

DECONGESTING THE DIPOLOG CITY JAIL: THE ROLE OF PARALEGAL ASSISTANCE EXTENSION PROGRAM OF JOSE RIZAL MEMORIAL STATE UNIVERSITY

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ABSTRACT

Jail congestion has been a concern as harsh jail conditions literally violate human dignity. A major baseline issue is the limited access of inmates to paralegal assistance. A sustainable solution to this issue of slow moving trial and jail congestion is to identify inmates as to what form of assistance can be extended and to prioritize inmates who might qualify for early release. Leading the program is the Dipolog City Reformatory Center where twenty five inmates were track as to status of their cases This study used the descriptive method to find out the role of paralegal assistance program of Jose Rizal Memorial State University to jail decongestion. Male respondents are generally young, less educated, and perpetrators of economic crimes. Nearly half of the respondents (48%) were able to avail of modes of release. Following up a case generally promotes speedy disposition of cases. Regardless of the inmate's profile, their participation is not determinative of the program. Generally, inmates engage in acts that bring financial rewards to them. The paralegal program provides a unique and alternative access to justice.

Keywords: paralegal assistance, inmates, jail congestion

INTRODUCTION

Jail congestion has been a concern as harsh jail conditions literally violate human dignity. One major baseline issue is limited access of inmates to paralegal assistance. The study asserts that paralegal program provides a unique and alternative access to justice. The Head Start Program as cited by Zigler and Styfco (2001) helps improve inmate's skills and achieve proper socialization. It focuses on the family and playing a key role in putting into operation educational programs designed to strengthen the bond between inmates and society. Many overstayed in jail where the average inmates awaits 6 years for a verdict, the paralegal coordinators can be a valuable help in decongesting the jails (Humanitarian Legal Assistance Foundation, 2009). In this study, it aimed to look into the role of JRMSU in decongesting jails. The Para-Legal Assistance Program allows the students to become paralegal-volunteers. Twenty five inmates were identified by the Paralegal officer of the BJMP for the period 2009-2014. Demographic profile, cases involved, case status and the assistance extended by providing them access to courts, follow-up of their legal problem, facilitate in the disposition of delayed court action and other matters concerning the management of their cases were the primary objectives.

Conceptual/Theoretical Framework

The Head Start Program as cited by Zigler and Styfco (2001) focus on the family and put into operation educational programs designed to improve skills and create an atmosphere in which

inmates will develop a bond to their society. By assisting inmates on their case status and follow up the same, this initiative facilitates speedy trial and facilitates access to courts.

RESEARCH DESIGN AND METHODS

This study used the descriptive method of research with the aid of the questionnaire to find out the role of JRMSU para-legal assistance in jail decongestion.

It employs the questionnaire as the main tool in gathering data. It is a form prepared by the researcher and was administered to the inmate-respondents. Documentary analysis was employed wherein the respondents' records and answers of the inquiry were used as basis in determining the para-legal assistance extended. Interviews will also be conducted by the researcher to the families of the inmates and government officials concern as to the assistance extended by the para-legal program.

RESULTS AND DISCUSSION

Age

Table 1 shows the age of the respondents. About 72% of the inmates are within the age bracket 20-25 years old, while 4% each are within the age bracket 31-35 years old and 41 years old and above age bracket. Majority of the inmates' age were in their early twenty's.

According to the Philippine Statistics Authority (2010), about 63 out of every 100 Bureau of Corrections prisoners were aged 22-39 years, generally the most productive years in one's life.

Crime, it seems, is largely a young man's game. For most offenses, crime and arrests peak in late teen years and early twenties declining quickly thereafter (Uggen and McElrath, 2013).

Table 1. Profile of the Respondents in Terms of Age

<i>Age Bracket</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
20 – 25 years old	18	72.00
26 – 30 years old	3	12.00
31 – 35 years old	1	4.00
36 – 40 years old	2	8.00
41 years old and above	1	4.00
<i>Total</i>	<i>25</i>	<i>100.00</i>

Sex

Table 2 indicates the sex of the respondents. All respondents were male. The inmates who participated in the program were selected by the BJMP.

According to the Bureau of Justice Statistics (2009), incarceration in the United States were 92.9% of prisoners were male.

The Sex Role Theory argues that boys and girls are socialized differently, therefore resulting in boys becoming more delinquent. Sutherland (1949) as cited in www.historylearningsite.co.uk (2015), there are gender differences when it comes to

socialization. Girls are more supervised and more strictly controlled while boys are encouraged to take risks and to be tough and aggressive. Therefore, boys have more of an opportunity and an inclination to commit crime.

Table 2. Profile of the Respondents in Terms of Sex

<i>Sex</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
Male	25	100.00
Female	-	-
<i>Total</i>	25	100.00

Civil Status

Table 3 illustrates the civil status of the respondents. A majority of the inmates were single with 76% as compared to 24% married respondents.

A report by National Survey of Inmates and Institutional Assessment (2003) revealed sample inmates in city jails within NCR consist mostly of single inmates with 41.8% and married inmates with 37.5% with the rests of 20.7% constituting inmates who are widowed, separated or living with common-law partners.

According to a study, improvement in a person’s level of self-control is related to changes in their involvement in crime over time. It shows that marriage is significant source of those improvements. Self-control is one of the strongest predictors of differences between people in terms of their involvement in crime. Married people avoid taking risks, can easily defer gratification, and have little trouble controlling their impulses are much less likely to commit a variety of offenses (Forrest, 2011).

Table 3. Profile of the Respondents in Terms of Civil Status

<i>Civil Status</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
Single	19	76.00
Married	6	24.00
<i>Total</i>	25	100.00

Educational Attainment

Table 4 illustrates the educational attainment of the inmates. Fourteen per 25 inmates were elementary graduates. Only one inmate reached college and 10 respondents finished high school..

A key statistics by the Bureau of Corrections (2012) showed that educational attainment of prisoners all over the Philippines registered 13, 811 in elementary level, 5,431 were elementary graduate, high school graduate with 3,981 and 1,006 for college graduate.

Higher total socioeconomic status usually is measured using three variables: income, occupational level and years of education correlate with less crime. Longer education is associated with less crime (Ellis, Beaver, and Wright, 2009).

Table 4. Profile of the Respondents in Terms of Educational Attainment

<i>Educational Attainment</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
Elementary	14	56.00
High School	10	40.00
College	1	4.00
<i>Total</i>	<i>25</i>	<i>100.00</i>

Crimes Committed

Table 5 demonstrates the crimes committed by the respondents. Nineteen inmates committed crimes against property with 76%. Three respondents per 25 committed crimes against persons and another 12% of the respondents violated special laws. None of the respondents committed crimes against honor.

The Philippine Daily Inquirer (June 17, 2014) reported that in 2010, there were 118, 943 crimes against property as compared to 86,036 crimes against persons. The same trend follows in 2011 and 2012.

Arrests show the amount of focus the police are placing in a particular area, where focus is higher for murder, a far more serious crime, than it is for theft, one of the most common crimes, even though murder are much less frequent than the others. This means that those who commit a common crime get presumed guilty and arrested for it more often (Follow, 2014).

Table 5. Profile of the Respondents in Terms of Crimes Committed

<i>Crimes</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
Crimes against persons	3	12.00
Crimes against property	19	76.00
Crimes against honor	-	-
Special laws	3	12.00
<i>Total</i>	<i>25</i>	<i>100.00</i>

Cases in the Paralegal Assistance Program

Table 6 illustrates the cases in the program. Crimes against property registered 76% and crimes against property and special laws at 12% apiece.

Economic crimes, like theft, are violation of law designed to bring financial reward to the offender. Studies show that property crime among the young in every social class is widespread (Siegel, 2004).

Crimes occur when there is an opportunity to commit it. Members of the upper class have the opportunity to engage in more lucrative business-related crimes. Hence, lower class individuals are overrepresented in street crime (Hepburn, 1984).

Table 6. Cases in the Paralegal Assistance Program

<i>Cases</i>	<i>Respondents (N)</i>	<i>Percentage (%)</i>
Theft	13	52.00
Robbery	6	24.00
Illegal Possession of Firearms	1	4.00
Swertres	2	8.00
Frustrated Homicide	1	1.00
Slight Physical Injury	2	8.00
<i>Total</i>	<i>25</i>	<i>100.00</i>

Case Status of Inmates

Table 7. Case Status of Inmates

<i>Case Status</i>	<i>Crimes against property</i>	<i>Crimes against persons</i>	<i>Violation of special laws</i>	<i>Total</i>	<i>Percentage</i>
<i>Probation</i>	6		1	7	28%
<i>On trial</i>	2	1	2	5	20%
<i>Convicted</i>	7	1		8	32%
<i>Dismissed</i>	4	1		5	20%
<i>Total</i>	19	3	3	25	100%

Table 7 shown below depicts the case status of inmates. Twenty eight (28) percent of the respondents availed of probation, of which six respondents committed crimes against property. There were 5 respondents on trial. Eight respondents were convicted, 7 of whom committed crimes against property. Five respondents of whose cases were dismissed.

A dismissal in a criminal prosecution is a decision of a court, which has exercised its discretion prior to trial or before a verdict is reached, that terminates the proceedings against the defendant (Cohen, 1992).

This implies that crimes may be dismissed due to failure to prosecute for unreasonable length of time, plaintiff fails to appear at the trial or on the date of the presentation of his evidence in chief on the complaint, failure to comply with rules or any order of the court or lack of jurisdiction (Rule 17, sec. 3, Revised Rules of Court, 2000).

The period for the examination of evidence presented by all parties before a court is called trial. It includes all the proceedings in court after arraignment and pre-trial conference take place (Olivares, 1999).

Most of the cases undergoing trial were violation of special laws. This implies that resolution of special laws took more time than common crimes.

A disposition under which a defendant, after conviction and sentence, is released subject to conditions imposed by the court and to the supervision of a probation officer is called probation (Reyes, 2009).

Seven inmates availed of probation because they possess the qualification and none of the disqualification provided by law.

A conviction is the verdict that results when a court of law finds a defendant guilty of a crime (Garner, 2000).

One third of the inmates were convicted as the prosecution proved with reasonable certainty that the evidence on hand shows the guilt of the accused beyond reasonable doubt.

Summary of Paralegal Assistance

Table 8 elucidates the summary of paralegal assistance extended. Follow-up of cases rank first with an AWM of 3.48 which was often extended. The assisted dispute resolution program was introduced after a number of cases failed to reach resolutions having several directional hearings. In those cases the parties were not able to isolate the issues requiring determination. With the consent of the parties, the Court may by order refer the proceedings to mediation or arbitration (Federal Court of Australia, 1991).

All other assistance was rated occasionally. If government accuses someone, it must give him the right, speedily, to clear himself at trial and regain his good name and full liberty. And if government holds the accused in extended pretrial detention, courts must ensure that the accuracy of the trial itself will not thereby be undermined, as might occur if a defendant's prolonged detention itself causes the loss of key exculpatory evidence (Amar, 2007).

The Supreme Court noted in a recent case that access to justice by the impoverished is held sacrosanct under Article III, Section 11 of the 1987 Constitution. Without doubt, one of the most precious rights which must be shielded and secured is the unhampered access to the justice system by the poor, the underprivileged, and the marginalized.

According to Astor (2002), case status monitoring or management is design to identify and define issues in dispute and reduce delays, costs and unnecessary pre-trial activities. It is not necessary to have the parties consent to the mediation process and a judge can direct the mediation.

Table 8. Summary of Paralegal Assistance

<i>Paralegal Assistance</i>	<i>AWM</i>	<i>Interpretation</i>	<i>Rank</i>
<i>Follow-up of Cases</i>	3.48	Often	1
<i>Case Status Monitoring</i>	3.40	Occasionally	2
<i>Speedy Trial</i>	3.26	Occasionally	3
<i>Access to Courts</i>	3.21	Occasionally	4

Case Status Monitoring

Table 9 shown below is on case status monitoring of inmates. Along this line, the inmate's consents to arbitration process which was often extended with the mean obtained wat 3.92. Seldom extended was controlling expenses incurred during the trial with a mean 2. The AWM is 3.48 which were often. This means that case monitoring may be effectively achieved through a system of justice that is accessible and worthy of public trust.

Geographical access, and affordability of legal services by the poor, impartial investigation and law enforcement particularly in cases between the poor and the rich, more speedy provision of services through more efficient and speedy investigation processes, and adequate and preserved evidence (United Nations Development Program, 2003).

Table 9. Case Status Monitoring

<i>Para-legal Assistance to the Inmates</i>	<i>Mean</i>	<i>Description</i>
<i>A. Case Status Monitoring</i>		
1. Identifies disputed issues	3.04	Occasionally
2. Fixes timetables to reduce delays	3.40	Occasionally
3. Controls expenses incurred during the trial	2.32	Seldom
4. Asks the court personnel for calendar of cases	3.80	Often
5. Inquires if parties presence is required	3.20	Occasionally
6. Ensures trial proceeds quickly and efficiently	3.16	Occasionally
7. Refers to mediation proceedings	3.28	Occasionally
8. Consents to arbitration process	3.92	Often
9. Assumes the court has administrative control on the litigation process	3.76	Often
10. Parties agree to directions and list of the issues to be tried	3.64	Often
Average Weighted Mean	3.48	Often

Table 10. Follow up of Cases

<i>B. Follow up of Cases</i>		
1. Gathers information from the original report until ready for prosecution	3.76	Often
2. Finds significant physical evidence related to the case	3.36	Occasionally
3. Identifies victims and witnesses of the crime	3.16	Occasionally
4. Makes sure that police personnel and other resources are available for initial inquiry	3.32	Occasionally
5. Secures internal sources to answers to questions to be adhered initially	3.44	Often
6. Uses internet to assist follow-ups	3.16	Occasionally
7. Obtains records furnished to all those concerned	3.28	Occasionally
8. Sees to it that actions are taken by the respective agencies regarding the case	3.92	Often
9. Allows the inmate to confer with para-legal volunteers	3.76	Often
10. Ascertains if the accused exercise rights as provided by law	3.64	Often
<i>Average Weighted Mean</i>	<i>3.48</i>	<i>Often</i>

Table 10 above depicts follow-up of cases. What is often done was actions are taken by the respective agencies regarding the case with a mean of 3.92. Using internet to assist follow-

ups was occasionally extended with a mean of 3.16. The AWM is 3.48 which are often extended. This implies that making follow-ups to concern persons or agencies greatly set the pace for the criminal process to move.

The Paralegal Officer sees to it by tracking the status of cases, he can identify possible inmates who are qualified to avail of the different modes of early release (Paralegal Manual and Resource Book, 2013).

Table 11. Speedy Trial

<i>C. Speedy Trial</i>		
1. Informs lawyer of inmates who are languishing in jail for an indefinite period before trial	2.96	Occasionally
2. Ensures defendant's right to fair trial	3.84	Often
3. Testifies readily in court as a witness made available	2.84	Occasionally
4. Produces evidence ready for court hearings	3.68	Often
5. Charges are dropped if the trial could not be completed before the time limit	3.32	Occasionally
6. Helps the accused in informing of his right to defend himself including the right to clear himself at the trial	3.84	Often
7. Helps in minimizing the anxiety and loss of reputation accompanying formal public accusation	2.76	Occasionally
8. Believes the detention severely obstruct the defendant's ability to assemble evidence and witnesses for his trial defense	3.56	Often
9. Believes the detention severely obstruct the defendant's ability to assemble witnesses for his trial defense	3.28	Occasionally
10. Inmates prefer to delay their trials in the hopes that prosecutorial evidence will become stale	2.60	Seldom
<i>Average Weighted Mean</i>	3.26	<i>Occasionally</i>

One of the rights of the accused is speedy trial as illustrated in Table 11. Inmates prefer to delay their trial in the hope that prosecutorial evidence becomes stale with seldom rating at 2.60.

Many defendants especially guilty defendants might prefer to delay their trials, perhaps with this hope that prosecutorial evidence would become stale, making it more difficult for the state to carry its ultimate burden beyond reasonable doubt (Jan, 2014).

The right to fair trial is much often with a mean of 3.84. The AWM is 3.26 which is often. This means that speed and early resolution of the case is not the prime consideration of a case but rather to determine that all issues is taken, heard, and resolved within a period of time is given utmost deliberation. The resolution of a case, which will be dependent on the establishment of the truth, should be such that the person seeking redress does not incur undue moral and economic loss due to the delay of the litigation process or the quality of the investigation, prosecution and legal services (Supreme Court, 2003).

Table 12 below demonstrates access to courts. As shown, the inmate believed the court hears and decides cases in the absence of a sitting Judge which was rated less often at 2.56.

Rule 135 of the Rules of Court (2001) as powers and duties of courts and judicial officers in section 9, signing judgments out of province states that whenever a judge appointed or assigned in any province or branch of a Court of First Instance in a province shall leave the

province by transfer or assignment to another court of equal jurisdiction, or by expiration of his temporary assignment, without having decided a case totally heard by him and which was argued or an opportunity given for argument to the parties or their counsel, it shall be lawful for him to prepare and sign his decision in said case anywhere within the Philippines. He shall send the same by registered mail to the clerk of the court where the case was heard or argued to be filed therein as of the date when the same was received by the clerk, in the same manner as if he had been present in court to direct the filing of the judgment. If a case has been heard only in part, the Supreme Court, upon petition of any of the parties to the case and the recommendation of the respective district judge, may also authorize the judge who has partly heard the case, if no other judge had heard the case in part, to continue hearing and to decide said case notwithstanding his transfer or appointment to another court of equal jurisdiction. This is not the case for inmates who were properly informed.

Jail personnel assist inmates in preparing meaningful legal papers rated at 4.12 which is much often. The AWM is 3.21 is often, which means that inmates suffer major barriers to equitable access to justice.

This is due to complexity of the judicial system, and poor quality of information about legal processes, lack of knowledge and understanding by inmates of the justice system (Laserna, 2008).

Table 12. Access to Courts

<i>D. Access to Courts</i>		
1. Looks for law school clinic programs	2.68	Occasionally
2. Finds for para-legal volunteers	3.24	Occasionally
3. Confers with a lawyer regarding the inmates cases	3.60	Often
4. Access to court records	3.04	Occasionally
5. Inquires as to court and other fees	3.24	Occasionally
6. Relatives facilitates inmate's court status	3.44	Often
7. Jail personnel assists inmates in preparing meaningful legal papers	4.12	Often
8. Assistance from persons trained in law provides access to courts	3.60	Occasionally
9. Changes of venue or place of trial to avoid miscarriage of justice	2.60	Seldom
10. Inmates believe that courts will hear and decide cases in the absence of the sitting Judge	2.56	Seldom
<i>Average Weighted Mean</i>	<i>3.21</i>	<i>Occasionally</i>

A thorough inspection of Table 13 showed that computed value was 1.921 while tabular value was 3.84, which means that the calculated t was less than the critical value. This result was not significant at 0.05 levels. Hence, the null hypothesis that there is no significant difference of paralegal assistance extended to inmates when group by age is upheld. The finding shows that the age of male inmates was not significantly determined by the paralegal assistance extended by the program. Regardless of age of the respondents, they generally

have similar ratings. This implies that respondents' age is not determinative of assistance extended.

Table 13. Test of Difference among the Paralegal Assistance Extended to Dipolog City Reformatory Inmates when Group According to Age

<i>Factors Compared</i>		<i>Paralegal Assistance</i>				
	Level of significance	Degrees of freedom (df)	Tabular value (tv)	Computed chi – square (x^2)	Interpretation	Action/ Decision
<i>Age</i>	$\alpha = 0.05$	1.00	3.841	1.921	No Significant difference	H ₀ was Accepted

The possibility for productive change of behavior is based on the recognition and acceptance of the principle of individual responsibility focus on identifying and making available those services and programs that will best afford offenders an opportunity to become responsible, law-abiding citizens (American Probation and Parole Association, 1987).

Table 14. Test of Difference among the Paralegal Assistance Extended to Dipolog City Reformatory Inmates when Group According to Civil Status

<i>Factors Compared</i>		<i>Paralegal Assistance</i>				
	Level of significance	Degrees of freedom (df)	Tabular value (tv)	Computed chi – square (x^2)	Interpretation	Action/ Decision
<i>Civil Status</i>	$\alpha = 0.05$	1.00	3.841	0.805	No Significant difference	H ₀ was Accepted

Table 14 presents the data on paralegal assistance when group by civil status. The table revealed computed value of 0.805 is less than tabular value at 3.841 which was not significant at 0.05 level having probability of acceptance values of more than 10%. This leads to the non-rejection of the null hypothesis or was accepted. This means that there are no significant differences on the ratings of the respondents on the paralegal assistance extended to the inmates when group by civil status. This means that the respondents generally have similar ratings.

Sad stories of inmates who actually prefer to remain in jail or in prison because they have no more families or because their families have deserted them especially those who are married. Getting better treatment inside prison where at least they eat three square meals a day, than outside, where society has ostracized them out of a dignified existence (Virola, 2011).

Table 15. Test of Difference among the Paralegal Assistance Extended to Dipolog City Reformatory Inmates when Group According to Educational Attainment

<i>Factors Compared</i>	<i>Paralegal Assistance</i>					
<i>Educational Attainment</i>	Level of significance $\alpha = 0.05$	Degrees of freedom (df)	Tabular value (tv)	Computed chi – square (x^2)	Interpretation	Action/ Decision
	$\alpha = 0.05$	1.00	3.841	1.025	No Significant difference	H_0 was Accepted

Table 15 presents the data on paralegal assistance when group by educational attainment. The table revealed computed value of 1.025 is less than tabular value at 3.841 which was not significant at 0.05 level having probability of acceptance values of more than 10%. This leads to the non-rejection of the null hypothesis or was accepted. This means that there are no significant differences on the ratings of the respondents on the paralegal assistance extended to the inmates when group by educational attainment. This means that the respondents generally have similar ratings.

Inmates dropped out of school because they were convicted of a crime, sent to a correctional facility, or otherwise involved in illegal activities. Others quit school was because of academic problems, behavior problems, or lost interest. The general population gave economic reasons for leaving school, primarily going to work, joining the military, or needing money (Harlow, 2003).

Reintegration requires offender to participate in programs that develop accomplishments and educational opportunities and allow offender to use and refine those skills in community setting (Cromwell, Alarid and del Carmen, 2007).

Table 16. Test of Difference among the Paralegal Assistance Extended to Dipolog City Reformatory Inmates when Group According to Crimes Committed

<i>Factors Compared</i>	<i>Paralegal Assistance</i>					
<i>Educational Attainment</i>	Level of significance $\alpha = 0.05$	Degrees of freedom (df)	Tabular value (tv)	Computed chi – square (x^2)	Interpretation	Action/ Decision
	$\alpha = 0.05$	1.00	3.841	2.706	No Significant difference	H_0 was Accepted

Table 16 presents the data on paralegal assistance when group by age. The table revealed computed value of 2.706 is less than tabular value at 3.841 which was not significant at 0.05 level having probability of acceptance values of more than 10%. This leads to the non-rejection of the null hypothesis or was accepted. This means that there are no significant differences on the ratings of the respondents on the paralegal assistance extended to the

inmates when group by crimes committed. This implies that crimes committed is not determinative of the assistance extended.

One of the contributory factors to jail congestion is the fact that despite a strict criteria prescribed by the international legal framework for the use of pre-trial detention, there are still those subjected to it in a term longer than the maximum imposable penalty for their offenses owing to the slow grind of justice. Subsequently, the surge of the inmate population creates an inference to the shortfall in organizational resources of the BJMP. This connotes that its capacity to provide medical services has been limited as well. On the other hand, incidence of recidivism has also proven to become equally alarming as the other concerns brought about by jail congestion. Studies have shown that lack of opportunities that would encourage behavioral reformation has become causative in increasing the likelihood that a released detainee would return to jail for another crime committed (University of the Philippines, National College of Public Administration and Governance, 2010)

CONCLUSIONS

Paralegal volunteers continuously find ways to promote the welfare and protect the rights of the inmates to address the problems of slow disposition of cases and jail decongestion. By focusing on the family and putting into operation educational programs improve skills and create an atmosphere in which inmates will develop a bond to their society. Male respondents are generally young, less educated, and perpetrators of economic crimes. Nearly half of the respondents (48%) were able to avail of modes of release. Following up a case generally promotes speedy disposition of cases. Regardless of the inmate's age, sex, marital status, educational attainment and crimes committed, it is not determinative of their participation in the program. Hence, inmates are generally engage in acts that bring financial rewards to them. Secondly, the paralegal program provides a unique and alternative access to justice.

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