

UNIVERSITY OF THE CORDILLERAS
College of Criminal Justice Education

Module in CLJ 1 (Introduction to Philippine Criminal Justice System)

Course:	CLJ 1
Course Title:	Criminal Justice System
Course Credits:	3 units
Contact Hours/week:	4 hours
Prerequisite:	CRIMINOLOGY 1

Course Description: This course deals with the study of the five pillars of the Criminal Justice System in the Philippines-the Law Enforcement, Prosecution, Court, Corrections, and Community. It also covers their respective functional relationship as well as the individual roles in the administration of justice and solution of crimes. This course includes the procedures and the practices of the criminal justice system with its linkages to law enforcement services, the prosecution, court, correction and community. This course also incorporates the scientific study of crimes, criminals, societal responses to their behavior in penal and non-penal setting and the administration of criminal justice correction including parole.

Course Outcomes:

At the end of the trimester, the students are expected to have:

1. Remember the role of the Criminal Justice System in Crime prevention and control.
2. Understand the pillars of criminal justice system and explain their role and how they process a person until he can be referred to as a criminal.
3. Analyze the American Justice System from that of our country's justice system.
4. Understand the origin of justice and early concepts and types of justice.
5. Analyze the mission, vision and objectives of the CJS.
6. Understand the general function and operation of the criminal justice system.
7. Evaluate fully the importance of the five pillars of the CJS.
8. Understand the objectives of the CJS.
9. Evaluate the respective responsibility in the maintenance of peace and order in the community.
10. Evaluate the loop holes and recommended solutions to some problems.
11. Analyze our Criminal Justice System with other countries.
12. Evaluate the benefits and objectives of Restorative Justice and trace its evolution and how it can change the modern concept of justice.

TOPIC 1

Introduction to Criminal Justice System: Concepts

OBJECTIVES:

At the end of the lesson, the students are expected to:

- explain the concept of the Criminal Justice System.
- appreciate the functions of the five pillars.
- understand the various terminologies used in studying this course.

INSTRUCTIONAL MATERIALS

Introduction to CJS handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

Introduction to Criminal Justice System

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.

In theory, **Criminal Justice System** is an integrated apparatus that is concerned with the following;

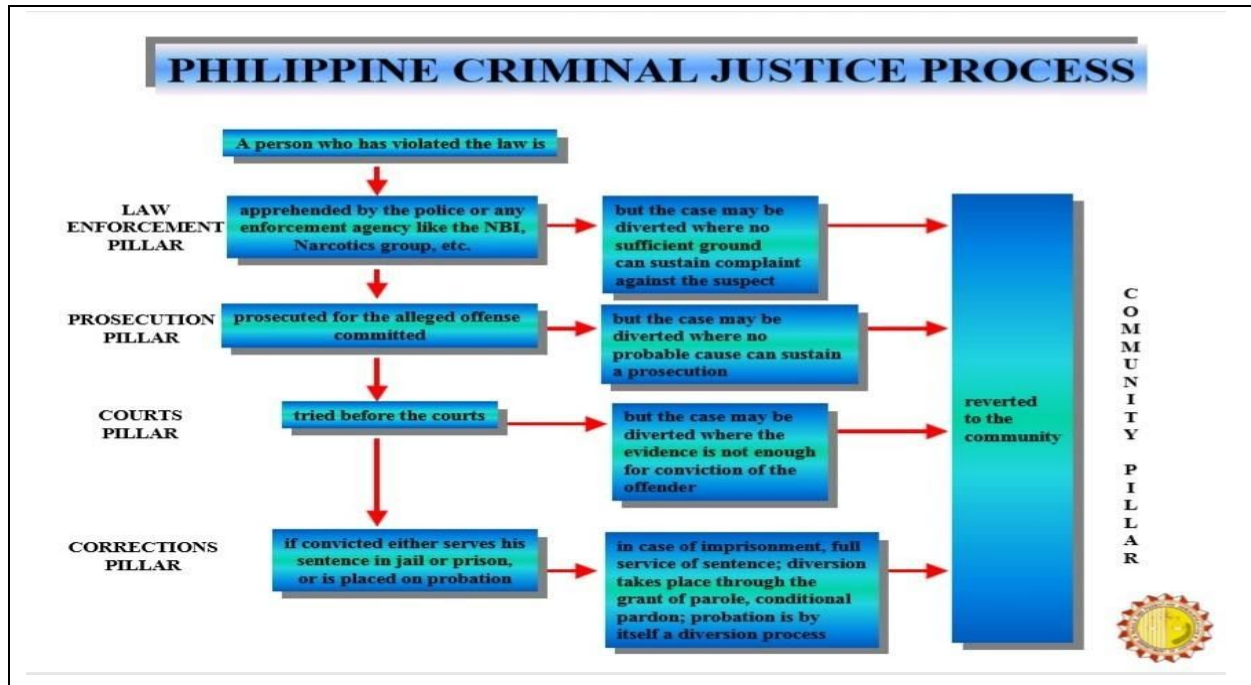
- apprehension,
- prosecution,
- trial,
- conviction,
- sentencing and
- rehabilitating or correcting criminal offenders.

Goals of CJS

1. Prevention of crime.
2. Protect members of society against crime.
3. Maintain peace and order.
4. Suppression of criminality.
5. Review the legality of existing rules and regulations.
6. Rehabilitation and reformation of offenders.

People involved in the system (Parties to the criminal case)

1. **Accused** = The most pampered party in a criminal case.
2. **Victim/complainant** = The forgotten party in a criminal case.
3. **People of the Philippines** = The actual offended party.



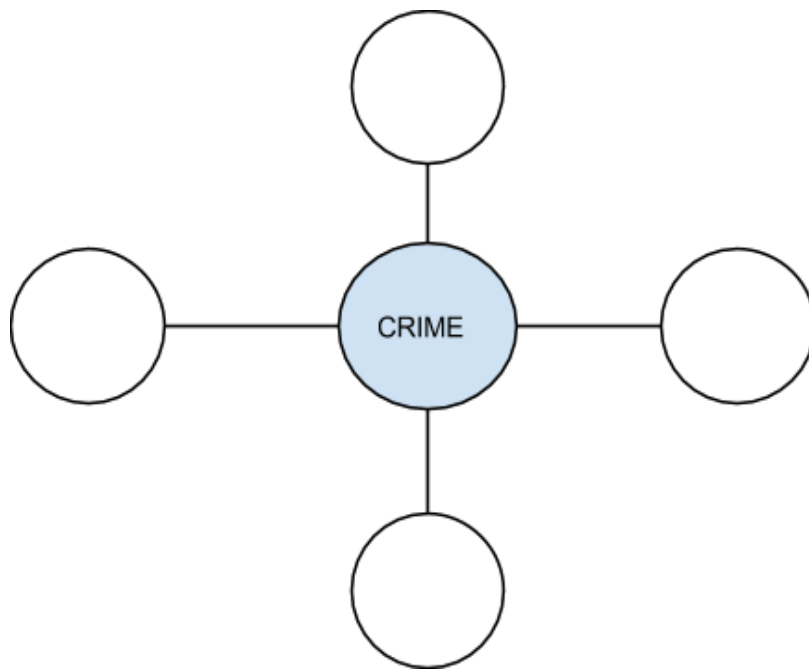
ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Research on Terminologies

Research the definition of the following terms and present it using the table below.

Terminology	Definition	Source/s
1. Crime		
2. Criminal		
3. Law Enforcement		
4. Prosecution		
5. Court		
6. Correction		
7. Community		




Activity 2. Think of the words or ideas that you associate with the word crime. Write these on the white circles. After filling up all the circles, blend all the ideas to come with a brief definition of the word crime.



My definition:

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.

- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
- Timpac, T., Handbook on Philippine Criminal Justice System, RMC Publishing Haus, Tarlac City Philippines, 2011
- Domingo, S., Criminal Justice System, Rex Book Store, Manila, Philippines.

TOPIC 2

The Essence of Justice

OBJECTIVES:

At the end of the lesson, the students are expected to:

- understand the essence of justice.
- differentiate the different types of justice.

INSTRUCTIONAL MATERIALS

Essence of Justice handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

ESSENCE OF JUSTICE

What is the definition of justice?

Justice is the act of rendering what are due and treating persons equally. These persons must, however, fall within the same classification. (Gacayan, 2006)

Essence of Justice under the Philippine Constitution

Under **Sec. 1, Art III of the 1987 Philippine Constitution**, no person shall be deprived of life, liberty or property without due process of law, nor shall a person be deprived of the equal protection of law. This guarantee dictates that in order that justice will be realized there must be the observance of due process. Due process is a guaranty against any arbitrariness on the part of the government, whether committed by the legislative, executive or the judiciary.

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.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. The photograph of Justitia (goddess of justice) is considered as the symbol Justice. Answer the following questions.



1. What does the sword and the weighing scale symbolize?

2. What is the rationale behind the blindfolding of the woman?

3. What is the reason why the symbol is a woman?




Activity 2. Mortimer J. Adler points out that it is easy to say what justice is in abstract, but it is hard to determine what is just in any given particular case. We must not confuse the question, "what is justice" with the question, "is the particular action just?" Explain the following precepts of Adler regarding justice.

Precepts	Explanation	Examples
1. "render to each it's due"		
2. "treat equals equally and unequal unequally in proportion to their inequality"		

Activity 3. What can you say to our present justice system today? Present issues or examples to justify your answer.

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

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- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 3

Law Enforcement Pillar
Police Activities

OBJECTIVES:

At the end of the lesson, the students are expected to:

- understand the roles and responsibilities of the law enforcement pillar.
- Identify the different law enforcement agencies.

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

THE LAW ENFORCEMENT PILLAR

Law Enforcement

It is considered as the prime mover of the Criminal Justice System. Law enforcement is a deterrent and preventive activity.

Different Police Activities

1. Prevention of crime is intended to prevent root causes of crime.
2. Repression or suppression of crime is done to reduce the opportunity of committing a crime like the act of conducting patrol.
3. Apprehending offenders is also known as arresting offenders.
4. Conduct search and seizure;
5. Investigation of crime; and
6. Protection of lives and property.

In the Philippines, the law enforcement function is spearheaded by the **Philippine National Police (PNP)**, the **Department of the Interior and Local Government (DILG)**, and the **National Bureau of Investigation (NBI)** under the **Department of Justice (DOJ)**.

Broad Goals of the PNP

1. Prevent and control crimes.
2. Maintain peace and order.

3. Ensure public safety and security.

COMMUNITY ORIENTED POLICING

Community Oriented Policing System (COPS) was established for the law enforcement and community to have a harmonious relationship with each other. Under this system, the policemen conduct seminars, tree planting, and other activities for them to show how much they care for the community. In return, the community will have an active participation in assisting the policemen in performing their official functions.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. In addition to PNP and NBI, identify at least five (5) other law enforcement agencies in the Philippines. Use the table below to present your answers.

Law Enforcement Agencies (No Acronyms)	Law Enforcement Activities	Under what department?
e.g. Philippine National Police	-Prevention of Crimes	-Department of Interior and Local Government
1.		
2.		
3.		
4.		
5.		

Activity 2. 4 PICS ONE PHRASE

In each item, 4 pictures will be presented as clues in identifying the phrase related to law enforcement. After knowing the phrase, give your own explanation.








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ACTIVITY 3. As a student and part of the community, what will be your contribution in making our society a safer place to be?

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

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- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 4

Law Enforcement Pillar
Concepts and Theories
Police Discretion

OBJECTIVES:

At the end of the lesson, the students are expected to:

- identify the philosophies of police service.
- appreciate the importance of police discretion.

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

THE LAW ENFORCEMENT PILLAR

Theories of Police Service

1. **Home Rule** - Policemen are considered as servants of the community.
2. **Continental** - Policemen are considered as servants of higher authority.

Concept of Police Service

1. Old Concept

The yardstick of police efficiency is the number of arrest. Police is a repressive machinery in crime prevention.

2. Modern Concept

The yardstick of police efficiency is the absence of crime/lesser number of crimes committed.

Police Discretion-It is the wise use of one's judgment, personal experience and common sense to decide a particular situation. Abuse of discretion resulting to injury to persons or damage to property is punishable. So the police must be guided by some basic concepts such as **COMMON SENSE, PERSONAL EXPERIENCE, and SOUND JUDGMENT.**

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. As discussed above, police must be guided with sound judgment in deciding what to do. However, in the Philippines, there are instances when police discretion is being abused. Look for a newspaper clipping that shows abuse in police authority. Cut and paste it below. Then answer the question.

Paste here.

If you are the police officer faced with the same scenario, how would you have reacted with this situation?




Activity 2. What will you do?

You are a police officer assigned in a district wherein robbery is commonly committed. One day, you arrived at a scene of local pharmacy where a local young woman, Brooke, was caught attempting to steal a plastic bag full of medicines. When questioned, she explained that she was trying to steal some medications so she could sell it and make some money to help her mom pay for their rent. Brooke also

tells you that if they will not be able to pay the rent, they will be evicted from their apartment. Brooke has never had any encounter with the police and starts sobbing out of remorse for what she has done. You feel sympathetic towards her. What is the best thing for you to do? Why?

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 5

Law Enforcement Pillar
Arrest

OBJECTIVES:

At the end of the lesson, the students are expected to:

- be knowledgeable of the concepts of arrest.
- distinguish arrest with warrant and warrantless arrest.

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

ARREST

ARREST- is the taking of a person into custody in order that he may be bound to answer for the commission of an offense.

MANNER OF CONDUCTING ARREST- An arrest is made by actual restraint of a person to be arrested, or by his submission to the custody of the person making an arrest.

WARRANT OF ARREST- Warrant of arrest is an order in writing issued in the name of People of the Philippines, signed by the judge and directed to a peace officer, commanding him to arrest a person or persons stated therein and deliver them before the court.

The requisites of a valid warrant of arrest are the following:

- a. It shall be issued upon probable cause;
- b. The probable cause is determined personally by the judge upon examination under oath or affirmation of the complainant and the witnesses he may produce; and
- c. Particularly describing the person to be arrested. (Sec 2, Art 3 of the Philippine Constitution)

LIFE SPAN OF WARRANT OF ARREST

As long as the person stated in the warrant of arrest is not arrested, it shall remain valid even if several years already lapsed. However, the head of the office to whom the warrant of arrest was delivered for execution shall cause the warrant to be executed within ten (10) days from its receipt. Within ten (10) days after the expiration

of the period, the officer to whom it was assigned for execution shall make a report to the judge who issued the warrant.

WARRANTLESS ARREST

A peace officer or a private person may, without a warrant , arrest a person:

- a. When, in his presence the person to be arrested *has committed, is actually committing or is attempting to commit* an offense.
- b. When an offense has in fact just been committed and he has personal knowledge of facts indicating that the person to be arrested had committed it;
- c. When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending or has escaped while being transferred from one confinement to another.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. CASE SCENARIO ANALYSIS. Read the given case and identify if the arrest was valid or not? Why?




- 1. At around 8 o'clock in the morning, Mr. Mario Felizardo, a police asset went to the Baguio City Police Office to inform the Chief of Police PSupt. Sherwin Mercado that a certain person Mr. Nikko Villamar is in possession of a marijuana breaks. Mr. Felizardo further told the Chief of Police that Mr. Villamar will walk in an intersection beside the UC Legarda Campus at about 2 o'clock in the afternoon of the same day. Because of the information gathered, Supt Mercado formed the policemen in civilian clothes positioned themselves in the said intersection. At about 2 o'clock in the afternoon, Mr. Felizardo pinpointed a person walking across an intersection of UC Legarda Campus saying that the person is Mr. Villamar. When that person already walked across the intersection, the policemen arrested and searched him. It was found out that the person was really Mr. Villamar and the bag he was carrying really contained marijuana breaks. Was the arrest of Mr. Villamar valid?

- 2. A policeman was investigating a crime which was just committed to determine the identity of the perpetrator when he saw a suspicious looking person walking across the street. Afterwards, the policeman arrested the person, delivered him to the nearest police station, and filed a criminal case against him even if he knew that there is no sufficient evidence which may show that the arrested person was the one who committed the crime being investigated. Was the arrest valid?

3. PO3 Fianza saw a man with bloody clothing holding a bloody knife. The man was even afraid and almost run away upon seeing PO3 Fianza. If you are PO3 Fianza, will you arrest the person even if you do not have a warrant of arrest?

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

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- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 6

Law Enforcement Pillar
Search and Seizure

OBJECTIVES:

At the end of the lesson, the students are expected to:

- be knowledgeable of the concepts of search and seizure.
- distinguish search from arrest.

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

SEARCH and SEIZURE

DEFINITION OF TERMS:

Search- is defined as the act of looking into carefully in order to find some concealed items.

Seizure- is to take into custody of something.

POWER TO CONDUCT SEARCH

General Rule: A warrant is needed before search. Validity of warrant is **10 days from its date.**

WARRANTLESS SEARCH

a. Search incidental to lawful arrest- A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without search warrant.

b. Consented search- the right against unreasonable search and seizure may be voluntarily waived by a person being searched

c. Plain view doctrine- illegal things at sight may be seized even without a warrant to do so. The things must be readily seen without any effort of locating it.

d. Search conducted by Bureau of Customs

e. Search conducted by Security Guards on post

f. Search in moving vehicles/checkpoints- Under search in moving vehicle especially in checkpoints, moving vehicles may be searched provided that it is limited to **visual search**,

WHEN TO SERVE SEARCH WARRANT?

The search warrant must direct that it be served in the day time, unless the affidavit asserts that the property is on the person or on the place ordered to be searched, in which case, a direction may be inserted that it be served at any time of the day or night.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. COMPARE AND CONTRAST. Using the table below, present the similarities and differences of Warrant of Arrest and Search Warrant(Bulleted not in paragraph form).

Similarities:

WARRANT OF ARREST	SEARCH WARRANT

Differences:

WARRANT OF ARREST	SEARCH WARRANT

ACTIVITY 2

Directions: Based on the given situations, identify what instances of warrantless search are they.

1. The police officer, after arresting the man, searched him and was able to get the murder weapon used.

Answer:

2. Maria, an OFW at Saudi sent a package to her family. Before the package will be given to her family, the Bureau of Customs searched the package to determine if there are contrabands placed there.

Answer:

3. A policeman was conducting a patrol when he saw a handgun by a person whom he believed not to be a policeman. He asked for the license of the said gun and the man did not have it. Therefore, the policeman seized the firearm.

Answer:

4. A policeman caught in the act a man stabbing a woman. The policeman arrested and searched the man even without a warrant.




Answer:

5. A person suspected of possessing illegal drugs was being tailed by policemen. Sensing he was being tailed, he confronted the policemen saying "I am not a criminal and I am not doing something wrong. To prove that I am a law abiding citizen, search me." Because of what that person said, the policemen searched him and they found two sachets of cocaine.

Answer:

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

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- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 7

Law Enforcement Pillar
Custodial Investigation

OBJECTIVES:

At the end of the lesson, the students are expected to:

- be knowledgeable about investigations conducted by Police.
- differentiate Interview from Interrogation

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

CUSTODIAL INVESTIGATION

What is custodial investigation? What are its requisites?

Custodial investigation is any questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

What are the rights of persons under custodial investigation?

- a) Right to be informed of his right to remain silent;
- b) Right to have a competent and independent counsel preferably of his own choice or to be provided with one;
- c) Right against torture, force, violence, threat, and intimidation or any other means which vitiates his free will;

d) Right not to be held in secret, solitary, incommunicado, or any other similar forms of detention.

INTERVIEW vs INTERROGATION

INTERROGATION- An interrogation is a questioning of a person suspected of having committed a crime or of a person who is reluctant to make a full disclosure of information in his possession which is pertinent to investigation.

INTERVIEW- An interview is the questioning of a person who is believed to possess knowledge that is of official interest to the investigator.

CONFESSION VS ADMISSION

CONFESSION Is the direct acknowledgement of guilt, while admission is the indirect acknowledgement of guilt.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Composing Poem/Song. Police officers faces various challenges in their jobs. Compose a poem or a song (at least two (2) stanzas). You may choose from the following themes.

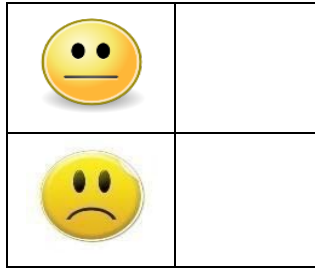
- the challenges of police officers (e.g. discrimination from the public)
- the abuses of police officers and how it may be addressed.
- The investigator's job.
- other themes that is related with law enforcement.

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REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

	
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REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
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TOPIC 8

Prosecution Pillar

Evolution of Prosecution
Overview of Prosecution

OBJECTIVES:

At the end of the lesson, the students are expected to:

- be knowledgeable about investigations conducted by Police.
- differentiate Interview from Interrogation

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

HISTORY OF PROSECUTION

- The origin of the office of the prosecutor is found hundred of years ago in the jurisprudential development and the common law of England.
- The general term **attornatus** was used in England official documents in the Middle Ages to mean anyone who appeared for another as a pleader, attorney, or essoiner.
- The earliest laws of England defined crimes as being committed against a particular individual, not against the state. The original prosecutor was a victim or an individual representing a victim who stepped forward personally to initiate the prosecution of the alleged offender.
- Originally all crimes were torts; thus in early common law, any injury, whether to person or property, was a tort. (A tort today is an injury to an individual that is not an offense against the state). Later, the injury was considered an offense against the state.
- During the reign of Edward IV (1461-1483), William Husse was appointed attorney general of England.
- Henry VIII (1509-1547) eliminated the vengeance prosecution system and in its stead provided a system of "sergeants", who were required to act as police prosecutors and to enforce penal statutes. These sergeants were later to become well trained in the law.

PROSECUTION DEFINED

- Prosecution is the process or method whereby accusations are brought before the court of justice to determine the guilt or innocence of the accused.
- Serving as the lawyer of the State/government in criminal cases, the prosecutor is automatically considered an officer of the court; at the same time, he is formally a member of the Department of Justice, under the Executive branch of the Government, and thus independent from the judiciary.
- The prosecution service is made up of Provincial and City Public Prosecutors under the National Prosecution Service (NPS). They perform to types of prosecutorial powers; investigatory and prosecutory such as:

- They evaluate the police findings referred to them, or other complaints filed directly with them by individual persons (e.g. government officers in charge of enforcement of law violated);
- They file corresponding INFORMATION OR CRIMINAL COMPLAINTS in the proper courts on the basis of their evaluation of the proofs at hand; and
- They prosecute the alleged offenders in court, in the name of the People of the Philippines.

THE PROSECUTOR AND THE POLICE

1. Prosecutorial discretion typically enters the picture immediately after the arrest, when the police investigative reports are forwarded to the prosecutor for review.
2. The prosecutor screens and evaluates the document in order to decide whether to accept or reject the case for prosecution.
3. The action of the prosecution is dependent upon the police initiatory action, whereby the criminal justice system relies on the:
 - a) certainty of the arrest by the police.
 - b) certainty of conviction by an effective prosecution.
 - c) certainty of appropriate sentencing by the court.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Aside from the Public Prosecutors, there are also other prosecuting bodies that are involved in special cases. Research at least five (5) other prosecuting bodies.




PROSECUTING BODIES	• FUNCTION/S

Activity 2. The Role of the Prosecutor. Identify the roles of prosecutors by coming up with word/s/phrase/s that starts with each letter comprising the term PROSECUTOR.

P-
R-
O-
S-
E-
C-
U-
T-
O-
R-

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

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TOPIC 9

Prosecution Pillar

Preliminary Investigation and Inquest Proceedings

OBJECTIVES:

At the end of the lesson, the students are expected to:

- appreciate the importance of preliminary investigation.
- differentiate preliminary investigation and inquest proceedings

INSTRUCTIONAL MATERIALS

Law Enforcement Pillar handouts and power point

- **Additional Readings:** Procedure in conducting preliminary investigation by the investigating prosecutor

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

PRELIMINARY INVESTIGATION and INQUEST PROCEEDINGS

If a person is arrested, what is the purpose of delivering him to the nearest police station or jail and detaining him in that place?

It depends. If the arrest is with warrant, the arrested person must be detained for him to face the case that is already filed against him or to serve his sentence if he is already convicted. However, if the arrest is without warrant, he must be detained to undergo an inquest proceeding or preliminary investigation. (Timpac, 2007)

Inquest proceeding is a proceeding done by the inquest prosecutor to determine the validity of the arrest. This is very summary in nature which may be done by an informal interview with the arresting officer and/or the arrested person.

A **preliminary investigation** is an inquiry held for the purpose of ascertaining whether or not probable cause is present. It is intended to secure the innocent against hasty, malicious and oppressive prosecution and to protect him from an open and public accusation of crime. It is further intended to protect the State from useless and expensive trial.

It is required when the imposable penalty for the crime charged is at least **4 years, 2 months, and 1 day (4:2:1)** imprisonment without regard to the fine.

What is probable cause?

Probable cause is the existence of sufficient ground to engender a well-founded belief that:

- a) A crime has been committed; and
- b) The respondent is probably guilty thereof.

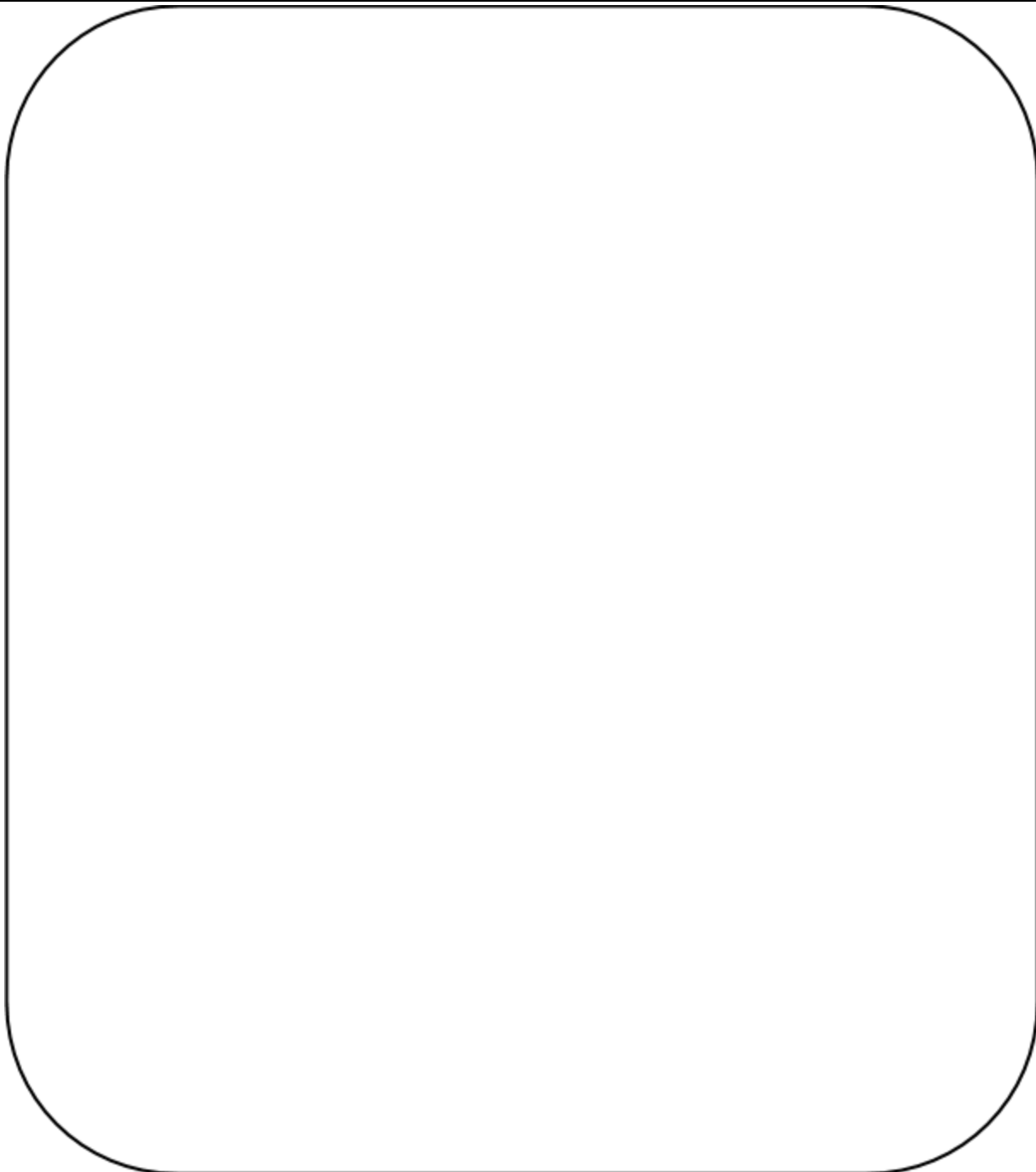
Who may conduct preliminary investigation?

Any of the following may conduct preliminary investigation:

- 1. Provincial or city prosecutor and their assistants;
- 2. National and Regional state prosecutors; and
- 3. Other officers as may be authorized by law. (Sec 2, Rule 112 of the Rules of Court)

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Read the procedure in conducting a preliminary investigation. Make a diagram showing the step by step procedures undertaken by the prosecutor.






Activity 2. Read the difference between reasonable suspicion and probable cause. Provide examples for each.

Terminology	Definition	Example	Source/s
1. Reasonable Suspicion			

2. Probable Cause			
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REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 10

Court Pillar

OBJECTIVES:

At the end of the lesson, the students are expected to:

- Understand the role of court in the PCJS.
- Discuss the court hierarchy.

INSTRUCTIONAL MATERIALS

Court Pillar handouts and power point

- **Additional Readings:** Types of Court Jurisdiction

DURATION: 3 hours

TEACHING-LEARNING ACTIVITY/LESSON PROPER

Court - Is a government institution that decides a case, according to the existing laws or the laws of the land. It adjudicates legal disputes between citizens, or between the citizens and the government.

Judge - A public officer so named in his commission and appointed to preside over and to administer the law in a court of justice.

Composition of Philippine Courts

Regular Courts:

Supreme Court	It is the highest court in the Philippines.
Court of Appeals	It is the second highest judicial court after the supreme court. It reviews decision and orders of the lower court.
Regional Trial Court (RTC)	Has jurisdiction over offenses punishable with imprisonment of six years and one day and over
Inferior Courts <ul style="list-style-type: none">• Metropolitan Trial Court• Municipal Trial Court• Municipal circuit Trial Court	Has jurisdiction over a violation of city municipal ordinances and offenses punishable by imprisonment not exceeding six years

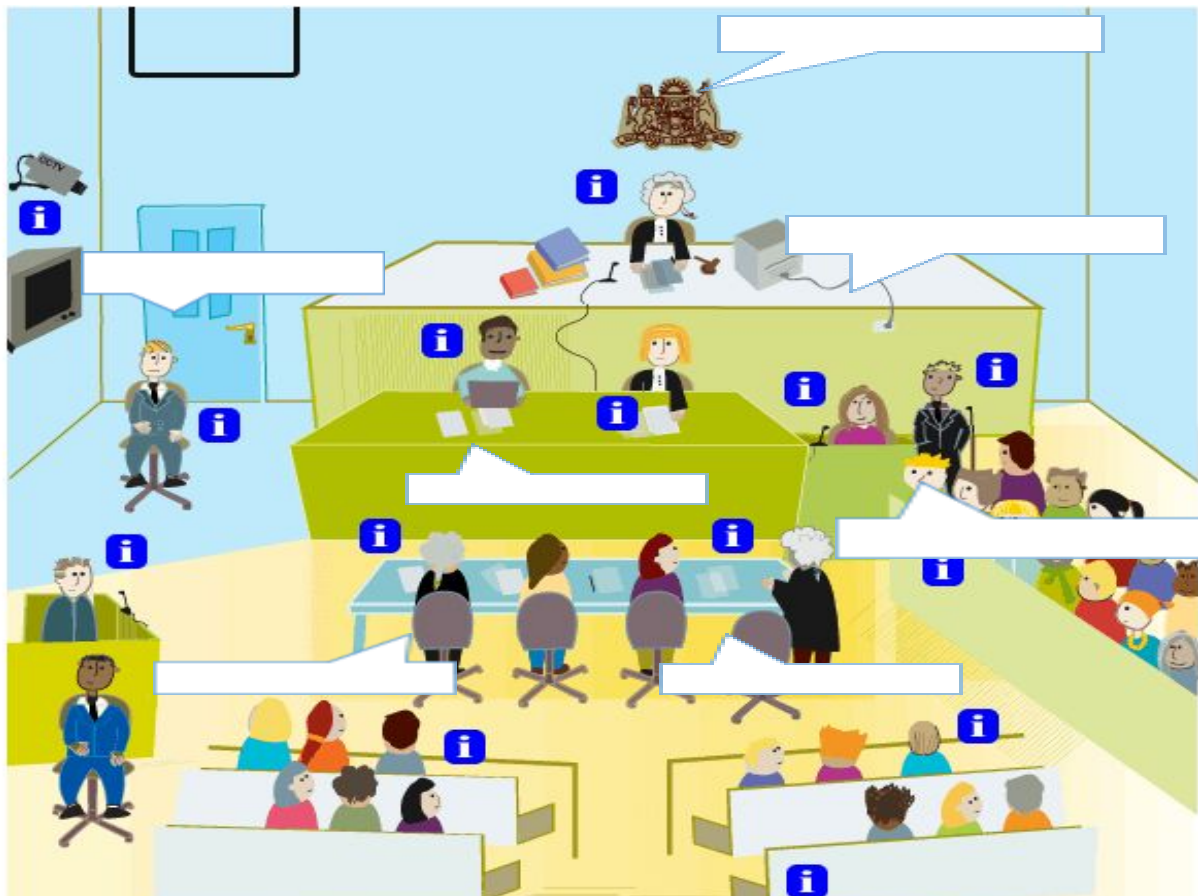
Special Courts:

Sandiganbayan	It is a special court that has jurisdiction over criminal and civil cases involving graft and corrupt practices of public officers. Created pursuant to PD 1606.
Court of Tax Appeals (CTA)	Has exclusive appellate jurisdiction to review and appeal the decision of the Commissioner of the Bureau of Internal Revenue involving internal revenue taxes and decisions of the Commissioner of the Bureau of Customs involving customs duties. Created pursuant to RA 1125

Shari'a Court	Created pursuant to PD 1083, otherwise known as the "Code of Muslim Personal Laws of the Philippines". Cases brought before this court is civil in nature.
Shari'a District Court	-These are courts of limited jurisdiction which are presided by District Judges
Shari'a Circuit Trial Courts	-These are presided by circuit judges.
Family Court	This special court was established by virtue of RA 8369, otherwise known as Family Courts Act of 1997". It covers criminal cases where one or more of the accused is below eighteen (18) years of age but not less than nine (9) years of age or where one or more of the victims is a minor at the time of the commission of the offense.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Who's Who in a Criminal Court. Identify the key personnel in courts (as many as you can). Research the roles and responsibilities of each personnel.



Roles and Responsibilities:

Activity 2. WORD SEARCH. Search for the different types of jurisdiction on the box. Then, write it down on the provided table below. Research also the definition of the type of jurisdiction and provide examples each.




L	I	A	B	C	I	V	I	L	M	I	C	O	N	C	I	V
B	C	E	N	E	R	A	L	C	O	R	O	N	A	V	I	C
L	I	M	I	T	E	D	R	L	U	S	I	S	R	E	A	O
L	W	E	H	E	A	L	A	S	O	N	E	C	E	L	E	N
B	R	A	T	E	L	N	I	F	E	M	I	C	N	R	O	C
P	H	O	N	K	I	L	O	S	A	S	I	O	D	P	A	U
A	S	S	I	G	V	E	W	P	C	L	I	F	L	E	O	R
O	S	E	I	M	S	A	P	C	U	T	Y	U	P	O	S	R
S	A	R	N	N	I	E	J	A	C	E	G	E	O	S	H	E
A	O	L	A	C	L	A	D	I	E	N	F	O	R	E	V	N
E	R	M	O	L	R	A	D	F	I	S	H	E	R	I	E	T
C	Z	X	A	T	Y	S	W	X	Y	Z	A	B	C	D	E	F
G	E	T	N	E	I	R	A	L	L	I	J	I	T	E	D	D
C	E	F	U	R	S	T	R	E	X	C	L	U	S	I	V	E
L	Y	S	U	T	R	Y	D	E	V	I	M	A	E	R	I	T
E	R	J	F	R	O	C	R	I	M	I	N	A	L	C	I	V
I	L	A	N	G	E	N	E	R	A	L	N	U	M	E	N	T

FOUND TERMINOLOGY	DEFINITION	EXAMPLES

ACTIVITY 3. COURT HIERARCHY. Draw a diagram or a flow chart of the Philippine Court System based on the concept notes stated above.

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 11

Court Pillar

Stages of Trial

OBJECTIVES:

At the end of the lesson, the students are expected to:

- enumerate the different stages of trial.
- appreciate the importance of each stage of trial in the administration of justice.

INSTRUCTIONAL MATERIALS

Court Pillar handouts and power point

- **Additional Readings:** What is Bail? What are the different types of bail?

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

COURT PROCEEDINGS

1. Arraignment - the reading to the accused in open court of the complaint or information.

- A copy of the complaint/information shall be given to the accused.
- List of witnesses will also be given to the accused.
- The accused pleads guilty or not guilty.

2. Pre – trial - an informal trial which precedes the regular trial. Primarily intended to expedite the proceeding. This is done through a Pre-Trial Conference conducted by the court.

- Plea bargaining (guilty or not guilty)
- Stipulation of facts (specification)
- Admission of facts
- Marking documentary evidence (Prosecution 123; Defense ABC)
- Waiver of objection to the admissibility of evidence

3. Trial - the formal investigation of the matter in issue with respect to the action before a competent court for the purpose of determining such issue that involves the guilt or innocence of the accused.

4. Judgment - the adjudication by the court that the accused is guilty or not guilty.

- It must be written in the official language,
- Personally and directly prepared and signed by the judge.
- Must contain legal bases of decision

5. Appeal - the whole case is elevated to a higher court for review and final adjudication.

- **Within 15 days** – period of entering appeal from the date of promulgation.
- **After 15 days** – the decision shall be Final and Executory

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Draw a flow chart to present the court proceedings.




A large, empty rounded rectangular box with a black border, intended for drawing a flow chart. The box is vertically oriented and occupies most of the page below the text.

ACTIVITY 2. CROSSWORD PUZZLE. Find ten (10) words that are associated with the Court Pillar. Research for the definition.

C R O S S F S H T U M C O U R T L V B N L G D S V E S O L R
 O E V S I L N O E R O A S G L O V F H M I P B A R G F L P S
 P V S I B R E D A H L S E P S M L G I N L S F P Z V B G I L
 J K L E O S I S G D K D N D R A L E B R E I R O P A C A S E
 A R O E V T I L N O E R O A C G L O V F H M I D B A R H S A
 I D H L P F S H T U M F J P R O S E C U T I O N S V E O N D
 N J K L E L S I O G D K D N O R A L E B R E I S O P A D T I
 T R I A L S I L N O E R O A P G L O V F H M I C B A R H S N
 I R E E S D N F R A K E H L S H S E D O D S E L A E D I K G
 F I Y D E R D E F E N S E G A I L K E E S O D L S R E Y E S
 F E Y U E E D R L O E R F A D L S D I K W I T N E S S W I R
 L R C E S S I L N O E R O A S G L O V F H M I W B A R I D E
 F C T U A D U W G R E D S T M S R A D E L F D R E R E I P I
 A R C E V S I L N O E X O M I N T I O N H M I W B A T R T D
 N C K L E L S I O G D K D N D R A L E B R E I S O P A D T S
 A R O E V S I L N O E X A M I N T I O N H M I W B A T R T D

REFLECTION

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TOPIC 12

Correction Pillar

OBJECTIVES:

At the end of the lesson, the students are expected to:

- exemplify the role of correction in the Criminal Justice System.
- apply the different justifications of punishment.

INSTRUCTIONAL MATERIALS

- Correction Pillar handouts and powerpoint

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

CORRECTION PILLAR

Correction is a branch of the Criminal Justice System concerned with the custody, supervision and rehabilitation of criminal offenders.

Penology is the study of punishment for crime or of criminal offender. It includes the study of control and prevention of crime through punishment of criminal offenders.

Why is Correction the weakest pillar of the Criminal Justice System?

Correction is the weakest pillar of the criminal justice system because of its failure to reform and rehabilitate offenders and prevent them from returning to a criminal life.

Classifications of Corrections

- a. **Institutional correction** deals with jails, prisons, and colonies where a convict is going to serve his sentence.
- b. **Non-institutional correction** deals with service of sentence of a convict outside an institution. It is also known as community – based – treatment.

Justifications of Punishment

1. **Retribution** – Offenders should be punished because they deserve it.
2. **Expiation or Atonement** – it is punishment in the form of group vengeance where the purpose is to appease the offended public or group.
3. **Deterrence** – punishment gives lesson to the offender by showing to others what would happen to them if they violate the law.
4. **Incapacitation and Protection** – the public will be protected if the offender has being held in conditions where he cannot harm others especially the public.
5. **Reformation or Rehabilitation** – it is the establishment of the usefulness and responsibility of the offender.

PENALTY is defined as the suffering inflicted by the state against an offending member for the transgression of law.

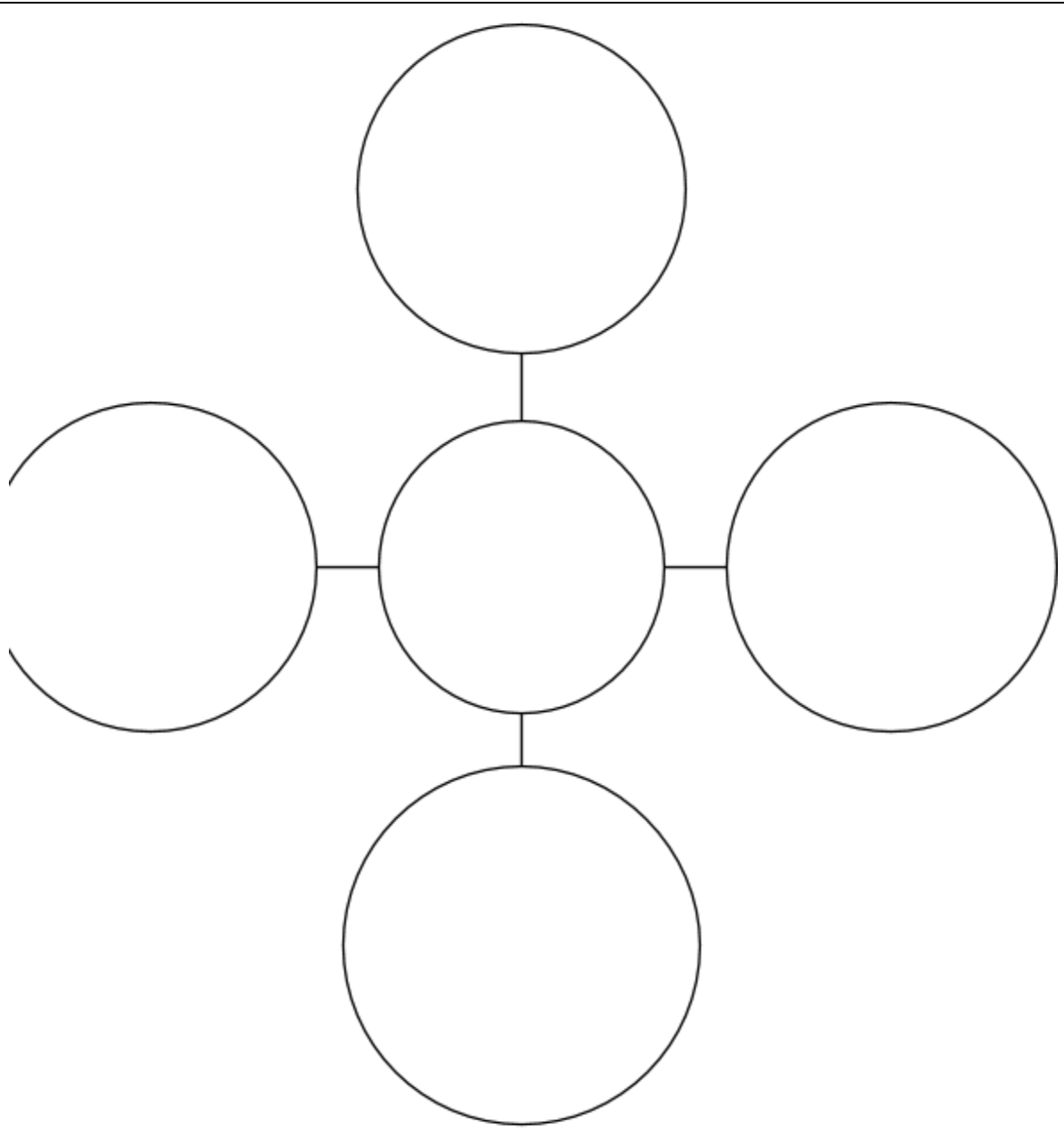
Juridical Conditions of Penalty

Punishment must be:

- 1. Productive of suffering** – without however affecting the integrity of the human personality.
- 2. Commensurate with the offense** – different crimes must be punished with different penalties (Art. 25, RPC).
- 3. Personal** – the guilty one must be the one to be punished, no proxy.
- 4. Legal** – the consequence must be in accordance with the law.
- 5. Equal** – equal for all persons.
- 6. Certain** – no one must escape its effects.

ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. Using the bubble chart, choose at least three (3) theories that will explain why criminals should be punished. Add the explanation.






Activity 2. Choose at least one (1) justification of punishment. Then, draw a comics strips to show how the justification can be observed.

A large, empty rounded rectangular box with a thin black border, intended for writing a reflection. The box is vertically oriented and occupies most of the page's width and height.

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.
- Cano, G. J., Amante, D.A., Fernandez, N.M. (2010) *Philippine criminal justice system*. Manila: Mindshapers.
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TOPIC 13

Correction Pillar
Jail and Prison

OBJECTIVES:

At the end of the lesson, the students are expected to:

- differentiate prison and jail.
- be knowledgeable of other forms of non-institutional corrections.

INSTRUCTIONAL MATERIALS

- Correction Pillar handouts and powerpoint

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

Jail - Is a short term detention facility where a person convicted or suspected of a crime is detained, it holds people awaiting trial, under investigation and people sentenced for a short duration which is below 3 years sentence. Jails include provincial, district, city and municipal jails managed and supervised by the Provincial Government and the Bureau of Jail Management and Penology (BJMP), respectively, which are both under the Department of the Interior and Local Government

Types of Jails:

1. **Lock-up Jails** – is a security facility, common to police stations, used for temporary confinement of an individual held for investigation.
2. **Ordinary Jails** – is the type of jail commonly used to detain a convicted criminal offender to serve sentence less than three years.
3. **Workhouses, Jail Farms or Camp** – a facility that houses minimum custody offenders who are serving short sentences.

Prison – A place of long term confinement for those convicted of serious crimes, the sentence is above 3 years, or place which refers to the national prisons or penitentiaries managed and supervised by the Bureau of Corrections, an agency under the Department of Justice.

General Classification of Inmates

1. Detention Prisoners/Detainee – those detained for investigation, preliminary hearing, or awaiting trial.
2. Sentenced Prisoners/Prisoners – offenders who are committed to the jail or prison in order to serve their sentence after final conviction by a competent court.

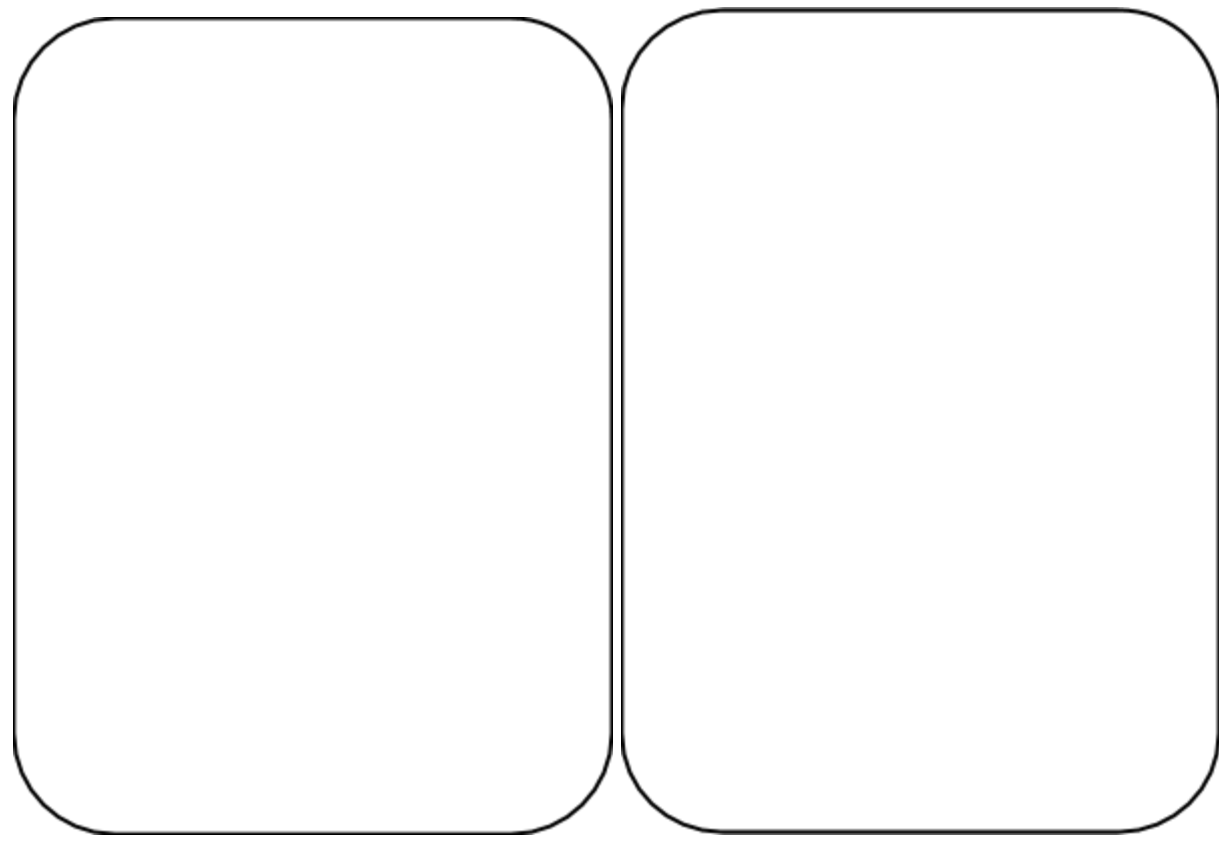
3. Prisoners who are on Safekeeping – includes non-criminal offenders who are detained in order to protect the community against their harmful behavior.

Classification of Sentenced Prisoners:

Insular or National Prisoners	- Those sentenced to suffer a term of sentence of 3 years and 1 day to life imprisonment.
Provincial Prisoners	- Those persons sentenced to suffer a term of imprisonment from 6 months and 1 day to 3 years or a fine not more than 1,000 pesos, or both
City Prisoners	- Those sentenced to suffer a term of imprisonment from 1 day to 3 years or a fine of not more than 1,000 pesos or both.
Municipal Prisoners	- Those confined in Municipal jails to serve an imprisonment from 1 day to 6 months.

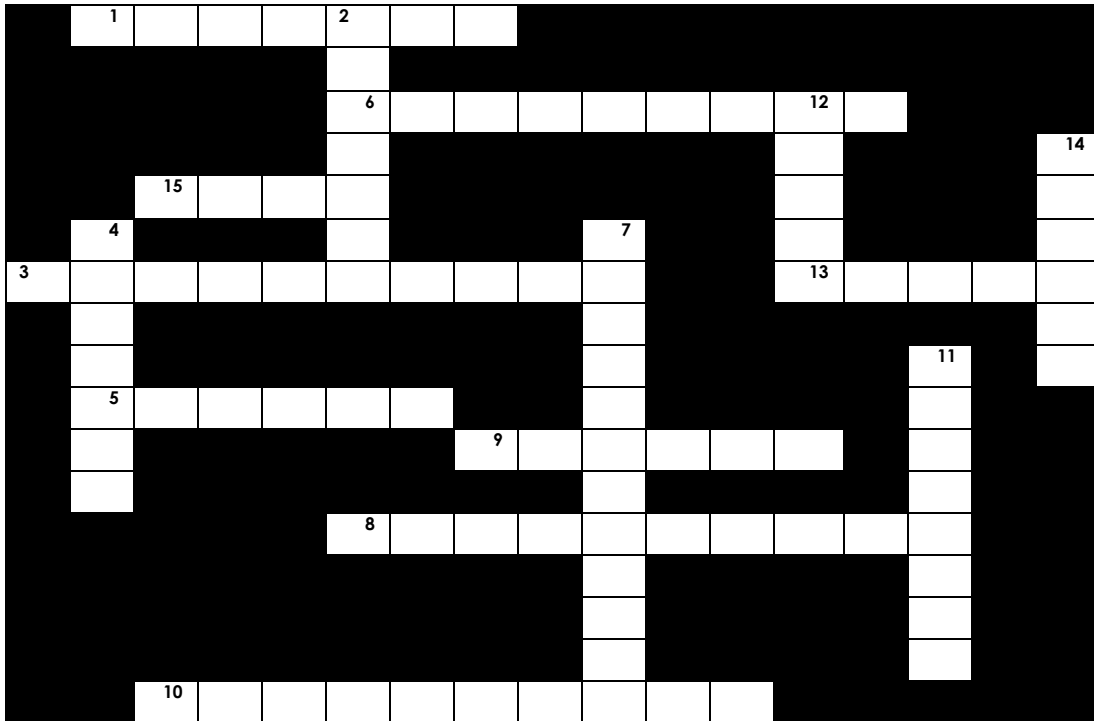
ENHANCEMENT ACTIVITY/OUTCOME

Activity 1. COLLAGE. Cut pictures of a jail and a prison. Paste it on the provided box below. Distinguish the jail and prison.



Activity 2. Watch the Ted Talk entitled “What a world without prisons could look like” by Deana Van Buren (you can access this clip through Youtube). Afterwards, write your reflection regarding the topic discussed.




Activity 3. CROSSWORD PUZZLE



Across	Down
1. Prisons are under the Department of ?	2. Prisoners who are sentenced to suffer a term of sentence of 3 years and 1 day to life imprisonment.
3. Punishment is imposed to warn potential offenders that they cannot afford to do what the offender has done.	4. This is defined as the suffering inflicted by the state against an offending member for the transgression of law.
5. This is a security facility, common to police stations, used for temporary confinement of an individual held for investigation.	6. These are offenders who are committed to the jail or prison in order to serve their sentence after final conviction by a competent court.
8. Provincial jails are under the government.	7. Goal of Correction
9. A place of long term confinement for those convicted of serious crimes.	10. Jails are under Department of Interior and Local ?
13. The consequences of the punishment must be in accordance with the law.	11. Study of Punishment
15. Short term detention facility for 3 years and below.	12. Punishment should be equal to all.
	14. Correction takes place when the accused is found?

REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

REFERENCES:

- Banks, C. (2009). *Criminal justice ethics: theory and practice*. (2nd ed.) Los Angeles: SAGE.

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TOPIC 14

Correction Pillar
The Prison System
Non-Institutional Corrections

OBJECTIVES:

At the end of the lesson, the students are expected to:

- enumerate the seven (7) correctional institutions in the Phils.
- understand the role of non-institutional corrections.

INTSTRUCTIONAL MATERIALS

- Correction Pillar handouts and powerpoint

DURATION: 1 hour and 30 minutes

TEACHING-LEARNING ACTIVITY/LESSON PROPER

Prisons:

The different prisons in the Philippines are the following:

1. **The Old Bilibid Prison** is known at present as the Manila City Jail. The Manila government swapped its property located at Muntinlupa to the Old Bilibid Prison which was owned by the national government. The national government built the New Bilibid Prison in said lot at Muntinlupa.
2. **The New Bilibid Prison. It has 2 satellites namely:**
 1. **Bukang Liwayway** houses minimum security prisoners who work in the various projects of the institution.
 2. **Sampaguita Camp** is where the Reception and Diagnostic Center, Medium Security Unit, and Youth Rehabilitation Center are located.

The different penal colonies in the Philippines and their location:

The penal colonies of the Philippines together with their locations are the following:

- a. San Ramon Prison and Penal Farm located in Zamboanga;
- b. Iwahig Penal Colony located in Palawan;
- c. Davao Penal Colony located in Davao City;
- d. Correctional Institution for Women located in Mandaluyong; and
- e. Sablayan Penal Colony located in Occidental Mindoro.
- f. Leyte Penal Colony located in Abuyog (Tadio, 1996).

Non-Institutional Corrections

1. **Probation-** is a disposition under which a defendant, after conviction and sentence, is released subject to conditions imposed by the court and under the supervision of a probation officer.
2. **Pardon-**It is defined as an act of grace proceeding from the power entrusted with the President which exempts the individual on whom it is bestowed, from punishment the law inflicts for a crime he has committed.
 - a. **Absolute Pardon-**given without any condition.
 - b. **Conditional Pardon-** given with conditions.
3. **Amnesty-** is an act of sovereign power granting oblivion or general pardon for a past offense usually granted in favor of certain classes of persons who have committed crimes of a political character, such as treason, sedition, rebellion.
4. **Parole** is the suspension of sentence of a convict after having served the minimum of the sentence imposed without granting pardon, prescribing the terms of the suspension.
5. **Reprieve and Suspension of Sentence** are the temporary stay or postponement of sentence especially when the penalty imposed is death.
6. **Commutation of Sentence-** is an act of the President reducing the penalty of a convict.

ENHANCEMENT ACTIVITY/OUTCOME

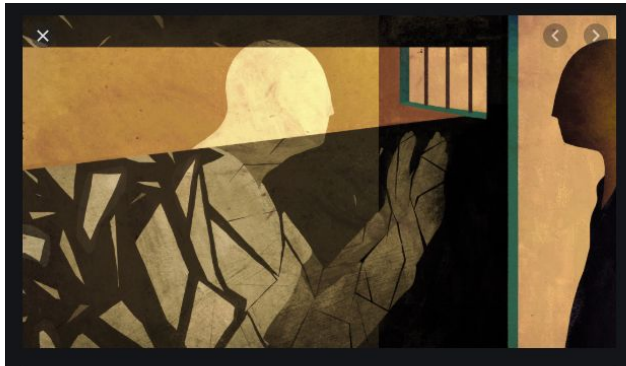
Activity 1. Putting yourself in the shoes of an offender. Let's say you have committed a crime and has been found guilty for it. The jail officers are escorting you to your cell.

1. Describe your probable emotions.

2. How do you want to be treated inside the jail?

3. What are the possible impact of this experience to your life?

Activity 2. Picture Perfect. The following pictures show problems or challenges faced in prisons or jails. Write your observation on the said problem and suggest solutions to address the presented problem.



Activity 3. Pros and Cons. What are the advantages and disadvantages of institutional based correction and non-institutional based correction?

A. INSTITUTIONAL-BASED CORRECTIONS

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A. NON-INSTITUTIONAL BASED CORRECTIONS

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REFLECTION

Check the emoticon that best describe your feeling for this day's activity and write the reason why.

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