

Chapter 10

Addressing the ACID Problems of the Philippine Judiciary*

Upon assuming the chief justiceship of the Philippines on December 21, 2005, I immediately vowed to lead a judiciary characterized by four ***Ins***: **in**dependence, **in**tegrity, **in**dustry and **in**teelligence; one that is morally courageous to stand its ground against the onslaughts of **in**fluence, **in**terference, **in**difference and **in**solence; and that is impervious to the plague of “ships” -- **kinship**, **relationship**, **friendship** and **fellowship**.

Jurisdiction Over Judges and Lawyers

At the same time, I also pledged to continue and revitalize the Supreme Court’s ongoing Action Program for Judicial Reforms, with special focus on what I call the four ACID problem that corrode justice in our country; namely, (1) limited **access** to justice by the poor; (2) **corruption**; (3) **incompetence**; and (4) **delay** in the delivery of quality judgments.

I have also envisioned a **revitalized legal profession** which, under our Constitution, is supervised by the Supreme Court. It shall be a legal profession that is responsible, dependable and morally upright; one that courageously upholds truth and justice above everything else; and from whose ranks shall emerge **competent and ethical lawyers**. These are lawyers who shall be willing and able to stand for their convictions against all odds; to carry on in spite of seemingly insurmountable opposition; and to be fearless advocates for the weak, the oppressed and the marginalized.

Internally, to the 26,000 judicial employees nationwide, I laid down a firm policy of granting maximum financial and fringe benefits allowed by law and within my discretion to give as the overall head of the Judicial Department of our country. In turn, I asked the employees for three things encapsulated by the code DHL: **dedication** to duty, **honesty** in every way, and full **loyalty** to the judiciary and to the Supreme Court.

All the foregoing pronouncements and efforts should converge on the attainment of two loftier end goals: (1) **safeguarding the liberty** and (2) **nurturing the prosperity** of our people. These twin beacons of LIBERTY AND PROSPERITY constitute my core judicial philosophy.

In briefly outlining my program of action as Chief Justice of the Philippines, I have pointed out several topics like the four ***Ins***, the four ACID problems that corrode justice, the plague of the four “ships,” the need for ethical and competent lawyers, and the DHL of our judicial rank and file.

Actually, these ACID problems are the more pressing items in the ongoing and much broader Action Program for Judicial Reforms (APJR) initiated in the year 2000 by my esteemed predecessor, Chief Justice Hilario G. Davide Jr.

With six components,^{[11](#)} the APJR is all-encompassing. It starts with reforms in the law school curriculum and the bar examinations, because our Constitution empowers our high court to promulgate rules concerning admission to the practice of law.^{[12](#)} Then it proceeds to the maintenance of professional standards for lawyers, as well as nominations for the appointment of new judges and the promotion of incumbents. The Judicial and Bar Council -- which is constitutionally empowered to **search** for, **screen** and **select** judicial nominees for presidential appointments -- is

under the supervision of the Supreme Court and is presided over by the Chief Justice.

The APJR also covers the continuing education of incumbent magistrates and judicial personnel nationwide, as well as the discipline and supervision of all judges; reforms in judicial compensation; and the provision of courtrooms, modern technology and equipment. Finally, the APJR encompasses the relationship of the judiciary with its various publics, as well as the development of the judicial institutions.

Justice Essential to Good Governance

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

Our Supreme Court is very pleased with the enthusiastic support and assistance given to the APJR by the international community, especially multinational developmental agencies like the United Nations Development Program or UNDP; the World Bank; the Asian Development Bank; the European Union; and national aid agencies from Australia, Canada, Great Britain, Japan, the Netherlands and the United States. It also receives grants from private philanthropic organizations like The Asia Foundation, the American Bar Association-Asia Law Initiative, the Rule of Law Initiatives (Role), and the Judicial Institutes of Australia and Canada.

The APJR programs and projects numbering over 100 cannot be thoroughly discussed in this address, but I will attempt to outline some of them along with the ACID problems I mentioned earlier.

Access to Justice by the Poor

The first letter of ACID stands for **access** to justice by the poor. Our present Constitution is pro-poor, pro-labor and pro-human rights. Having risen from the ashes of an authoritarian regime, it is international in outlook,^[3] promotive of social justice,^[4] respectful of human rights,^[5] responsive to the role of women,^[6] protective of labor,^[7] and cognizant of the rights of indigenous cultural communities.^[8]

This Constitution spells out in neat detail the rights of persons accused of crime.^[9] It assures them of free access to the courts and adequate legal assistance, which “shall not be denied to any person by reason of poverty.”^[10] Moreover, our fundamental law provides in clear black-and-white provisions the so-called Miranda rights of accused persons.^[11] In all criminal prosecutions, due process and the right to competent and independent counsel are guaranteed.^[12]

Furthermore, social justice is given high priority in our constitutional hierarchy.^[13] To implement the pro-poor constitutional mandates, Congress has passed several laws that aim, among others, to (1) define the rights of persons arrested or detained;^[14] (2) protect women and children from domestic violence;^[15] (3) protect children from abuse, exploitation and discrimination;^[16] (4) penalize violations of basic human rights;^[17] (5) enhance the capability of law-income groups to acquire low-cost housing;^[18] (6) develop agriculture and empower small farmers;^[19] and (7) accord protection to labor.^[20]

The Supreme Court's Role

Even more directly, the Supreme Court has opened the justice system to indigents. Thus, it exempts them from the payment of docket and other fees and transcripts of stenographic notes;^[21] grants free legal counsel to indigents;^[22] requires lawyers to provide free representation to poor litigants;^[23] and provides subsidy to the Free Legal Aid program of the Integrated Bar of the Philippines.

In a long line of cases, the Philippine Supreme Court has been openly and unabashedly pro-poor, pro-labor and pro-human rights. In *Ang Bagong Bayani-OFW Labor Party v. Commission on Elections*,^[24] for instance, the high court held that the Filipino-style party-list system was reserved for the poor and the marginalized. In that Decision, the Court said:

“It is ironic, x x x that the marginalized and underrepresented in our midst are the majority who wallow in poverty, destitution and infirmity. It was for them that the party-list system was enacted -- to give them not only genuine hope, but genuine power; to give them the opportunity to be elected and to represent the specific concerns of their constituencies; and simply to give them a direct voice in Congress and in the larger affairs of the State. In its noblest sense, the party-list system truly empowers the masses and ushers a new hope for genuine change. Verily, it invites those marginalized and underrepresented in the past -- the farm hands, the fisher folk, the urban poor, even those in the underground movement -- to come out and participate, as indeed many of them came out and participated during the last elections. The State cannot now disappoint and frustrate them by disabling and desecrating this social justice vehicle.”

Nowhere is the bias of the Constitution and the Supreme Court for the poor clearer than in labor law decisions. Under the Court’s watchful eyes and steady hands bloomed and thrived the seeds sown in 1940 by *Calalang v. Williams*.^[25] For sure, some

of the battles^[26] that have been waged on this front still rage to this day.

The magnitude and viciousness of human rights violations in our recent history prompted the Court to strengthen the protection of our people's fundamental rights. It has been uncompromising in (1) penalizing judges who have failed to inform uneducated accused persons of their right to counsel;^[27] (2) annulling lower court judgments in which judges have failed to conduct a "searching inquiry" whenever the accused waived their right to be heard and to plead guilty to the charge against them;^[28] (3) voiding judgments that have not conformed with the constitutional standards of form and substance;^[29] and (4) extending the protection of the Universal Declaration of Human Rights to everyone, including aliens.^[30]

Access to justice has received considerable attention in projects and activities. Under UNDP sponsorship, the Court has conducted (1) a diagnostic study of the capabilities and limitations of the Department of Justice;^[31] (2) a research on how penal institutions work; and (3) a participatory program to assess the strengths and weaknesses of our jails.^[32]

To these I should add 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. Also worth mentioning is the elimination of gender bias and the equalization of political and civil opportunities for both men and women.^[33]

Rehabilitating Internally Displaced Persons and Communities

With assistance from the European Union (EU), the Supreme Court has also embarked on "strengthening the courts for internally displaced persons and

communities,” 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.^[34]

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 three mobile courts -- large buses staffed by a judge, a prosecutor, and a stenographer, among others -- are designed to bring the courts to places where they would otherwise be inaccessible. The mobile courts have already made an impact on our efforts to decongest jails and speedily resolve family problems.^[35]

Combating Corruption

The “C” in ACID is very crucial, because it addresses the public’s most wanted reform -- the drastic reduction, if not total elimination, of corruption.

Corruption takes many forms, not just direct bribery. Sometimes, it hides behind many Filipino cultural and family ties and occurs in the form of what I call the plague of “ships” -- kin**ship**, friend**ship**, relation**ship** and fellow**ship**.

The main solutions we have adopted to combat the “C” in ACID are strict entrance and promotion requirements in the judiciary, continuing ethical education, stricter disciplinary measures, and improvement of the compensation of judges.

I shall discuss all these measures later, in connection with the problem of incompetence. For now let me just call attention to a new law, Republic Act 9227,

which doubles judicial compensation through special allowances -- 25 percent of the previous rates -- every year for four years, starting in November 2003. By November of this year, upon full implementation of the law, our judges will receive double their salaries four years ago.

While the Supreme Court is grateful for this law, it is nonetheless looking forward to a more permanent solution to the compensation issue. It is asking Congress to give it a lump-sum appropriation equal to a fixed percentage -- say, two percent of the national government budget -- with authority to be given to the Supreme Court to divide it according to the needs of the judiciary. Right now, the judiciary's share in the national budget is less than one percent.

In addition, the judiciary hopes to be exempted from the Salary Standardization Law governing salaries in the Executive Department. This exemption will enable the Supreme Court to give proper compensation to judges from the lump sum appropriated.

Incompetence

Now let me discuss our reforms to address the “incompetence” component of ACID. As I said earlier, the APJR starts with the bar examinations. In this area, our Supreme Court adopted broad changes on June 8, 2004.

The structural and policy reforms include proposals for the appointment of a tenured board of bar examiners, in lieu of an ad hoc committee appointed every year; and the investigation of character and fitness as a prerequisite for taking the bar examinations.^{[136](#)} Along with essay test questions, the objective multiple-choice type has already been introduced in the examinations.

We are also veering our reforms towards the adoption of alternative grading methods, such as scaling, to promote test equity and to standardize the levels of test difficulty; and towards the eventual computerization or automation of the bar examinations to facilitate application, testing and reporting procedures.

Mandatory Continuing Legal Education

For those who have passed the bar examinations and have become attorneys-at-law, the Mandatory Continuing Legal Education (MCLE)^[37] program has been strengthened by the Supreme Court to ensure that members of the bar are continuously updated on current laws and jurisprudence.^[38] The MCLE requires lawyers to complete training hours in various law subjects, including legal ethics, before they can renew their licenses.^[39]

Judicial and Bar Council

In eliminating incompetence in the judiciary, the Judicial and Bar Council (JBC)^[40] performs three critical “S” tasks: **search for, screen and select** the best and brightest lawyers to join the judiciary. In the past, the JBC concentrated only on the second and the third Ss; that is, it merely screened and selected nominees. On my initiative, however, it expanded its functions by conducting an activist search.^[41]

Furthermore, in a constant search for new magistrates, the JBC is conducting constant dialogues with the bar, the academe, nongovernmental groups, the media, and the general public.

Indeed, there is an urgent need to fill the many vacancies especially on the lower levels of our judiciary. As of the end of 2005, the total vacancy rate was 29.49 percent.^[42] Reducing this vacancy rate through the appointment of the best and

brightest lawyers will solve not only the “T” in ACID, but also the “D” or delay in the adjudication of cases.

Moreover, the JBC can now be more accessible, more transparent in its processes, and more capable of providing a feedback mechanism for the public. Very recently, on April 21, 2006, it opened its own website, www.jbc.supremecourt.gov.ph, which will be hyperlinked to and made accessible from the main page of the Supreme Court’s own. The JBC website contains much information, including vacancies in the courts and requirements for nomination. (For more discussion on the work of the JBC, please read Chapter 5, “Nominating the Best and the Brightest.”)

Judicial Education

The judges are kept up-to-date with current jurisprudence and laws by the Philippine Judicial Academy (PhilJA).^[43] Incidentally, the best news for the PhilJA these days is the Japanese government’s grant of ₱300 million to build the PhilJA Training Center in Tagaytay City. 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.

May I quickly add that the check representing this ₱300 million grant (about US \$6 million) was already handed to the government, and eventually to the Supreme Court, by Japanese Ambassador Ryuichiro Yamazaki on January 26, 2006. (For a detailed discussion of PhilJA’s programs, please read Chapter 7, “A School Par Excellence for Judges.”)

Codes of Conduct

The Supreme Court has also strictly enforced the lawyer's oath. During the last six years, it has fined, warned, censured, admonished, reprimanded, ordered arrested, suspended or disbarred 463^[44] lawyers for violations of the Code of Professional Responsibility.^[45]

Further, the Supreme Court adopted on June 1, 2004, the New Code of Judicial Conduct for the Philippine Judiciary. The code was patterned after the Bangalore Principles of Judicial Conduct ("Bangalore Draft"), crafted by the Judicial Group that had tackled "Strengthening Judicial Integrity" under the aegis of the United Nations.^[46]

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 Court has -- after appropriate proceedings -- penalized 660 justices and judges with reprimand, censure, fine, forfeiture of benefits, suspension, or dismissal from the service.

Judicial Excellence Awards

While our high court has been strict in disciplining the misfits and the errants, it has been just as 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 (2006), active work in the Search for Judicial Excellence has been turned over to the Society for Judicial Excellence, an association I helped organize in 2005. This society is composed of all previous Judicial Excellence Awardees.

To enable the members of the bench to rule on legal issues connected with the new sciences and technologies, new rules of procedure have been promulgated by the Supreme Court.^[47] These new rules cover, among others, the 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 violence against women and their children;^[48] sexual harassment cases; proper work decorum in the judiciary;^[49] and criminal procedure governing death penalty cases.^[50]

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

Also to improve the judicial environment, our Supreme Court has embarked on “Justice-to-Justice” and “Judge-to-Judge” Dialogues to encourage intellectual exchanges among judges of the world. These dialogues have been made possible by funding assistance from the US Agency for International Development (USAID) through the American Bar Association-Asia Law Initiative.

Delay in the Delivery of Justice

The last item encompassed by ACID is **delay** in the delivery of justice. Solutions to this problem are intertwined with the previous discussion, especially the reduction of the vacancy rate and the improvement of the working skills of our judges.

Along with corruption, delay in the delivery of justice is the most watched area of reform demand. Cognizant of the urgency of this problem, I immediately created

-- upon assuming office as Chief Justice -- the Committee on Zero Backlog^[51] to monitor the flow of cases and to prioritize the resolutions of old cases. I am pleased to report that all the members of the Court have joined hands in resolving these old cases as soon as possible within this year.

Computerized Case Management and Tracking

To ease case congestion, the Court has introduced many projects involving the introduction of modern court technology. Let me discuss a few of them.

Since the early 1990s, the Supreme Court has started computerizing its administrative, personnel and financial processes. The computerization has, however, been largely in the form of independent hardware-software components. These existing stand-alone computerized financial, personnel, and administrative systems have been upgraded by the Court. The APJR, through the Committee on Computerization, has recently embarked on the total computerization of the entire judiciary. With the support of the USAID, the Court has pilot-tested in trial courts in Pasay City the Case Flow Management (CFM) system. The CFM is a computer program designed to expedite the resolution of cases through the effective monitoring and strict observance of time limits in the flow of case events, from filing to disposition.

The Case Administration Management Information System (CAMIS) -- a second computer project 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. On May 8, 2006, its equipment was officially turned over to the Supreme Court.

Through this project, the Court aims to build and strengthen the capacity of the Office of the Court Administrator and the Management Information Systems Office. The goal is to evolve a publicly accessible automated system that will be able to provide a comprehensive database of all cases, including the current status of each.

Complete Computerization of the Sandiganbayan

Significantly, the Philippine judiciary will soon become “paperless.” With the USAID’s assistance, the Sandiganbayan -- the anti-graft court of the country -- has undergone complete computerization, the launching of which I inaugurated on March 14, 2006. It is now possible to access electronically any of the 2,700 cases pending in the Sandiganbayan and to be updated on the records of those cases.

Electronic Library

On November 19, 2004, the Court launched its fully electronic library, the first of its kind in Asia. This e-library was very recently opened for the free use of law schools also. Powered by a search engine, it cuts research time and elevates legal research to a new level of accuracy and comprehensiveness never imagined a few years ago.^{[1521](#)} Already connected with the Internet, it is easily accessible to all courts nationwide. Courts without access to the Web are provided with CDs containing up-to-date legal reference materials.

The e-library is easy to access, because it is searchable; cheap, as there is no need to buy books; open 24 hours, 7 days a week; available anywhere in the world; and always up-to-date.

On February 20, 2006, I launched the extended connectivity of the Supreme

Court e-library. It is now accessible not only to judges, but also to law schools nationwide. (See Chapter 11, “Digitizing Law Schools.”)

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 the first to undergo a basic computer orientation seminar-workshop.

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 for every court has also been distributed. Even more significantly, the Court has recently approved an interest-free ₱1,000-per-month installment program to enable justices and judges to acquire and own their personal laptops.^{[\[53\]](#)}

Under my watch, this laptop acquisition project has been expanded to include ordinary rank-and-file employees.^{[\[54\]](#)}

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 as quickly as they arise in the course of a trial. It comes in both digital and paper versions. To guide judges in writing their decisions, our own *Manual of Judicial Writing* was developed last year and adopted this year.

Model Electronic Courts

With help from the World Bank, the Supreme Court is building model electronic courts in selected areas in the country; namely, the cities of Angeles, Lapulapu and Cagayan de Oro. These courts will serve as a preview to a nationwide courtroom construction program to be implemented in the future. Furthermore, the old Government Service Insurance System (GSIS) building, located on Arroceros Street in Manila, will soon be rehabilitated and converted into a modern hall of justice for Manila trial courts.

The E-Payment System

On April 21, 2006, I inaugurated our pilot e-payment system in the trial courts located in Quezon City and Makati. Under this program, docket and other court fees shall no longer be paid to the clerks of court, but directly to the nearest Land Bank branches.

E-payment ensures the immediate payment of fees and, thus, the immediate credit of the funds to the judiciary. This system is important in the implementation of Republic Act No. 9227, which mandates a 100 percent increase in judicial compensation, with the increase to be culled from increases in docket and other fees.

The scheme also frees clerks of court from the temptations arising from holding cash. Many of them who had “borrowed” from these collections have been dismissed or heavily fined.

By paying correct and timely fees, litigants are also spared from precipitate dismissals of their initiatory pleadings arising from the lack, insufficiency, or lateness of payment of court fees.

Broadband Connectivity for Metro Manila Courts

To facilitate easy electronic connection to the worldwide Web and to our e-library, the Supreme Court launched on April 6, 2006, an agreement with the Philippine Long Distance Telephone Company. The agreement involves a pilot program to connect all Metro Manila courts to the Internet through the provision of BizDSL services. The service will provide easier, faster, and even cheaper electronic access for these courts. Soon the coverage of this program will be extended nationwide, as PLDT expands its broadband capabilities.

Conclusion

The APJR has merited the support of major international and national developmental agencies. More important, it has been hailed as a model judicial reform program for developing countries during the International Conference and Showcase on Judicial Reforms held in Makati City, Philippines, on November 28-30, 2006.

Indeed, our judicial reform program is beginning to take root in our country. I trust that, with the continuing support of my colleagues in the judiciary, as well as the cooperation of our developmental partners, the Philippine judiciary will be known for its four ***Ins*** of **in**dependence, **in**tegrity, **in**dustry and **in**teLLigence; one that renders quality judgments that will **safeguard the liberty** and **nurture the prosperity** of our people.

18, 2006 (while the Supreme Court was on recess). Some parts have been updated since then.

[1]

The *first* component, **Judicial Systems and Procedures**, is concerned 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 of 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 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 will encourage people to support the courts.

[2]

Art. VIII, Sec. 5.

[3]

CONSTITUTION, Art. II, Sec. 2:

"Sec. 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

[4]

CONSTITUTION, Art. II, Secs. 9 & 10:

"Sec. 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

"Sec. 10. The State shall promote social justice in all phases of national development."

[5]

CONSTITUTION, Art. II, Sec. 11:

"Sec. 11. The State values the dignity of every human person and guarantees full respect for human rights."

[6]

CONSTITUTION, Art. II, Sec. 14:

"Sec. 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

[7]

Article II of the 1987 Constitution is replete with state policies favoring labor. These include:

"Sec. 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."

"Sec. 10. The State shall promote social justice in all phases of national development."

"Sec. 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

Section 3 of Article XIII (on Social Justice) likewise provides thus:

“Sec. 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of opportunities for all.

“It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

“The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes of settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

“The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.”

[8]

CONSTITUTION, Art. II, Sec. 22:

“Sec. 22. The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.”

[9]

CONSTITUTION, Article III (Bill of Rights), Sec. 14:

“Sec. 14. (1) No person shall be held to answer for a criminal offense without due process of law.

“(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.”

[10]

CONSTITUTION, Art. III, Sec. 11.

[11]

CONSTITUTION, Art. III, Sec. 12:

“Sec. 12. 1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel..

“(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

“(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.”

[12]

CONSTITUTION, Art. III, Sec. 14, supra; and Sec. 16:

“Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.”

[13]

Selected sections of Art. XIII are reproduced below:

“Sec. 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

“To this end, the State shall regulate the acquisition, ownership, use and disposition of property and its increments.

“Sec. 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

“Sec. 3. (supra)

“Sec. 4. The Sate shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. x x x.

“Sec. 9. The State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make

“Rule 2.01. A lawyer shall not reject, except for valid reasons, the cause of the defenseless or the oppressed.

“Rule 2.02 In such a case, even if the lawyer does not accept a case, he shall not refuse to render legal advice to the person concerned if only to the extent necessary to safeguard the latter's rights.”

Canon 14 of the same Code:

“Canon 14 -- A lawyer shall not refuse his services to the needy.

“Rule 14.01. A lawyer shall not decline to represent a person solely on account of the latter's race, sex, creed or status of life, or because of his own opinion regarding the guilt of said person.

“Rule 14.02. A lawyer shall not decline, except for serious and sufficient cause, an appointment as counsel *de officio* or as *amicus curiae* or a request from the Integrated Bar of the Philippines or any of its chapters for rendition of free legal aid.

“Rule 14.03. A lawyer may not refuse to accept representation of an indigent client unless:

“a) he is not in a position to carry out the work effectively or competently; or

“b) he labors under a conflict of interest between him and the prospective client, or between a present client and the prospective client.

“Rule 14.04. A lawyer who accepts the cause of a person unable to pay his professional Fees shall observe the same standard of conduct governing his relations with paying clients.”

[24]

412 Phil. 308, June 26, 2001, per Panganiban, J. (now CJ).

[25]

70 Phil. 726, December 2, 1940. The case laid down the definition of *social justice*, which is immortalized in countless decisions. Said the Court:

“Social justice is ‘neither communism, nor despotism, nor atomism, nor anarchy,’ but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*. xxx.”

In its later Decisions, the Court has steadfastly ruled thus:

“a) Workers may be dismissed from work only upon (1) a valid or authorized cause and (2) upon observance of due process. (*Bolinao Security and Investigation Service, Inc. v. Toston*, GR No. 139135, January 29, 2004; *Mendoza v. NLRC*, 310 SCRA 846, July 20, 1999; *Pascua v. NLRC*, 351 Phil. 48, March 13, 1998; and *Pacific Maritime Services, Inc. v. Ranay*, 341 Phil. 716, July 21, 1997)

“b) Illegally dismissed workers are entitled to reinstatement, damages and back wages. (*Paguio Transport Corporation v. NLRC*, 356 Phil. 158, August 28, 1998; *Mabuhay Development Industries v. NLRC*, 351 Phil. 227, March 25, 1998; *Magcalas v. NLRC*, 336 Phil. 433, March 13, 1997; and *AHS/Philippines, Inc. v. Court of Appeals*, 327 Phil. 129, June 14, 1996)

“c) Strict technical legal requirements may be disregarded whenever they are used to deny substantial justice to workers. (*Tanjuan v. Philippine Postal Savings Bank, Inc.*, 364 SCRA 204, September 16, 2003; *Philimare Shipping & Equipment Supply, Inc. v. NLRC*, 378 Phil. 131, December 23, 1999; *Samar II Electric Cooperative Inc. v. NLRC*, 337 Phil. 24, March 21, 1997; *Aurora Land Projects Corp. v. NLRC*, 334 Phil. 44, January 2, 1997; *The New Valley Times Press v. NLRC*, 211 SCRA 509, July 15, 1992)

“d) Employees, though dismissed for a just cause, may be awarded separation pay on the grounds of equity and social justice, except when they have been dismissed for serious misconduct or some other cause reflecting on their moral character. (*Philippine Long Distance Telephone Co. v. NLRC*, 164 SCRA 671, August 23, 1988; *Gabuay v. Overseas Paper Supply, Inc.*, GR No. 148837,

August 13, 2004; *Philippine National Construction Corporation v. NLRC*, 366 Phil. 678, May 18, 1999; *United South Dockhandlers, Inc. v. NLRC*, 335 Phil. 76, February 3, 1997; and *Del Castillo, Jr. v. NLRC*, 176 SCRA 229, August 10, 1989)

- “e) Workers’ quitclaims and waivers are generally not binding and should not bar employees from claiming what is legally due them under the law. (*Emco Plywood Corp. v. Abelgas*, GR No. 148532, April 14, 2004; *Anino v. NLRC*, 352 Phil. 1098; *Alcoseco v. NLRC*, 288 SCRA 129, March 26, 1998; *Agoy v. NLRC*, 322 Phil. 636, January 30, 1996; *Cariño v. ACCFA*, 124 Phil. 782, September 29, 1966.
- “f) Employees in the private sector can, subject to reasonable restrictions, picket and strike to protect themselves against exploitation and to seek better conditions of employment. (*Pasvil/Pascual Liner, Inc. Workers Union v. NLRC*, 370 Phil. 473, July 28, 1999; *National Federation of Sugar Workers v. Ovejera*, 199 Phil. 537, May 31, 1982)
- “g) Local recruitment companies may be liable for violation of the labor contracts of overseas Filipino workers.” (*ABD Overseas Manpower Corporation v. NLRC*, 350 Phil. 92, February 24, 1998; *PI Manpower Placements Inc. v. NLRC*, 342 Phil. 414, July 31, 1997; *Zurbano Sr. v. NLRC*, 228 SCRA 556, December 17, 1993)

[26] In my book *BATTLES IN THE SUPREME COURT*, Chapter VIII (1998), I narrated my efforts to accord greater benefits to workers whose services had been terminated for cause, but without due process.

[27] *Gamas v. Oco*, AM No. MTJ-99-1231, March 17, 2004.

[28] *People v. Besonia*, GR Nos. 151284-85, February 5, 2004; *People v. Bodoso*, 398 SCRA 64, March 5, 2003; *People v. Aranzado*, 365 SCRA 649, September 24, 2001; *People v. Durango*, 386 Phil. 202, April 5, 2000; *People v. Nadera Jr.*, 381 Phil. 484, February 2, 2000; *People v. Abapo*, 385 Phil. 1175, March 31, 2000; *People v. Tizon*, 375 Phil. 1096, October 28, 1999; and *People v. Bello*, 375 Phil. 277, October 13, 1999. The Court stressed that the accused must be properly accorded their fundamental right to be informed of the precise nature of the accusation against them and of the consequences of pleading guilty, a right that was an integral aspect of the due process clause under the Constitution.

[29] *Velarde v. Social Justice Society*, GR No. 159357, April 28, 2004; *People v. Ferrer*, 406 SCRA 658, July 18, 2003; *Yao v. Court of Appeals*, 344 SCRA 202, October 24, 2000; *People v. Dumaguing*, 340 SCRA 701, September 20, 2000; *Madrid v. Court of Appeals*, 388 Phil 366, May 31, 2000; *People v. Bugarin*, 339 Phil. 570, June 13, 1997. CONSTITUTION, Art. VIII, Sec. 14, states that “[no] decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.”

[30] *Domingo v. Scheer*, GR 154745, January 29, 2004.

[31] The project, called “Strengthening the Other Pillars of Justice Through the Department of Justice,” was undertaken by the Department of Justice (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*, vii (2004)].

[32] Otherwise known as the “Raymund Narag Study,” the research sought to determine how the penal institutions worked in the Quezon City Jail; as well as the strengths and weaknesses, and capabilities and limitations, of the penal institutions. Narag was himself a detainee for seven years in the Quezon City Jail [*PMO Annual Report*, Chapter 2, p. 22 (2004)]. The Final Study was launched on May 10, 2005; 468 copies were distributed to various stakeholders.

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

[34] PMO Annual Report, viii (2004).

[35] On the first-day run of our first mobile court, 40 cases were immediately resolved with the assistance of seven family court judges in Manila. Furthermore, from the Manila Youth Reception Center (MYRC), 26 juveniles in conflict with the law were released.

[36] 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 V. V. Mendoza, TOWARD MEANINGFUL REFORMS IN THE BAR EXAMINATIONS: PRIMER 4 (2004).

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

[38] A total of 109 MCLE providers have been accredited by the MCLE office since 2001. [Supreme Court of the Philippines, ANNUAL REPORT 5 (2004)]

[39] In 2004, accredited providers presented 1,527 lectures or programs.

[40] Under the 1987 Philippine Constitution, the Council is vested with the authority to recommend at least three nominees for each vacant position in the judiciary, as well as for the positions of ombudsman and deputy ombudsman. To “forestall as much as possible the influence of partisan politics,” the appointments subsequently made from the nominations do not require the confirmation of the Commission on Appointments of Congress.

[41] The JBC has resorted to radio and television public service announcements, which are more pervasive in scope. Recently, it has also opened its website.

[42] The latest data on existing vacancies are as follows:

Vacancies in the Judiciary
as of December 31, 2005

Court	Total No. of Positions	Total No. of Incumbents	Total No. of Vacancies	Vacancy Rate
Supreme Court	15	14	1	6.66%
Court of Appeals	69	62	7	10.14%
Sandiganbayan	15	14	1	6.66%
Court of Tax Appeals	6	6	0	0%
Regional Trial Court	952	787	165	17.33%
Metropolitan Trial Court	82	67	15	18.29%
Municipal Trial Court in Cities	205	157	48	23.41%
Municipal Trial Court	388	234	154	39.69%
Municipal Circuit Trial Court	470	223	247	52.55%
Shari'a District Court	5	0	5	100.00%
Shari'a Circuit Court	51	28	23	45.09%
TOTAL	2258	1592	666	29.49%

[43] 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.

[44] 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)

[45] 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.

[46] To give teeth to the New Code of Judicial Conduct, the Court 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, in 2002, the Court already resolved that administrative cases against magistrates and court officials, if based on reasons that were also grounds for disciplining lawyers, should be automatically converted to disciplinary proceedings against their very membership in the bar. Thus, they will be investigated both as magistrates *and* as members of the Philippine bar.

[47] The rule-making power of the Supreme Court is provided under the CONSTITUTION, Art. VIII, Sec. 5, par. (5).

[48] 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), intended to prevent further acts of violence.

[49] Approved on December 19, 2004.

[50] 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 was imposed the death penalty, *reclusion perpetua* or life imprisonment -- would go to the Court of Appeals rather than to the Supreme Court, as was the practice before *Mateo*.

[51] The committee is composed of Justice Reynato S. Puno, chair; Justice Antonio T. Carpio, Justice Minita V. Chico-Nazario, Justice Cancio C. Garcia, Hon. Christopher Lock (Court Administrator), Hon. Ma. Luisa Villarama (Clerk of Court), Atty. Edna Diño (chief attorney), Atty. Teresita Dimaisip (chief, Judicial Records Office), Petrita Arguelles (OIC, Management Information Systems Office), members.

[52] 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 Supreme Court 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, but 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.

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

[54] See AM No. 05-12-13-SC, June 20, 2006.