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Policy Dialogue Series 2004: Academe Meets the Government on Judicial Reforms

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EMERLINDA R. ROMAN (PRESIDENT, UNIVERSITY OF THE PHILIPPINES [UP]): It is my pleasure to welcome all of you to this forum, "Academe Meets Government on Judicial Reforms," initiated and organized by the Third World Studies Center and the Department of Political Science, UP Diliman. This forum brings together academics with expertise and knowledge gathered from years of social science research grounded on social, political, and economic realities; practitioners or implementers of judicial reforms with their knowledge and experience gained from the day-to-day implementation of their work; and the general public whose insights provide the view from those affected by these reforms. There are not very many occasions or opportunities for these three major groups to get together to talk about issues that are otherwise confined to legal circles and reform advocates. Therefore, this forum aims not only to educate those who are not in the know, but also to open communication lines among people who may have something to share, whether these are more problems, new ideas, or better insights. We are fortunate to hear the views of Hilario Davide, the chief justice of the Supreme Court, represented here this morning by Ms. Evelyn Dumdum, who is program director of the Judicial Reform Program of the Supreme Court of the Philippines. We also

wish to convey our gratitude to our major speakers this morning, led by Justice Ameurfina Herrera, for taking the time to join us. I am certain that their presence and participation will enrich the discussion of this forum.

TERESA S. ENCARNACION TADEM (DIRECTOR, THIRD WORLD STUDIES CENTER, UP-DILIMAN): I would like to give some background on the Third World Studies Center Academe Meets the Government Policy Dialogue Series, which began in 1987. This year, in its fourth series, we focus on "Academe Meets the Government on Judicial Reforms." The Philippine judiciary traditionally has not enjoyed much attention compared to the other two branches of government. However, the judiciary, particularly the Supreme Court, has been receiving increasing attention since 1986 as a result of its growing role in economic and political matters. During the Estrada impeachment trial and People Power 2 where the executive and legislative branches of government had very low public approval, the judiciary was considered as the only branch of government that still enjoyed some level of confidence from the public. Furthermore, the Supreme Court's decision to declare as unconstitutional the impeachment complaint against the chief justice added to its growing judicial activism. However, the judiciary is not without its critics. One important criticism focuses on the slow and inefficient administration of justice. These are charges that the courts are riddled with graft, corruption, incompetence, and bias against the poor. For its part, the Supreme Court is aware of these problems. In fact, in recent years, the Supreme Court has initiated a number of reforms to address the above-cited concerns. However, these ongoing reforms are not well-known to the public. Thus, we definitely look forward to a very fruitful and enlightening discussion as we consider all of these issues.

MA. ELA L. ATIENZA (ASSOCIATE PROFESSOR, DEPARTMENT OF POLITICAL SCIENCE, UP DILIMAN): In conceptualizing this forum, we would like to answer, or at least try to give some answers, to three major questions: "What are the causes of the delay in the administration of justice?"; "What are the current reforms to address the problems in the administration of justice, and what are the results of such reforms?"; and, "What other reforms are necessary to address the problems in the administration of justice?"

CHIEF JUSTICE HILARIO A. DAVIDE JR. (PAPER DELIVERED BY EVELYN TOLEDO-DUMDUM, PROGRAM DIRECTOR, JUDICIAL REFORM PROGRAM, SUPREME COURT OF THE PHILIPPINES): Forthwith, let me do three things. First, may I congratulate Chancellor Emerlinda Roman for her latest appointment as president of the most prestigious university in the Philippines, the University of the Philippines—my alma mater. It is definitely a well-deserved appointment, and I am confident that under her watch, UP's prestige will be further enhanced. Second, let me congratulate and commend the Third World Studies Center and the Department of Political Science of UP for taking the initiative of organizing and holding a Policy Dialogue Series. And, third, I would like to thank the Center and the Department of Political Science for giving me this opportunity to have a dialogue with a very distinguished group on the efforts of the Supreme Court to reform the Philippine judiciary, the third branch of the government.

While the Philippine judiciary has a strong constitutional infrastructure, it still suffers from some infirmities or inadequacies in its external and internal environment that affect its independence, competence, effectiveness, and efficiency, and diminish its accessibility to the poor and marginalized sectors of society.

Let me begin by sharing with you the challenges we are facing and the critical issues we have to address to enhance the Philippine judicial system, particularly to make it independent and effective. These are case congestion and delay; budget limitations; deficient institutional system; deficient court technologies and facilities; inadequate human resource development program; perceived corruption in the judiciary, which puts into question the integrity and quality of its decisions; and perceived limited access to justice by the poor and marginalized sectors of society.

Of these issues, case congestion and delay have always been of great importance to the judiciary, as they necessarily reflect on the efficiency and effectiveness of the administration of justice in the country. As of July 31, 2004, a huge volume of cases is still pending with the Regional Trial Courts, one of the two first-level courts in the country, accounting for the most number of cases at around 343,875. In total, 815,431 cases are pending before the Philippine judiciary from the Supreme Court down to the *Shari'ah* Circuit Courts as of July last year.

Another important issue is budget limitation, which prevents the judiciary from hiring competent and highly qualified individuals to the bench. The Congress of the Philippines has so far created 2,153 first-

and second-level courts, but out of this number, only 2,064 courts were organized, while 89 remain unorganized as of September 30, 2004. In addition, as of the same period, out of a total of 2,255 judicial positions, 740 or 32.82 percent remain unfilled.

The judiciary's share in the national budget has continued to decline over the years. From a share of 1.04 percent in 2000, the judiciary's budget accounted for only 0.88 percent of the total budget this year. And now, with the Philippine government's austerity measures, the chance of obtaining a bigger share in the national budget becomes slimmer. This, despite the clear wording of Article 8, Section 3, of the 1987 Philippine Constitution which states: "The judiciary shall enjoy fiscal autonomy. Appropriations for the judiciary may not be reduced by the legislature below the amount appropriated for the previous year and after approval, shall be automatically and regularly released."

Other issues, such as deficiencies in the institutional systems and court technologies and facilities, understandably have a negative impact on the minds of everyday court users. Added to these is the inadequate human resource development program that vegetates the potential of the court's most valuable resource—its people.

Downbeat perceptions about the judiciary also abound, putting into question its integrity and the quality of its decisions. I will dwell on this issue later on as I discuss the programs pursuant to building the institutional integrity of the judiciary.

The last critical issue that must be accounted for is the perceived limited access to justice by the poor and marginalized sectors of society, which prevents the aggrieved from seeking refuge from the courts.

All the problems and issues that I just mentioned contribute to the erosion of public trust and confidence in the judiciary. Since the judiciary is meant to exist and function for the service of the people, public trust, confidence, and support in the judicial institutions are necessary. That is why, in response to the said problems and issues, we have adopted and aggressively pursued a comprehensive judicial reform program. Upon my appointment as chief justice on November 30, 1998, I immediately issued a vision-mission statement for the judiciary as my commitment to the Filipino people. This vision-mission statement, entitled "The Davide Watch: Leading the Philippine Judiciary and the Legal Profession into the Third Millennium" is the roadmap of the Philippine judiciary.

The Davide Watch envisions a judiciary that is independent, effective, efficient, and worthy of the public's trust and confidence; and a legal profession that provides quality, ethical, accessible, and cost-effective legal service to the people and is willing and able to answer the call to public service. Its stated mission and goals are the delivery of speedy and fair dispensation of justice to all; judicial autonomy and independence from political interference; improved access to judicial and legal services; improved quality of external inputs to the judicial process; efficient, effective, and continuously improving judicial institutions; and a judiciary that conducts its business with dignity, integrity, accountability, and transparency.

Guided primarily by The Davide Watch and building on various studies made on the Philippine judiciary through grants, especially the one extended by the United Nations Development Programme (UNDP) in 1998, which resulted in the publication of the *Blueprint for Judicial Action,* the Supreme Court formulated an Action Program for Judicial Reform (APJR) from 2001 to 2006. Formulated in consultation with the judiciary's various internal and external stakeholders, the APJR contains a wide-ranging yet comprehensive set of reform projects aimed at enhancing the judiciary's performance and improving delivery of judicial services.

This is not to say that the Philippine judiciary only began its development or reform program at that time. There were numerous efforts in the past to improve the administration of justice in the country, but these efforts were quite sporadic. In contrast, the APJR was intended to be a systematic and well-directed reform program. It was set out to be the bedrock of the judiciary's long-term development. The APJR is a comprehensive set of projects and activities to realize the vision and accomplish the mission and goals of The Davide Watch. The APJR was approved by the Court en banc on December 8, 2000.

APJR has six components, namely, the Judicial Systems and Procedures, Institutions Development, Human Resource Development, Integrity Infrastructure Development, Access to Justice by the Poor, and Reform Support Systems.

The Judicial Systems and Procedures seeks to achieve the improvement of court management systems, which include case and caseload management and monitoring of court and judge performance; reassessment of the jurisdictional structure of the courts to achieve, among other things, a balance between caseload distribution and the expertise of judges; promotion of Alternative Dispute Resolution

(ADR) mechanisms to settle conflicts outside the formal judicial process as a means of declogging the courts; and strengthening collaboration with the other pillars of justice.

The Human Resource Development component covers reform activities aimed at the enhancement of judicial and legal education, to include improvements in the curriculum of the Philippine Judicial Academy (PHILJA), development of distance education modules, provision of a well-equipped training facility, and development of more innovative judicial education tools; development and implementation of a comprehensive Human Resource Development Program, particularly for the nonjudicial personnel; strengthening of the Judicial Career Development Program; and improvement of the remuneration systems in the judiciary.

The Integrity Infrastructure Development component includes the establishment of a unified and comprehensive Code of Ethics for justices, judges, lawyers, and court personnel; improvement of the Judicial Appointment System; strengthening of the Judicial Disciplinary System; adoption of an appropriate Disclosure Policy; and expansion of civil society participation in combating graft and corruption.

The fifth component, Access to Justice by the Poor, aims to empower the poor and other disadvantaged sectors of society to have equal access to justice and equal treatment under the law, by improving information for and education of the poor and other disadvantaged sectors on the justice system and its services; improving the capacity of judges and law practitioners in handling cases involving the poor; and improving the physical access and affordability of judicial services by the poor and other marginalized sectors of society.

The Reform Support Systems component is geared toward building support and ownership of the reform program within and outside the judiciary; improving information, education, and communication systems and activities; and strengthening collaboration between the judiciary and civil society.

Let me now mention a few of the accomplishments under the APJR. First, to ensure that the APJR is pursued and implemented vigorously and monitored effectively, we created the Program Management Office (PMO). The PMO is in charge of the overall coordination of projects and activities to ensure that no overlapping takes place. It manages project implementation in close consultation with the various stakeholders, prepares new projects and activities, and mobilizes resources for these new projects.

In view of the experience of the PMO in the preparation of the APJR, in the coordination of several multilateral and bilateral donors, and in the extensive participatory process used in many of the judicial reform activities, the PMO has become a databank of knowledge in judicial reform activities. Last year, our PMO was the source of information on judicial reform by visiting justices, judges, and officials of other jurisdictions in the Southeast Asian region such as Cambodia, Nepal, Vietnam, Indonesia, and Laos. In fact, just last week, members of the People's Supreme Court of Vietnam visited our court. Thus, we are pursuing regional cooperation and knowledge sharing between and among Association of Southeat Asian Nations (ASEAN) and neighboring jurisdictions on judicial reform initiatives.

We also created the Public Information Office (PIO) to implement the Supreme Court's public information program. The PIO is not a public relations outfit but an information-based office. It opens up channels of communication between the Supreme Court and its internal and external publics who are the judiciary's stakeholders, through media press releases issued under the *Court News Flash*; dissemination of information about the Supreme Court's decisions and activities through the regular publications *Benchmark* and *Court News*, an e-mail list, and a website which is a subdomain of the Court's official website; and educational tours for students, foreign guests, and government officials, among others. We also created the Executive Committee on Judicial Reforms, which is headed by the chief justice.

Second, we have strengthened the institutional and administrative capacity of our education and training arm, the Philippine Judicial Academy (PHILJA). PHILJA undertakes regular nationwide training of justices, judges, and court personnel not only for career enhancement but also for capacity building in special areas of concern, such as human rights; economic, social, and cultural rights; environmental laws; biosciences and life technologies; intellectual property; and antimoney laundering.

PHILJA has undertaken landmark judicial reforms such as the court-annexed mediation in both the Court of Appeals and trial courts with Philippine Mediation Center Units operating in Metro Manila, Metro Cebu, and Metro Davao, and televideo conferencing as a mode of distance education delivery. In coordination with the PMO, it is actively involved in the Justice Reform Initiatives Support Project (JURISP), a five-year bilateral project supported by the Canadian International Development Academy (CIDA) with the National Judicial

Institute of Canada as its Canadian Executing Agency. The JURIS Project seeks to strengthen and promote the use of alternative dispute resolution (ADR) mechanisms, such as court-annexed mediation and judicial dispute resolution (JDR). In JDR, the pretrial judges themselves act as conciliator, early neutral evaluator, and mediator in the hope of helping the parties arrive at a settlement before the trial stage. Two of the 14 ADR court sites were inaugurated in 2004 in Luzon and the Visayas.

Last December 2004, PHILJA launched the Pilot E-Learning Project for the judiciary. It is as well continuing its negotiation with the Japan International Cooperation Agency (JICA) for funding the construction of a modern training center.

Third, we have revised our Rules on Criminal Procedure and promulgated new rules on examination of a child witness; protection of juveniles in conflict with the law; adoption; search and seizure in civil cases for infringement of intellectual property rights; electronic evidence; the conduct of pretrial and use of deposition-discovery measures; the implementation of the enhanced pretrial proceedings through conciliation and neutral evaluation; corporate rehabilitation; and intracorporate controversies. Last October 19, 2004, we approved the Rule on Violence against Women and Their Children. The proposed Rule on the Family Courts will soon be deliberated upon by the Court.

Fourth, we have published *Benchbook* and *Book on Penalties* for trial court judges and updated the printing of *Philippine Reports*, the official publications of the decisions and resolutions of the Supreme Court.

Upon my directive, all the decisions of the Supreme Court are uploaded to the website within 48 hours from promulgation. Soon, decisions of the Court of Appeals, the *Sandiganbayan* (People's Court), and the Court of Tax Appeals will also be uploaded to our website in their respective subdomains.

Fifth, the automation of the courts is almost completed. I expect that before I reach the mandatory age of retirement on December 20 this year, all our courts will have computers and full access to the Internet. Our Supreme Court Information System Strategic Plan (ISSP) has been approved by the National Computer Center. This project outlines the activities and identifies the technical and financial requirements for the reengineering and computerization of the Supreme Court's primary business processes.

On November 19, 2004, we formally launched the Electronic Judicial Library and Research Facilities, or the E-Library Project. The e-library is envisioned to be a network of libraries that can readily provide in electronic format the latest legal and jurisprudential information to all courts, court libraries, and eventually to the general public.

Sixth, we are in the pilot stage of the integration and nationwide expansion of the Caseflow Management (CFM) and the Case Administration Management Information System (CAMIS) Projects. The CFM was pilot-tested last year in the Pasay City trial courts. It uses a computer program enabling the courts to expedite resolution of their cases through effective monitoring and strict observance of time limits in the conduct of case events from filing to disposition. CAMIS, on the other hand, is an online case management system that automates information, reporting, and analysis of court data. It has five components: creation of a reporting database of trial court activities, automation of statistical reports at the trial level, reengineering and automation of the statistical reports division of the Office of the Court Administrator, provision for new tools to improve access to statistical information, and education of the personnel of the Office of the Court Administrator in the implementation and use of CAMIS. It is currently being implemented in Metro Manila.

Seventh, under our Judicial Reform Support Project (JRSP), three model courts—one each in Luzon, the Visayas, and Mindanao—will soon be constructed through funding from a World Bank loan. This JRSP is designed to support selected policy and institutional reforms, together with associated infrastructure improvements set out in the APJR. The detailed components of this project complement initiatives supported by grant financing from other sources and ensure that our overall judicial reform program is comprehensive and adequately resourced.

Eighth, we have an administrative and financial reform project aimed at realizing the financial and administrative autonomy of the judiciary and at decentralization of functions for effective and efficient delivery of judicial services. The Detailed Design Report on Administrative Structure and Staffing has been approved by the Executive Committee on Judicial Reform.

Ninth, on June l, 2004, the New Code of Judicial Conduct for the Philippine Judiciary and the Code of Conduct for Court Personnel took effect. The new code for judges was based on the Bangalore

Principles. It stresses the principles and values of independence, integrity, impartiality, propriety, equality, competence, and diligence. Seminars on the two codes are ongoing.

The enactment of these two codes is only a part of the component on Integrity Infrastructure Development of our APJR and demonstrates our firm resolve to relentlessly pursue my pronouncement in the The Davide Watch that "dishonesty, immorality, incompetence, inefficiency and any other form of unbecoming conduct are impermissible and will not be tolerated in the judiciary and the legal profession."

May I also stress that two years ago, the Philippine Supreme Court en banc issued a resolution directing the automatic conversion into cases for disbarment of certain administrative cases against justices, judges, and other court officials who are lawyers if the grounds thereof are also grounds for disbarment (A.M. No. 02-9-02-SC, September 17, 2002). Related to this are the amendments to Rule 140 of our Rules of Court on Discipline of Judges. The rule, as amended, classifies the nature and gravity of administrative offenses, and provides for administrative investigation and sanctions for such offenses.

Tenth, while the Supreme Court has come down hard on the misfits in the judiciary, it is also willing in equal measure to honor its own who have rendered exemplary service. We conduct an annual search for outstanding judges and clerks of court under our Judicial Excellence Awards Program. The awarding of cash prizes, trophies, and medallions is held every September 19, which, fittingly enough, is also Law Day in my country.

Moreover, from my cash prize as the 2002 Ramon Magsaysay Awardee for Government Service, I have earmarked a part thereof for the Chief Justice Awards for outstanding service in the judiciary to deserving court personnel holding positions below that of Clerk of Court. The first awarding ceremonies were held on December 15, 2004. Awards were conferred to six individuals, and each awardee received a cash prize of PHP 40,000 in addition to either a trophy or a medallion.

We have likewise promulgated a resolution granting automatic, permanent, and total disability benefits to the heirs of justices, judges, and court officials that have the rank, salary, and privileges of justices and judges, who die while in the service regardless of the cause of death except suicide or any form of violence provoked by the justice or judge himself. We have also promulgated a resolution providing measures to protect justices and judges from baseless and unfounded administrative

complaints. It provides, inter alia , for the dismissal of a complaint filed within six months before the compulsory retirement of the judge based on a cause of action which occurred at least a year before the filing of the complaint.

Eleventh, the Supreme Court recently promulgated a resolution called Strengthening the Role and Capacity of the Judicial and Bar Council (JBC).

Twelfth, pursuant to its power under the constitution to promulgate rules concerning the admission to the Bar, the Court recently approved reforms in the Bar examinations (Bar Matter No. 1161, June 8, 2004), which it conducts annually. Among such reforms are the eventual computerization of the examinations, the appointment of a tenured board of examiners, and the perpetual disqualification from taking the bar examination of those who have flunked the examination five times.

Soon the Legal Education Board, created by special law, will be formally organized. It will be headed by a retired justice of the Supreme Court or of an appellate court, with representatives from the Association of Law Schools, the Integrated Bar of the Philippines, law students, and the private sector. The chairman and members of the board will be appointed by the president from a list to be submitted by the JBC. The Board will, among other things, formulate the curriculum of law schools and provide the rules on admission and retention of students in law schools, as well as the operation of the law schools.

We have likewise strengthened the Mandatory Continuing Legal Education (MCLE) Program for our lawyers by creating in the court a committee for the purpose, which was recently converted into a regular office.

Furthermore, we have recently promulgated the 2004 Rules on Notary Practice to advance and foster, among other purposes, ethical conduct among public notaries, who are mostly lawyers.

We have been very strict in the enforcement of our rules related to the discipline of lawyers. In the past five years, we have imposed disciplinary sanctions consisting of either disbarment, suspension from the practice of law for a specific or indefinite period of time, fine, reprimand, censure, or admonition on 119 lawyers for violation of the Lawyer's Oath or the Code of Professional Responsibility or for contempt of court.

Thirteenth, through grants, we have completed studies on how to strengthen access to justice by the disadvantaged sectors of society through the formulation of information, education, and

communication plans and adequate legal assistance programs. Diagnostic studies have also been conducted on the Department of Justice, one of the pillars of the Philippine criminal justice system.

Fourteenth, we have just launched our Justice on Wheels Project to increase accessibility to justice. The first mobile court—in the form of a large air-conditioned bus with a small courtroom, offices for the judge, personnel, and mediator, and other amenities—is now operational. This project is funded from the loan we obtained from the World Bank and is akin to the Mobile Court Project in Guatemala, which is similarly funded by the World Bank.

Fifteenth, as I have mentioned earlier, our Justice-to-Justice and Judge-to-Judge Dialogues with our counterparts from other countries are currently being implemented. This project is funded by grants from ABA-Asia Law Initiative and the United States Agency for International Development (USAID). The Chamber-to-Chamber Dialogues with the business community are also in the second phase, which include discussions of business concerns regarding the administration of justice, court decisions involving business and economic matters, and the use of alternative dispute resolution mechanisms in business transactions.

Sixteenth, we have piloted the Judicial Apprenticeship Program, which aims to train selected third-year and fourth-year law students in legal research, and to provide them adequate exposure to court proceedings. The training, orientation, and the apprenticeship proper were conducted last June 2004. The implementing agencies are currently evaluating the program for possible expansion nationwide.

Seventeenth, we have adopted the Strategic Gender and Development Mainstreaming Plan, which our Committee on Gender Responsiveness in the judiciary has formulated.

Eighteenth, we have expanded the functions of our Committee on Appropriations so that it can effectively deal with the executive and legislative branches of government with the end in view of getting support for full fiscal autonomy and better remuneration packages and other benefits for the judiciary. Incidentally, I wish to mention that in 2003 Congress passed a law, Republic Act 9227, granting our justices and judges additional compensation in the form of special allowances amounting to 100 percent of their basic salary spread over a period of four years at the rate of 25 percent per year starting November 12, 2003.

Still under review for final implementation are the Disclosure Policy, Judiciary-Media Relations Guide, the Judicial Awareness through Education Project in conjunction with our Department of Education, and the Off-Campus Masteral Degree on Court Management Project.

Finally, we are upgrading and renovating our Halls of Justice and constructing new ones. In the Supreme Court, we have completed the renovations of our session halls and conference rooms and constructed a parking building under a joint venture with the Court of Appeals.

To reiterate, the projects I mentioned are undertaken in pursuit of the overall objective of creating an independent, effective, and efficient judiciary that is worthy of the public's trust and confidence. To be worthy of the public's trust, however, depends largely on the people's perception of the integrity of the members of the judiciary, and on this matter, there are three points I would like to make.

The first is that, currently, graft and corruption in the judiciary is being measured through public perceptions, primarily through public opinion surveys. However, a public opinion poll will never be able to tell us the depth of the corruption issue in the absence of hard facts. Within the judiciary itself, indicators of graft and corruption are few and mainly involve information on administrative cases filed against its members. This brings me to the second point. Even as there is no hard information available on the level of judicial corruption, it is accepted as a fact that certain areas in the judiciary's operations are vulnerable to corrupt practices. The third point is that the Supreme Court recognizes these vulnerabilities and is, in fact, addressing them by policing its own ranks.

It should be stressed that these efforts are continuing and are being relentlessly pursued. As a matter of fact, from January 1, 1999 to August 31, 2004, the Supreme Court meted out sanctions on its erring officials through admonishment, reprimand, censure, imposition of a fine, forfeiture of benefits, suspension, or outright dismissal from service. In the higher courts, a total of five officials had been admonished, censured, or even dismissed. Among the Regional Trial Court judges, 308 have been penalized, with around 20 of them dismissed from the service.

For the first-level courts, 316 judges have been meted sanctions ranging from reprimand to outright dismissal from the service. All in all, 629 officials of the judiciary have been penalized in the last five years. During the same period the Court had imposed disciplinary sanctions ranging from reprimand to dismissal from the service on 757

judicial personnel. This shows how serious the Supreme Court is in trying to keep with the highest ethical standards in public service.

In view of the importance of maintaining the integrity of the members of the bench, a separate component on Integrity Infrastructure Development was included in our judicial reform program. Several projects were implemented under this component, including the Legal Accountability and Dispute Resolution (LADR) Program that launched a public opinion survey about the courts. A review of judicial and legal ethics was also conducted along with a study funded by the Asian Development Bank (ADB) entitled "Strengthening the Independence and Defining the Accountability of the Judiciary." The ADB will also support the project Judicial Administrative Reform and Decentralization (JARD) which, with regard to Integrity Infrastructure Development, aims to strengthen the infrastructure for judicial appointments, judicial competency and management, and disciplinary measures for both judicial and nonjudicial employees. Moreover, in order to train judges and court personnel on the New Code of Judicial Conduct, seminars are currently being conducted nationwide.

Our efforts at improving judicial integrity have been paying off, as reported in the last nationwide survey conducted by the Social Weather Stations. The survey, entitled "Changes in the State of the Judiciary and the Legal Profession," sought to determine whether the perceptions of judges and lawyers regarding their respective professions have changed over the last 10 years. The survey reported that while corruption is still considered a serious problem, it is not cultural to the profession. Only eight percent of lawyers believe that the Rules of Court encourage corruption. This is a substantial decline, considering that it used to be 21 percent ten years ago. It was also found that 77 percent of lawyers and 81 percent of judges are satisfied with the performance of the Supreme Court. While the survey had lawyers and judges as respondents, their opinions as court officers regarding the integrity and performance of the judiciary are valuable inputs to the ongoing efforts of the Court in improving the quality of men and women of the bench who serve the public.

To emphasize, gaining the public's trust and confidence does not require the Integrity Infrastructure Development alone. While compliance with ethical standards for the judiciary is crucial in restoring public trust, the overall performance of judicial institutions is equally important. To illustrate, the delay in the resolution of cases, while largely attributable to congested court dockets, may raise a

perception of corruption with respect to the judge assigned to the case. Thus, to dispel such suspicions and rebuild public trust, reforms must be implemented in all areas.

As experience has taught us, even the execution of the APJR, which is designed to respond to challenges and critical issues in the judiciary, is itself loaded with equally daunting challenges and issues. But this is no surprise. I think we can all agree that building an effective and independent judicial system is a gargantuan task. In the case of the APJR, its magnitude bespeaks the complexity of the challenges that are inherent in performing such a task.

The first challenge to the judiciary is, expectedly, financial. The present economic condition of the Philippines leaves much to be desired in terms of budget allocation for the judiciary. Our problem, therefore, is how to allocate limited financial resources to implement the seemingly limitless needs of reforming the judiciary.

Since the approval of the APJR, we have undertaken several projects and activities solely with resources from the Court. These resources, however, as in any developing country, are only finite. As you can imagine, the budget allocated for the judiciary does not equal its increasing volume of work and the need to adjust its operational performance. Thus, the Supreme Court has considered alternative means to source funds to finance its reform program.

Providentially, because the Philippines has offered a credible and comprehensive judicial reform program and the Supreme Court in particular enjoys priceless goodwill, the international community has readily given its support to the implementation of the APJR. Thus, we have received and are currently enjoying financial and other forms of assistance from international organizations—such as the United Nations through the UNDP, World Bank, and ADB—and development assistance agencies of the governments of Australia, Canada, Japan, and the United States. Recently, the European Union has provided us a grant for the component on Access to Justice by the Poor. The World Bank has also approved a loan to the Philippine government for the construction of model courts in Luzon, the Visayas, and Mindanao. This invaluable assistance has seen us through in making headway toward a better judiciary.

The second challenge that the Philippine judiciary is facing is the required proper phasing, sequencing, and coordination of the wide-ranging scope of the reforms to avoid duplication. The challenge to the judiciary as regards project management and sequencing is its

inexperience. To be candid with you, this is the first time that the Supreme Court is embarking on a multimillion-dollar judicial reform program. To make up for our inexperience, we are doubling our efforts in building capacity for project management, which includes project implementation and monitoring.

An equally daunting challenge is coordinating and maintaining proper working relationships with the judiciary's various stakeholders, including the other pillars of the criminal justice system, civil society, and the community as a whole—donors, individuals, and institutions that are significantly affected by the reforms to be introduced. Allow me to expound just a little bit on this very important issue as this involves a string of complicated concerns.

The Philippine judiciary's administrative jurisdiction, like in many other legal systems, is confined only to the courts. The other pillars of the criminal justice system—i.e., law enforcement, prosecution, correction and rehabilitation, and the community—are outside the administrative supervision of the Supreme Court. Yet, most of the issues, concerns, and obstacles in the effective administration and dispensation of justice cut across all the pillars of the criminal justice system. In fact, many issues and concerns properly pertain to the other pillars or to other government agencies, even such as the Philippine Congress.

We consider this legal reality both a limitation and a challenge. It is a limitation in the sense that the APJR can only do so much, but I consider it more as a challenge for us to further our efforts in influencing, coordinating, and building sustained partnerships with the other pillars of the criminal justice system and with other agencies. As issues pertaining to them necessarily and significantly affect the quality of judicial services, it is imperative that the Court strengthen its relations with them to ensure their cooperation and support, without, of course, compromising judicial independence.

Our effort to unclog the court dockets is one concrete example. Case delays in the Philippines may be attributed to several factors, such as lack of judges, absence or lack of prosecutors and public attorneys, unavailability of witnesses, ineptness of law enforcers, and delaying tactics employed by lawyers. Thus, initiatives to unclog dockets require the collaborative effort of the National Prosecutions Office, the Public Attorney's Office (PAO), and the National Bureau of Investigation, which are all under the administrative jurisdiction of the Department

of Justice (DOJ); the Philippine National Police (PNP) under the Department of Interior and Local Government (DILG); and the Integrated Bar of the Philippines (IBP).

Another important issue that needs serious attention is the managing of the impacts of the ongoing reforms on individuals and institutions. We call it the change management and impact-mitigation strategy. In an institution as old and as established as our judiciary, resistance to change is inevitable.

One example is the distance that the Philippine judiciary must keep from most of its stakeholders in order to preserve the impartiality of the Court and the confidentiality of its proceedings. While this distance must be maintained, a new balance must be achieved. Now, with more emphasis on transparency, good governance, and right to information, the balance between reaching out to stakeholders while maintaining judicial independence becomes imperative.

Another example is the introduction of information and communication technology programs. This is challenging for our judiciary not only in producing integrated and expandable hardware and software, but also in provoking a more positive response to technology from the members of the judiciary.

Finally, we must contend with issues relating to the sustainability of the reform process. We realize that achieving an independent and efficient judicial system is a long and tedious process. Thus, our efforts now should be continued to ensure long-lasting results. This is a challenge that our judiciary is truly striving to address. The judiciary is looking at all areas and aspects to ensure the sustainability of its efforts now, which include continuing the capability building of relevant individuals and institutions.

The road ahead is still long and narrow, but I am optimistic of what lies ahead. With the cooperation of the judiciary's various stakeholders, which include the academe, I am confident we can achieve our visions. I hope that in this forum we can have a beneficial exchange of views to further enhance the judicial reform program and see our vision of the transformed Philippine judiciary come to life.

PERSIDA V. RUEDA-ACOSTA (CHIEF PUBLIC ATTORNEY, PUBLIC ATTORNEY'S OFFICE [PAO]): One of the causes of the delay in the administration of justice is the congestion of court dockets, which means that old cases remain unresolved and new cases come in every

single day. What are the current reforms to address the problems in the administration of justice? What are the results of such reforms? First, I would like to say that mediation is very important. PHILJA, the Supreme Court's education arm, is implementing a program called court-annexed mediation. In line with this, PHILJA has trained and assigned mediators throughout the Philippines and established the Philippine Mediation Center. This center was launched only in April 2001 with a three-pronged purpose: to improve access to justice by the poor, to provide litigants quick and fair processes for the resolution of disputes through mediation, and to assist the courts in unclogging their dockets. Although still in its infancy, as no less than the Honorable Chief Justice noted, the establishment of the Philippine Mediation Center proved to be very successful in unclogging court dockets. Mediation will reintroduce to our people the value of talking things over and taking responsibility for our decisions; this will help to end the disputes. From a very national perspective, the judiciary with its dockets unclogged is a more efficient instrument of democracy. Judges will have more chance to deliberate over more serious issues affecting the greater majority of our people. PAO offers mediation and conciliation as one of its services for indigent clients. Last year, out of 600,000 cases that were submitted for mediation and conciliation, about 500,000 cases were terminated. In this case, mediation is very effective. I personally believe in the value of mediation. Rather than fan the flames of division, I would offer the hand of conciliation. We need not agree on everything, but, as family, as neighbors, and as beloved daughters and sons of our Motherland, we can certainly find a common ground on issues that divide us. We should take note that war has no place in this world. PAO has always been an advocate of peace and justice in unity.

In attending to cases, some courts are designated as special courts, such as family courts, heinous-crime courts, and dangerous-drug courts. In his dissertation, entitled "A Speedy Trial is Not Faster Than Life," Sergeant Alfred Benipayo said, "Designation is a sound policy." He gave two reasons. First, it allows the designated courts to focus exclusively on their special cases. This gives rise to speedier resolutions. Just as important, it builds up a pool of experienced judges with highly developed technical skills in dealing with the peculiar complexities of cases assigned to them. Secondly, because of the increase and technical savvy of our specialist judges, we can look forward to greater efficiency in the disposition of cases.

Before the end of 2004, the Supreme Court launched the Justice on Wheels Mobile Court project. With the mobile courts, adequate and inexpensive judicial services are available to us, even to our *kababayans* (fellow citizens) who live in remote areas with vacant courts. Justice on Wheels expects to help greatly in the swift and fair dispensation of justice. It is a reality that there are a lot of prisoners who have been "overstaying" in our jails, some of them wrongfully detained while others have been serving beyond their jail terms. This problem is attributed to courts that do not have any judge. On December 20, 2004, the Supreme Court's first mobile court made its first stop at the Manila Youth Detention Center. The Supreme Court made us happy at PAO because juveniles in conflict with the law occupy a special place in the roster of PAO clients. In handling the cases of our youthful clients, we at PAO observe the provisions of our Memorandum Circular No. 22 Series of 2002, otherwise known as the Standard Office Procedures, in extending legal assistance to juveniles in conflict with the law. Since August 2000, seminars have also been conducted by PAO together with its involved lecturers and facilitators from PHILJA in its 16 digital offices strategically located in different regions in our country. They do not deny that some of the youth were guilty of crimes. They do not close their eyes to the fact that they are accountable of harm done to the dignity, lives, and properties of others. At the same time, in applying the *dura lex sed lex* (the law is harsh, but it is the law) principle, we are reminded that even those who have infringed upon the law should not be denied of their dignity and self-worth. This brings to mind a case that the PAO handled in 2001. The child's crime was stealing a pair of slippers that he could sell because he wanted to buy some bread. He was detained for two years for the simple reason that the attending judge in the public court went on leave until such time that he was transferred to another court. The executive judge, on the other hand, refused to handle the case because he said that he was not a public court judge. In this instance, PAO, together with the Office of the Court Administrator, helped facilitate the resolution of the child's case until he was eventually freed. This is just one case that the Supreme Court seeks to address through the AJPR. Last year alone, we handled 15,487 cases of juveniles in conflict with the law, out of which 6,095 were terminated.

President Gloria Macapagal Arroyo signed the Judiciary Compensations Act or RA 9227 in October 2003 as part of the judicial reform program. During the signing, she referred to it as a

landmark piece of legislation and a befitting companion to the dignity and respect accorded to the members of the judiciary. Her Excellency said the new law would also serve as a shield from the temptation of corruption that has beset judges and justices, adding that a more attractive pay would also entice young lawyers to seek a career in the courts and fill up the vacancies. But let us not forget that corruption of the soul afflicts the corruptible. What we need is for us to be vigilant in exposing erring judges. Judges who sell justice should be punished and debarred.

Some time last year, barely six months after the signing of RA 9227, Senator Francis Pangilinan, who is the sponsor of the bill seeking to increase the take-home pay of judges and justices to 100 percent, said, "...a few takers for some 3,000 vacancies, now the courts are enjoying a quantum leap in the number of applicants for the position of judges." While this is something that we can celebrate, the PAO is saddened by the fact that half of the lawyers that we trained last year opted to apply for positions of judges and prosecutors. While the bill has benefited judges and prosecutors, we cannot say the same for the PAO. Nevertheless, we are glad because this will enable the revitalization of justice administration, particularly in the prosecution service. In the case of the PAO, we used to have a few takers. But now, we have a lot of applicants but the problem is we do not have enough positions these people can fill. The available positions that we can fill remain at 1,048, but we have more than 2,000 branches of court. The present manpower of the PAO is 1,000.

Access to Justice by the Poor involves efforts to improve access of the disadvantaged and the marginalized sectors of society to judicial information and services. The PAO makes sure that its indigent clients have equal access to justice and equal treatment under the law. This became a reality when 357 PAO clients regained their liberty and their lives with the help of public defenders. We won 38.31 percent out of the 739 cases handled by our office last year. However, our victory would not have been possible without the help of the Supreme Court because it is the one that makes the final decisions. I would like to thank Chief Justice Hilario Davide, Jr. for leading a court that is independent, effective, efficient and worthy of public trust and confidence.

What other reforms are necessary? I would recommend that the resolution of the Secretary of Justice must be respected by the judges. This insight comes from my personal experience of handling the case

of Mr. Amrudin Makasilam, a Muslim, who was placed on the most-wanted list of the National Anti-Kidnapping Task Force (NAKTAF) for alleged kidnapping. But his innocence from the crime imputed to him was proven when he voluntarily surrendered to the NBI with the help of Channel 2's Julius Babao, to whom Makasilam requested my presence during his surrender in Mindanao and asked for PAO's legal assistance as he fought his battle. City Prosecutor Escobar and Prosecutor Medina of Parañaque have already moved for the total withdrawal of the cases against Mr. Makasilam. Makasilam was likewise cleared by the Honorable Justice Secretary Raul Gonzales from the charges in his resolution for lack of probable cause. Despite the DOJ resolution, which is supposedly final and executory, Makasilam is still languishing in the Parañaque City Jail because the judge preferred to wait for the appeal of the case to the Office of the President, the Supreme Court, or the Court of Appeals. I have been saying that a minute of incarceration for an innocent man is a grave injustice.

While other fiscals accuse me of being "emotional" when it comes to cases that the PAO handles, they are actually referring to those cases where someone was wrongfully accused and detained. If the accused people are really criminals, we should assure that the proper, appropriate, and humane penalty should be meted upon them. Therefore, every day spent by Makasilam in his cell maligns him as a free man, and as an innocent man.

The passage of RA 8557 institutionalized and brought to light the PHILJA, which fulfills its legislative mandate to provide and implement the curriculum for judicial education of judges, justices, personnel, lawyers, and aspirants. The judicial post decided to upgrade its legal knowledge, moral fitness, efficiency, and capability. Under Justice Herrera's watch, PHILJA has stressed its philosophy on judicial attitudes, values, and value systems. Values and value systems are important parts of the judicature curriculum as well as the curricula for newly-appointed judges in the Judicial Career Development Program and the Seminar for Executive Judges. This is part of the good work of the people at PHILJA and of the value-laden curricula. No less than the Honorable Chief Justice Hilario Davide, Jr. admitted, "The breach of the ethical standards continues in intolerable frequency." Admittedly, the judiciary still suffers from the presence of "bad elements" in its ranks. The culprit badly stains the institution.

In the same way that the increase in the salaries of justices and judges may discourage corruption, the same should be applied to the

salaries of public attorneys. As mentioned earlier, there are only 1,000 public attorneys while there are more than 2,000 courts all over the Philippines. Thus, PAO lawyers often have to appear before two or three branches of court. In addition, many of the PAO lawyers who are assigned to Mindanao and the Visayas must work in some of the remotest places. It does not help to boost the morale of these overworked and underpaid attorneys when they hear that they are being criticized as "incompetent" and "unprepared."

Despite the shortage of public lawyers, PAO was able to help out in the release of 72 political detainees who were members of the New People's Army (NPA). We filed for a motion for release by virtue of the Oslo Agreement. The swift actions of the judges in the Visayas and Mindanao have even helped restore the confidence of the political detainees in the justice system. While I have extended assistance to political detainees, this should not be construed as encouraging rebellion or insurrection. On the other hand, this should be viewed as showing that there is justice in this country. I am lobbying for the approval of the House bill, and its counterpart in the Senate, in order for PAO lawyers and support staff to have increased compensation benefits. Low salaries serve as the PAO's main impediment in hiring the best lawyers to handle civil and criminal cases, among other cases.

A study commissioned by the Supreme Court of the Philippines found that PAO lawyers aged 41 to 50 have 17 years of service with PAO on the average. The younger lawyers whose ages range from 31 to 40 comprise the bulk of the median of four years of service. The same study theorized that the ability of an organization to motivate its staff rests not only on monetary terms, but on personal or psychological terms as well; it was implied that, in the PAO, the psychic rewards of helping the poor are very strong. PAO has also harped on its social responsibility to create a bond of idealism among its people. The zeal of its employees is reflected in the collective performance of the PAO. After a review of PAO's accomplishments last February 2004, the Department of Budget and Management (DBM) through Secretary Emilia Boncodin granted us budget flexibility that enabled us to purchase computers and photocopying machines for PAO offices nationwide. We are profusely thankful for these blessings; even as we still await for more blessings, we surely will continue to offer better services to our indigent clients, keeping in mind that the true spirit of the rule of law, justice, and equity lies in the realization of justice for the underprivileged and marginalized sectors of our society.

AMEURFINA A. MELENCIO HERRERA (CHANCELLOR, PHILIPPINE JUDICIAL ACADEMY): To speak of judicial reforms in the Philippines is to speak of the vision and mission of Chief Justice Hilario A. Davide Jr. and of his action plan for judicial reforms. We are one of the first countries in the Asian region to come up with a comprehensive judicial reform program. However, it is fraught with challenges and issues; it is never easy to institute judicial reforms. The judiciary is normally conservative as an institution. Moreover, it is human nature to be resistant to change. However, with the chief justice and the entire court taking the lead in pursuing, synchronizing, and sustaining the various reforms already instituted, the reform initiatives so ably discussed in the paper of the chief justice are proving to be a great success. This is demonstrated by the fact that our judicial reform efforts have caught the attention of the international community of honored judiciaries and of judicial education institutions. We are currently enjoying financial and other forms of assistance from several bilateral and multilateral development partners to implement the different components of the APJR. They are in the website of the World Bank cited for best practices in the institution of judicial reforms. Justices and judges from different ASEAN countries have been visiting the Philippines to look into our judicial reform initiatives. In fact, as the chief justice had mentioned, we currently have a delegation here with us of justices and judges from the Supreme People's Court and the Provincial People's Court of the Socialist Republic of Vietnam ready to learn from our judicial system and the judicial reforms that we have instituted. The delegation is particularly interested in the mediation system that we have installed. In March 2005, the chief justice and other justices from Laos will be here for a study tour as well. Chief Justice Davide, through Evelyn Dumdum, program director of the Program Management Office and in charge of the implementation of the reform agenda, has discussed the broad expanse of the judicial reform program. It will not be helpful for me to repeat them here. Suffice it for me to focus on one of the areas selected for judicial reforms that the chief justice emphasized in his paper—that is, case congestion and delay. As he said, this issue concerns the APJR reform area of judicial systems and procedures. The issue is of great importance as it reflects the efficiency and effectiveness of the administration of justice. PHILJA, as the education arm of the Supreme Court, has addressed

these problems through court-annexed mediation. The Academy is a component unit of the Supreme Court for this purpose. Although, strictly speaking, it does not belong to the realm of educational training, which is PHILJA's principal mandate, it is in keeping with the directive of the court in 1997 that the Academy conducts an in-depth study of the present judicial system for the purpose of reforming it to meet the changes in and the challenges of the new millennium. Since we instituted it in 2001, it has evolved into three components: one, court-annexed mediation; two, appellate court mediation; and three, the Judicial Reforms and Initiatives Support Project (JURISP). To elaborate on what the chief justice had mentioned, in court-annexed mediation, the judge refers a relevant case to the Mediation Center Unit at the commencement of the pretrial. A neutral third party—a mediator—takes over, facilitates communication and negotiation between the parties, and assists them in reaching a voluntary agreement in order to settle their disputes. Their agreement is thereafter sent to the court for approval. Success rate in this component has been 80 to 84 percent. So successful was court-annexed mediation that we decided to try it in the Court of Appeals to take care of cases pending before the appellate court. In this instance, there is already one winning party in the appealed cases. With the cooperation of the Court of Appeals, however, we finally tested it and achieved a success rate of 67 percent.

JURISP, another component also mentioned by the chief justice, advocates an enhanced pretrial procedure. It introduces a new concept, the judicial dispute resolution or JDR, and the two-judge system. In a mediation case, the case goes back to the pretrial judge who then becomes a conciliator, a neutral evaluator, and even a mediator. If the parties still reject mediation, the case will go to another trial judge. Success rate is 87 percent. JURISP is a joint Canadian-Philippine Project and we have had Canadian justices and academicians come over to teach and mentor. Study tours to Canada composed of Philippine judges, PHILJA faculty members, and lawyers have also been arranged.

To clarify, there are two aspects to mediation in general. One is court-annexed mediation, which is the system being implemented by the Supreme Court through the Philippine Judicial Academy. The other is private mediation pursuant to RA 9285, which is undertaken before the case reaches the court. It is outside the court system. We invite you all to join us in the practice of court-annexed mediation. We invite the academe to include training in negotiation and conciliation

skills in their curriculum. In fact, we have already had extensive consultations with the academe on other aspects of our reform efforts. I was very glad to hear of the success of mediation in the PAO. The direct benefits of training would be to support extrajudicial dispute resolution, thereby lightening the court workload and ensuring faster disposition of cases and access to justice by the poor and the marginalized. The indirect benefits would be to bring mediation and conciliation skills to the family and our community. Join us all and be mediators yourselves. Join us as peace fighters so that we could contribute to the growth of a less litigious and more caring society.

MA. LOURDES A. SERENO (ASSOCIATE PROFESSOR, COLLEGE OF LAW, UP DILIMAN): I cannot criticize the judicial reform program because I am a fan of it. I am a fan of its program components, of its philosophy and principles, and I am a fan of the persons behind the program. So let me just try to share some insights with the audience from three perspectives. The first would be: I would like to appeal to you to look at judicial reform from the perspective of a political scientist, whether you are already a member of the faculty, a student, or you just love reading about Philippine politics and the question of power here in the Philippines. The second perspective would be that of an academician who has been involved in some of these areas. And the third perspective would be from someone who has examined the problems relating to resource allocation, politics, and the Constitution in the Philippines. Let me just give you some insights that I have had over the years. I graduated from this college in 1994, and the profession has required me to really examine some of the problems the judiciary is encountering. For example, though the judiciary is the third branch of government, in most Philippine universities, it is a largely unstudied area. On the contrary, the judiciary is considered important and is well studied in other countries. Yet for the past 10 years, the judiciary has been the stabilizing factor among the various political forces that have been trying to take the upper stake in the power game. If the judiciary did not enjoy such a level of respect, People Power 1 would not have succeeded in installing President Corazon Aquino and leading to a peaceful transition of power. Similarly, People Power 2 would not have succeeded in making the transfer from one president to another. If the judiciary did not have the level of credibility that it had, we would have experienced a semi-state of civil war. This is something that is profound yet has been largely unnoticed, and I encourage you to try to

think deeply why it is so that the least studied branch of government is proving actually to be the most effective branch in keeping together Philippine society. For all the criticisms we may have heard against the judiciary, it is still there. Notice how the military and the police sectors, regardless of their differences with the judiciary, are still willing to obey the latter's ethics and mandates. The first idea that I would like to suggest that the Political Science Department and this group try to reflect on is: why is this so?

Another issue to consider is whether or not the Justice and Development Studies Program should create the Justice and Development Network from within the university. The Philippine legal system, especially its procedural and even political aspects, is based on a very western model. As political scientists, you know that the western model cannot work with coherence in a country whose people speak very fluently in a western tongue but whose logic, internal processes, and hearts are very much Asian. What concept that we should try to study is *katarungan* (justice). Professor Miranda was discussing *tarong* (just) as being a standard of measurement. What is tarong to a Filipino? What makes a Filipino whole? This is important principally because we have a 1:100 per capita litigation rate. If we have pending cases of 815,000 in the entire judiciary, then the per capita rate would be 1:100. This is very un-Asian. Why is it that we seem to be litigious as a people? Why do we stand out in this matter? Of course, we are very happy about the fact that the judicial reform that has been undertaken by the Supreme Court is meriting international attention. However, we must never forget that we must still try to find out what it is that connects us to the internal concept of justice. What satisfies the Filipinos' need for justice? What really is it? Is it the immediate release of those who believe that they are innocent, as opposed to those who are claiming that they are not? Is it the delay? Is it the public judgment of the judiciary? Or do we have to go to the more alternative modes of dispute settlement which Justice Herrera is encouraging us to use? Will the concepts of *hiya* (shame) and *mukha* (face) be considered as important? Should we go through a system of pacification, for example? In indigenous communities, there are ceremonies where mukha and hiya are the norm, and there are systems of pacification. In what sense can we institutionalize, replicate, or even stimulate this in a formal institution such as the judiciary and its court-referred mediation, and in the PAO mediation that is being undertaken? This is important because it relates to so many problems that we have, such

as our problem in identifying ourselves as a people. Perhaps the time is ripe to find out whether our ability to mix western concepts in order to come out with a really Asian or Filipino solution or approach to the problem of justice can really be sufficiently described and internalized so that it can be integrated into existing institutional systems and processes. In Atty. Acosta's speech, there is already a justified complaint about the inequity in how legal professionals are reared, compensated, and treated in this country. Of course, she was talking about the fact that the PAO was left behind in the acceleration of judges' salaries, but I can also tell you that there is an even more grievous inequality in that the entry level of the graduates of one of the top law schools in the country far exceeds the salary level of a regional trial court judge. As a consequence, there is a 10:1 proportion of private lawyers to government lawyers. Additionally, these private lawyers have been educated abroad and have advanced graduate degrees. You can imagine why our independent power producers (IPP) contracts are that way. You will have an idea why National Power Corporation (NAPOCOR) continues to bring us all down the sinkhole; for the simple reason that even in basic contract negotiations, our government lawyers are so outnumbered. There is so much concentration of talent, resources, technology, and facilities in the private sector while this is lacking in the public sector. The problem is so dire in the Philippines because here we have weak institutions that continue to be paneled by the private sector. You see that well-heeled lawyers going into the public sector seem to think that what they are doing is such a great sacrifice. There is a sense of injustice in this fact, considering the case law that you have been informed about.

Because of this very inequitable structure—this imbalance of resource allocation given to the private versus the public sector of the legal profession—you also have an overexpectation by clients that lawyers in this country are basically rare as insurers against the outcome of a bad legal decision. In other words, instead of just allowing the lawyers to do their best and lead the decision to how the judge will basically deal with the case, there are hidden expectations from clients that the lawyer is to ensure, at all costs, the outcome of the case. This is a very serious expectation game because the problem of corruption cannot be addressed unless there is a correct leveling of expectations among all the stakeholders. How can we solve the problem of dissonance between family expectations and the oaths that lawyers are sworn to uphold?

I would also like us to look at how the judiciary during the impeachment case of President Estrada, and even the impeachment attempt against the chief justice, used whatever power it had to make a significant political statement to the population. What was its reading of the constitution? What was its reading of power? What was its reading of the functions of government that led it to take such a stance? You see, in both of these instances, the judiciary was not adhering to what is popularly known as "black propaganda law." In other words, it already delved into political philosophy in order to find the medium in which a solution to the impasse could be. If you look at the decision closely, the concept of the Philippine Republic as a body politic does not capture the message between those decisions. Therefore, we should update ourselves with the political philosophy behind these decisions, because I think that these are quite profound. In other words, the judiciary will find a solution despite the lack of clear language in the constitution to reach a specific objective, which I think ultimately aims toward the stability of the Republic. What is problematic is how it views this stability and its parameters. At this point, we may benefit more from looking at the decisions of the Supreme Court as primary material even for political science classes.

Another aspect on which I will give my comments will be the problem of resource allocation. If we are ever going to be sensible as a nation, then we have to be pragmatic when it comes to the problem of resource allocation. The gap between public expectations and the actual amount of government resources is just so enormous. It is high time we address the question of whether the media and the public are unduly fanning the expectations to unhealthy levels that we are basically setting ourselves up for chaos. In other words, there is absolutely no relationship I can see between the demands of the media and the public for service by the government and the amount of resources that this same public is willing to provide government in terms of tax payments and other revenues and assistance. Not only are we paying our taxes incorrectly, we are also not volunteering and giving assistance properly. On the other hand, of course, there is the problem of resource misallocation the moment the money enters the public stream. What I am trying to tell you is that I am predicting that regardless of all the efforts of the chief justice, the justices of the Supreme Court, Ms. Dumdum, Justice Herrera, and all others who are trying to bring about judicial reform, there is a serious danger of failure not because of lack of effort on their part but because of lack of public

support on our part. If you are talking about a 42 percent vacancy rate and 815,000 cases, then those are ticking time bombs. If you are talking about justices or judges who are overworked and underpaid, and public defenders and public prosecutors who are in the same situation, then we have to honestly find out if a 0.88 percent allocation from the JAA is justifiable by any standard. Remember that the judiciary cannot lobby in the same way that the other agencies can for resource allocation. Moreover, whenever the Judiciary Council attempts to explain to the members of Congress about the needs of the judiciary, the members of Congress take the opportunity to try to bring up other issues that they would want the judiciary to pursue, all to the detriment of the needs of the judiciary.

The academe has the potency to effect and affect judicial reforms. Remember that it was in 1995 that the UNDP went to the School of Economics and the School of Economics spoke with some members of the faculty of the College of Law, and that was how some of these issues were considered. In terms of the ability of the academe to impact whatever is happening now, the opportunity is very much there. I hope you will continue to see judicial reforms in a very positive light with expectations also on yourselves to make a contribution.

RAUL M. GONZALES (SECRETARY, DEPARTMENT OF JUSTICE): First, let me state that when we speak of the administration of justice, it simply means the rule of law. When I took my oath on August 31, 2004, I asked the president, "What are your marching orders?" This was probably not necessary, but I asked anyway. She replied, "Nothing. Just follow the rule of law and do justice to everyone." These are the parameters in the Department of Justice and of the attorney-general of the Republic.

There are problems confronting the judiciary. But when we speak of the judiciary, we refer to the courts because in a tripartite type of government, the judiciary is a separate, coequal branch of government controlled by the Supreme Court. The only participation of the national government is to fund it and even provide the exemption of the specific provision that its appropriations must be automatically released, unlike other departments.

Although the judiciary, the executive, and the legislature or Congress are coequal, they are interrelated under the principle of checks-and-balances. When we speak of the judiciary, basically we refer

only to the courts. The rule of law and the administration of justice must be carried out by the three branches of government. The two main instruments are the Department of Justice and the courts. The *barangay* (village) tribunals often decide on administrative cases. There are also quasijudicial bodies. You have the independent Constitutional Office of the Ombudsman with specific powers and functions.

The justice system means courts, lawyers, and prosecutors. These are the three pillars of our justice system. You do not just speak of justice as the rule of law, but you have to speak also of social justice. Maybe social justice in the final analysis is even more important because this is where food and the stomach, and even basic human rights, come into the picture.

Today, we have plenty of problems. When I arrived at this forum, I heard about the lack of judges, prosecutors, and even lawyers. It seems strange to hear that we lack lawyers. Why do we say this? There are 50,000 lawyers in the Philippines, but you will be surprised at the actual number of practicing lawyers. Plenty of lawyers are getting the best jobs in corporations. They do not appear before the courts. So you cannot really attribute the delay in the process of justice just to the lack of courts or prosecutors, but also to the lack of practicing lawyers. There are remote towns where there are no lawyers at all. Why? Because the lawyers do not want to stay in those areas. They have no clients there. So they go to the cities. For the cases that do take place in the towns, the litigants still have to go to the cities, which is more expensive for them. In theory and in principle, these reforms that bring courts to remote areas are good. You bring the courts closer to the people. But in actual practice, it is more expensive for the litigants because they must go to the cities to get lawyers, and the lawyers charge three or four times more because of the distance they have to travel.

If you visit the courts in Manila, Quezon City, Pasig, or Metro Manila, notwithstanding the fact that all the law offices are there, you see the same faces every day. And what do these litigants do? They go from one court to another because there are not enough practicing lawyers. This is one of the reasons why there are delays in the process.

But let me first go back to the question of social justice. Magsaysay was the one who said that those who have less in life should have more in law. I have sort of enlarged on that theme myself by saying, "a little more roof to cover their heads, a little more clothing to cover their nakedness, and a little more food to feed their hunger." This is the basic justice that we need today. No matter how brilliant your Supreme

Court is, if people cannot have access to the courts because they cannot even feed themselves, they will never be able to get justice.

So these are the problems that really beset our country, and these are the things that cause many people to automatically blame the government for the inadequacies in the deliverance of justice. But it is always easy to blame the government if anything goes wrong. Government is the favorite "whipping boy" of everyone. However, all these reforms cannot be achieved without the cooperation of every citizen, even the question of justice. For instance, if you were a citizen who saw a crime committed, but you refused to testify, then you would also become part of the process where justice may be denied or delayed. In many instances, we do not want to be troubled, or we are scared to come out. We only complain when we are the ones already affected. But when it is our neighbors that are affected, we do not mind.

Yes, we lack courts, and we lack prosecutors. There are 600 unfilled positions for prosecutors nationwide. Why? Because all the lawyers who apply want to be assigned to Metro Manila or in the leading cities. They do not want to be assigned to Maguindanao, Cotabato or Basilan—even the judges. When I was in the Judicial and Bar Council, everybody wanted to be assigned in Metro Manila or Iloilo City, Baguio, Bacolod, Cebu, Cagayan de Oro, or Davao. But when it came to Southern Leyte, they refused to be assigned there. These are the problems which cannot be attributed to government, but to attitudes. And what happens if judges are assigned in distant areas? They go there on Monday and have sessions on Tuesday, Wednesday, and Thursday. On Friday, they go home. Basically, they only hold sessions three times a week. Why? Because their families are here in Metro Manila. What is the solution? The solution is to set up cottages for judges in the provinces. But we cannot afford it. What happens to the judges in the provinces? They stay in boarding houses where they are openly approached by their landlords. This is not an ideal situation for them. But we have to live with that at this time.

The 1987 Constitution says, "Equal justice must be given." However, is there equal opportunity for justice? My answer is: No. Why? The lopsidedness of the law is not its fault; it is due to the circumstances. A wealthy person who has been charged with a crime can easily put up bail, and he will never see the door of a prison cell. But a poor person will be jailed even before the arraignment and even before the court can acquire jurisdiction over the case, because he or she cannot put up bail. However, we must remember that if the suspect

does not undergo inquest and is still detained against his or her will, this is a violation of the law on arbitrary detention.

So these are the problems. How do we try to solve this? The Public Attorney's Office, or PAO, is supposed to be there to promote equality and fairness. They provide the poor with access to the courts. People go to the PAO if no lawyer is available, or if they cannot afford to have a lawyer. However, the PAO needs 2,000 lawyers, and Chief Acosta has only 1,000 lawyers nationwide. There is a clear lack of lawyers to support our poor. On the other hand, we have the Integrated Bar of the Philippines (IBP) which is supposed to provide legal assistance to poor litigants, but how many of them appear in courts everyday?

When I was Chairman of the Judicial and Bar Council, I discovered that we could not even reform our jail system because of a lack of funds. How much does a prisoner in Muntinlupa get for medicine? One peso a day, which cannot even buy one tablet of paracetamol. There are plenty of problems, but we are still trying our best to address them and bring about reforms. First, there is the issue of the integrity of those appointed to the positions. The Judicial and Bar Council is trying to do as much at it can in screening appointees. The President even has a screening committee for fiscals and prosecutors. However, because of this screening process, the time it takes to fill up the needed positions has been at a snail's pace. Some proposed reforms are good, but other reforms become setbacks. Nevertheless, I would like to ensure you that under my watch, the rule of law will always prevail in this department.

We have observed that even the PNP must be reformed because the criminal justice system cannot move if the evidence gathered is not there. I have ordered all the prosecutors nationwide to submit an inventory of all the cases they handled from day one, so I will know which cases are gathering cobwebs in their lockers. I have also ordered all prosecutors to conduct an inventory, accounting, and audit of all the evidence that came into their possession from trials that were delayed and cases that were lost due to missing evidence. Some of the evidence have already been sold.

Many reforms are needed. It is not just a question of funding; these reforms are important and necessary.

OPEN FORUM

JAMIR OCAMPO (STUDENT, SCHOOL OF ECONOMICS, UP DILIMAN): What reforms are being done in the penal system for children in conflict with the law (CICL)?

PERSIDA V. RUEDA-ACOSTA: When I assumed office, the issue of children in conflict with the law was one of our programs. We have had seminars sponsored by the United Nations Children's Fund (UNICEF) since then. We have instituted a standard operating procedure when it came to handling CICL. I actually issued a Memorandum Circular regarding that. Afterwards, we conducted region-wide trainings regarding the handling of juveniles with the Bureau of Jail Management and Penology (BJMP). Right now, we are about to launch trainings for police investigators and social workers together with the PNP regarding child diversion. What is child diversion? Instead of detaining children who are caught sniffing solvent or stealing for food, we will turn them over to their parents, the Barangay Chairman, or the local government units (LGUs). At present, we are conducting intensive trainings with funding assistance from UNICEF. The project is being coordinated by Atty. Alberto Muyot, a graduate of the UP College of Law. We are also allotting funds for gender sensitivity trainings for our lawyers and investigators. Our current practice is for the PAO to be present even before the child is sent to jail. We have also incorporated a visitation program. The police should also be present because their concern should go beyond arresting and sending the children to jail.

RAUL M. GONZALES: This is actually a social problem which begins at home. The end result of a bad social environment is that children go astray. The Child and Youth Welfare Code deals with this as well as recent decisions of the courts, and reforms are being carried out. The case shown in the documentary film, *Bunso* (The Youngest), while pointed out correctly, actually happened in the city jail of Cebu. These cases do not take place in the correctional institution in the New Bilibid in the National Penitentiary. Arrests of children for vagrancy are done in a manner that is consistent with the law. The Revised Penal Code has an article with the specific title, "Vagrants and Prostitutes." Anybody who the police think is roaming around without means of support can be picked up as a vagrant. There are also instances when the police arrest people for vagrancy because they look like vagrants. However, after investigating deeper into the situation, one would find

out that the police were given "arrest quotas," which became the basis of arresting people who happen to look like beggars. One result of this was a case in which a janitor was arrested for vagrancy. The suspects are then brought to the local jails which are under the BJMP, to detention centers of police stations, and to the National Penitentiary. This is a major problem.

Indeed, a negative environment will probably cause the minor to become more delinquent in the future. These are all things which must be addressed, and we are doing our best to address them. These children should be with the Department of Social Welfare and Development (DSWD), not in jail. This is a social problem which, to me, must start with the environment at home and in the school. But again, poverty drives people to the streets. So we have to live with that. We can only hope that we can bring about even more reforms in order to really improve the present situation.

TERESA S. ENCARNACION TADEM: I have two questions. The first one is addressed to both Justice Herrera and Professor Sereno. Professor Sereno mentioned that leadership is a major part of the court and of the dynamics with regards to the reforms in the judiciary. As mentioned, Chief Justice Davide is retiring. What mechanisms will be put in place within this time period on the part of the Philippine Judicial Academy and the academic community? The second question is for Sec. Gonzales. The Department of Justice has recently been in the papers because of the case of former President Estrada. I can imagine these are political pressures which are imposed on your office, but perhaps not so much on the level of PAO. How do you shield yourself from those pressures, especially when it comes to national issues or controversies such as this?

RAUL M. GONZALES: Though you addressed your first question to Justice Herrera, I would like to comment on it. First, the mechanism will work through the Judicial and Bar Council. No person can be appointed to the judiciary without passing through the Judicial and Bar Council. This is composed of two representatives from Congress—one from the Senate and one from the House. I sit there as the Secretary of Justice. We have representatives from the Integrated Bar of the Philippines, from private law groups, and several from the Supreme Court. The Judicial and Bar Council is the body which, under the

Constitution, is given the authority to recommend to the President at least three persons for a particular judiciary position. This is the mechanism, and there is no other. This process of selection is for the appointing authority. That is why there are three being nominated, or at least recommended, for the position.

On the question of pressure, if you are thinking of the situation in which former President Joseph Estrada left for Hong Kong, I would like to assure you that there was no pressure whatsoever by the Arroyo administration on the Department of Justice. I know this because the President consults me on all matters of the courts. There was never even a discussion about it. All we wanted was to let the Ombudsman decide on the matter. When former Senator Jovito Salonga accused the President of an impeachable offense allegedly because she pressured the Supreme Court to allow Estrada to leave the country, he was, in effect, accusing the court of being dictated by the President. This is in contempt of the Court. The Supreme Court did not issue an injunction even upon the petition of the Ombudsman.

Similarly, there was no pressure whatsoever in the case of Jalosjos. There was never any discussion about Jalosjos. The discussion only came out when a letter written by his mother was printed in the newspapers saying that she was making a plea for the release of her son. When that letter appeared in the papers, people from different media organizations came to me and asked me whether or not he was entitled to be released. I said "No." Under the Indeterminate Sentence Law, he is not entitled to be released; he has not even served the minimum amount of time in jail because he was sentenced to life imprisonment. However, the media also asked me a hypothetical question: is there a chance that he will be released? I responded, "Of course there's a chance." Why? Because of the pardoning power of the President. I was asked a hypothetical question, and I gave a hypothetical answer. However, the papers decided to print, "The Secretary of Justice said that Jalosjos will be pardoned." I was even attacked by the editorial of the Philippine Daily Inquirer. You can see the damage being done by misconceptions.

ATHENA LYDIA CASAMBRE (PROFESSOR, DEPARTMENT OF POLITICAL SCIENCE , UP DILIMAN): I have not heard much about the *Barangay Lupon Tagapamayapa* (Village Peace Committee) in the matter of judicial reforms. From my experience as a mediator in court-referred cases, I

noticed that many of the cases that were referred to mediation had failed previously at the barangay level, and by the time the cases came to us, mediation was still likely to fail because the cases frequently involved issues like quarrels between neighbors or among families involving personal grievances like grave threats or oral defamation, in which both parties were adamant about getting the aggressors punished. Might it be possible to have legal reforms that would redefine the injury arising from these incidents as one that is done to the community, rather than to private persons, in order to reduce the volume of cases where the complainants are simply seeking redress for personal injuries and persisting in seeking punishment for their attackers?

RAUL M. GONZALES: These cases begin with the mediation of the *barangay captain* (village head). If the situation cannot be settled, it is referred to the *Barangay Lupon Tagapamayapa* (Village Council of Mediators). If it still cannot be settled in the *lupon*, the secretary of the barangay or the barangay captain will simply certify for filing the case to the Fiscal's office. The Fiscal will return to the barangay a case which has not undergone the process in the lupon. In fact, this is the reason why lawyers are not allowed to make appeals in cases heard by the lupon—so that it will not be contentious. The purpose of this is to try to reach a settlement, considering how people from the barangay are neighbors, friends, and relatives, and can settle their problems among themselves. This concept is good, but in actual practice, it is no longer as easy as that. Why? Because our barangays have become cosmopolitan. What is important is the law itself. The *Katarungang Pambarangay* (Village Justice) law provides settlements that the barangay cannot penalize. As a matter of fact, they have the power to punish for contempt, but they must ask the court to issue the contempt order, not the barangay itself. However, even if one family or person is injured, the entire barangay should not be involved, especially those who have nothing to do with the problem. If there is a problem in a barangay between two families, the injuries suffered are only shared between the two of them. What is important here is to educate the people of the barangay to settle and reach a consensus without exacerbating the situation. This is already being practiced during pre-trials and even in courts. The barangay system must conceptualize this precisely to lessen the impact of the courts.

AMEURFINA A. MELENCIO HERRERA: The Katarungang Pambarangay is not part of the judicial hierarchy, which is probably why it was not included in any of the final discussions. However, one problem in the barangay level is that elections are held every three years, resulting in a constant change in membership and in leadership within the barangay. So if an electoral group wins this year, in three years time they will no longer be barangay officials. But the Academy is doing what it can, in so far as training mediators for the barangay level is concerned. We will conduct training programs under a different department.

MA. LOURDES A. SERENO: Barangay sessions, instead of being mediation sessions, are in fact sessions that escalate the conflict. The problem, therefore, may be a matter of a lack of skills. The parties involved often merely insult each other during these sessions. A skillful mediator would have to have a way of diffusing such tension. The other underlying matter is the problem of the relationship between Philippine law, as found in the state books, and the Filipino psyche—do these fit together? This a good occasion to pay tribute to Professor Perfecto Fernandez. He is a foremost person—a pioneer—in Philippine Indigenous Law and Liberal Anthropology in the Philippines. In his earliest works, he identified how it was problematic for a western legal system, completely patterned on the concept of the individual having only individual accountability, to be imposed on a nation that looks at everything from a community perspective. The Revised Penal Code is a 1932 creation. Several studies have already demonstrated that this code really needs to be reviewed so that indigenous law can affect not only the concept of property rights where the Constitution makes an incipient recognition of the existence of indigenous legal systems, but it must also look at whether the problem of resolving conflicts in the Philippines can still be accommodated within a very formalistic western legal system. That this method of mediation is being used is a testament to how there is a "problem of fit" between westernized Philippine law and the Filipino psyche. We must push the frontier forward and really reconsider the concept of crimes.

RAUL M. GONZALES: About two years ago, I spoke about our barangay system at an international conference in Berlin that was sponsored by the Council of Europe. All of the participants told me that they do not have this kind of system in their small communities.

The lady Chief Prosecutor of the War Crimes Tribunal asked for a copy of our Katarungang Pambarangay. Also, I gave a speech to the Law Society of Scotland about the Ombudsman Act of the Philippines, and they all considered the Ombudsman to be too powerful of an office because there is no Ombudsman in the world that can prosecute except in the Philippines. In other countries, the Ombudsman can only investigate and call attention to specific matters, but they cannot prosecute. This shows that we have made our own innovations, but what we lack, aside from psyche, is incentive. Typically, the more educated people do not look at being a member of the lupon with pride. Therefore, in Iloilo City, we tell the regional director of PAO to lecture and hold seminars in our barangay for the lupon every weekend. In our 180 barangays, we hold seminars in the weekends for the barangay captains to give them information and tell them what to do. It might help if we can give them some tips for each time they appear in the lupon.

UNIDENTIFIED: I have two questions to ask. First, I would like to ask Secretary Gonzales, to what extent is mandatory legal education effective and successful for the continuing education of our lawyers, and what effect does it have on the legal community? My second question is directed to Justice Herrera, and this has to do with the court-annexed mediation system as well as other measures meant to unclog the courts of cases that could be resolved more easily if there were more integrity on the part of the litigants. I understand that this is something recommended before cases are brought to the court, but what if previous cases have overlooked certain rules of the law? Could the matter be referred to this particular system? Is it possible for mediation to be recommended? Who recommends this? Is this something the litigants themselves could avail of on their own, or does it have to be sanctioned by the judges and justices themselves?

AMEURFINA A. MELENCIO HERRERA: Court-annexed mediation refers to cases that have already reached the courts. Private mediation concerns disputes that have not yet reached the courts. Now, before a case can reach the court, it goes into pretrial. It is in this pretrial stage that the case is referred to mediation. Mediation will take place for 30 days. If the case is not settled within that period, then it will have to go to the next stage. The reason for this 30-day period is that we do not

want to delay the progress of the cases. Now, I will turn to your question about whether or not a case can be referred to mediation during the trial proper. This is a new program that the Academy is adopting in that even when a case is already undergoing trial, if the parties wish to settle their dispute, they have the option of asking the judge that it be referred to mediation, or the judge himself can act as the mediator or the conciliator. This is part of what we call the JURISP.

RAUL M. GONZALES: With regards to your question about Mandatory Continuing Legal Education (MCLE), I think this has a very beneficial effect on the legal profession because it complements the Judicial Academy. The Judicial Academy is for judges, and the Department of Justice Academy is for prosecutors. The idea is to improve their skills and ethics. I think the ethics of the profession—the judicial ethics—must be clearly embedded in the minds of judges as well as prosecutors and other lawyers. The MCLE will hone their skills and update them on recent jurisprudence, especially laws that are newly passed. For example, the Compulsory Dispute Resolution Law was recently passed. It will probably lessen the burden of the courts. But even in the rules of court, you have trial by Commissioners and pretrial conferences which are supposed to shorten the process. You have the rules on discovery. At any rate, in short, the mandatory continuing legal education process is a good one. It must be continued because law is progressive. Law must always be ready for the next day. No one who has graduated as bar topnotcher can say after 10 or 20 years that he or she is still as skilled as before even if he or she has not been practicing (or has been practicing very sporadically), or if he or she is merely in a law office heading a big law firm without engaging in the courts. The MCLE is good and must be continued.

AMEURFINA A. MELENCIO HERRERA: I would like to thank the Third World Studies Center and the Department of Political Science for having asked me to react to the Chief Justice's paper on judicial reform. Indeed, it is because of the many judicial reforms that have been implemented, and the success of those reforms, that Chief Justice Davide's tenure has been called the "judicial renaissance." Knowing the Chief Justice, we can always expect more meaningful judicial reforms that will improve the performance of the judiciary and enhance the

delivery of judicial service. The Philippine Judicial Academy, as the educational arm of the Supreme Court, has always believed that judicial education is at the heart of fostering excellence in the judiciary, and that it is a vital component of judicial reforms. In response to the concerns that something might happen that could hurt this movement for judicial reforms, I say that there are institutions in place that will be able to deal with problems that arise. Furthermore, as Professor Sereno has stressed, the external factor of public participation is also important. While we take care of the institutions, we would also like to have contributions from society, the community, and the public.

PERSIDA V. RUEDA-ACOSTA: Aside from our jail-visiting program, we also have our barangay legal outreach program. I would like to thank Dr. Teresa Tadem for inviting me to be one of the members of this panel. My final words are these: For the sake of our country, we should pray hard that the next chief justice of the Republic by the end of this year would be as dedicated and credible as our Honorable Chief Justice Hilario Davide.

RAUL M. GONZALES: All I can ask is for everybody to have a little more confidence not only in our system but also in our country. I have always said this: if the country is not beautiful, please let us not make it ugly.

MA. ELA L. ATIENZA: This morning has been fruitful particularly with regard to answering the general guide questions outlined at the beginning of the forum. In terms of the problems mentioned in the administration of justice, the most important would be case congestion and delay. This has been pointed out by all of our panelists. Aside from this, problems also include budget constraints, deficiencies in institutional systems, deficient facilities, inadequate human resource development programs, and the perceived limited access of the poor and marginalized sectors of the society to justice. All the panelists were in agreement that the Supreme Court under Chief Justice Davide has implemented several reforms to address these problems. There are, as the speech of Chief Justice Davide and the comments of our panelists attest, continuing reforms. There have been accomplishments in terms of some improvements in the reform areas as well as institutionalization

of these reforms by creating a number of important institutions and agencies. However, all the panelists and Chief Justice Davide's speech pointed out that there are still problems that are necessary to be emphasized and placed into proper perspective, particularly regarding perceptions about graft and corruption (actual or perceived) in the judiciary. It is necessary to place more focus on the parts of the justice system that are vulnerable to corruption. I think an important aspect raised in the forum was the demand for more reforms for proper financial allocation for the judiciary and the important agencies connected to the justice system, increasing compensation and salaries not only for justices and judges but also for all the government lawyers, and proper coordination and management of the sectors involved in the delivery of justice. The panelists also emphasized the importance of the roles of different sectors like the media and the public in terms of supporting the reforms and being vigilant in terms of pointing out problems in the delivery of justice. Professor Sereno was also very helpful in pointing out areas of reform where the academe, specifically political scientists, can contribute, particularly to the issue of indigenizing the court system in the Philippines and focusing on the political philosophy of the decisions or judgments of the courts.

NOEL M. MORADA (Chairperson, Department of Political Science, UP Diliman): On behalf of the Department of Political Science and also the Third World Studies Center, I would like to thank our distinguished guests and panelists this morning. Personally, I have learned a lot from this morning's discussions and the ideas that were presented on the floor. I would also like to echo Professor Sereno's ideas about the academe having to have involvement in the process of judicial reforms in the country. In fact, the Department of Political Science was involved in the judicial reform program when, back in early 2003, it designed a survey for all the prison inmates in the whole Philippines. I was hoping that I could ask Ms. Dumdum this morning about the results because they were the ones who implemented the survey. Nonetheless, from the discussion that we had this morning, we hope that we can continue this dialogue between the academe and government. We also hope that this dialogue series will continue as we realize that the judicial branch of the government must be considered an important pillar in the political stability of our country.

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