

## Chapter 1

### A Transformed Judiciary\*

It is great to be home once again in this super University! My first speaking appearance at the Far Eastern University (FEU) Auditorium was some 50 years ago -- to be exact, 48 years ago in 1957 -- when as a young sophomore law student, I delivered my inaugural address as president of the FEU Central Student Organization. Thank you, FEU, for that invigorating memory, that exhilarating experience of heading the student body of the then largest educational institution in our country.

Thank you also to two super ladies -- Dr. Lourdes Reyes-Montinola, chairperson of the FEU Board of Trustees; and Dr. Lydia B. Echauz, FEU president – who, along with super law Dean Andres D. Bautista, the perennial leader of the Philippine Association of Law Deans, are responsible for FEU's generous co-sponsorship of this tenth lecture in the *Chief Justice Hilario G. Davide Jr. Distinguished Lecture Series*.

As some of you may know, this intellectual pursuit is one of several projects being held nationwide all year round to commemorate the many outstanding achievements of the Supreme Court during the seven-year term of our beloved Chief.<sup>[1]</sup>

Ladies and gentlemen, Hilario G. Davide Jr. will be remembered in history as one of the greatest Chief Justices not only in our country, but also in the Asia-Pacific region. I am

certain that whenever a history of the judiciary in our part of the world is written, he will always merit a sparkling chapter. Back in 1999 when I wrote *Leadership by Example*, just after his appointment as the “Centennial” or even “Millennial” Chief Justice, I already had an intimation of his impending renown. In that book I said that, “as the administrator of the entire judiciary and the leader of the Supreme Court, he is the single most important personality who will shape the dispensation of justice and define legal thought in our country.”<sup>[2]</sup>

I dedicated that modest volume to him and expressed the hope that I would be able “to lay out a standard or paradigm from which to view, years hence, the shaping influence of our new Chief’s credo of Leadership by Example.”

### ***Bases for Rating Magistrates***

Generally, members of the Supreme Court are rated on the basis of their contribution to jurisprudence, especially the depth and breadth of their legal philosophies, as well as their influence in shaping the destiny of the country and the lives of our people. In a speech entitled “Judging the Judges” delivered earlier this year, I outlined the four *Ins* by which to assess – in my opinion -- the qualities of an ideal judge: *Integrity*, *Independence*, *Industry* and *Intelligence*.

To say that Chief Justice Davide consistently and constantly embraced these four *Ins* of an ideal magistrate, lived to the hilt his own credo of leadership by example, and transcended the normal standard of jurisprudential excellence is to state the obvious, and even the

customary, about him.

Some find the exemplary manner in which Chief Justice Davide presided over the impeachment trial of former President Joseph Estrada in November 2000 to January 2001 as the acme of his judicial reputation. His even-handedness, coolness under pressure, judicial wisdom and towering persona dominated that national, historical milestone covered live daily by all major radio and television networks.

Other people know him for his simple and transparent lifestyle, his unsullied integrity and dedication to duty. Many will never forget that he is always on time for all his appointments and schedules. Sometimes, he embarrasses his hosts by arriving way ahead of them during convocations, fora, speaking engagements, dinners or simple meetings.

***Not Just Primus Inter Pares,  
but CEO of the Entire Judiciary***

The Supreme Court is a collegial body that decides by the opinion of the majority of its members. Though regarded as the *primus inter pares* (first among equals), the Chief Justice -- like the 14 other magistrates of Court -- has only one vote. And that one vote has sometimes been a lonely voice in the minority.

However, as Chief Justice of the Republic, not just of the Supreme Court, he is unquestionably the chief executive officer of the entire judicial department of government. Outside the realm of decision-making in the Supreme Court, he is the unquestioned boss;

nothing happens without his say-so. By his own admission, more than 60 percent of Chief Justice Davide's time is spent on untangling and solving the administrative, financial and management concerns of the 28,000 judicial employees spread all over the country.

Hilario G. Davide Jr. is undoubtedly a brilliant jurist; but more than that, he is a great leader. He is not just a perceptive thinker and an ingenious decision writer; he is also a compelling people mover. He aims to inspire, motivate and lead other officials to work unceasingly, to rise above their puny limitations, to excel beyond themselves, and to achieve collectively their loftiest dreams and highest aspirations.

Undeniably, it is in the realm of *leading* the judiciary to independence, integrity, transparency and accountability that the distinction between the jurist and the chief executive has made the real difference. He has succeeded in becoming a great paradox: as a jurist crafting landmark decisions, he has remained detached, unreachable, untouchable, even unfathomable; yet as a leader and CEO, he has been transparent and accountable. He has been a tested and dynamic team builder and mover. His leadership comes from the courage to think outside the box -- to innovate, to reengineer, to reinvent new and better ways of managing and moving forward, even if the judge in him compels him to follow tradition, uphold precedents and stabilize judicial thought. In short, our Chief Justice has successfully blended the seclusion needed by a magistrate, with the people skill required from the leader of the third branch of our government. As a jurist, he is an individualist; as an executive, he is a team player.

Indeed, Chief Justice Davide is known in many ways by many people. In my view,

however, he will be *best* remembered for the wide-ranging judicial reforms he initiated upon taking his oath of office on November 30, 1998. The Chief himself has said that he regards judicial reforms “as the centerpiece of [his] stewardship of the Supreme Court and the judiciary x x x. It will serve as a transparent yardstick by which [his] legacy as Chief Justice can be judged and measured.”<sup>[3]</sup>

Just eleven days after assuming office, he spelled out his “vision, mission and direction” -- the “Davide Watch” -- during a Kilosbayan forum on December 11, 1998. Now famous is the cornerstone of his Chief Justiceship -- his vision statement, which I quote:

“A Judiciary that is independent, effective and efficient, and worthy of public trust and confidence. A legal profession that provides quality, ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call of public service.”

The Davide Watch<sup>[4]</sup> is complemented by an “Action Program for Judicial Reform” (APJR). Comprehensive, pervasive and wide-ranging, the APJR takes its bearing from earlier reform initiatives collectively known as the “Blueprint of Action for the Judiciary.” The Blueprint and later the APJR outlined the concerns and priority reforms that were identified during an 18-month consultation process carried out with various stakeholders of the judiciary across the country. Held during the term of Chief Justice Andres R. Narvasa, these consultations were funded by a grant from the United Nations Development Program (UNDP).

Finally approved by the Supreme Court on December 8, 2000, the APJR is

superintended for the Court by the Executive Committee<sup>[5]</sup> for the Judicial Reform Program. To emphasize the pivotal importance of the APJR, it is the only SC standing committee that is personally and directly headed by the Chief Justice. It is administered on a day-to-day basis by the Program Management Office (PMO) of the Supreme Court. The APJR has six components.

### ***The APJR's Components***

The *first* component, **Judicial Systems and Procedures**, concerns itself with the administration of cases and courts. Initiatives in alternative dispute resolution, computerized case management system, streamlined court rules, and similar activities are programmed under this section.

The *second* component, **Institutions Development**, seeks to establish mechanisms to strengthen the judiciary as an institution independent from other branches of government. Included in this component are systems to implement the constitutionally mandated fiscal autonomy of the judiciary, to improve judicial accountability, and to devise personnel and financial policy that will give the judiciary the flexibility needed to address the many demands upon it.

The *third* component, **Human Resource Management Development**, covers the selection, hiring, education, promotion and remuneration of justices, judges, and other judicial officials and employees.

The *fourth* component, **Institutional Integrity Development** addresses concerns on graft and corruption and puts in place mechanisms to detect and punish corrupt practices of some judges and lawyers.

The *fifth* component, **Access to Justice by the Poor**, ensures that the marginalized, disadvantaged, dispossessed and other vulnerable sectors will always have affordable and effective means of attaining justice.

The *sixth* and last component, **Reform Support Systems**, installs mechanisms to ensure the sustainability of the reform efforts. The focus here is public education, information and communication, on the assumption that public awareness of the functions and achievements of the judiciary would encourage people to support the courts.

While the APJR is subdivided into these six major “components,” I would like to discuss the reform projects as they relate to three general matters: (1) the transformation of judges, (2) the improvement of their facilities and tools, and (3) the enhancement of the relationship of the judiciary with its various publics. By subdividing the projects into these three topics, I hope to be able to present the projects more clearly and systematically.

The six components are couched in the technical jargon normally used by government offices (like the Department of Finance and the National Economic Development Authority) and international developmental agencies (like the United Nations, the World Bank and the Asian Development Bank), on all of which the APJR depends for financial support. I believe, though, that the classification of the reform projects into the three general topics enumerated

above would make them easier for the audience to understand and internalize.

## **Transformation of Judges**

*First*, let me take up the changes aimed at the transformation of judges -- their persons, education, values, habits and aptitudes.

### ***Law School Curriculum***

The reforms go back deep into the improvement of the law school curriculum. Our Constitution empowers our highest court to promulgate rules concerning “admission to the practice of law.”<sup>[6]</sup> Using this provision as basis, our Court adopted on June 8, 2004, three broad categories of reform in the bar examinations: (1) structural and policy changes, (2) modifications in the design and construction of test questions, and (3) improvements in the checking and grading methods.<sup>[7]</sup> The ultimate goal is to devise the most appropriate system to measure the competence and character required to become a member of the legal profession.

The structural and policy reforms include the appointment of a tenured Board of Bar Examiners, in lieu of ad hoc committees appointed every year; and the investigation of character and fitness as a prerequisite for taking the bar examination.<sup>[8]</sup> Along with essay test questions, objective multiple-choice questions have already been introduced in the bar examinations. Reforms are also veered toward the adoption of alternative grading methods, such as scaling, to promote test equity and to standardize the levels of difficulty of the tests;



and the eventual computerization or automation of the bar examinations to facilitate application, testing and reporting procedures.

There is also an ongoing debate about the necessity of conducting bar examinations. In some neighboring countries, like Malaysia, Thailand and Singapore, no tests are needed to enter the bar. In some others, like Japan and Korea, the bar tests are so stringent that only about three percent pass them. In our country during the last five years (2000-2004), an average of about 25 percent of the examinees have obtained the 75 percent passing grade.<sup>[9]</sup>

### ***Legal Education Board***

At the initiative of the Supreme Court (SC), the Legal Education Board (LEB)<sup>[10]</sup> will be formally organized shortly. Headed by a retired SC justice,<sup>[11]</sup> the Board will oversee the operation of all law colleges and reformulate their law curricula to make them more responsive to the needs of the 21<sup>st</sup> century. For that matter, the Court has approved the referral to the LEB of the inclusion in the law curriculum of a subject on clinical legal education.<sup>[12]</sup> Already, a Judicial Apprenticeship Program under the APJR has been piloted. This program is designed to train selected third and fourth year law students in Metro Manila in legal research and introduce them to actual court proceedings.<sup>[13]</sup>

### ***Mandatory Continuing Legal Education (MCLE)***

For those who have passed the bar examinations and have become attorneys-at-law, the Mandatory Continuing Legal Education (MCLE)<sup>[14]</sup> program has been strengthened by the SC

to ensure that members of the bar are continuously updated on current laws and jurisprudence.

[15] The MCLE requires lawyers to complete training hours in various law subjects, including legal ethics, before they can renew their licenses. In 2004, 1,527 lectures or programs were presented by accredited providers.[16]

### ***Judicial and Bar Council (JBC)***

To minimize, if not totally eliminate, partisan politics in the appointment of judges and to assure that only the most qualified are appointed, our Constitution limits the choices of the President only to those recommended by the Judicial and Bar Council (JBC). The JBC is mandated to submit to the President at least three nominees for every judicial vacancy.[17] For the Supreme Court, the President is required to issue the appointment within 90 days from the *occurrence* of the vacancy; and for the lower courts, within 90 days from the *submission* of the list to the President.[18] The Council is chaired by the Chief Justice; its members are the secretary of justice; a senator; a congressman; a retired SC justice; and one representative each of the bar, the academe, and the private sector.[19]

Realizing the pivotal role of the JBC in reforming the judiciary, the Supreme Court passed on April 27, 2004, a Resolution strengthening the role and the capacity of the JBC.[20] Under the new restructured administrative organization, the JBC shall “exercise decentralized management functions.” Consequently, it will have (1) a separate budget to be approved by the Supreme Court, (2) authority to administer its approved budget, and (3) administrative functions to promote and ensure proper and optimum use of its resources.[21]

On the other hand, its new management structure will be composed of (a) the Council en banc to be headed by the Chief Justice, as mandated by the Constitution; (b) the Office of the Ex Officio Chairman, headed by the Chief Justice and assisted by an executive officer; (c) the Office of the Secretary, headed by the clerk of court of the Supreme Court; and (d) the operating offices, each to be headed by a chief of office.<sup>[22]</sup>

### ***Philippine Judicial Academy***

At the core of continuing legal education is the Philippine Judicial Academy (Philja).<sup>[23]</sup> The Philja offers, among others, (1) training for aspirants to judicial positions under its regular pre-judicature program; (2) orientation seminar-workshops for newly appointed judges; (3) regional judicial career enhancement programs for both judges and judicial personnel who have been serving the judiciary for some time; and (4) special focus programs for judges specifically handling specialized cases.

The Philja has also launched an *e-learning project* to provide training through the use of the Internet. This *online distance learning program* allows judges from selected first- and second-level courts nationwide to learn new practices and opinions on legal issues. E-learning modules on (1) electronic evidence and (2) psychological incapacity were launched on December 1, 2004, to complement the traditional modes of face-to-face instruction. A video production on the conduct of pretrial in civil and criminal cases, as well as on the use of depositions and modes of discovery, has likewise been completed.

Another landmark judicial reform initiative of the Philja under the APJR is its

Mediation Project. On October 16, 2001, the Court designated the Academy as the component unit for court-annexed mediation (CAM) -- now part of pretrial<sup>[24]</sup> -- and other alternative dispute resolution (ADR) mechanisms.<sup>[25]</sup> In line with this mandate, the Philja has established 29 Philippine Mediation Center (PMC) units nationwide<sup>[26]</sup> and has trained a total of 527 mediators.<sup>[27]</sup> From 2002 to 2005, mediation efforts at the trial courts posted a success rate of 77 percent.<sup>[28]</sup> With the success of court-annexed mediation in the trial courts, the Supreme Court authorized Philja to pilot-test mediation in the Court of Appeals, also to address increasing docket congestion. Statistics from the two-month pilot testing (September 16 to November 22, 2002) showed that of the one hundred (105) cases that underwent CA mediation, 67 percent or 70 cases reached a compromise agreement.<sup>[29]</sup>

Court-annexed mediation was further energized through the Justice Reform Initiatives Support (or JURIS) Project begun in January 2003. The project teaches judges how to mediate cases after court-annexed mediation has failed.<sup>[30]</sup> Pilot testing of the project in San Fernando City, Pampanga, showed a 73.30 percent success rate, while that in Bacolod City was 63.72 percent successful.<sup>[31]</sup>

Results of a survey<sup>[32]</sup> conducted by the Social Weather Stations (SWS) showed that judges were highly satisfied with mediation as a means of declogging court dockets.<sup>[33]</sup>

Supported by the Canadian International Development Agency (CIDA), the Philja developed study programs at the Commonwealth Judicial Education Institute in Halifax, Nova Scotia, Canada, for judges, judicial educators and court officials.

In a related education program and with the help of the Asian Development Bank

(ADB), the Court has also undertaken (1) various judges' forums on the role of courts in environmental protection; and (2) a training course in Japan on performance evaluation, court administration, judicial career development, and judicial education. Workshops for judges on e-commerce and commercial laws have also been conducted.<sup>[34]</sup>

There is more good news: the Supreme Court is in the final stages of negotiation for a P600 million grant from the Japanese government to build the Philja Training Center in Tagaytay. The Center is envisioned to be the permanent venue not only for the continuing education of incumbent judges, but also for the training of those aspiring to join the judiciary.

### *Codes of Conduct*

Legal and judicial education is intended to enhance not only the intellectual ability of lawyers and magistrates, but also their ethical standards. Thus, the Court has strictly enforced the lawyer's oath. During the last six years,<sup>[35]</sup> the SC has fined, warned, censured, admonished, reprimanded, ordered arrested, suspended or disbarred 463<sup>[36]</sup> lawyers for violations of the Code of Professional Responsibility.<sup>[37]</sup>

For the judiciary, the Supreme Court has adopted on June 1, 2004, the New Code of Judicial Conduct. The Code was patterned after the Bangalore Principles of Judicial Conduct ("Bangalore Draft"), which had been crafted by the Judicial Group on Strengthening Judicial Integrity ("Judicial Group"), under the aegis of the United Nations (UN).<sup>[38]</sup> The Bangalore Draft was approved in November 2004, during a round-table meeting of Chief Justices from

civil law countries at the Peace Palace, The Hague in The Netherlands. The Draft was prepared during the Judicial Group's two meetings in Vienna in April 2000 and in Bangalore in July 2001, upon the UN's invitation.

To give teeth to the New Code of Judicial Conduct, the Court has amended Rule 140 of the Rules of Court (on the discipline of judges). This amended Rule classifies the nature and the gravity of administrative offenses, as well as the sanctions for them, and provides for the proper conduct of administrative investigations. Earlier on, in 2002, the Court had already resolved that administrative cases against magistrates and court officials, if based on reasons that were also grounds for disciplining members of the bar, should automatically be converted to disciplinary proceedings against their very membership in the bar. Thus, they would be investigated both as magistrates *and* as members of the Philippine bar.<sup>[39]</sup>

Even before the new Code was adopted, the Supreme Court had already been strictly enforcing the earlier Canons of Judicial Ethics and the (old) Code of Judicial Conduct of the Philippines. From 1999 to 2004, the SC had -- after appropriate proceedings -- reprimanded, censured, fined, forfeited the benefits, suspended from office, or dismissed from the service, 660<sup>[40]</sup> justices and judges.

Judicial ethics symposia have been held to discuss the new Code of Judicial Conduct, as well as the training of law professors in new teaching methodologies in legal and judicial ethics. Various seminars for court employees on the Code of Conduct for Judicial Personnel<sup>[41]</sup> have also been held.

## *Judicial Excellence Awards*

While our highest court has been strict in disciplining the misfits and the errants, it has likewise been enthusiastic in honoring the faithful and the exemplary through its annual Judicial Excellence Awards. In this program, we search for, recognize and reward outstanding judges and clerks of court. The search for outstanding men and women in the judiciary was begun by the Foundation for Judicial Excellence in 1991. In 2004, however, the Supreme Court took over this annual endeavor. This year, the awarding ceremonies have been set for December 12, 2005.<sup>[42]</sup>

Of the 2003 and the 2004 Judicial Excellence awardees, six have already been promoted to the next higher court, three of them to the Court of Appeals.<sup>[43]</sup>

For this year, the awardees are as follows:

1. For the second-level court judges category: Executive Judge Eduardo I. Tanguanco, Regional Trial Court (RTC), Bacoar, Cavite, Branch 89; Judge Marissa Macaraig-Guillen, RTC, Makati City, Branch 60; and Judge Mario V. Lopez, RTC, Batangas City, Branch 2.

Judge Simeon P. Dumdum Jr. of the RTC, Cebu City, Branch 7, was cited for writing the Best Decision in a Criminal Case.

2. For the first-level court judges category: Judge Francisco Roberto D. Quilala,

Municipal Circuit Trial Court (MCTC), Sarrat-Vintar, Ilocos Norte, who also won the award for Best Decision in a Civil Case; Judge Antonina B. Escovilla, Municipal Trial Court in Cities (MTCC), Davao City, Branch 2; and Judge Ma. Theresa Dolores C. Gomez-Estoesta, Metropolitan Trial Court (MeTC), Manila, Branch 6, also the winner for the Best Decision in a Criminal Case.

3. For second-level clerks of court: Atty. Ana Candida N. Cansino, RTC, Medina, Misamis Oriental (for a multi-sala court); and Atty. Joyce Kho Mirabueno, RTC, General Santos City, Branch 23 (for a single-sala court).

4. For first-level clerk of court, the sole winner was Atty. Marichu Teresa Simpao-Taguilaso, MeTC, Manila, Branch 13.

### ***Judicial Compensation***

Equally important, the SC was able to convince Congress and the President to double the basic judicial compensation through a 25 percent increase per year for four years starting in November 2003.<sup>[44]</sup> Partly because of this additional financial benefit, many competent lawyers are now applying for the many vacant trial courts. Across the different court levels, there is still a vacancy rate of more than 31.17 percent.<sup>[45]</sup> But I am certain that this percentage will drastically go down in the next two years as the vacancies are gradually filled up.

Better retirement benefits for members of the judiciary have likewise been secured.



Moreover, the High Court has authorized the grant of automatic, permanent, total disability benefits to the heirs of justices, judges, and court officials (with the rank, salary and privileges of justices and judges) who die while in the service regardless of the cause of death, except suicide or instances when it was the magistrate or official who had provoked the attack or assault that resulted in his or her death.<sup>[46]</sup> Also, to protect judges from baseless administrative charges, the SC has decided that a complaint filed within six months before the compulsory retirement of a judge, if based on a cause of action that occurred within one year prior to the filing of the complaint, should be dismissed forthwith.<sup>[47]</sup>

### ***Committee on Legislative-Executive Relations***

To improve its relationship with the Presidency and Congress, the Supreme Court has strengthened its Committee on Legislative-Executive Relations. The Committee's expanded functions include liaising with the executive and the legislative branches of the government to get support for the constitutionally mandated fiscal autonomy of the judiciary, as well as better pay and benefits for judicial personnel. The presiding justices of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals now sit as members of the Committee for a more coordinated and integrated preparation and presentation of the judiciary budget.<sup>[48]</sup>

### **Improvement of Judicial Facilities and Tools**

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

## ***In-Depth Studies and Assessments***

With the help of the United Nations Development Program (UNDP), the Court came up, as I earlier stated, with a “Blueprint of Action for the Judiciary,” to which the present APJR owes its origin. The ADB, on the other hand, funded a comprehensive study, “Strengthening the Independence and Defining the Accountability of the Judiciary.”<sup>[49]</sup> This study reviewed the organizational, administrative and financial structures of the third branch of government; and proposed their revision and streamlining to ensure independence, transparency and accountability.

A more focused project called “Institutional Strengthening of the Shari’a Justice System” was also undertaken. Among others, its purposes are to review the overall performance of the Shari’a justice system, identify its strengths and weaknesses, and assess the administrative structures and operating systems in the judiciary. The objective is to determine factors that promote or hinder the efficiency and effectiveness of the Shari’a courts.

<sup>[50]</sup>

## ***Computerized Case Management and Tracking***

Since the early 1990s, the Supreme Court has started computerizing its administrative, personnel and financial processes. The computerization, however, has been largely in the form of independent hardware-software components. To upgrade these existing stand-alone computerized financial, personnel, and administrative systems<sup>[51]</sup> in the Supreme Court, the APJR -- through the Committee on Computerization<sup>[52]</sup> -- has recently embarked on the total

computerization of the entire judiciary.

With the support of the US Agency for International Development (USAID), the Court has pilot-tested in trial courts in Pasay City, the Case Flow Management (CFM) system, a computer program designed to expedite the resolution of cases through the effective monitoring and strict observance of time limits in the conduct of case events, from filing to disposition.

A second computer project, the Court Administration Management Information System (CAMIS), which is supported by the Canadian International Development Agency (CIDA), has also been pilot-tested in Metro Manila. CAMIS automates statistical data to improve case tracking and reporting. Through this project, the Supreme Court aims to build and strengthen the capacity of the Office of the Court Administrator (OCA) and the Management Information Systems Office (MISO), so as to evolve a publicly accessible automated system that would be able to provide a comprehensive database of all cases, including the current status of each.

As earlier stated, our stand-alone computer projects are being integrated with these new state-of-the-art CFM and CAMIS pilot projects.

### ***Computer Literacy Program***

To complement this hardware and software development, the Court is also undertaking a Computer Literacy Program for all the 28,000 judicial officials and employees throughout the country. Justices of the Supreme Court and the three appellate

courts were first to undergo a basic computer orientation seminar-workshop. A concept paper for the Information Communication Technology (ICT) Literacy Task Force,<sup>[53]</sup> which will draw up the training programs for all judicial personnel, is now being finalized.

Consistent with our computerization program, the Supreme Court has, during the past five years, provided every courtroom in the country with at least one personal computer. A second one will be distributed within the next six months. Even more significantly, the Court has very recently approved an interest-free ₱1,000-per-month installment program to enable justices and judges to acquire and own their personal laptops.<sup>[54]</sup> With this development, circulars and administrative issuances for all courts shall be made by the SC through its website or through compact discs (CDs) that will be distributed nationwide from time to time.

### ***Electronic Library***

On November 19, 2004, the Court launched its fully electronic library (e-library), the first of its kind in Asia. Powered by a search engine, the e-library cuts research time and elevates legal research to a new level of accuracy and comprehensiveness never imagined a few years ago. Already connected with the Internet, it is easily accessible to all courts nationwide. Courts without Internet access are provided with CDs containing up-to-date legal reference materials.

The e-library has many advantages: (1) it is cheap, because there is no more need to buy expensive books; (2) it is always up-to-date, because decisions of the SC are uploaded within 48 hours from the time they are promulgated; (3) it is accessible anytime seven days a week,

because it never closes; (4) it does not need space -- it is available anywhere and everywhere; (5) it is fully searchable -- by word, phrase, case title, case number, subject matter, date of promulgation, name of parties, name of justice who wrote the decision, and so on.<sup>[55]</sup>

### **Benchbook for Trial Court Judges**

Like the e-library, the *Benchbook for Trial Court Judges* aims to assist judges in research. Designed as an easy-to-search tool, the *Benchbook* enables magistrates to decide points of law quickly as they arise in the course of a trial. It comes in both digital and paper versions. To guide judges in preparing their decisions, a manual of uniform writing style has likewise been developed by the Supreme Court.

Other notable projects aimed at improving the judicial working environment are the provision of computer-aided transcription (CAT) facilities; the preparation of an infrastructure master plan; and case-decongestion and delay-reduction projects, particularly in the Court of Appeals and the Sandiganbayan.<sup>[56]</sup>

### ***Model Electronic Courts***

With a loan from the World Bank, the SC is building -- as a preview of a future nationwide courtroom construction program -- model electronic courts in selected areas in the country; namely, the cities of Angeles, Lapulapu and Cagayan de Oro. Soon also, the old Government Service Insurance System (GSIS) building, located on Arroceros Street in

Manila, will be rehabilitated for its eventual conversion into a modern Hall of Justice for Manila trial courts.

### ***New Rules of Procedure***

To enable the members of the bench to rule immediately (on the spot) on legal issues connected with the new sciences and technologies, new rules of procedure have been promulgated by the Supreme Court.<sup>[57]</sup> These new rules cover, among others, admission of electronic evidence, infringement of intellectual property rights, corporate rehabilitation, intra-corporate controversies, and the protection of juveniles in conflict with the law. Other notable improvements in the Rules of Court involve those on violence against women and their children,<sup>[58]</sup> as well as sexual harassment cases; proper work decorum in the judiciary;<sup>[59]</sup> and death penalty cases.<sup>[60]</sup>

### **Relationship with Various Publics**

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

#### ***Public Information Office (PIO)***

In this day and age of transparency, the judiciary realizes that, to be better understood and thereby to maintain public trust, it must somehow open up the judicial fortress without, however, compromising the confidentiality of its collegiate deliberations. Thus, on January 1, 1999, it established its Public Information Office (PIO),<sup>[61]</sup> not as a public relations arm, but

as an information-based office.

The primary objective of the PIO is to bring the Court closer to the people. Its goal is simple: to tell our various publics the truth, the whole truth, and nothing but the truth. Its job is not to “sanitize” or “angle” stories. Neither is it to “proselytize” and “propagandize,” much less to spin tales or embroider judicial work.<sup>[62]</sup>

In line with its primary task of disseminating news about the Court and its decisions as promptly and as widely as possible, the PIO regularly publishes the bimonthly *Benchmark*,<sup>[63]</sup> and the monthly *Court News*, a full-color four-page newsletter intended for the Court’s diverse publics, including chambers of commerce, nongovernmental organizations, the provincial press, and foreign embassies. Practically on a daily basis, the PIO also issues news bulletins through the *Court News Flash*. These publications are written in simple non-legalese.<sup>[64]</sup> They are available online through the PIO’s website, a sub-domain on our main website, [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph).

### ***Chamber-to-Chamber Dialogues***

To respond to criticisms from the business sector that the judiciary is inordinately interfering in the economic life of the country, the Court, with the assistance of The Asia Foundation, launched the Chamber-to-Chamber Dialogues. The term “chamber-to-chamber” was derived from the “chambers” of magistrates and the various “chambers” of commerce spread all over the country. For the same purpose, I recently wrote a book entitled *Leveling the Playing Field*,<sup>[65]</sup> which explains in detail the role of the judicial branch in economic

governance.

### ***“Justice-to-Justice” and “Judge-to-Judge” Dialogues***

As a final item under the topic of improving the judicial environment, our Supreme Court has embarked on a “Justice-to-Justice” and a “Judge-to-Judge” Program to encourage intellectual exchanges among judges of the world. These Justice-to-Justice and Judge-to-Judge Dialogues have been made possible by funding assistance from the USAID through the American Bar Association-Asia Law Initiative (ABA-Asia).

### ***Access to Justice***

As one of the six main components of the APJR, access to justice has received considerable attention in terms of projects and activities. It is of special interest to the UNDP, under whose sponsorship the Court has conducted (1) a diagnostic study of the capabilities and limitations of the Department of Justice;<sup>[66]</sup> (2) a research on how penal institutions work; and (3) a participatory program to assess the strengths and weaknesses of our jails.<sup>[67]</sup> I should add here the jail decongestion project -- undertaken by the Integrated Bar of the Philippines (IBP) with UNDP funding -- in the Manila, Pasay, Quezon City and Pasig City jails. Worth mentioning as another concern is the elimination of gender bias and the equalization of political and civil opportunities for both men and women.<sup>[68]</sup>

Another notable project is called “Access to Justice for the Poor through Information, Education and Communication (IEC).”<sup>[69]</sup> This program involves, among others, the training



of the clerks of court of selected municipal courts and of *barangay* officials in selected parts of the country, to enable them to provide vital information on the legal rights of the poor and the disadvantaged. As implementing agency of Component 1 -- “Institutionalization of the Decentralized Information Function of the Judiciary” -- the SC will oversee the formulation of IEC guidelines, policies and standards of conduct for Municipal Court Information Officers (MCIOs); and the training of MCIOs. The Court will also sponsor a training program to sensitize municipal court judges and court personnel (in the target project areas) to the economic and social conditions of the poor.

### ***Rehabilitating Internally Displaced Persons and Communities***

With assistance from the European Union (EU), the SC has also embarked on “strengthening the courts for internally displaced persons and communities,” which is a component of the project called “Rehabilitating Internally Displaced Persons and Communities in Southern Philippines.” The mother project seeks to address the rehabilitation and resettlement of at least 10,000 displaced families in Southern Philippines.<sup>[70]</sup> Included is the construction or repair and rehabilitation of the Halls of Justice in selected areas.

### ***Justice on Wheels***

To increase the accessibility of the judicial system, especially to the poor and the disadvantaged, the Supreme Court launched its Justice on Wheels program on December 21, 2004. The first mobile court -- in the form of a large bus staffed by a judge, a prosecutor, and a stenographer, among others -- is designed to bring the courts to the people in places where they

would otherwise be inaccessible. Though less than a year old, our first mobile court has already made an impact on our efforts to decongest jails and speedily resolve family problems.

[71]

### ***Consultations with Stakeholders and Other Sectors***

Consultations have been held by the Court with stakeholders and different sectors. The bar and the bench were consulted on memoranda, recognizance, summary procedure, and affordability constraints on access to justice. These consultations have been followed through with subsequent studies on the possible expansion of recognizance and summary procedure in criminal cases, as well as an in-depth inquiry on how to make the justice system more affordable -- and, thus, accessible -- to the poor and the underprivileged. Other activities include a review of the *barangay* justice system in the Philippines and the strengthening of legal protection for children.

### ***Public Education on the Rule of Law***

Still another innovative APJR undertaking is called “Public Education on the Rule of Law Advancement and Support” (PERLAS) project. A collaborative undertaking of the SC, the Department of Education, The Asia Foundation and the Lawyer’s League for Liberty (Libertas), the project seeks to integrate into the `curricula of elementary and high schools the value of civic-mindedness and obedience to the rule of law. Presently, teaching exemplars embodying these values are being prepared for distribution to all primary and secondary

schools nationwide.

## **A Model Judicial Reform Program**

The Supreme Court takes great pride and care in pursuing and implementing the foregoing judicial reform projects under their overall umbrella called APJR. The SC is happy to note that, already, the APJR has earned local and international acclaim. The World Bank's chief counsel for East Asia and the Pacific region, Anthony Gerald Toft, in his own lecture earlier delivered in this Series, has openly endorsed the Philippine judicial reform program as one worthy of emulation by other jurisdictions.<sup>[72]</sup> Verily, our judicial reform program has earned the support of all major international development institutions, like the United Nations Development Program (UNDP), the World Bank (WB), the Asian Development Bank (ADB) and The Asia Foundation (TAF); as well as the national aid agencies of Australia, Canada, the European Union, Great Britain, Japan, the Netherlands and the United States. I do not know of any other country that has enjoyed similar global assistance for the modernization of its judicial system.

All in all, the APJR has brought cutting-edge technology and best management practices to the third branch of government. It has ushered the judiciary to the digital age through the piloting of electronic tools and modern facilities. By sharpening management skills, the APJR has helped the judiciary strengthen its independence and integrity and respond speedily to the 21<sup>st</sup> century's call for more transparency and accountability. To paraphrase the Davide Watch, the APJR has enabled the judiciary to become truly "worthy of public trust and confidence."

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

As a lasting testament to our judicial reform program, our Supreme Court is sponsoring on November 28-30, 2005, an International Conference and Showcase on Judicial Reforms. This gathering is divided into two parts: (1) plenary and parallel sessions to facilitate the international exchange of ideas, experiences, best practices and reform initiatives; and (2) a showcase or exhibit of the judicial reform projects I have mentioned earlier.

Expected to attend the conference-cum-showcase are around 150 foreign Chief Justices, senior magistrates and judicial educators. In addition, we are inviting our own appellate court justices and selected trial court judges to participate also. Those who have already confirmed their attendance are the Chief Justices of far-flung countries, like Russia, South Africa, Botswana, Maldives, The Netherlands and Argentina; as well as of our neighboring countries in Asia.

As conference chairperson of this international gathering, I am overwhelmed not only by the warm response of our counterpart judiciaries in the world; but also by the funding grants given by international institutions, like the United Nations Development Program, World Bank, Asian Development Bank, The Asia Foundation, and the Australian Agency for International Development. Their assistance has enabled us to sponsor this global milestone without any expense on the part of the Supreme Court and the Philippine government; and to offer free hotel accommodation, meals and local transportation to all invited delegates.

As we all know, Chief Justice Hilario G. Davide Jr. is retiring from the judiciary on December 20, 2005, when he reaches the compulsory retirement age of 70. To him, the judiciary owes a great debt of gratitude for conceptualizing and initiating the judiciary reforms program under the APJR. Like the deft and constant gardener that he is, he has sown the seed of a reformed and transformed judiciary through his vision-mission statement, and then nurtured it through the APJR. With local and international support that he himself has whipped up, he has created the necessary environment for the reform program to take root in the judicial system.

But the APJR is not just the personal vision or project of the Chief Justice. I believe that it is also the vision and project of the entire Supreme Court and the rest of the judiciary. Thus, it will be continued even after his retirement. Those of us who will be left behind shall pursue the reform program with the same ardor and vigor as shown by our beloved leader.

Our Chief has brought the dawn of judicial renaissance to our country. We who now bask in the morning sun vow to continue his mission until our collective dream of rendering speedy, high-quality justice under a transformed judiciary will have been achieved.

*Maraming salamat po.*

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\* Lecture I delivered during the *Chief Justice Hilario G. Davide Jr. Lecture Series* on October 19, 2005, at the Far Eastern University (FEU) Auditorium.

[1] These projects are coordinated by the Valedictory Executive Committee composed of Justice Artemio V. Panganiban (chairperson); Justices Leonardo A. Quisumbing, Angelina Sandoval-Gutierrez, Antonio T. Carpio, Renato C. Corona, and Adolfo S. Azcuna; Philja Chancellor Justice Ameurfina A. Melencio Herrera, Court Administrator Presbitero J. Velasco Jr., CA Justice Ruben T. Reyes, Atty. Maria Luisa D. Villarama, Deputy Court Administrator Jose P. Perez, Assistant Court Administrator Reuben P. de la Cruz, PMO Director Evelyn Toledo-Dumdum, Atty. Ismael G. Khan Jr., Atty. Ma. Luisa L. Laurea, Atty. Enriqueta E. Vidal, Atty. Annaliza T. Capacite, Ms Milagros S. Ong, Prof. Venicio F. Flores, Atty. Jose

Anselmo I. Cadiz, Atty. Avelino V. Cruz, Dean Andres D. Bautista Atty. Tanya Lat and Ms Relyn M. Yambao.

[2]

To show the auspicious beginning of Chief Justice Davide's term, may I reproduce here the first five paragraphs of "Setting the Standards," Chapter Five of *Leadership by Example* (1999), Supreme Court Printing Press, pp. 22-23:

"The elevation of Hilario G. Davide Jr. as Chief Justice on November 30, 1998 was universally acclaimed as the best appointment made by President Joseph Ejercito Estrada during his first year in office (June 30, 1998 to June 30, 1999). Even the President's harshest critics praised him for promoting a man of integrity and independence to the highest judicial office in our land. In assessing the first year of the President, former Senate President Jovito R. Salonga, an Estrada critic, conceded that the "appointment of the Chief Justice and a few of the justices of the Supreme Court, whose names need not be mentioned, have been greeted with wide approval, mainly because their competence, integrity and dedication cannot be disputed."

"The media, both print and broadcast, were unanimous in their clap for Chief Justice Davide. Even the normally finicky *Philippine Daily Inquirer* was aglow. It hosted a dinner in his honor at the PDI headquarters on December 14, 1998. *Philippine Star* Chairman Max V. Soliven had a special private lunch with him at Dr. Preciosa S. Soliven's very own La Dolce Fontana. For its part, the friendly *Manila Bulletin* hailed him for his "integrity, competence and outstanding performance."

"That the Davide Court is imbued with an auspicious beginning is best illustrated by the results of two nationwide surveys conducted in June and September 1999 by Pulse Asia, showing that "among government agencies, [the] Supreme Court top[ped] approval ratings x x x." True, the Court does not thrive in a popularity contest. Neither do its members decide litigations on the basis of momentary sentiment and hysteria, but on reasoned arguments based on law and precedents. Nor are its decisions tested in a referendum.

"But it is equally true that, as I emphasized in my speech during the retirement ceremonies in honor of Justice Antonio M. Martinez on February 1, 1999, the Court must enjoy enough residual respect and esteem from the public, such that its decisions would be accepted and obeyed even if the majority disagrees with them. Indeed, the Court endures because of long-term public confidence that its actions and decisions are judicious and correct, although they may at times be unpalatable to the current public sentiment.

"President Estrada's selection of Chief Justice Davide was not only wise and publicly supported; it was also decisive and swift. The President swore him into office without the formality of a written appointment during the Bonifacio Day celebrations on November 30, 1998, the day after the position was vacated by Chief Justice Andres R. Narvasa." (Citations omitted)

[3]

See Panganiban, *Reforming the Judiciary* (2002), Supreme Court Printing Press, p. xii.

[4]

The "Davide Watch," delivered during the *Kilosbayan* Forum, is quoted in full as follows:

"THE DAVIDE WATCH:  
LEADING THE PHILIPPINE JUDICIARY AND  
THE LEGAL PROFESSION TOWARDS  
THE THIRD MILLENNIUM

POLICY STATEMENT

"The Judiciary, as the constitutionally designated arbiter of all legal disputes in our democratic system of government, must, at all times, maintain its independence and remain immune from undue influence, not at the cost, however, of sacrificing comity with the co-equal branches. It is essential that the Judiciary and the members of the legal profession, as officers of the Court, be of utmost competence and unassailable integrity.

"As the Judiciary is meant but to serve the people through the dispensation of justice, the Bench must be fully accountable to the public by remaining transparent, yet not betray those aspects of the judiciary process which require utmost confidentiality. Members of the Judiciary and court personnel must unerringly adhere to the constitutional precept that public office is a public trust. Dishonesty, immorality, incompetence, inefficiency and any form of unbecoming conduct are impermissible and will not be tolerated in the Judiciary and the legal profession. To this end, those who fail to meet the standards set for members of the Bench and Bar will be relentlessly weeded out.

"The system of administration of justice must be geared to achieve the goal of delivering fair, impartial and swift justice. Hence, the core values of the rule of law, equal justice, judicial independence and the pursuit of excellence should be preserved and at all times be predominant.

## VISION

"A Judiciary that is independent, effective and efficient, and worthy of public trust and confidence; and a legal profession that provides quality, ethical, accessible and cost- effective legal service to our people and is willing and able to answer the call to public service.

## MISSION

### *"Independence*

- "1. Assert fiscal autonomy of the Judiciary;
  - a. secure lump-sum budget appropriation; and
  - b. increase salary and benefits of officials and employees of the Judiciary;
- "2. Insulate the selection process and appointments to the Judiciary from political patronage.

### *"Effectiveness and Efficiency*

#### *"A. In General*

- "1. Dispose of the existing backlog of cases in all courts.
- "2. Study and address the causes of failure to observe the periods to decide cases mandated by the Constitution.
- "3. Vigorously implement the programs of the Philippine Judicial Academy (PHILJA) on continuing judicial education on a broader basis.
- "4. Engage in long-range planning, especially as regards allocation of human and other resources, to effectively respond to changes while preserving the core values of the Judiciary.
- "5. Promote alternative modes of dispute resolution.
- "6. Exact strict observance of working hours.
- "7. Maximize available court technology and adopt new and appropriate forms of technology.

#### *"B. Supreme Court*

##### *"Among other goals,*

- "a. limit the number of substantive pleadings to be filed (e.g., up to Reply only, if necessary) and extensions of time to file pleadings;
- "b. immediately inventory cases pending resolution and decision;
- "c. expedite the judicial process, giving priority, initially, to death penalty cases, election cases, graft and corruption cases, and administrative cases; and

- "d. strictly apply the principle governing the hierarchy of courts and the Court's discretionary appellate power under Rule 45 of the 1997 Rules of Civil Procedure (thereby limiting the Court's judicial tasks to cases involving constitutional issues or questions of transcendental importance, or those where appeals to the Court are mandated by the Constitution or statute).

*"C. Supervision of Lower Courts*

*"Among other goals,*

- "a. immediately inventory cases pending resolution and adopt an effective system for the purpose;
- "b. implement the objectives of the strengthened and reorganized Office of the Court Administrator (OCA) including, but not limited to, the dynamic pursuit of a continuing program to:
  - i. upgrade administrative and management skills;
  - ii. strengthen ethical principles and moral values; and
  - iii. boost the morale of court personnel;
- "c. require the OCA to regularly update the Court on vacant and soon-to-be vacant salas, the dates the vacancies occurred or will occur, and the number of pending cases therein, for the purpose of filling-up the vacancies soonest, especially in critical areas and those with heavy case loads;
- "d. require the Judicial and Bar Council to consider nominations for vacancies occasioned by compulsory retirements even prior thereto, to insure continuity of court functions;
- "e. review the policy on detail and temporary assignment of judges to likewise ensure continuity of court functions and the speedy disposition of cases;
- "f. refine the PHILJA's total quality management system to identify and measure key performance areas; and
- "g. equip lower courts with sufficient research facilities, such as libraries and computerized research aids.

*"Public Trust and Confidence*

- "1. Insure that only those of proven competence, integrity, probity and independence are appointed to and remain in the Judiciary.
- "2. Adopt measures to preserve the confidentiality of the decision-making process in all courts.
- "3. Require the OCA to submit an inventory of pending administrative cases and hasten resolution thereof with the goal of punishing the guilty and protecting the innocent.
- "4. Dialogue with the different courts and offices involved in the administration of justice.
- "5. Inform and educate the public about the judicial process.
- "6. Provide effective mechanisms for feedback from court personnel and the public.

*"The Legal Profession*

- "1. Review the subjects covered by the Bar examinations and other policies for admission to the Bar.
- "2. Approve the continuing legal education program proposed by the Integrated Bar of the Philippines.
- "3. Commit the IBP to elevate the standards of the profession and inspire its members to join the Judiciary."

[5]

At present this Committee is composed of Chief Justice Hilario G. Davide Jr., chair; Justice Reynato S. Puno, vice-chair; and the following members: Justice Artemio V. Panganiban, Justice Consuelo



Ynares-Santiago, Justice Antonio T. Carpio, Justice Conchita Carpio Morales, Court Administrator Presbitero J. Velasco Jr., Deputy Court Administrator Christopher O. Lock, Justice Ameurfina A. Melencio Herrera, Assistant Court Administrator Ismael G. Khan Jr., Atty. Ivan John E. Uy, Program Management Office Director Evelyn T. Dumdum, Ms Cecille V. Dumdum, Integrated Bar of the Philippines President Jose Anselmo I. Cadiz, and Department of Justice Assistant Secretary Elvira Atanacio.

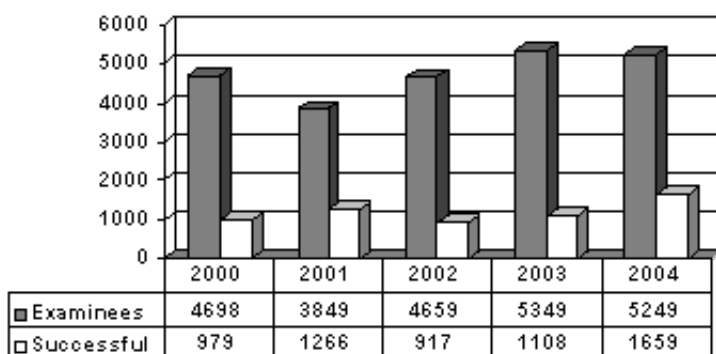
[6] Paragraph 5 of §5 and §13, Article VIII of the 1987 Constitution.

[7] See Bar Matter No. 1161, June 8, 2004.

[8] To be allowed to take the bar examination, all examinees must first pass a thorough character and fitness screening process to ensure their good moral character, as well as mental and emotional stability. See Justice Vicente V. Mendoza, *Toward Meaningful Reforms in the Bar Examinations: Primer* (2004), p. 4.

[9] The passing percentages in the bar examinations from 2004-2005 are shown graphically as follows:

### BAR EXAMINATION RESULTS



[10] Created by virtue of Republic Act No. 7662, otherwise known as the “Legal Education Reform Act of 1993.”

[11] With members from the law schools association, the Integrated Bar of the Philippines, law students, and the public.

[12] The establishment of a law practice internship as a requirement for taking the Bar is one of the powers and functions of the LEB. [Section 7(g) of RA 7662] See also Bar Matter No. 1161.

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

[14] SC Administrative Order No. 113-2003, which took effect on September 1, 2003.

[15] A total of 109 MCLE providers have been accredited by the MCLE office since 2001. (Annual Report for 2004, Supreme Court of the Philippines, p. 5)

[16] Id., pp. 332-333.

[17] §9, Article VIII of the Constitution.

[18] Ibid.

[19] §8 and §9 of Article VII of the Constitution provide:

“Sec 8. (1) A Judicial and Bar Council is hereby created under the supervision of the Supreme Court composed of the Chief Justice as *ex officio* Chairman, the Secretary of Justice, and a representative of the Congress as *ex officio* Members, a representative of the Integrated Bar, a professor of law, a retired Member of the Supreme Court, and a representative of the private sector.

X X X

X X X

X X X

“Sec. 9. The Members of the Supreme Court and judges of lower courts shall be appointed by the President from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation.

“For the lower courts, the President shall issue the appointment within ninety days from the submission of the list.”

[20] AM No. 03-11-16-SC.

[21] Section 1, *ibid.*

[22] Section 2, *ibid.*

[23] The Philja was mandated by Administrative Order No. 35-96 dated March 16, 1996, and by RA No. 8557 dated February 26, 1998, to be a “training school for justices, judges, court personnel, lawyers and aspirants to judicial posts.”

[24] AC No. 20-2002, April 24, 2002.

[25] AM No. 01-10-5-SC.

[26] There are 17 units in Metro Manila, four in Metro Davao, three in Metro Cebu and one each in Cagayan de Oro, Pampanga, Bacolod City, General Santos and Tacloban City. The mediation program would soon be expanded to include Pangasinan, Bulacan, Nueva Ecija, Batangas, Iloilo, Camarines Sur, Negros Oriental, Zamboanga, Laguna and Antipolo.

[27] Metro Manila has the highest number of mediators at 185; followed by Metro Cebu with 65; General Santos City, 60; Bacolod City, 55; Tacloban City, 50; Pampanga, 41; Cagayan de Oro, 39, and Metro Davao, 32.

[28] The latest figures show the following results:

**MEDIATION STATISTICAL REPORT  
2002-June2005**

MEDIATION AREA	Total Number of Cases MEDIATED				SETTLED				FAILED				SUCCESS RATE			
	2002	2003	2004	2005	2002	2003	2004	2005	2002	2003	2004	2005	2002	2003	2004	2005
<b>Metro Manila</b>	2277	2503	5769	3473	2046	2055	4512	2691	231	448	1257	782	90%	82%	78%	77%
<b>Metro Cebu</b>	787	136	167	163	646	122	163	94	141	14	4	69	82%	90%	98%	58%
<b>Metro Davao</b>	495	458	210	193	308	233	158	112	187	225	52	81	62%	51%	75%	58%
<b>San Fernando, Pampanga</b>			544	473			385	192			159	281			71%	41%
<b>Bacolod City</b>			616	686			527	265			89	421			86%	39%
<b>Cagayan de Oro City</b>			184	388			154	192			30	196			84%	49%
<b>Tacloban City</b>				12				12				0				100%
<b>General Santos City</b>				1				1				0				100%
<b>TOTAL</b>	3559	3097	7490	5389	3000	2410	5899	3559	559	687	1591	1830	84%	78%	79%	66%
<b>GRAND TOTAL</b>	19535				14868				4667				77%			

[29] To date, 645 cases have been set for mediation conference; in 137, the parties have accepted mediation; and 33 have been settled by compromise. In 21 cases, the compromise was executed (the amount agreed upon was fully paid). These data were taken from the lecture of Professor Alfredo F.

Tadiar, Esq., chairperson of the ADR Department of Philja, during the 9<sup>th</sup> Lecture in the *Chief Justice Hilario G. Davide Jr. Distinguished Lecture Series* and the report of Philja.

[30] Supported by the Canadian government, this five-year bilateral project aims to strengthen and promote the use of alternative dispute resolution (ADR) mechanisms, such as court-annexed mediation and judicial dispute resolution (JDR). In JDR, pretrial judges act as conciliators, early neutral evaluators or mediators, in the hope of encouraging the parties to arrive at a settlement before trial.

[31] Report on the Juris Project by Dean Pacifico A. Agabin, member of the Design and Management Committee of the JURIS Project, Philja.

[32] Sixty-three (63) percent of the judges surveyed stated that mediation had de-clogged their dockets. (SWS Mediation Survey dated July 26, 2004)

[33] With the assistance of the Canadian International Development Agency (CIDA), the Academy -- together with the PMO -- is also actively involved in the Justice Reform Initiatives Support Project (JURIS). This five-year bilateral project aims to strengthen and promote the use of alternative dispute resolution (ADR) mechanisms, such as court-annexed mediation and judicial dispute resolution (JDR). In JDR, pretrial judges act as conciliators, early neutral evaluators or mediators, in the hope of encouraging the parties to arrive at a settlement before trial.

[34] Due to the steady increase in the programs and commitments of the Philja, the Court passed a Resolution (AM No. 01-1-04-SC-Philja) on February 24, 2004, to strengthen the organizational structure and administrative setup of the Academy. Under the new structure, 123 new positions were created to beef up the administrative and finance offices of the Philja.

[35] For the period 1999-2004, which corresponds with Hon. Hilario G. Davide Jr.'s tenure as Chief Justice. The figures are shown in the chart below:

**NUMBER OF LAWYERS DISCIPLINED BY THE SUPREME COURT**  
For the period 1999-2004

<b>PENALTY IMPOSED</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>TOTAL</b>
<b>DISBARRED</b>	3	2	-	2	6	10	<b>23</b>
<b>SUSPENDED</b>	14	15	12	15	42	40	<b>138</b>
<b>SUSPENDED NOTARIAL COMMISSION</b>	-	3	-	2	6	3	<b>14</b>
<b>REPRIMANDED</b>	6	6	7	17	11	10	<b>57</b>
<b>ADMONISHED</b>	16	3	7	8	10	6	<b>50</b>
<b>CENSURED</b>	1	-	-	-	3	-	<b>4</b>
<b>WARNED</b>	1	1	-	3	3	2	<b>10</b>
<b>FINED</b>	15	25	23	20	36	36	<b>155</b>
<b>ORDERED ARRESTED</b>	3	-	2	-	2	5	<b>12</b>
<b>TOTAL</b>	<b>59</b>	<b>55</b>	<b>51</b>	<b>67</b>	<b>119</b>	<b>112</b>	<b>463</b>

[36] The number is broken down as follows: 12 ordered arrested, 155 fined, 10 warned, 4 censured, 50 admonished, 57 reprimanded, 14 notarial commissions suspended, 138 suspended, and 23 disbarred. (Figures supplied by the Office of the Bar Confidant, Supreme Court of the Philippines)

[37] In AM No. 02-8-13, effective August 1, 2004, the Court also promulgated the 2004 Rules on Notarial Practice to advance and foster, among others, ethical conduct among notaries public, most of whom are lawyers.

[38] In a paper delivered on January 25, 2005, at the Thai Judicial Training Institute, Chief Justice Davide explained the crafting of the New Code as follows:

“During the first meeting, the [Judicial] Group [on Strengthening Judicial Integrity] analyzed the common principles or canons of judicial conduct enunciated in various codes of judicial conduct adopted in some jurisdictions. Among these Codes are the Code of Judicial Conduct adopted by the House of Delegates of the American Bar Association, the European Charter on the Statute for Judges, Restatement of Values of Judicial Life adopted by the Chief Justices of India, the Judges’ Code of Ethics of Malaysia, the Code of Judicial Conduct of the Philippines, the Canons of Judicial Ethics in the Philippines, and the United Nations Basic Principles on the Independence of the Judiciary. The Group thereafter came up with a draft of a universal code of judicial conduct.

“At the second meeting, the Judicial Group with the assistance of Dato Param Kumaraswamy, UN Special Rapporteur on the Independence of Judges and Lawyers, and retired Chief Justice P.N. Bhagwati of India and Chairman of the Human Rights Committee representing the UN High Commissioner for Human Rights, adopted the *Bangalore Draft Code of Judicial Conduct*. This draft was presented to judges of both the common law and the civil law systems and were taken up in several judicial conferences in June 2002. It was reviewed by the Working Party of the Consultative Council of European Judges. On the initiative of the American Bar Association, the draft was translated into the national languages of many countries.

“Thereafter, in the light of the comments solicited or submitted, the Bangalore Draft was revised. The revised draft was the subject of the Round-Table Meeting of Chief Justices in The Hague in November 2002. After a thorough discussion by the participants, amendments or revisions were introduced and approved. The final draft was thereafter approved under the title *The Bangalore Principles of Judicial Conduct*, with the participants agreeing that “effective measures shall be adopted by national judiciaries to provide mechanisms to implement the principles is such mechanisms are not yet in existence in their jurisdictions.” The participants also agreed that a copy of the Bangalore Principles of Judicial Conduct be officially submitted to the United Nations Organization for possible adoption by the member-States in their respective jurisdictions.

“The Bangalore Principles of Judicial Conduct enshrines the values of *Independence, Impartiality, Integrity, Propriety, Equality, Competence, and Diligence*. Each value is followed by a principle, and the principle is expressed under the heading *application*.

“In June 2003, I submitted to my court, *en banc*, a draft of the New Code of Judicial Conduct for the Philippine Judiciary, based on the Bangalore Principles of Judicial Conduct. The Court *en banc* referred it, for study and recommendation, to our Committee on Legal Education and Bar Matters, the Committee on Revision of the Rules of Court, and the Philippine Judicial Academy.

“After several deliberations on my draft and on the recommendations submitted, the Court *en banc* finally approved the New Code on 27 April 2004, to take effect on 1 June 2004.”

[39] AM No. 02-9-02-SC, September 17, 2002.

[40]

Latest statistics from the Docket and Clearance Division, Office of the Court Administrator (OCA), and the Program Management Office. The figures for the first and the second level courts are as follows:

**RTC JUDGES**

<b>PENALTY</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>TOTAL</b>
Admonished	23	8	1	12	8	2	<b>54</b>
Benefits Forfeited	0	0	1	0	0	0	<b>1</b>
Censured	0	0	0	1	0	0	<b>1</b>
Dismissed from the service	1	3	4	5	4	4	<b>21</b>
Fined	22	43	30	23	37	41	<b>196</b>
Reprimanded	3	6	7	8	7	5	<b>36</b>
Suspended	2	5	4	1	1	4	<b>17</b>
<b>TOTAL</b>	<b>51</b>	<b>65</b>	<b>47</b>	<b>50</b>	<b>57</b>	<b>56</b>	<b>326</b>

**METC, MTCC, MTC & MCTC JUDGES**

<b>PENALTY</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>TOTAL</b>
Admonished	8	11	4	6	3	2	<b>34</b>
Benefits Forfeited	0	1	0	0	0	0	<b>1</b>
Censured	0	0	0	0	0	0	<b>0</b>
Dismissed from the service	7	5	3	2	7	3	<b>27</b>
Fined	16	45	33	31	45	35	<b>205</b>
Reprimanded	7	10	10	9	5	6	<b>47</b>
Suspended	0	6	2	3	1	3	<b>15</b>
<b>TOTAL</b>	<b>38</b>	<b>78</b>	<b>52</b>	<b>51</b>	<b>61</b>	<b>49</b>	<b>329</b>

[41]

Per AM No. 03-06-13-SC, effective June 1, 2004.

[42]

The awarding of the winners was originally set every September 19, which is Law Day.

[43]

Outstanding RTC Judge for 2003 Pampio A. Abarintos was promoted on March 13, 2004 as Associate Justice of the Court of Appeals; 2003 Best Pretrial RTC Judge Apolinario D. Bruselas Jr. was appointed also to the CA on July 29, 2005; and 2004 Outstanding RTC Judge Myrna Dimaranan-Vidal was promoted to the CA on January 24, 2005. The three other awardees who have been promoted are Judge Rommel O. Baybay, who is now RTC Judge of Makati (Branch 132); Judge Ralph S. Lee, now RTC Judge of Quezon City (Branch 83); and two-time awardee -- 2003 Best Pretrial MTC Judge and 2004 Outstanding MTC Judge and Best Decision in a Civil Case -- Judge Myra V. Garcia-Fernandez, now RTC Judge of Manila (Branch 18).

[44]

See Republic Act No. 9227 entitled "An Act Granting Additional Compensation in the Form of Special Allowances for Justices, Judges and All Other Positions in the Judiciary with the Equivalent Rank of Justices of the Court of Appeals and Judges of the Regional Trial Courts, and For Other Purposes."

[45]

As of September 23, 2005. Figures supplied by the Office of the Court Administrator (OCA).

[46]

AM No. 02-12-01-SC, September 30, 2003.

[47]

AM No. 03-10-01-SC, October 14, 2003.

[48]

Memorandum Order No. 37-2005, August 5, 2005.

[49]

ADB TA 3693-PHI.

[50]

PMO Annual Report 2004, p. viii. Courts of limited jurisdiction, the Shari'a District Courts and the Shari'a Circuit Courts were established -- pursuant to Presidential Decree No. 1083 -- to hear and decide

cases involving personal, family, and property relations according to Islamic law and jurisprudence; and cases in which the parties are Muslims. The Organic Act for the Autonomous Region in Muslim Mindanao (RA 6734) created a Shari'a Appellate Court composed of 1 Presiding Justice and 2 Associate Justices.

[51]

These existing stand-alone systems are the following:

#### **A. Existing Judicial Systems**

1. **Case Administration System Version 2 (CAS V2).** The system records and monitors the status of all cases filed in the Supreme Court. It generates reports on pending and decided cases of the justices, case details and status, as well as the history of the case raffling or assignment.
2. **Judicial and Bar Council - Records Management System (JBC-RMS).** The system records and monitors the status of the nomination of an applicant for the position of Justice of the Supreme Court, Court of Appeals, Court of Tax Appeals, and Sandiganbayan; or judge of a lower court.
3. **Roll of Attorneys Information System (RAIS).** The system contains information on successful examinees admitted to the bar from 1901 to the present, such as roll number, name, average grade, grade per subject, school, roll book number and page number, place of birth and date of admission.
4. **Bar Monitoring System (BMS).** The system computes and records the grades of Bar examinees. It generates statistical reports on bar examination subjects, schools, passing percentages, and passing and failing examinees. It also generates the listings of names of passing examinees and top ten examinees.
5. **Complaints Monitoring System (CMS).** The system contains information on complaints filed against justices, judges and personnel of the Court of Appeals, Court of Tax Appeals, Sandiganbayan, and the lower courts. The system is installed in the Legal Office of the Office of the Court Administrator.
6. **Case Monitoring System.** This stand-alone system is used in the offices of the justices to facilitate the management of case records assigned to them until final actions on the cases will have been done and entered into the Case Administration System.

#### **B. Existing Administrative and Financial Systems**

1. **Supreme Court Payroll System.** The system covers all phases of processing of the regular payrolls of Supreme Court and lower court employees. These phases include the preparation of payroll data, computation of employee's earnings and deductions; and generation of payroll reports such as payroll registers, pay slips and pay envelopes, and remittance registers. The system also generates electronic data and printed reports for submission to the Land Bank, GSIS, BIR, PhilHealth, Pag-Ibig and the SCSLA.
2. **Electronic System for Personnel Record Tracking (ESPRT).** The ESPRT records and monitors movements in the plantilla of the Supreme Court and the lower courts based on an employee's promotion, transfer, separation or retirement. It generates reports such as service records, plantilla listings, longevity pay entitlements of justices and judges, and notices of salary adjustments and step increments. It also provides ad hoc reports for submission to the DBM, Pag-Ibig and CSC.
3. **Personnel System on Attendance and Leave Monitoring (PSALM).** PSALM records and monitors the daily attendance of Supreme Court employees. It generates reports on an employee's daily time records, leave credit balances, tardiness and leaves without pay. PSALM's reporting system on employees who incurred leaves without pay (LWOP) is used to determine their entitlements to bonuses and allowances.
4. **Supplies and Property Accountability Monitoring System (SPAMS).** SPAMS records and monitors the procurement, allocation, inventory and disposal of supplies and equipment. It provides reports on the stock inventory of the office supplies and accountabilities of Supreme Court and lower court employees.
5. **Revenue Monitoring System (RMS).** The system facilitates the recording and monitoring of the deposit and collection reports submitted by the lower courts. It generates summary reports on the monthly collections and deposits being remitted by the lower courts.
6. **Financial Management Information System Version 2 (FMIS2).** The FMIS2 facilitates the



processing and monitoring of the financial transactions and requirements of the Supreme Court and the lower courts, including voucher preparation, general ledger functions, budget execution, purchases and payments.

7. **Medical and Dental Information of the Court System (MEDIC).** The system facilitates the recording and monitoring of the laboratory examinations and medical histories of Supreme Court and lower court employees. It also facilitates the monitoring of the inventory of medical supplies.
8. **BIR Withholding Tax Index.** This is a subsystem of the Payroll System, which facilitates the monitoring of the tax deductions of employees. It computes tax refunds or collections and generates the corresponding reports, including a formatted print-out of the Income Tax Return (ITR).
9. **Remittance Inventory System (RIS).** The RIS is another subsystem of the Payroll System that records and generates historical reports on the payments/remittances of an employee to various collecting agencies such as the GSIS, BIR, Pag-Ibig, PhilHealth, PJA and SCSLA. It also generates individual employee certifications of payments and remittances.
10. **Health and Welfare Plan System.** The system records and monitors the medical expense claims filed by the employees of the Supreme Court and the lower courts as well as the collection of their membership dues.
11. **Psychological Evaluation of Employees Monitoring System (PEEMS).** The system records the results of the psychological examinations taken by the employees of the Supreme Court and the lower courts.
12. **Service Monitoring and Inventory System (SMIS).** The system records and monitors the work order requests received and served by the Maintenance Division of the SC Office of Administrative Services (OAS).

[52] The reorganized Committee on Computerization is composed of Justice Artemio V. Panganiban (chairman); and the following members: Justices Consuelo Ynares-Santiago, Angelina Sandoval-Gutierrez, and Antonio T. Carpio; Presiding Justices Romeo A. Brawner (CA), Teresita J. Leonardo-de Castro (Sandiganbayan) and Ernesto D. Acosta (CTA); Justice Presbitero J. Velasco Jr.; Atty. Ivan John E. Uy; and Director Evelyn Toledo-Dumdum; with the assistance of Atty. Sheryl Fortune V. Supapo (secretary) and Ms Herlita G. Macapagal (asst. secretary).

[53] The Task Force was created by the SC Committee on Computerization, which I chair.

[54] AM No. 05-9-18-SC, September 20, 2005.

[55] Soon the decisions of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals will also be uploaded to their respective sub-domains on the Supreme Court website, [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph).

[56] The Sandiganbayan round-table discussion of docket decongestion was held on May 20, 2005.

[57] The rule-making power of the Supreme Court is provided under paragraph 5, Section 5 of Article VIII of the Constitution.

[58] Approved on October 19, 2004. Among the salient features of this new Rule is the definition of what constitutes violence against women and their children, as well as the issuance of a Temporary Protection Order (TPO) and a Permanent Protection Order (PPO) to prevent further acts of violence.

[59] Approved on December 19, 2004.

[60] Approved on September 28, 2004. Following the Court's ruling in *People v. Mateo* (GR Nos. 147678-87, July 7, 2004), the Rules of Criminal Procedure were amended, such that appeals of cases -- in which the death penalty, *reclusion perpetua* or life imprisonment was imposed -- would go to the Court of Appeals rather than to the Supreme Court, as was the practice before *Mateo*.

[61] AM No. 98-12-08-SC. The PIO was established "in view of the need to disseminate news about the Court and its decisions, especially in cases of great national importance."

[62] See Panganiban, *A Centenary of Justice* (2001), pp. 135-136.

[63] An eight-page newspaper, *Benchmark* is distributed to the lower courts, law firms, law schools, state universities and colleges, alternative law groups, law libraries, government public information offices, and legislators.

[64] The PIO likewise plays a pivotal role in community relations and client education. It actively participates in “Chamber to Chamber” Dialogues (to be explained later) between the SC and the various chambers of commerce to explain certain economic decisions of the Court and to elicit concerns from the business community. Sitting as members of the National Police Commission’s Technical Committee on Crime Prevention and Criminal Justice Courts Pillar, some senior officials of the PIO regularly coordinate with representatives of the other pillars of the criminal justice system. Lectures and tours of the Supreme Court are also regularly provided by the PIO to visitors, most of them students from various schools all over the country.

[57] PRINTTOWN, December 2004.

[66] The project, called “Strengthening the Other Pillars of Justice through the Department of Justice,” was undertaken by the DOJ as the implementing agency. Area-specific reviews and baseline data gathered through the study paved the way for the thorough assessment of the DOJ’s functions, programs and overall capacities and performance. (PMO Annual Report 2004, p. vii)

[67] Otherwise known as the “Raymund Narag Study,” the research sought to determine how the penal institutions worked in the Quezon City Jail; and to identify their strengths and weaknesses, as well as capabilities and limitations. Narag himself had been a detainee for seven years in the Quezon City Jail. (PMO Annual Report, Chapter 2, p. 22) The Final Study was launched on May 10, 2005; 468 copies were distributed to various stakeholders.

[68] The Court has adopted the Strategic Gender and Development Mainstreaming Plan, which was formulated by the SC Committee on Gender Responsiveness in the Judiciary.

[69] The project seeks to (1) enable the poor in selected project areas to pursue justice through their increased knowledge of basic rights and the judicial system; (2) create an enabling and supportive environment within the judicial and law enforcement institutions; and (3) provide an overall framework to ensure the protection of the rights of poor women and children in particular. (PMO Annual Report, Chapter 2, pp. 7, 12-13)

[70] PMO Annual Report 2004, p. viii.

[71] On its first-day run, 40 cases were immediately resolved with the assistance of seven family court judges in Manila. Furthermore, 26 juveniles in conflict with the law were released from the Manila Youth Reception Center. *Id.*, p. vii.

[72] Mr. Toft spoke glowingly of the Philippine APJR in 2001 at the 9<sup>th</sup> Conference of Chief Justices of Asia and the Pacific at Christchurch, New Zealand; and very recently, during his lecture in the *Chief Justice Hilario G. Davide Jr. Distinguished Lecture Series* on August 24, 2005, at the Lyceum of the Philippines.