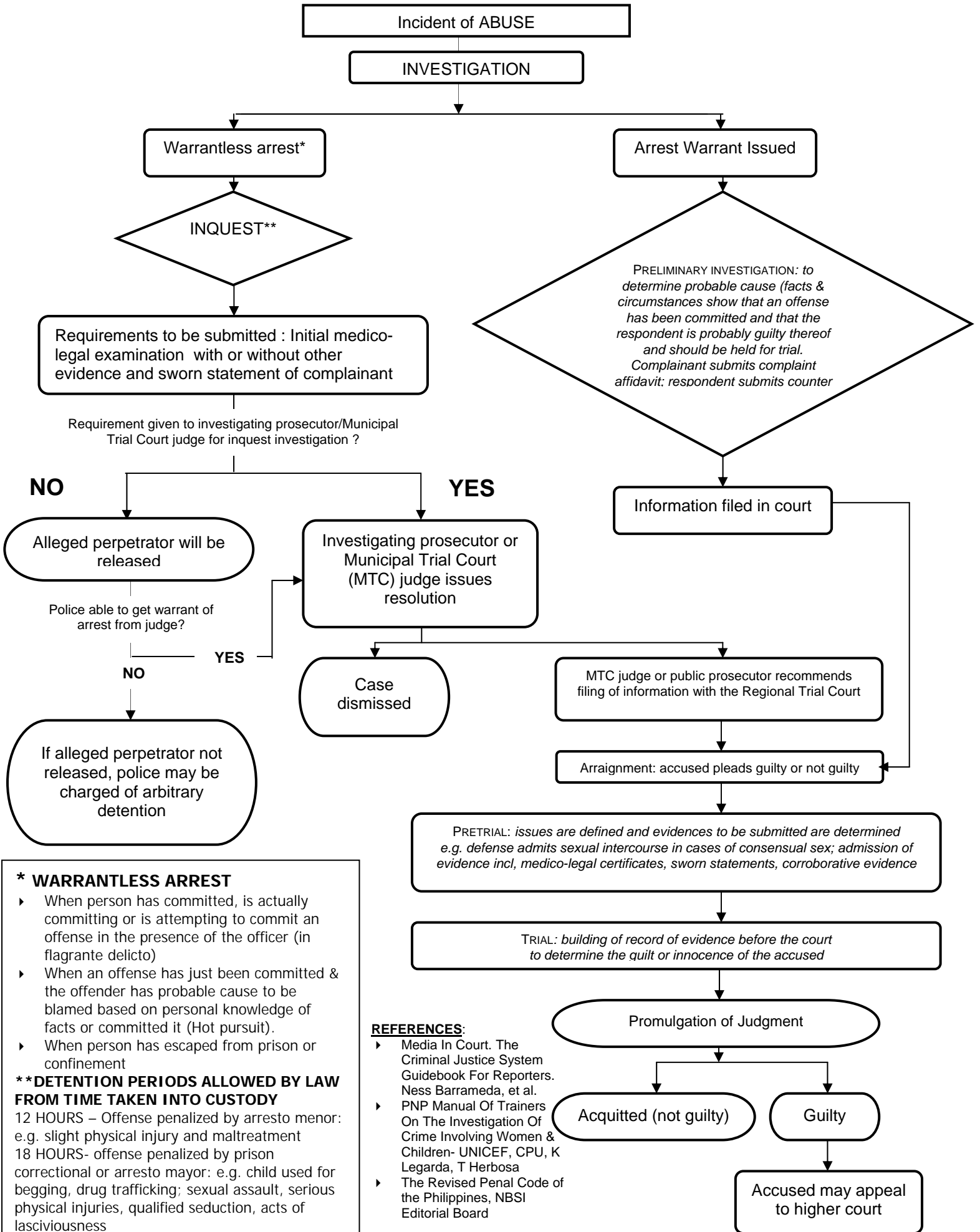




The **LEGAL RECOURSE** is an important part of managing child abuse cases. Most of our patients would want more information on what happens after the medico-legal examination. The following diagram illustrates the key processes in the filing of cases of child abuse from the police investigation to the trial in court. We hope this will guide physicians in counseling patients and their families.

KEY PROCESSES & PROCEDURES IN THE CRIMINAL JUSTICE SYSTEM FOR CHILD ABUSE CASES



* WARRANTLESS ARREST

- ▶ When person has committed, is actually committing or is attempting to commit an offense in the presence of the officer (in flagrante delicto)
- ▶ When an offense has just been committed & the offender has probable cause to be blamed based on personal knowledge of facts or committed it (Hot pursuit).
- ▶ When person has escaped from prison or confinement

**DETENTION PERIODS ALLOWED BY LAW FROM TIME TAKEN INTO CUSTODY

12 HOURS – Offense penalized by arresto menor: e.g. slight physical injury and maltreatment
 18 HOURS- offense penalized by prison correctional or arresto mayor: e.g. child used for begging, drug trafficking; sexual assault, serious physical injuries, qualified seduction, acts of lasciviousness
 32 HOURS- offense penalized by reclusion perpetua or temporal, prison mayor, death: e.g.: sexual abuse, child trafficking, child used for obscene publication, murder, homicide, intentional mutilation, serious physical injuries, when rape victim < 12 y.o.

REFERENCES:

- ▶ Media In Court. The Criminal Justice System Guidebook For Reporters. Ness Barrameda, et al.
- ▶ PNP Manual Of Trainers On The Investigation Of Crime Involving Women & Children- UNICEF, CPU, K Legarda, T Herbosa
- ▶ The Revised Penal Code of the Philippines, NBSI Editorial Board

ROUNDTABLE DISCUSSION

- September 12, 2003, Marriott Hotel Cebu: Forensic Investigation in Fatal Child Abuse Cases – Dr. Raquel Fortun, Forensic Pathologist, UP-PGH

ANNUAL CONFERENCE

- November 10-11, 2003 Pan Pacific Manila