

REPORT □ Jane Baylon

Our strategy against criminality

ONE of the reasons why martial law was declared in 1972 was the alarming upsurge of criminality in the country. President Marcos saw the urgent need for reform. In his *Notes on the New Society*, he pinpointed the old society as "the perfect target for dissident agitation and activity, a society that was the fertile ground for revolutionary enterprise."

The wisdom of the President's decision is supported by statistics compiled by the various crime-control agencies such as the National Police Commission (NAPOLCOM) and the National Bureau of Investigation (NBI).

For 1971, the year before martial law was proclaimed, NAPOLCOM recorded 298,991 cases of crimes or a rate of 720 per 100,000 individuals. It was in the year 1969 when crime was at its highest during the 1965-1975 decade. For that year 365,475 cases of crimes were recorded or a rate of 983 per 100,000 individuals. Stringent measures recently enacted, however, have not deterred criminal elements. The NAPOLCOM alone recorded a total of 148,953 crimes, excluding ordinance violations, in 1975, or a crime rate of 356 offenses per 100,000 individuals. NAPOLCOM calculates that a murder is committed every 5 hours and 48 minutes. There is committed every 16 minutes. These figures, however, exclude those from such agencies as the NBI, INP, and the local police agencies.

How crimes can be curbed was the subject of a national conference conducted recently by the Integrated National Police (INP) and the NAPOLCOM, agencies attached to the Department of National Defense (DND). Participants of the conference agreed it is time to seriously consider the managerial aspect of crime prevention. They agreed it is not enough that heavy and even drastic penalties are meted out to offenders. The implementation of social rehabilitation programs will not suffice either. As crimes have become more and more sophisticated, they recommended that its preventive and control management must be even more so.

Several experts in criminal justice read papers and presided over plenary sessions during the three-day conference held at Camp Aguinaldo. They included DND Secretary Juan Ponce-Enrie, Chief Justice Fred Ruiz Castro, PC Chief Fidel Ramos, Justice Undersecretary Catalino Macarag, and Social Welfare Secretary Estefania Aldaba-Lim. President Marcos spoke at the closing ceremonies during which he challenged the participants to formulate a national strategy to reduce crime. The formulation of this strategy was among the objectives of the conference. The other objectives were:

1. To provide a forum for the exchange of ideas on the various aspects of criminal justice system and its relation to national development;
2. To foster better understanding, cooperation and comprehension of the roles of the agencies or organizations involved in the criminal justice system;
3. To identify problem areas on the various components of the system; and
4. To specify planning guidelines and approaches for the formulation and implementation of a national crime prevention program.

The strategy recommended by the conferees is now being studied by the President. It stresses that crime prevention is still the most effective means of crime control. It advises the upgrading of qualifications for persons involved in the criminal justice system including policemen, fiscals, judges, lawyers, jail wardens, and social workers. The conferees were quite disturbed by the recent trend toward so-called "white-collar" and "business" crimes, subtle forms of criminalities that governmental units and employees could easily be trapped into committing.

As population grows and urbanization expands, man's needs and desires tend to be more complex. In his attempt to level up with his peers, he may be tempted to deceive, commit fraud or embezzle. Findings of police agencies show that dishonesty of corporate employees account for two-thirds of business failures, and that white-collar crimes retard the nation's economic growth. In many countries, the techniques of committing crimes are becoming more sophisticated, and criminals are getting more organized as well. As a consequence, the efforts of the government to raise the level of living and improve the standards of social services have been greatly hampered. White-collar crimes are characterized by guilt, deceit and concealment and may be committed individually or in conspiracy with another person or organization.

What is crime? Since the incidence of crime is a social phenomenon and people are affected by its consequence, experts define it as any act or occurrence that affects the quality of life; anything that results in negative economic and social impact. In a democratic society such as ours, crimes are handled by a criminal justice system which has

four components: police, prosecution, the courts, and corrections. Unless these four units work in harmony, the complete rehabilitation of an offender and his useful return to society may not be achieved. But, as the experts pointed out, offenders themselves are not the only problem in the matter of crime control. Bureaucratic red tape, the very nature of democratic justice (that it is necessarily slow because it seeks to be impartial) and the utter lack of expertise and managerial skills of agents of criminal justice—such as policemen—exacerbate the problem.

There is a growing concern over delays in adjudicating court cases and the overcrowding of courts and correctional institutions. The community, it was suggested, could help in the solution of this problem. Cases such as littering and loitering can be handled by the community through its barangays. One question raised was whether the Philippines should now reorient its penal system by immediate rehabilitation of offenders instead of bringing them to jail first and then slowly paving the way toward their rehabilitation. There was also an issue raised whether some crimes such as minor traffic violations ought to be decriminalized. Jailing offenders with minor infractions clog jails and drain taxpayers' money without immediate social result. In fact, one of the controversial questions raised during the conference was whether the death penalty negate or not the objective

men, NAPOLCOM is maintaining rigid discipline. Where before policemen lord it over towns and cities, now measures have been adopted so that those who are victims of police harassment need not fear. These measures include separation from service if the charge against a policeman is grave, or administrative suspension without pay if the charge is light.

Graft and corruption are also forms of white-collar crimes. Since honesty and uprightness are demanded of government workers in the New Society, such issues concern him directly. Graft and corruption are associated with a wide range of company operations such as purchasing, sales, employment, etc. The objective of those offering bribes and payoffs are varied and include intentions to cover up short deliveries or inferior products, to secure information on competing bids, and to secure approval of false financial statements.

Some government employees, while initially honest, resort to various forms of dishonesty when subjected to such outside pressures as emergency family expenses, unsuccessful stock market speculations, gambling losses, problems with a side-business, and drug or alcohol problem. Others become corrupt because of low and inadequate wage or salary, resentment against alleged unfair or inconsistent company policies, inordinately severe disciplinary actions, substandard working conditions, or deep-seated feel-



Drug trafficker: crime does not pay.

of raising the quality of life. A participant noted that one dead man is one resource less.

Participants did not recommend the quixotic quest for the elimination of criminality; rather, its reduction to such a level safely acceptable to society. Knowing that the police should be ready to meet the new forms and dimensions of criminality resulting from socio-economic changes, the group underscored the immediate need for better trained agents and adequate police facilities.

Law enforcement agencies have been greatly hampered by the lack of qualified personnel. Until the Police Act of 1966, which created the NAPOLCOM, our policemen were mostly unqualified—a significant percentage were only elementary or high school graduates. Among the first thing the NAPOLCOM did was to give examinations to law enforcers; those who did not pass were weeded out. The Commission gives several examinations every year. A high priority was placed on police training—a policy dictated largely by the sad finding that in 1966, two-thirds of all policemen did not have any relevant training. Courses and training subjects included criminal investigation and detection; narcotics and dangerous drugs control investigation; police supervision and intelligence; and jail management.

To further upgrade the quality of our police-

ing against their superiors. A manager can easily prevent his subordinates from committing white-collar crimes by being responsible, understanding and approachable. He must not only know how to manage a person but also his feelings. The NAPOLCOM recommends the following solutions in case irregularity occurs:

1. Improve key management policies, controls, procedures and methods;
2. Promote greater participation of shareholders in the affairs of corporations or of workers in public offices;
3. Create an ombudsman body which would investigate corruption and graft cases in government offices;
4. Initiate special studies on corruption.

One special study that could be undertaken is crime forecasting. Such project could serve as a guide of the government in crime prevention. Since martial law was declared, most government agencies now have Security Information Units (SIU) or similar task forces charged with "police work." As a result of their independently sustained policing, many possible irregularities in government offices have been averted. The idea of pre-auditing and post-auditing are also forms of crime control. Crime forecasting, however, remains a tedious job because systematic and reliable techniques are yet to be set up. □