

Lighting the Way to Liberty and Prosperity*

Magandang umaga po sa inyong lahat. It seems my coming home to Pampanga has been oftener in the past few months than it has been collectively in the past two decades. Just last Thursday, October 5, I was in Angeles City to receive a doctoral degree *honoris causa* from the Angeles University Foundation. Today, I am back in Pampanga to grace your convention. I must admit that the invitation to me was made 3 or 4 months ago, way ahead of time. I readily accepted it, although the venue and the time had yet to be determined. I was glad to note later that you had chosen Clark as this year's convention site. By holding it here, you give great honor to my home province.

Taking Stock

Time flies so swiftly indeed! It seems just yesterday when I took my oath as the 21st Chief Justice, during which I vowed to lead a judiciary characterized by four ***Ins***: **in**dependence, **in**tegrity, **in**dustry and **in**teelligence; one that battles the ACID problems of (1) limited **access** to justice by the poor; (2) **corruption**; (3) **incompetence**; and (4) **delay** in the delivery of quality judgments; and one that

strives to achieve the two lofty goals of (1) **safeguarding the liberty** and (2) **nurturing the prosperity** of our people.

More than 10 months have elapsed since then and only one-and-a half months remain of my term as Chief Justice. Hence, I think it is as good a time as any to take stock, very briefly, of what the Supreme Court and the judiciary have accomplished so far during my short watch. Allow me to give you a short overview of the programs we have adopted to solve the ACID problems corroding our judiciary. Many of these activities and projects might already be familiar to you.

Access-to-Justice Initiatives

To widen **access to justice** by the poor, the Supreme Court has amended some portions of the Rules of Court. It has changed the limit on the income^[1] or value of real property^[2] that persons applying as indigent litigants must satisfy for exemption from the payment of docket and other fees, as well as transcripts of stenographic notes.^[3]

The Court also amended some provisions granting indigents free legal counsel;^[4] and requiring lawyers to provide poor litigants with free representation.^[5] It has

continued providing subsidy to the Free Legal Aid program of the Integrated Bar of the Philippines.

An important new project that has proved successful in making courts more accessible to the poor and the disadvantaged, is the Justice on Wheels program. Under this program, the first mobile court, which served as venue for proceedings of Family Court cases in the National Capital Region was deployed on December 21, 2004. This large bus --staffed by a judge, a prosecutor, and a stenographer, among others -- was designed to bring the courts to places where they would otherwise be inaccessible. It has already made an impact on our efforts to decongest jails and speedily resolve family problems^[6] in Metro Manila.

Because of the success of our first mobile court, the Court has decided to acquire two more buses, one for use in the Visayas, and the other for Mindanao. They will be deployed initially in localities where the first-level courts are vacant.

Tomorrow, Friday, October 13, I shall fly to Bohol to turn over the mobile court formally to Judge Teofilo D. Baluma, presiding judge of the Family Court (Branch 1, Regional Trial Court) of Tagbilaran, Bohol. He will be responsible for its management in his jurisdictional area.^[7] This court on wheels for the Visayas will serve the following municipalities in Bohol, in which there are vacant salas: Inabanga,

Buenavista, Talibon, Jetafe, Trinidad, San Miguel, Bien Unido, Ubay, President C.P. Garcia, Alicia, Mabini, Candijay, Anda, Guindulman, Duero, Loay, Albuquerque, Baclayon, Bilar, Sevilla, Carmen, Batuan, Sierra Bullones, Pilar, and the Catigbian-Sagbayon-San Isidro circuit.

The mobile court for Mindanao, on the other hand, will be turned over to our Family Court in Agusan del Sur to serve the needs of the people in the municipalities of Prosperidad, San Francisco, Bunawan, Rosario, Trento, Sta. Josefa, Vuela, Loreto, La Paz, Esperanza, San Luis, Talacogon in Agusan del Sur; Cantilan, Carrascal, Tago, San Miguel, Marihatag, San Agustin, Hinatuan, and Tagbina in Surigao del Sur; and Sultan Naga Dimaporo, Kapatagan, Baloi, Pantar, Pantao Ragat, Maigo, Bacolod, Munai, Sapad and Nunungan in Lanao del Norte.

Solutions to Corruption and Incompetence

The main solutions adopted to combat the “C” (corruption) and “I” (incompetence) in ACID are strict entrance and promotion requirements in the judiciary, continuing ethical education, and improvement of the compensation of judges.

As many of you are aware, the Judicial and Bar Council under my chief

justicehip has been working full speed to fill up the 28.86 percent vacancy rate in our trial courts nationwide. This target means that the JBC has to name nominees to 621 vacant salas.^[8] By the end of this year, it should be able to nominate aspirants for 300 vacant judgeships all over the country. This is a move that would drastically reduce the vacancy rate and in the process, help solve the long-lamented problem of delay in the delivery of quality judgments.

Meanwhile, the Philippine Judicial Academy (PhilJA) is expected to expand its continuing education program for incumbent magistrates and other judicial personnel, upon the completion of the PhilJA Training Center in Tagaytay City. As you may know, early on during my term, the Supreme Court received a ₱300 million grant from the Japanese government. The construction of the Center will be launched on November 30 this year.

Also in November -- on November 11, 2006, to be exact -- the compensation of our judges will have been doubled, with the full implementation of Republic Act 9227. Hence, you will be receiving double the salaries you had four years ago. As you must have noticed, this Special Allowance for Judges (SAJ) is now given regularly at the end of each month. By November 11, 2006, the take-home pay of the lowest-level judges shall be about ₱50,000 per month plus another ₱20,000 in fringe benefits.

You will note, in this connection also, that the cost of living allowance or COLA from the Judicial Development Fund (JDF) is disbursed regularly at the beginning of each month. I have also granted, aside from the SAJ and the JDF COLA, special bonuses and emergency economic assistance from our budget savings. Upon my instructions, the Financial Management and Budget Office (FMBO) of the Supreme Court is studying the possibility of granting additional benefits for all our judges and judiciary employees before the end of my term. As has been announced, I have adopted the policy of granting our employees maximum benefits allowed by law and within my discretion as Chief Justice to give. In turn, I have asked three things from you under the code **DHL: dedication** to duty, **honesty** in every way and **loyalty** to the judiciary.

Delivery of Quality Judgments

Along with corruption, delay in the delivery of justice is the most watched area of reform. Cognizant of the urgency of this problem, I immediately created, upon assuming office as Chief

Justice, a Committee on Zero Backlog.^[9] The Committee monitors the flow of cases and prioritizes the resolution of old ones. I am pleased to report that as of August 31, 2006 -- or 8 months after its creation on January 26, 2006 -- the percentage of old cases assigned to the three Divisions of the Supreme Court has drastically gone down by 48.02 per cent. The first Division, which I head, registered a 70.25 per cent disposal rate of old cases raffled to it.

I am also glad to note that following the Supreme Court lead, our three appellate courts have also tackled their own aging cases, which will be decided within the constitutional time limit. I am sure that Court Administrator Christopher O. Lock is also monitoring closely the disposal of old cases in the trial courts.

Additionally, to ease case congestion, the Court has introduced modern court technology into its systems. I am sure that most, if not all, of you are now using the Supreme Court's electronic or e-library -- either through the Internet or via the compact discs (CDs) that have been distributed to all courts starting last year. The Committee on Computerization and Library is set to include all treaties and executive agreements in our e-library, after signing a

Memorandum of Agreement with the Department of Foreign Affairs for continuing access to existing and future treaties and agreements. Under the aegis of the same committee, the Supreme Court is now pilot testing the e-payment system in our courts in Quezon City and Makati City.

Further, I have expanded the computer acquisition program by including all employees -- in addition to judges, lawyers and stenographers -- in a new program. For this purpose, another P20 million has been set aside, in addition to the P50 million already made available.

Another important milestone for our courts is the launching of the enhanced Case Flow Management (CFM) with e-raffling on December 1, 2006. So, too, last March 14, 2006, I inaugurated the full computerization of the Sandiganbayan. This project was completed with the assistance of the United States Agency for International Development (USAID). It is my hope that the Sandiganbayan will become a model for the automation of the entire judiciary.

In connection also with our capital modernization program, I would like you to know that I have made it a priority to attend to the construction or renovation of Halls of Justice all over the country. Early this year, we started the renovation plans for the Manila Hall of Justice to be located at the old GSIS Building in Arroceros, Manila. Later today, I will ground-break the construction of the Angeles City and Candaba Halls of Justice. Next month, on November 22, I will inaugurate the Hall of Justice in Marikina; on November 24, I will lead the groundbreaking ceremony for the Court of Appeals building in Cebu City; and finally, I will preside over the topping-off ceremonies for the completed modern Hall of Justice in Lapu-lapu City.

***Trial Judges in the
Forefront of Reforms***

The foregoing projects and activities that I have mentioned are just a few of the many initiatives and undertakings that the Court has adopted to address the problems of the judiciary. Even then, it is constantly looking for new and better ways of doing things and dispensing justice.

Most of these programs need to be transposed to the level of our trial courts. Indeed, the steps that have already been taken to address the ACID problems would not amount to much without the involvement of all the members of the bench, particularly those in the front line like all of you.

For sure, each of you has a vital role in bringing about the transformed judiciary that I depicted at the start of my speech. As heads of first-level courts, you are likewise the leaders of the employees in your courtrooms. Thus, I urge you to be leaders by example.

There is a Chinese proverb that says: “Tell me and I may forget. Show me and I may remember. Involve me and I will understand.” Thus, it is not enough merely to tell the employees in your sala what they should do. More important, you must show them what they must do, and how they should conduct themselves. That way, you involve them by your good example of how the judiciary may be transformed.

As their immediate leaders, you are indeed the vital and

indispensable link in our victory in battling the ACID problems I discussed.

The Supreme Court may be the highest court of the land, but to the vast majority of our people, it is distant and far removed from their daily lives. Insofar as the great masses are concerned, justice is represented and dispensed by you, the trial judges.

Trial Judges: Visible

Representations of Justice

Your role as the visible representations of justice is manifested by the fact that many cases you decide no longer reach the appellate courts, much less the Supreme Court. Hence, it is your decisions that have a direct impact on the lives of the parties and the public at large. To them, you embody the justice system. Thus, the four ***Ins***: **integrity**, **independence**, **industry** and **intelligence** must be seen in you by the public.

Indeed, our people look up to you as the personifications of justice, dignity, and honor. Upon your shoulders lay their hopes for freedom and food, ethics and economics, democracy and

development. Show them that they can rely on the judiciary to safeguard their liberty and to nurture their prosperity.

Closing

In closing, allow me to relate a story that I heard this weekend.

There was once a man with three children who built a large and profitable business empire. He was growing old and thinking of relinquishing control over his business to his children. However, he thought that if he gave the business to all three equally, they would only fight. Hence, he had to choose one to lead the two others.

So he decided to test each of his children. He brought them to a room similar to this room where we are now in. He gave each of them ₱1,000 and tasked them to fill the room with anything they thought was proper.

The first thought of filling the room with a tree. So he

went out and, after getting the biggest tree he could find, had it cut and brought to the room. He then called his father to show him how the room was filled. The father saw that the tree did not quite occupy the entire room.

The second sibling thought of hay. He went out and bought ₱1,000 worth of hay and had it brought to fill the room. But still, the ₱1,000 worth of hay did not fill the room.

The third child went to a sari-sari store. From there, he bought some candles and matches. At nightfall, he fetched his father. As father and child entered the dark room together, the young lad said: “Look at how I will fill the room.” One by one, he lit the candles he bought and, slowly, the room was filled with light. At the sight of this, the father exclaimed: “This is the one who will lead and to whom I will leave my business.”

Indeed, sometimes it takes so little to accomplish so much of a gargantuan task. That in itself is the challenge. I urge all of you, then, to take courage in lighting your own little candles of reform in your respective courts and together, we shall light up the

firmament of justice in our country. Indeed, by our individual and collective light, all of us can become dedicated guardians of liberty and zealous promoters of prosperity under a regime of transparency, accountability and the rule of law.

Maraming salamat po.

* - Keynote address I delivered during the Philippine Judges Association Convention on October 12, 2006, at the Holiday Inn, Mimosa Drive, Mimosa Leisure Estate in Clark, Pampanga. From ₱4,000 (Metro Manila) or ₱3,000 (outside Metro Manila) to double the monthly minimum wage of an employee.

[2] From ₱50,000 to ₱300,000.

[3] RULES OF COURT, Rule 3, Sec. 21 and AM No. 04-2-04-SC.

[4] RULES OF COURT, Rule 116, Sec. 7 and Rule 122, Sec. 13. The Supreme Court also appoints the Public Attorney's Office to represent the poor in all relevant litigations.

[5] CODE OF PROFESSIONAL RESPONSIBILITY. Canon 2 states:

“Canon 2 - A lawyer shall make his legal services available in an efficient and convenient manner compatible with the independence, integrity and effectiveness of the profession.

“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.”

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.

[7] Administrative Circular No. 72-2006 dated September 5, 2006.

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

**Vacancy Rate of Judges in the
First and Second Level Courts
as of May 31, 2006**

Courts	Total Judicial Positions	Total Incumbent Judges	Total Vacancies	Vacancy Rate
<i>Regional Trial Court</i>	952	813	139	14.60%
<i>Metropolitan Trial Court</i>	82	61	21	25.61%
<i>Municipal Trial Court in Cities</i>	204	149	55	26.96%
<i>Municipal Trial Court</i>	388	254	134	34.54%
<i>Municipal Circuit Trial Court</i>	470	226	244	51.91%
<i>Shari'a District Court</i>	5	0	5	100.00%
<i>Shari'a Circuit Court</i>	51	28	23	45.10%
TOTAL	2,152	1,531	621	28.86%

[9] Created on January 26, 2006 through Memorandum Order 13-2006. 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.