

## Chapter 3

### **Global Support for Judicial Reforms\***

I am greatly honored at being invited to be the guest speaker during today's luncheon meeting of the Consular Corps of the Philippines. It was former Tourism Secretary and now Ivory Coast Honorary Consul Vince Carlos, your immediate past dean, who first broached the idea of my speaking here. In his letter of invitation, the dean of the Consular Corps -- Her Majesty's Consul John Fielder -- asked me to talk about the judicial reforms espoused by our Supreme Court, as well as the forthcoming International Conference and Showcase on Judicial Reforms. Thus, I have gladly come to discuss with you these subjects that are close to my heart.

From a more personal perspective, I also welcome this opportunity to break bread with you. As some of you may know, I was once a member of your group. Many years before joining the Supreme Court, I was consul *ad honorem* of the Republic of Honduras. So, my presence today is really a long overdue reunion with you.

Ladies and gentlemen, upon assuming office on November 30, 1998, Chief Justice Hilario G. Davide Jr. immediately enunciated the "Davide Watch," in which he envisioned a judiciary that would be "independent, effective and efficient, and worthy of public trust and confidence; and a legal profession that provides quality, ethical, accessible and cost-effective legal advice to our people."

## *Wide-Ranging Reforms*

To realize this vision for the judiciary and the legal profession, the Supreme Court approved on December 8, 2000, the “Action Program for Judicial Reform” or APJR. The Program is comprehensive and wide-ranging. It addresses all the possible concerns and problems of the Philippine judiciary: (1) case congestion and delay, 2) budget deficiency in the judiciary, 3) politicized system of judicial appointments, 4) lack of judicial autonomy, (5) human resource development, (6) defective administrative structure, (7) insufficient public information and collaboration with society, (8) perceived corruption in the judicial department, and (9) limited access to justice by the poor.

In short, the APJR seeks to solve three major problems: corruption, incompetence and delay in the delivery of justice. As a memory guide, I refer to these three problems as the “CID” targets of judicial reform.

To address these concerns, more than 100 specific projects and programs have been launched since the year 2000. The projects cover all areas of concern in the delivery of justice, starting with the judges -- their education, their aptitude for the minutiae of decision making, and their ethical character. They also include judicial tools, especially new computerized systems to speed up the delivery of quality justice, as well as the reform of the judicial disciplinary process. Finally, they extend to the improvement of judicial compensation, the construction of dignified courthouses, the provision of adequate equipment, and the use of alternative dispute resolution mechanisms. The projects are being pursued, coordinated, monitored and implemented vigorously by our Supreme Court through

its Program Management Office (PMO).<sup>[1]</sup>

### ***Predictability in the Dispensation of Justice***

Our APJR has been crafted on the proposition that stability and predictability in the dispensation of justice are indispensable requirements of good governance, which is in turn a prerequisite of economic development. In other words, the observance of the rule of law is necessary in a democracy to enable the government to improve the economic plight of the people. Indeed, speedy justice, democracy and the economy are intertwined into one tapestry of governance.

Due to our limited time, I will not be able to cover all these over 100 projects. Let me just say that we in the judiciary are very pleased with the enthusiastic support and assistance given the APJR by the international community, especially multinational developmental agencies, like the United Nations Development Program (UNDP), the World Bank (WB), the Asian Development Bank (ADB) and The Asia Foundation (TAF); as well as national aid agencies from Australia, Canada, the European Union, Great Britain, Japan, the Netherlands and the United States.

Since the audience this afternoon is composed of members of the consular corps, let me speak of the judicial reform projects supported by the foreign partners of our judiciary.

### ***UNDP Assistance***

*First*, the **UNDP** funded the preparation of the “Blueprint of Action for the Judiciary,” from which our present and more comprehensive Action Program for Judicial Reform owes its origin. UNDP followed through with a package of studies and technical assistance aimed at (1) strengthening not just the judiciary itself, especially the Shari’a courts,<sup>[2]</sup> but also the other pillars of our criminal justice system like the Philippine National Police;<sup>[3]</sup> and (2) facilitating the poor’s access to the justice system.

Included in the “Access to Justice” aspect of UNDP sponsorship are the following: (a) a diagnostic study of the capabilities and limitations of the Department of Justice;<sup>[4]</sup> (b) a research on how penal institutions work; and (c) a participatory program to assess the strengths and weaknesses of our jails.<sup>[5]</sup> I should add here the jail decongestion project -- undertaken by the Integrated Bar of the Philippines (IBP) with UNDP funding -- in the Manila, Pasay, Quez on City and Pasig City jails. Worth mentioning as another UNDP concern is the elimination of gender bias and the equalization of political and civil opportunities for both men and women.

### ***World Bank Assistance***

*Second*, the **World Bank** generously provided grants and loans through a comprehensive agreement called the Judicial Reform Support Program or JRSP.<sup>[6]</sup> In line with this program, the WB has funded, among others, (1) a “Multi-Stakeholders’ Forum on the APJR”;<sup>[7]</sup> (2) the e-library, the first fully electronic library in Asia, launched by the Supreme

Court in November 2004;<sup>[8]</sup> (3) computer-aided transcription (CAT) facilities; (4) the preparation of an infrastructure master plan and a judiciary-wide automated case management system; and (5) the judiciary's case decongestion and delay reduction project. Funds for the capability-building program of the Supreme Court (SC) and its seminars for its employees on the Code of Conduct for Judicial Personnel are also being provided by the Bank.<sup>[9]</sup>

To facilitate access to the judicial system, especially by the poor and the disadvantaged, the Supreme Court recently inaugurated its "Justice on Wheels" program with the assistance of the Bank.<sup>[10]</sup> Already, our first mobile court has made an impact on decongesting jails and speedily resolving family problems in Metro Manila.<sup>[11]</sup>

Moreover, with a loan from the World Bank, the Supreme Court is building model electronic courts in selected areas as a preview of a future nationwide courtroom construction program. Just recently, the Bank has generously acceded to finance the rehabilitation of the old Government Service Insurance System (GSIS) building, located on Arroceros Street in Manila, for its eventual conversion into a modern Hall of Justice for Manila trial courts.<sup>[12]</sup>

The World Bank has sponsored several SC justices' visits to other jurisdictions to observe reform and modernization projects in those places. Because of the visits, ideas on case computerization, electronic library, mobile courts, electronic docket fee payments, and halls of justice reconstruction were absorbed by the Filipino participants, who quickly implemented them here with appropriate modifications to suit our own judicial structure and system. During those visits also, the holding of the International Conference and Showcase on Judicial Reform was born of the perceived need of various countries to share knowledge

and reform projects among themselves. I shall discuss this matter in more detail later.

### ***ADB Assistance***

*Third*, the **ADB** has granted the SC over US\$1 million to fund a comprehensive a study on “Strengthening the Independence and Defining the Accountability of the Judiciary.”<sup>[13]</sup> This study reviewed the organizational, administrative and financial structures of the judiciary; and proposed their revision and streamlining to ensure independence, transparency and accountability. The ADB has also funded (1) various judges’ forums on the role of courts in environmental protection; and (2) a training course in Japan on performance evaluation, court administration, judicial career development, and judicial education.

### ***USAID Assistance***

*Fourth*, the **United States Agency for International Development (USAID)** has assisted about 30 judiciary reform activities and projects covering the entire gamut of the APJR. Among the major reform undertakings funded by the USAID are the Case Flow Management Pilot Project (CFMPP) in the Pasay City courts,<sup>[14]</sup> a manual of uniform writing style for the Supreme Court, the various Justice-to-Justice and Judge-to-Judge Dialogues,<sup>[15]</sup> the DOJ Reform Agenda, the E-Commerce Law Workshops,<sup>[16]</sup> and Judicial Ethics Symposia.<sup>[17]</sup>

With funding from the USAID and The Asia Foundation, consultations have been held

with the bar and the bench on memoranda, recognizance, summary procedure and affordability constraints on access to justice.<sup>[18]</sup>

Other activities include a review of the *barangay* justice system in the Philippines, the strengthening of legal protection for children, and the improvement and eventual computerization of the bar examinations.<sup>[19]</sup> The Philippine judiciary has also received technical assistance for (1) docket decongestion at the Court of Appeals and the Sandiganbayan,<sup>[20]</sup> (2) law and economics, and (3) corporate governance.<sup>[21]</sup>

### ***The Asia Foundation Assistance***

*Fifth, The Asia Foundation (TAF)* has supported a number of “Chamber to Chamber” Dialogues.<sup>[22]</sup> Named after the “chambers” of magistrates and the “chambers” of commerce throughout the country, these Dialogues facilitate the discussion of concerns of the business community. Assisted by TAF, the judiciary has also embarked on a pilot student apprenticeship program to train selected third year and fourth year law students in Metro Manila in legal research and to expose them to actual court proceedings.<sup>[23]</sup> Presently, TAF is funding teaching exemplars of the rule of law under the Public Education on the Rule of Law Advancement and Support (PERLAS) project.<sup>[24]</sup>

Partly funded by TAF are the LADR projects of the USAID, including a video production on the conduct of pretrial in civil and criminal cases, as well as on the use of

depositions and modes of discovery.

### ***CIDA Assistance***

*Sixth*, the **Canadian International Development Agency (CIDA)** has given a Canadian \$7 million grant to assist the SC's Court Administration Management Information Systems (CAMIS) project,<sup>[25]</sup> which is aimed at automating statistical data to improve case tracking and reporting.

Through the CIDA, the Canadian government has likewise helped the SC come up with intensive study programs for judicial educators, judges and court officials, at the Commonwealth Judicial Education Institute in Halifax, Canada. The Canadian government has also donated computers to the Philippine Judicial Academy (Philja). Furthermore, it has provided assistance for the three major components of the Justice Reform Initiatives Support (JURIS) project: mediation as an alternative to litigation, judicial education and reform advocacy.

### ***AusAID Assistance***

*Seventh*, the **Austrian Agency for International Development (AusAID)** has assisted the SC in the preparation, printing and circulation of the *Benchbook for Trial Court Judges*;<sup>[26]</sup> the training needs assessment (TNA) of judicial personnel under the Australian Youth Ambassador for Development Program; and the "Justice Link," a project partly financed also by the USAID and TAF to institutionalize a citizens' feedback mechanism for the judiciary. In addition, the Philippine Australia Human Resource Development Facility

(PAHRDF)<sup>[27]</sup> has approved two long-term programs for court employees.<sup>[28]</sup>

### ***EU Assistance***

*Eighth*, a relatively a new developmental partner, the **European Union (EU)** has given a grant of 2.73 million euros to cover the entire duration (2005 to 2008) of the project “Access to Justice for the Poor through Information, Education and Communication (IEC).”<sup>[29]</sup> This program involves, among others, the training of the clerks of court of selected municipal courts and of *barangay* officials in selected parts of the country, in order to enable them to provide vital information on the legal rights of the poor and the disadvantaged. It has also given assistance to the project “Strengthening the Courts for Internally Displaced Persons and Communities.”<sup>[30]</sup>

### ***Japanese Assistance***

*Ninth*, the **Japanese government** and the Supreme Court are in the final stages of negotiation for a ₱600 million grant to build the Philja Training Center in Tagaytay. This Center will be the venue for the continuing education of incumbent judges, as well as a school for those aspiring to join the judiciary. The Philippines has likewise applied for a grant from Japan to cover part of the Judicial Administrative Reforms and Decentralization (JARD) project.

### ***British and Dutch Assistance***

*Tenth*, the **British Council** has funded the National Forum on the Five Pillars of Justice. A project proposal for the strengthening of the Shari'a courts is also being considered for funding by the British government.

*Eleventh*, the **Netherlands** has likewise given funds for baseline studies involving policy and human resource development.

### ***International Conference and Showcase on Judicial Reforms***

Modesty aside, our judicial reform program has been acclaimed in many countries. To share our reform agenda with the other judiciaries of the world, the Philippine Supreme Court -- with grants 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.

The three-day global gathering is divided into (1) **plenary and parallel sessions** to facilitate the exchange of ideas, experiences, best practices and reform initiatives; and (2) a **showcase**,<sup>[31]</sup> exhibit or road show of judicial reform projects being undertaken by the Philippines and other participating judiciaries.

Funding support from the World Bank, ADB, TAF, USAID and CIDA has made possible the participation of all Chief Justices of about 80 countries and all other magistrates and judicial educators invited to attend the conference-cum-showcase, free of registration fee. Invited participants -- about 150 in all -- will be given complimentary hotel accommodations,

meals and local travel. A limited number of international travel grants especially for developing countries will be available from donor partners upon request.

### ***An Asia-Pacific Judicial Reform (APJR) Network***

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 continuing the initiatives started by the Conference.<sup>[32]</sup>

### ***Consular Corps Assistance***

Ladies and gentlemen, may I thank you once again for giving me this opportunity to speak with you about the judicial reform program of the Supreme Court and the heart-warming support of the international community. I do not know of any other country that has enjoyed a similar degree of global assistance for the modernization of its judicial system. For this we are thankful. And, to show our gratitude, we vow to pursue these efforts until our goal of speedy delivery of quality justice is attained.

I close with the fervent hope that you would inform your respective judiciaries of our Judicial Reforms Conference and Showcase to be held this coming November. As conference chairman, may I repeat our invitation to your respective countries to participate in this unique gathering and exhibition. Together, let us roll out the red carpet in assuring the success of this judicial exchange aimed at improving the dispensation of justice in the world.

- \* Address I delivered during the regular meeting of the Consular Corps of the Philippines on August 31, 2005, at the Ballroom of the Mandarin Oriental Hotel, Makati City. After the program, honorary membership in the Consular Corps of the Philippines was conferred on me.
- [1] Per the Court's en banc Resolution dated July 17, 2001 (AM No. 01-7-09-SC).
- [2] A project called "Institutional Strengthening of the Shari'a Justice System" was undertaken to, among others, review the overall performance of the system, identify its strengths and weaknesses, and assess the administrative structures and operating systems in the judiciary in order to determine factors that promote or hinder the efficiency and effectiveness of the Shari'a courts. (PMO Annual Report 2004, p. viii)
- [3] The Final Report was submitted in June 2005 and launched on July 28, 2005. An Implementation Plan Workshop was conducted on August 10-12, 2005.
- [4] The project, called "Strengthening the Other Pillars of Justice through the Department of Justice," was undertaken by the DOJ as the implementing agency. Area-specific reviews and baseline data gathered through the study paved the way for the thorough assessment of the DOJ's functions, programs and overall capacities and performance. (PMO Annual Report 2004, p. vii)
- [5] Otherwise known as the "Raymund Narag Study," the research sought to determine how the penal institutions worked in the Quezon City jail; as well as the strengths and weaknesses, and capabilities and limitations, of the penal institutions. Narag was himself a detainee for seven years in the Quezon City Jail (PMO Annual Report, Chapter 2, p. 22). The Final Study was launched on May 10, 2005; 468 copies were distributed to various stakeholders.
- [6] The JRSP is designed to support selected policy and institutional reforms, together with infrastructure improvements, set forth in the APJR. It has four major components: (A) improving case adjudication and access to justice; (B) enhancing institutional integrity; (C) strengthening the institutional capacity of the judiciary; and (D) ensuring stakeholder support for reform and strengthening the PMO.
- [7] Held on August 17, 2004, at the Westin Philippine Plaza. The forum sought to identify which of the reform areas had been or were currently being addressed, and which other areas still needed to be addressed.
- [8] Powered by a search engine, the e-library cuts research time and elevates legal research to a level of accuracy and comprehensiveness never imagined a few years ago. Once installed on the Internet, it will be available to all courts nationwide.
- [9] Per AM No. 03-06-13-SC, effective June 1, 2004. A New Code of Judicial Conduct for the Philippine Judiciary (AM No. 03-05-01 SC) has also been promulgated recently. This Code of Conduct for judges is based on the universal declaration of standards for ethical conduct embodied in the Bangalore Draft which, as revised, was adopted during the Round-Table Meeting of Chief Justices held at the Peace Palace, The Hague, on November 25-26, 2002.
- [10] The first mobile court under the Justice on Wheels initiative was launched on December 21, 2004.
- [11] With the assistance of seven family court judges in Manila, 40 cases were immediately resolved after the mobile court's first-day run. Also released were 26 juveniles in conflict with the law; they were from the Manila Youth Reception Center (MYRC). (PMO Annual Report 2004, p. vii)
- [12] Through a property-for-building swap, the Philippine SC has been able to acquire the GSIS building in exchange for a vacant lot it owns along Taft Avenue. This scheme was inspired by the example of the Supreme Court of Venezuela, which had successfully converted an unused or abandoned modern building (the former head office of a failed bank) to house its courts.

[13] ADB TA 3693-PHI.

[14] The CFMPP is a computer system designed to expedite the resolution of cases through the effective monitoring and strict observance of time limits in the conduct of case events, from filing to disposition. The project is supported by a \$112,844 grant from the USAID. (PMO Annual Report 2004, Chapter 2, p. 16)

[15] The Justice-to-Justice and Judge-to-Judge Dialogues, which facilitate intellectual exchanges among judges of the world, have been made possible with the assistance of the USAID through the American Bar Association-Asia Law Initiative (ABA-Asia).

[16] Workshops for judges on e-commerce and commercial laws have been conducted under the auspices of the SC with funding from USAID, the World Bank and the ADB.

[17] The symposium provided the venue for the discussion of the New Code of Judicial Ethics and the training of law professors in new teaching methodologies in legal and judicial ethics. Funding was given by the USAID through the American Bar Association-Asia Law (ABA-Asia).

[18] The consultations were subsequently complemented with studies on the possible expansion of recognizance and summary procedure in criminal cases, as well as an in-depth inquiry on addressing affordability constraints on access to justice by the poor and the disadvantaged.

[19] Assistance has been given through the ABA- Asia.

[20] This is funded by the USAID. The Sandiganbayan round-table discussion of docket decongestion was held on May 30, 2005.

[21] Significantly, several reform projects have received assistance under USAID's "Legal Accountability and Dispute Resolution (LADR) Program" and "Reforming the Administration of Justice through Coalition Advocacy (RAJCA). Some of the RAJCA projects include alternative dispute resolution; a judicial seminar on indigenous people's rights; a tele-video conference on the new rules on electronic evidence, as well as on the psychological incapacity and capacity of the child; and court-referred mediation.

[22] Dialogues with six foreign chambers have been completed, and preparations are underway for dialogues with four remaining foreign chambers (French, Spanish, Korean, Filipino-Chinese). Dialogues with 11 local chambers have also been completed, and six more are being prepared.

[23] The "Pilot Judicial Apprenticeship Program" was conducted in May 2004. Seventy-seven law students participated in the program, 44 of them from four law schools in Metro Manila.

[24] The PERLAS project seeks to integrate in the elementary and high schools curricula the value of civic-mindedness and obedience to the rule of law. It is a collaborative undertaking of the SC, the Department of Education, TAF, and the Lawyer's League for Liberty (Libertas). With the sponsorship of TAF, the Court has also completed the production and distribution of 1,970 tarpaulin banners now posted in the different Halls of Justice nationwide.

[25] Through the project, the Supreme Court aims to build and strengthen the capacity of the Office of the Court Administrator and the Management Information Systems Office, so as to support a Court Management Information System that will be publicly accessible and able to provide a comprehensive database of all cases under the jurisdiction of the lower courts, including the current status of each.

[26] The *Benchbook* was launched in 2001 by then Australian Ambassador John Buckley. Designed as an easy-to-search tool, it enables magistrates to decide points of law quickly as they arise in the course of a trial. It comes in both digital and paper versions.

[27] A four-day Workshop on Monitoring and Evaluation Capability Building (Module 1) has also been undertaken under the PAHRDF.

[28] The program consists of one-year graduate diploma courses to be taken in Australian universities starting January 2006, as well as three short-term programs that will run for sixty days each.

[29] The project seeks to (1) enable the poor in selected project areas to pursue justice through their increased knowledge of basic rights and the judicial system; (2) create an enabling and supportive environment within the judicial and law enforcement institutions; and (3) provide an overall framework to ensure the protection of the rights of poor women and children in particular. (PMO Annual Report, Chapter 2, pp. 7, 12-13) The Supreme Court is the implementing unit of Component 1 or the “Institutionalization of the Decentralized Information Function of the Judiciary.” Major deliverables of this Component include the IEC Guidelines, Policies and Standards of Conduct for the Municipal Court Information Officers (MCIOs); Training of MCIOs in IEC; and a Training Program Sensitizing Municipal Court Judges and Court Personnel (in the target project areas) to the economic and social conditions of the poor or to the social context.

[30] A component of “Rehabilitating Internally Displaced Persons and Communities in Southern Philippines,” the project seeks to address the rehabilitation and resettlement of at least 10,000 displaced families in Southern Philippines. (PMO Annual Report 2004, p. viii) Included in the project is the construction/repair and rehabilitation of the Halls of Justice in selected areas through the Armed Forces of the Philippines Engineering Brigade.

[31] 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 and behold, and in some cases actually operate.

[32] The APJR network is intended as a venue for the following:

1. The sharing of lessons and best practices in implementing judicial reform and modernization
2. The strengthening of judicial independence, integrity, transparency and accountability
3. The facilitation of judicial cooperation across the Asia-Pacific region
4. The adoption of strategic responses to increase access to justice and reduce poverty