

Chapter 2

The APJR: An Executive Summary*

I thank your president, Jesus F. Tambunting; Program Director Rene Golangco; and my good friend Mike Varela for inviting me to your meeting today.

As all of us know, Mike is active not only in the Rotary, but also in the Philippine Chamber of Commerce and Industry (PCCI), where he used to be president and chairperson of the board. As a measure of its lasting esteem, PCCI has named him chairperson *emeritus* for life.

I bumped into Mike last month during a private luncheon hosted by Ambassador Annika Markovic of Sweden at her house. I informed him that due to our unusually busy schedule in the Supreme Court and my added responsibility as chairperson of the forthcoming International Conference and Showcase on Judicial Reforms this November, I could not accept your invitation. But Mike could not be dissuaded. He insisted that I should talk about the Supreme Court's Action Program for Judicial Reform or APJR, as well as of our forthcoming global conference and showcase. And so, here I am.

The APJR is a very comprehensive and all-encompassing program that has six distinct components: (1) Judicial Systems and Procedures, (2) Institutions Development, (3) Human

Resource Development, (4) Integrity Infrastructure Development, (5) Access to Justice by the Poor, and (6) Reform Support Systems. The projects embraced under the APJR are so numerous and pervasive that our Supreme Court has had to create a separate Program Management Office (PMO). The PMO ensures that the APJR is pursued, coordinated, monitored and implemented vigorously. In coordination with various stakeholders and developmental partners, it actively manages the day-to-day implementation of the projects.

In this forum, I have no time to discuss the over a hundred projects embraced by these six components. Let me just present an executive summary of the reforms as they relate to three general matters: (1) the transformation of judges, (2) the judicial work environment, and (3) the relationship of the judiciary with its various publics.

Transformation of Judges

First, let me tackle the changes that are aimed at the transformation of judges -- their persons, educational backgrounds, habits and aptitudes.

These reforms go back deep into the **improvement of the law school curriculum**. Our Constitution empowers our highest court to promulgate rules concerning “admission to the practice of law.”^[1] Using this provision as basis, our Court is able to influence the direction of law education through the bar examinations it conducts annually. Reforms are veered toward the intellectual content of the tests, the eventual computerization of such tests, the perpetual disqualification of applicants who have consistently failed them, and the appointment of tenured examiners.^[2]

At the initiative of the Supreme Court (SC), the **Legal Education Board** (LEB) will be formally organized shortly. Headed by a retired SC justice,^[3] the Board will oversee the operation of all law colleges and reformulate their law curricula to make them more responsive to the needs of the 21st century.

Another innovative APJR project is the **Judicial Apprenticeship Program**, which has been piloted recently. This project proposes to expose third and fourth year law students to actual court proceedings and to train them in legal research and decision writing.

For those who have graduated from their basic law degree and passed the bar examinations, the **Mandatory Continuing Legal Education** (MCLE) program has been strengthened by the SC to ensure that members of the bar are continuously updated on current laws and jurisprudence. The Court has also **strictly enforced the lawyer's oath**. Thus, during the last six years,^[4] it has fined, warned, censured, admonished, reprimanded, ordered arrested, suspended or disbarred 463^[5] lawyers for violations of the Code of Professional Responsibility.

Judges are appointed to the bench by the President. To minimize, if not totally eliminate, partisan politics in the appointment of judges and to ensure that only the most qualified are appointed, our Constitution limits the President's choices only to those recommended by the **Judicial and Bar Council**. The Council^[6] is chaired by the Chief Justice, and its members are the secretary of justice; a senator; a congressman; a retired SC

justice; and one representative each of the bar, the academe, and the private sector.^[7]

After their appointment, judges must undergo **continuous judicial education** under the auspices of the Philippine Judicial Academy (PHILJA). This program consists of either actual classroom seminars or long-distance **e-learning** programs. The SC and the Philja are in the final stages of negotiating a P600 million grant from the Japanese government to build the **Philja Training Center** in Tagaytay.

Judicial education is intended to enhance not only the intellectual ability of magistrates, but also their ethical standards. Thus, effective June 1, 2004, the Supreme Court adopted the **New Code of Judicial Conduct for the Philippine Judiciary**, patterned after the Bangalore Principles of Judicial Conduct drafted under the aegis of the United Nations.^[8]

Even before this new Code was adopted, the Supreme Court had already been enforcing the earlier Canons of Judicial Ethics and the Code of Judicial Conduct. From 1999 to 2004, it had -- after appropriate proceedings -- reprimanded, censured, fined, forfeited the benefits of, suspended from office, or dismissed from the service, 660^[9] justices and judges.

But while our highest court has been strict with the misfits and the errants, it has also been adept at honoring the faithful and the exemplary through its annual **Judicial Excellence Awards**. In this program, it searches for, recognizes, rewards and recommends the promotion of outstanding judges.

With assistance from The Asia Foundation, the Court is also sponsoring “**Judge-to-**

Judge” Dialogues to facilitate intellectual exchanges. Jointly with the government of Australia, the Court has also arranged for scholarships for Filipino magistrates interested in further studies Down Under.

Equally important, the SC was able to convince Congress and the President to **double the basic judicial compensation**, through a staggered increase of 25 percent per year for four years starting in November 2003.^[10] Furthermore, the Court has been able to secure **better retirement benefits** for members of the judiciary. Also, **to protect judges from baseless administrative charges**, the SC has decided that a complaint filed within six months before the compulsory retirement of a judge, if based on a cause of action that occurred at least one year prior to the filing of the complaint, should be dismissed forthwith.

Improvement of Judicial Facilities and Tools

Second, let me now discuss the second general area of judicial reform -- the improvement of the judicial working environment, especially the provision of adequate facilities and tools.

Since the early 1990s, the Supreme Court has started computerizing its administrative, personnel and financial processes. The computerization has, however, been largely in the form of independent hardware-software components. To upgrade these existing stand-alone computerized financial, personnel, and administrative systems,^[11] the Court has embarked on the **total computerization of the entire judiciary**. With the support of the US Agency for International Development (USAID), we have pilot-tested, in the trial courts in Pasay City, the

Case Flow Management (CFM) system, a computer program designed to expedite the resolution of cases through the effective monitoring and the strict observance of time limits in the conduct of case events, from filing to disposition.

A second computer project, supported by the Canadian International Development Agency (CIDA), is the **Court Administration Management Information System (CAMIS)**, which has also been pilot-tested in Metro Manila. CAMIS automates statistical data to improve case tracking and reporting. Currently, these two systems are being *integrated*, preparatory to nationwide implementation.

To complement this hardware and software development, the Court is also undertaking a **Computer Literacy Program** for all 28,000 judicial officials and employees throughout the country. Consistent with our computerization program, the Supreme Court has, during the past five years, provided every courtroom in the country with at least one personal computer. A second computer for each trial court will be delivered within the next six months. Likewise, the Court has approved the acquisition of laptops by judges through an interest-free, 36-month installment program, payable at ₱1,000 per month.

In November 2004, the Court launched its **electronic library (e-library)**. Powered by a search engine, the e-library cuts research time and elevates legal research to a level of accuracy and comprehensiveness never imagined up to a few years ago. Already connected with the Internet, this e-library is available to all courts nationwide. Courts without Internet access are provided with compact discs containing up-to-date legal reference materials.

Like the e-library, the *Benchbook for Trial Court Judges* aims to assist judges in research. Designed as an easy-to-search tool, it enables them to make quick decision on points of law that arise in the course of a trial. It comes in both digital and paper versions.

To enable the members of the bench to keep up with new sciences and technologies, **new rules of procedure** have been promulgated by the Supreme Court. These new rules cover, among others, the admission of electronic evidence, the infringement of intellectual property rights, corporate rehabilitation, intra-corporate controversies, and the protection of juveniles in conflict with the law.

With a loan from the World Bank, the SC is giving a preview of a future, nationwide courtroom construction program for **model electronic courts** in selected areas. The Court has also acquired the old GSIS Building on Arroceros Street, Manila, to be converted into a modern Hall of Justice for the Manila trial courts.

To hasten case adjudication and unclog court dockets, the APJR has launched several projects to encourage the use of **alternative dispute resolution methods**.

With a grant from the Asian Development Bank, the Court has developed a **blueprint to strengthen the independence and to define the accountability of the judiciary**.

As a final item on this topic of improving the judicial environment, our Supreme Court, with the assistance of the American Bar Association-Asia Law Initiative and the USAID, has embarked on a **Justice-to-Justice Program** to encourage intellectual exchanges amongst

judges of the world.

Relationship with Various Publics

As to the *third* general area of reforms, let me discuss how the Supreme Court is improving its relationship with its various publics.

In this day and age of transparency, the SC realizes that, to be better understood and thereby to maintain public trust, it must somehow open up the judicial fortress. The Court must do so without, however, compromising the confidentiality of its collegiate deliberations. Thus, in early 1999, it established its **Public Information Office** (PIO). The PIO's goal is simple: to tell our various publics the truth, the whole truth, and nothing but the truth. Its job is not to "sanitize" or "angle" stories. Neither is it to "proselytize" and "propagandize," much less to spin tales or embroider judicial work.^[12]

The PIO regularly publishes the monthly *Benchmark* and compiles the *Court News*, which contains summaries of salient news about the Court and the Decisions it promulgates. From time to time, the PIO also issues news bulletins through the *Court News Flash*. These publications are written in simple non-legalese. Likewise, in coordination with the Management Information Systems Office (MISO), the PIO regularly updates its sub-domain on the Court's website: **www.supremecourt.gov.ph**. Furthermore, the PIO conducts tours of the various courts.

To respond to criticisms from the business sector that the judiciary is inordinately interfering in the economic life of the country, the Court launched, with the assistance of The Asia Foundation, the **Chamber-to-Chamber Dialogues**. The term “Chamber-to-Chamber” was derived from the “chambers” of magistrates and the various “chambers” of commerce spread all over the country. For the same purpose, I recently wrote a book, *Leveling the Playing Field*,^[13] which explains in detail the role of the judicial branch in economic governance.

To increase the accessibility of the judicial system, especially to the poor and the disadvantaged, the Supreme Court recently inaugurated its **Justice on Wheels** program. Though less than a year old, our first mobile court has already made an impact on efforts to decongest jails and speedily resolve family problems.

Our reform program and implemented projects have caught the attention of the world. Thus, our APJR has received endorsements, grants and loans from several international developmental agencies, including the United Nations Development Program (UNDP), World Bank (WB), Asian Development Bank (ADB) and The Asia Foundation (TAF); as well as from several foreign governments like Australia, Canada, the European Union, Great Britain, Japan, the Netherlands, and the United States. I do not know of any other country in the world that has received the same degree of cooperation and assistance from the international community. In the words of Anthony Gerald Toft, chief counsel for East Asia and the Pacific region of the World Bank, “the APJR is fundamentally well-rooted x x x [and] well informed x x x[;] other parts of the world have much to learn from the Philippine judicial reform program.”^[14]

International Conference and Showcase on Judicial Reforms

Apart from the assistance from developmental agencies and other countries, our judicial reform program has been acclaimed in many other countries as a model worth following. Thus, to share our reform agenda with the other judiciaries of the world, the Philippine Supreme Court -- with a grant from the World Bank, ADB, TAF and other developmental partners -- is sponsoring an International Conference and Showcase on Judicial Reforms on November 28-30, 2005, at the Makati Shangrila Hotel.

This three-day global gathering is divided as follows: (1) **plenary and parallel sessions** to facilitate the exchange of ideas, experiences, best practices and reform initiatives; and (2) a **showcase** or exhibit or roadshow of judicial reform projects of the Philippines and other participating judiciaries. The plenary and the parallel sessions will have the following themes: Day 1 - Judicial Independence, Integrity, Education, Transparency and Accountability; Day 2 - Access to Justice; and Day 3 - Judicial Reform Management, Implementation and Knowledge Sharing.

In the showcase portion, various judicial reform projects will not only be discussed with the aid of technological advances; they will also be exhibited for the participants to see, touch, behold, and -- in some cases -- actually operate.

The invited participants will include (1) the Chief Justices and other top magistrates of about 80 countries, (2) judicial educators, and (3) officials in charge of judicial reforms in

their respective countries. Funding support from the World Bank, the ADB, the TAF, the Canadian International Development Agency (CIDA) and the USAID have made it possible for all interested participants to attend the conference-cum-showcase, free of registration fees. Invited magistrates, heads of judicial reform programs, and chancellors of judicial institutions will be given complimentary hotel accommodations, meals and local travel. Also, a limited number of international travel grants especially for developing countries will be available from donor partners upon request.

At the close of the three-day conference and showcase, the participants are expected to establish an **Asia-Pacific Judicial Reform (APJR)** Network. The APJR Network is envisioned to be the institutional vehicle for sharing lessons and best practices in implementing judicial reforms in our region of the world.

Unity and Continuity

During a “Judge-to-Judge” Dialogue held in Davao City on July 15, 2005, a participant asked me a relevant question: “After the retirement of Chief Justice Davide on December 20, 2005, what will happen to the APJR?” My answer was simple and forthright: “It will continue, because the APJR is a project of the entire judiciary. True, Chief Justice Davide envisioned and started it. True, he gathered support for it locally and internationally. But the APJR is not his personal project. It has been undertaken and participated in by everyone in the judiciary -- from the Supreme Court to the lowest court, from the SC justices to the lowliest clerk in the farthest ends of our country.”

