANT OF ARREST is a document issued by the court and signed by a judge wherein authorities are ordered to arrest the person named on the warrant.

A warrant of Arrest should have the following:

- The court that issued the warrant
- Correct spelling of the name of the accused
- Criminal Case no. docketed in court
- Title of the document
- To whom addressed
- Amount of bail
- Date when the warrant was issued
- Judge who issued the warrant

**KNOW
YOUR
RIGHTS**

Things to Know About Warrant of Arrest

- Should be executed 10 days after issuance of the court. If not served, the officer will make a return in court and state the reason/s why the warrant was not served. The court may issue an Alias Warrant.
- If a warrant is not served, it does not mean that the case is already dismissed. The warrant will only be ARCHIVED.
- Warrant should contain CORRECT SPELLING of name of accused and must have the signature of the judge.
- One offense per warrant of arrest.

Second form of Legal Arrest: If the individual is caught in a situation

Second form of Legal Arrest: If the individual is caught in a situation where the warrantless arrest is legal

When is arrest without warrant allowed?



Caught in the act/In flagrante delicto



Hot pursuit



Escape

Article 125 Revised Penal Code (RPC):

According to Article 125 of the Revised Penal Code (RPC), certain offenses include:

- Delay in delivering detained persons to the proper judicial authorities
- Failure to deliver such persons to the proper judicial authorities
- Failure to charge the accused in court within specific time frames:

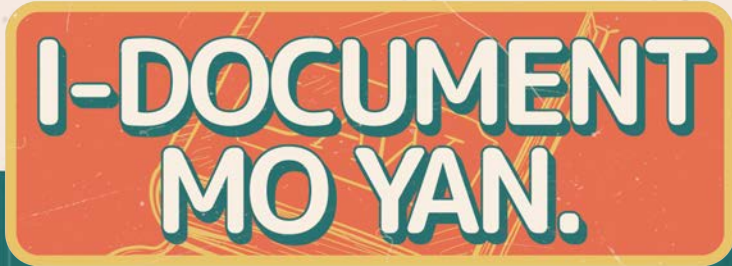
12 HOURS | For crimes or offenses punishable by light penalties, or their equivalent

18 HOURS | For crimes or offenses punishable by correctional penalties, or their equivalent

36 HOURS | For crimes or offenses punishable by afflictive or capital penalties, or their equivalent.

Failure to charge the accused in court within the periods mentioned, the authorities will be liable for violation of Art. 125. Other criminal charges that may be filed include violation of Art. 124 of the RPC

	Art. 125	Art. 124
Title	Delay in the delivery of detained persons to the proper judicial authorities	Arbitrary Detention
Perpetrator	Public Officer/employee	Public Officer/employee
Basis	A person is detained w/o legal ground	A person is detained with legal grounds (warrantless arrest) but fails to be charged in court within the periods prescribed by law
When applicable	Warrantless arrest; when a person already posted bail but refused to be released	Warrantless arrest



CUSTODIAL RIGHTS

- These are rights guaranteed to a person under custody of the law
- CUSTODY begins the moment the person of the suspect is placed under control of the authorities
- "Custodial investigation" shall include the practice of issuing an "invitation" to a person who is investigated in connection with an offense he is suspected to have committed.

Rights of Suspects while in Custody

1. Right to remain silent
2. Right to be assisted with the competent and independent counsel preferably of his own choice
3. Right to be informed that he has these rights
4. Right not to be placed in a solitary confinement
5. Right against forced violence, intimidation and by means that would vitiate his free will to be used against him that will extract confession or admission
6. The custodial investigation shall be reduced to writing by the investigating officer, provided that before such report is signed, or thumb marked if the person arrested or detained does not know how to read and write, it shall be read and adequately explained to him by his counsel or by the assisting counsel provided by the investigating officer in the language or dialect known to such arrested or detained person, otherwise, such investigation report shall be null and void and of no effect whatsoever.
7. Any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be in writing and signed by such person in the presence of his counsel or in the latter's absence, upon a valid waiver, and in the presence of supervisor, or priest or minister of the gospel as chosen by him; otherwise, such extrajudicial confession shall be inadmissible as evidence in any proceeding.
8. Any waiver by a person arrested or detained under the provisions of Article 125 of the Revised Penal Code, or under custodial investigation, shall be in writing and signed by such person in the presence of his counsel; otherwise the waiver shall be null and void and of no effect.
9. Any person arrested or detained or under custodial investigation shall be allowed visits by or conference with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any national non-governmental organization duly accredited by the Commission on Human Rights or by any international non-government organization duly accredited by the Office of the President. The person's "immediate family" shall include his or her spouse, fiance or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward.

Things to remember when arrested:

- Keep calm to be able to think about the next steps.
- Look for the warrant of arrest and read it carefully.
- Miranda Warning should be read to you (right to remain silent and right to a lawyer of choice).
- You should be brought to the closest police station.
- Insist on calling a family member, lawyer, paralegal, doctor, pastor, etc.
- Don't answer questions without your lawyer.
- The law forbids any kind of torture.
- Know the name, unit, rank, and number of arresting officers.
- Don't sign any documents, especially blank ones. When threatened, write UP/UD (Under Protest/ Under Duress) on your name.

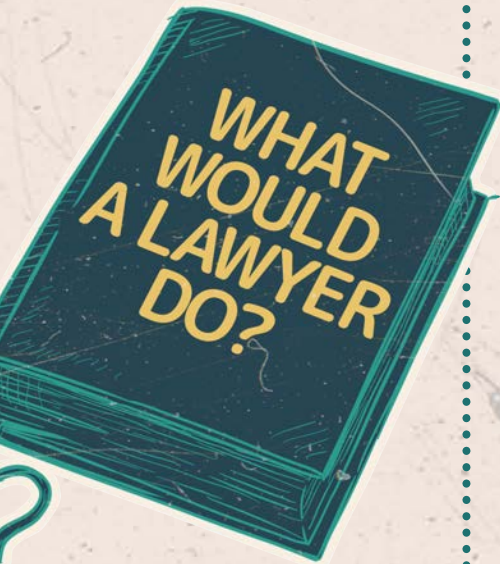
What is a BAIL?

Bail is a collateral for the accused's temporary freedom, a guarantee that the accused will show up in court.

What are the kinds of bail?

- **Cash Bond:** actual cash from the accused (with help, if ever, by a family member, friends, or someone else) paid according to court order and not by the police or fiscal. Valid until the end of the case.
- **Surety Bond:** a company or an insurance company pays for the total of the bail and the accused pays for the premium.
- **Property Bond:** land title is used as collateral or guarantee. Valid until the end of the case.
- **Personal Recognizance** - the custody of the accused is transferred to a distinguished person (only applicable to some cases, usually crimes with light penalties or punishment)





All cases can post bail except cases involving capital punishment. Capital punishment means crimes punishable by death sentences, reclusion perpetua, or life sentences.

Persons accused of capital crimes can file **PETITION FOR BAIL**. The court then will decide if the case has strong evidence or not. Only then the accused is allowed for bail if the evidence of the prosecution is weak.

The accused can also file a motion for **REDUCTION OF BAIL** and declare that they cannot cover the amount of bail but will not jump bail for the following reasons:

- Padre de Pamilya
- Sick
- First time offender
- Innocent

To **JUMP BAIL** is to escape or a no-show in court on the assigned date and time of the hearing after filing bail. This may result in the confiscation or a higher amount of bail, the judge then can file a bench warrant against the accused. The accused can submit a waiver of appearance if they can't attend their case hearing.

Requirements to post bail:

- 4 pcs 2x2 photo w/ name and signature at the back & 2 valid IDs
- Brgy. Certificate
- Sketch of residence
- Undertaking
- Copy of the information
- Fingerprint/handprint
- Money

Search and Seizure

What is a Search Warrant?

- A document
- Issued by the People of the Philippines
- And signed by the judge
- That orders the authorities
- To search personal property
- That was stated in particular and pointed out in the warrant

ARTICLE 3, SECTION 2, 1987

PHILIPPINE CONSTITUTION

Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

A search warrant should include the following:

- The court that issued the search warrant.
- Respondents.
- Items to be seized.
- Address of the place to be searched.
- The name and signature of the issuing judge.

REMEMBER:

- A search warrant is only valid for 10 days from the day it was first issued by the court.
- A search warrant can only be used once.

Judges that can issue a search warrant:

- A judge that has jurisdiction to the scene of the crime
- If the place is still unsure, the judge that has jurisdiction to the area where the search warrant will be issued
- If heinous crimes, the search warrant can be issued by the executive judge or the vice executive judge of RTC Manila and Quezon that can be enforced by PAOCTF, NBI, or PNP

Search warrants cannot be used to search and seize anything that has nothing to do with the crime such as food, clothing, household objects, etc.

During the search and seizure:

1. A Search Warrant should be shown
2. A Witness is required
 - The witness should be a lawful occupant of the place;
 - Any family member
 - Two witnesses of the right age and discernment or discretion who reside in the same place
 - If none of the mentioned above is present - the Brgy. Captain/Chairperson
3. It is within the obligation of the searching officer to present and leave a detailed receipt of all the things that were seized

As a general rule, search and seizure should be done during the daytime, unless it is stated in the warrant that the search and seizure can be done any day and anytime within 10 days after the warrant was issued.

Valid warrantless search:

- **Search incidental to a valid arrest** - an individual that is legally arrested can be searched if an illegal item is to be found, it can be seized.
- **Moving vehicle** - vehicles can be stopped for a search if it is the vehicle that needs to be searched.
- **Smuggled goods** - can be searched if it is still in the customs area
- **Plain view** - illegal items can be seized this way
- **Waiver** - voluntarily even without a search warrant
- **Stop and Frisk** - suspicion on probable cause
- **Points of entry** - piers and airports
- **Administrative inspection in commercial enterprises** - before entering malls, restaurants, schools
- **Checkpoints** - allowed by the law but a search should only be done visually, the person should not be compelled to move out of the vehicle and be searched in his person.

If the search and seizure are illegal:

- Items that were seized cannot be used as evidence (inadmissible evidence) if it was obtained illegally
- There is no search warrant
- Violating the rights of the person while being searched
- If there is no evidence, the case should be dismissed
- Items seized illegally should be returned to the owner unless it's illegal drugs or unlicensed gun

! MODUS:



Police Raid



Search warrant served at night time



1st round of search:
Few armed men enter the house and search the premises



PNP/AFP will plant firearms and explosives



Police calls brgy officials to "Witness" the search



2nd round of search will begin in the "Presence" of brgy officials and they will find the firearms and explosives they planted



KABAYANIHAN



As youth, the legal and jurisprudence path to justice can limit our capacity to advocate for our rights. Thus, a more accessible way to navigate our justice system is through a paralegal approach, which can prove more effective for youth and community leaders than its traditional counterpart.

THE PARALEGAL APPROACH TO JUSTICE

Advantages of Paralegal Approach

- **Empowerment.** A conventional legal aid approach tends to treat people as victims requiring technical service. In contrast, paralegals aspire to cultivate the knowledge and power of the people with whom they work. Not “I will solve this problem for you,” but “We will solve it together, and in the process, we will both grow.”
- **Mixed methods.** Community paralegals combine several strategies: advocacy, mediation, organizing, monitoring, and education. This allows them to pursue creative and constructive solutions to justice problems. Paralegals can tailor their approach in any given case to the wishes of the communities with whom they work.
- **Creative about institutions.** Community paralegals don’t focus on the judiciary alone. They pursue remedies everywhere: administrative agencies, local governments, accountability bodies like ombudsman and human rights commissions, parliaments, customary justice institutions, and others.
- **Cost-effectiveness and scale.** Lawyers are the conventional providers of legal services, but lawyers are often costly and difficult to access. In many countries, one finds a few ad hoc legal aid centers, often in capital cities, and no serious attempt to reach those in the countryside. The paralegal approach poses a more plausible model for delivering primary justice services to all (Community Paralegals and the Pursuit of Justice)

Types of Cases Handled by Paralegals

- Three categories of cases:
 - Disputes between citizens (intra-community dispute)
 - Disputes with the state
 - Disputes with firms

DID YOU KNOW?

- Paralegals in the Philippines focus comparatively less on intra-community disputes (due to the Barangay Justice System) and more on efforts to hold government and private firms accountable.
- Surveys suggest that the barangay system is highly regarded by past users and by the general population. Between 1999 and 2005, the barangay system successfully mediated 75 to 85 percent of the cases it received.
- On the other hand, another study shows that when the parties to the mediation have a huge power imbalance, then the disputants are less likely to come before the barangay justice system.

Value Added by Paralegals

- Paralegal casework provides a detailed picture of how people experience the law in practice. Organizations and the communities they serve can draw on that information to identify and advocate for systemic changes.
- In the Philippines, after a decade of working to implement the agrarian reform passed in 1988, paralegals and their clients were crucial in advocating for two extensions of the law - first for another ten years until 1998, and then again until 2014.
- Franco, Soliman, and Cisnero explain that “[t]he work of paralegals was instrumental in providing the much-needed evidence of the weaknesses and short-comings of the law as crafted. For example, landowners in the coconut-producing areas used criminal statutes in order to circumvent the intent of the law, and this practice was corrected in subsequent legislation.”



Skills of Paralegals

- 1. Practical legal skills** - These include how to take statements, how to collect evidence for cases through fact-finding and investigation, and how to write basic legal letters and file complaints. The paralegal should also be able to provide advice on legal procedures and practices.
- 2. Filing and documentation skills** - Including how to keep files for each case and follow the case systemically.
- 3. Basic principles of law and legal procedures** - Including what the law says about arrest, detention, and bail; what a civil claim is; how to press criminal charges; and applying for interdicts and injunctions. The paralegal should be able to convey information about basic legal rights and procedural aspects of those rights in an understandable manner.
- 4. Working with lawyers** - This includes preparing a client to take an issue to a lawyer, following up with lawyers about a client's case, acting as a link between lawyers and a community, doing preparatory and follow-up work on behalf of lawyers, and taking up legal cases in a community.
- 5. Counseling and communication skills** - Paralegals should be able to conduct interviews, listen, solve conflicts, and give advice. A key interviewing skill is using the conversation to identify the relevant legal issues and seek the best remedy.
- 6. Alternative dispute resolution techniques** - Using negotiation, mediation, and arbitration to sort out problems in the community rather than going to court or using violent means.
- 7. Community education skills** - Learning how to teach others about the law and legal procedures, including: awareness-raising strategies, how to use participatory methods, how to run workshops, how to translate and summarize issues, how to facilitate discussions on legal matters using nontechnical language, and how to identify legal issues of most importance to the community.
- 8. Working with a community and community empowerment** - Learning how to be accountable to a community, developing ways of discussing problems and legal strategies, organizing communities for self-help and self-initiated social actions.
- 9. Ethical dimensions** - Recognizing conflicts of interest, ensuring impartiality, and engaging in nonpolitical and appropriate behavior.
- 10. Networking skills** - Developing good networking skills, and building partnerships with advisory offices and other service and community organizations.
- 11. Media skills** - Producing easy-to-read pamphlets and booklets and working with journalists and newspapers.
- 12. Monitoring skills** - Knowing how to monitor what goes on in the community (e.g., if the police haven't been raiding houses and arresting people, how to record this, and how to pursue it). This includes writing reports, drawing up questionnaires, and conducting research.

Y4K

YOUTH FOR KATARUNGAN

ABOUT THE PROJECT

Y4K: Youth 4 Katarungan is a project initiated by Active Vista with the support from the Governance in Justice (GoJust) programme of the European Union. Y4K seeks to minimize the barriers to justice amongst young advocates in Metro Manila, Cebu and Bacolod by shifting positive beliefs and behaviors towards accessing justice in their communities.

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