

## Chapter 9

### Judging the Judges\*

According to a long-held judicial tradition, justices of the Supreme Court are expected to live and work in fortress-like isolation. Upon their appointment to the High Court, they are supposed to shun all previous personal, social and professional relationships. They are deemed gods of Mt. Olympus -- unreachable, untouchable and unaffected by the twists and turns of fate of the valley dwellers. Indeed, they are better read than heard.

#### *Senator Salonga's Foremost Teaching*

However, I have been asked by my revered guru, former Senate President Jovito R. Salonga, to come down from the perches of the Olympian gods and attend this fifth anniversary celebration of Bantay Katarungan (Justice Watch) and the monthly forum of Kilosbayan. Since my college days over 40 years ago, I have always regarded Senator Salonga with awe and admiration. He is my role model of a life worth living. As my dean and professor in law school and my first boss in his law firm, he has taught me -- both by his words and his example -- not only the rudiments of the legal profession but, even more important, the purpose and value of life.

His foremost teaching can be summed up in this one sentence: While it is desirable to have some of the necessities that money can buy -- like adequate food on the table, sufficient

clothing, sports and recreation for the body, and even a car and a house for the family -- we should never ever forget that it is far more important to aspire even more ardently for the things that money *cannot* buy, like excellence, ethics, honor, character, and a reverential regard and love for God as the source of all that is good and beautiful. And so here I am -- breaking judicial tradition, but obedient to his summons and ever trying to be faithful to his teachings.

Ladies and gentlemen, as many of you may already know, the judiciary is undergoing a transformation. It is metamorphosing according to a plan hatched early on when the Action Program for Judicial Reform (APJR) was initiated by Chief Justice Hilario G. Davide Jr. upon his incumbency some six years ago.

The APJR is a blueprint of almost all possible measures to solve the main plagues of the judiciary -- what I refer to in my books as CID: corruption, incompetence and delay in the rendition of judgments. The judicial reforms are pervasive and all-encompassing. They start with the updating of the law curriculum to the rigid selection of judges, their continuing legal education, the systematic monitoring of their performance, the improvement of their working environment, the provision of modern equipment, the construction of more dignified halls of justice, and the computerization of judicial processes. The reforms are so many and so wide-ranging that a full discussion of the APJR will require several hours, if not days.

#### ***Four Essential Judicial Attributes***

Today, however, within the limited time available, I would like to speak of the essential attributes that all judges should possess. For after all is said and done, the speedy and impartial dispensation of justice will ultimately depend on the judge. While electronic research facilities, computerized processes and stately courtrooms -- all of which money *can* buy -- are desirable components of judicial reform, in the end justice is delivered by human beings who must be upright, credible and competent-- qualities that money *cannot* buy.

So what are these essential, non-negotiable, non-purchasable attributes of every magistrate? Our 1987 Constitution mentions four: competence, integrity, probity and independence.<sup>[1]</sup> On the other hand, the New Code of Judicial Conduct for the Philippine Judiciary,<sup>[2]</sup> which took effect on June 1, 2004, speak of independence, integrity, impartiality, propriety, equality, competence and diligence.<sup>[3]</sup>

For simplicity and ease in remembering these essential qualities, I would like to encapsulate them into four *Ins*; namely, **integrity, independence, industry and intelligence**.<sup>[4]</sup> Let me discuss each of them.

### ***Integrity, Not Mere Honesty***

The first *In*, **integrity**, goes beyond mere honesty in dealing with fellow human beings. It is not a mere refusal to tell a falsehood; it encompasses the moral courage to denounce a wrong and to promote the truth.

During the martial law years, the country was besieged by officials who arrogated absolute power to themselves, plundered the treasury, and used their public offices to amass ill-gotten wealth. There were, however, a handful who -- even while serving under the authoritarian regime -- kept themselves personally pure, discharged their functions efficiently, and refused to join the corrupt in raiding the public treasury. While these few good men and women can be described as *honest* public servants, they did nothing to stamp out the evil around them, contented as they were with distancing themselves from the evil conspiracy.

Towering above them were those who not only kept themselves clean and honest, but also worked fervently and actively -- at the risk of their own safety, earthly possessions and careers -- to restore freedom, to denounce the plunderers, and to make truth and justice prevail. More than being honest, they were persons of moral courage; they were men and women of integrity. They are the martyrs and heroes who are honored and revered through the Wall of Remembrance set up by the Bantayog ng mga Bayani, your sister organization.

By the same token, judges must not only be free of falsehoods; they must also have the moral courage to rid society of those numbing falsehoods. By their actions and decisions, sometimes by their stirring dissents, they reveal their character and herald the lacerating truth. Such were jurists like Chief Justice Roberto Concepcion, Chief Justice Claudio Teehankee and Justice Calixto Zaldivar, who all occupy places of honor on the Bantayog Wall of Remembrance.

Integrity also includes intellectual decency and a deep sense of personal honor, which transcend a desire for personal acclaim or recognition. Persons of true integrity perform their

tasks faithfully, regardless of whether their work is recognized by others, and whether it leads to their promotion.

Integrity likewise encompasses impartiality. Judges of integrity perform duties without fear or favor, bias or prejudice. They ensure that their conduct is above reproach. Propriety and the appearance of propriety are essential to the proper performance of their duties. Thus is their credibility maintained at all times. It goes without saying that they avoid, as far as possible, any undue social contact and unnecessary fellowship with litigants and lawyers.

During an open forum after a speech I had delivered before a group of foreign chambers of commerce, a business leader asked this question: “Why do justices refuse to socialize with other people, especially with ‘experts’ who may enlighten them on scientific or economic aspects of a litigation?” I politely replied that all arguments on and discussions of a case should be heard only in court, in the presence of all the parties or their lawyers. This much is demanded not only by common fairness, but also by the *appearance* of fairness.

Along this line, I remember that when I was still new in the Court in early 1996, Juan Frivaldo made repeated requests to see me -- directly through calls to my secretary and, indirectly, through mutual friends -- purportedly to discuss some urgent, personal matter.

You see, he was overwhelmingly voted governor of Sorsogon by a margin of 27,000 votes during the 1988 elections and by 57,000 votes in 1992. However, he was not able to serve his popular mandate, because the Supreme Court twice disqualified him for being a non-

Filipino.<sup>[5]</sup> Undaunted by his two legal defeats, he ran and won again in 1995 by a margin of 20,000 votes. This time, he claimed to have reacquired Philippine citizenship through repatriation.<sup>[6]</sup>

I steadfastly refused to see him. In desperation, he turned to his close friend Max Soliven,<sup>[7]</sup> the journalist, and told him that he would just flee to the jungles of Sorsogon (“*Mamumundok na lang ako*”), because he would surely be disqualified again as shown by my refusal to communicate with him, even just by telephone.

A few months after, a Court Decision that I had penned came out, recognizing his citizenship and authorizing him to sit as governor of his native province.

After a year, I finally met Governor Frivaldo for the first time. To his profuse expression of gratitude, I told him that he owed me nothing because I had merely discharged my duty. I also explained that propriety had prevented me from seeing or even speaking with him over the phone. I added that a judge must not only be impartial, but must also be perceived to be so by the parties. Because Frivaldo did not succeed in seeing me, much less in influencing me, his victory must have been all the more sweet, because he knew it was not the result of *lakad*. It was indeed the necessary consequence of an impartial assessment of the law as it related to the facts of his case. Before he left my office, he again expressed gratitude -- this time for his education on the need for respecting the integrity and impartiality of judges.

***Independence from***

## *the Plague of “Ships”*

The second ***In*** of a good magistrate is **independence**. While this attribute refers both to the judicial institution and to the person of the judge, I shall speak here only of the latter. Magistrates decide litigations only on the basis of the rational relationship between the law and the facts, free from any extraneous influence. They should not allow the “ships” that plague public service -- kinships, relationships, friendships and fellowship -- to interfere in their judgments.

When I was still practicing law a decade ago, a wealthy businessman visited me. He told me, “I know that your law office is composed of competent bar topnotchers who are experienced in the labyrinths of the law. But my question is, do you also know the judge in whose sala my case is pending? It is good to know the law, but it is even better to know the judge.” Upon hearing these remarks, my partners and I respectfully declined the case, even if it meant losing a sizeable retainer.

Independence requires the men and women who wear the black robes to be free not only of mental and intellectual biases, but also of emotional baggage brought about by a misplaced sense of gratitude to the appointing authority. Upon his appointment as Chief Justice of the United States, Earl Warren was greeted with hoots and groans, because he was perceived to be a mere politician, a bluffer who had no judicial training or experience.

However, to the consternation of President Dwight D. Eisenhower who had appointed him to the Court, Chief Justice Warren proved to be the government’s conscience. In

reshaping the very meaning of the Bill of Rights, he became a consensus builder. Moreover, he led a legal revolution in the United States and ended his term as one of the greatest Chiefs of the American Supreme Court -- the recipient of a level of esteem approximating, according to William Douglas, that which was given to the eminent John Marshall “in the broad sweep of United States history.” He became a judicial icon, not because he was a legal scholar, but because he personified moral courage and independence.<sup>[8]</sup>

### ***Industry, a Personal Passion for Work***

**Industry**, the third ***In*** of a good judge, demands a personal passion for work, not only during office hours but also in the evenings and early mornings when -- free from the hustle and bustle of office and trial routines -- judges find the solitude to wrestle with their consciences; to pray and to gather courage to accord what is due every person, pursuant to the letter and spirit of the law, regardless of personal consequences.

The work load in the Supreme Court is backbreaking. At present, there are about 6,000 pending cases. These are divided among the 15 incumbent justices, who get an average of 400 cases each. In addition, about 25 to 30 new cases<sup>[9]</sup> per month are raffled to every one of them. Thus, to update their dockets, the justices must each dispose of at least 30 cases every month -- by outright rejection, through the issuance of minute or extended resolutions on obviously unmeritorious petitions, or by signed decisions known as *ponencias*.



In my case, as a senior justice and Division chairperson, I have to pass upon the work of the members of my Division. Also, as chairperson of the House of Representatives Electoral Tribunal,<sup>[10]</sup> I have to attend to any election litigations brought to it.<sup>[11]</sup> In addition, I chair several committees involved essentially in judicial reforms.<sup>[12]</sup>

The work load of the Chief Justice is even heavier. By his own admission, Chief Justice Davide spends more than 60 percent of his time on the administration and management of the entire judiciary. He begins each day in his office at 5:30 a.m. and ends it at 8:30 p.m. An illustrious decision writer he is, but an industrious administrator and manager he is even more.

The work load in the lower courts is no less daunting. Statistics from the Office of the Court Administrator show that there were 343,875 cases pending in the regional trial courts (RTCs) and 445,999 cases in the various first-level courts<sup>[13]</sup> as of July 31, 2004. Considering that one third of trial courts are vacant,<sup>[14]</sup> each RTC judge will have an average case load of around 464, while each MTC (and other first-level courts) will have to grapple with an average of 695 cases<sup>[15]</sup> -- and at the same time preside over court hearings. That is the average but, believe it or not, cases are not evenly distributed. Hence, some courts have as much as 6,000 pending cases.

By requiring magistrates to decide cases within a limited period -- 3 months for trial courts, 12 months for appellate courts, and 24 months for the Supreme Court<sup>[16]</sup> -- the Constitution effectively wants not just speed, but also industry, from magistrates.

The bottom line is that there is just too much work to do. Every judge therefore needs to be super-industrious to cope with the work load.

***Knowing Everything about Something  
and Something about Everything***

The fourth ***In, intelligence***, refers to both knowledge and wisdom. Judges must master the law. To earn the respect of lawyers and litigants, they must be able to preside authoritatively over trials and rule reasonably well on fine points of law and evidence brought before their courts.

For purposes of our present discussion, *intelligence* may be equated with excellence, which in turn demands mastery of our chosen vocation and familiarity with all branches of knowledge. Simply put, it means knowing everything about something and something about everything. As I always say, it is not enough for judges to be walking databases of the Constitution, the law and jurisprudence; they must also have a working knowledge of the arts, history, health, medicine, philosophy, mathematics, physics, psychology, economics, computers and the latest biosciences and biotechnologies. To demonstrate my point, let me recall some examples of excellence in the Supreme Court.

1. Diverse but related aspects of the mining industry -- economic, environmental, financial, technical, and social -- were considered by the Court in ruling very recently on the constitutionality of the 1995 Mining Law.<sup>[\[17\]](#)</sup>

2. A dissertation on the minutiae of marine life to point out the evils of cyanide fishing and the imperatives of preserving coral reefs assisted the Court in protecting the seas and in imposing appropriate penalties for acts endangering the environment.<sup>[18]</sup>
3. A keen grasp of what in 1997 were the still emerging economic paradigms -- globalization, trade liberalization, privatization and deregulation -- was instrumental in ruling on the constitutionality of the Philippine adherence to the World Trade Organization.<sup>[19]</sup>
4. A more than nodding acquaintance with mathematics enabled the Court to translate constitutional parameters of the Filipino-style party list system into a workable formula for determining party list winners.<sup>[20]</sup> On a more basic level, mathematics comes in handy when computing correct interests in contracts;<sup>[21]</sup> it can also spell the difference between prolonged imprisonment and early freedom in criminal cases.<sup>[22]</sup>
5. DNA testing, an introduction to the new biosciences and biotechnologies, is fast gaining acceptance as a reliable method of determining identity. It has been instrumental in pinning down culpability for rape and murder.<sup>[23]</sup> The Court is likewise recognizing its use in determining parentage and in ruling over custody cases.<sup>[24]</sup>
6. Psychological studies on the “battered woman syndrome” have paved the way for

the emergence of this novel phenomenon as a mitigating circumstance or as a viable defense in a prosecution for parricide. [\[25\]](#)

7. Precepts of Canon Law provided a better understanding of “psychological incapacity” as a ground to declare a marriage void under Article 36 of the Family Code. [\[26\]](#)

8. Knowledge of accounting entries and ledgers made it possible for the Court to rule out excessive interests, penalties, and other charges that had been imposed unilaterally and without the prior knowledge and consent of borrowers. [\[27\]](#)

### ***Aiming High And Hitting the Mark***

Ladies and gentlemen, I have taken great pains to explain what I believe are the attributes we must look for in a judge. I know they are not easy to find. But I believe it is always good to set high standards, so that all of us in the judiciary would always strive to do our best to reach them.

Many of us in this hall believe in the motto “Aim high and hit the mark.” In school, we always set 100 per cent as our goal, although many times we would be satisfied with 90 or 95 percent.

In the same manner, Bantay Katarungan may use these four ***Ins*** as standards for judging

the judges. It could assign a percentage to each attribute and set a standard passing mark. In this manner, I hope to be able to contribute to your work of elevating the standards of the judiciary by helping you to screen applicants and to weed out the misfits among the incumbents.

Let me, however, add that by setting strict and high standards for judging our judges, there arises the concomitant duty to see to it that they are compensated properly. The 34 percent vacancy rate in our trial courts despite the recent increases<sup>[28]</sup> in compensation is a festering problem. To entice the best and the brightest to join the judiciary, I believe we must all work on two concerns: (1) the exemption of the judiciary from the Salary Standardization Law;<sup>[29]</sup> and (2) the grant of a lump-sum judicial appropriation of, say, two percent<sup>[30]</sup> of the national government budget as well as sufficient authority to the Supreme Court to allocate the resources as it deems best.

In other words, the legislature should no longer make detailed allotments of the judicial appropriation and just let the Supreme Court distribute the lump-sum budget. In this manner, the Court can adjust compensation to attract ethical and excellent lawyers to join the judiciary, in tune with its constitutionally mandated fiscal autonomy.

At this time when judicial reforms to transform our judges are beginning to take root, your unwavering faith in monitoring the ranks is most needed. May I invite you then to be ever vigilant sentinels of justice (*mga bantay ng katarungan*) and to persevere in the quest for **integrity, independence, intelligence and industry** in the judiciary. As in the oft repeated

refrain of the song “Impossible Dream,” I hope that in

“This ... our quest,  
[We] follow the star,  
No matter how hopeless,  
No matter how far,  
To fight for the right  
Without question or pause,  
To be willing to march into hell  
For a heavenly cause.”

*Maraming salamat po.*

— \*

Address I delivered during the 5<sup>th</sup> anniversary celebration of Bantay Katarungan and the monthly forum of Kilosbayan on February 11, 2005, at the J. P. Laurel Hall of Freedom, Lyceum of the Philippines.

[1]

§ 7 of Article VIII of the Constitution.

[2]

The Supreme Court approved this new Code in AM No. 03-05-01-SC on April 27, 2004. After it was published in the *Manila Bulletin* and the *Philippine Star* on May 3, 2004, the Code took effect on June 1, 2004. It is based on the universal declaration of standards for ethical conduct embodied in the Bangalore Draft which, as revised, was adopted during the Round-Table Meeting of Chief Justices held at the Peace Palace, The Hague, on November 25-26, 2002.

[3]

Canons 1 to 6.

[4]

I crafted the “four *Ins*” in an inspirational message during the closing ceremonies of the Career Development Workshop for First-Level Judges sponsored by the Philippine Judicial Academy on April 27-30, 1999, in Tagaytay City. See Panganiban, *Leadership by Example* (1999), pp. 11-17.

[5]

*Frivaldo v. Comelec*, 174 SCRA 245, June 23, 1989; and *Republic v. De la Rosa*, 232 SCRA 785, June 6, 1994.

[6]

See Presidential Decree No. 725.

[7]

In his July 4, 1996 column in the *Philippine Star*, “By The Way,” Max Soliven wrote:

“Hurray for my old friend – and I mean old – Johnny Frivaldo, who has finally been vindicated with finality by the Supreme Court – and can now become the long-delayed governor of Sorsogon.

“Two weeks ago, I received a dolorous phone call from Frivaldo, who told me he was ‘going to the hills’ because he despaired of ever getting justice from our government.

“‘Are you going to become a rebel?’ I asked him worriedly, fearing that somebody

over 81 years old, although a war hero, a Bataan veteran and survivor of the Death March, might not survive a *kamikaze* attack, up there in the deforested mountains, by a squadron of mosquitoes. A few days ago, I received a letter from Johnny, datelined, 'From the Mountains,' assuring me he was still alive and kicking, but sorrowful unto death.

"Johnny should be sorrowful no longer. If he has tears, they must surely be tears of joy. Justice was delayed, but it wasn't denied, thanks to our High Tribunal.

"I'm glad that the Supreme Court, through its 13-1 *en banc* decision penned by Justice Artemio V. Panganiban, has upheld the strong mandate given in the May 1995 polls by Sorsogon's voters to their perennial and ever-popular Grand Old Man, Juan C. Frivaldo.

"Despite the claim that he lacked Philippine citizenship (and even the nasty announcement that he had been 'disqualified' from running), Frivaldo was solidly elected by his faithful Sorsogon province mates with a margin of 27,000 votes in the 1988 elections, 57,000 in 1992, and 20,000 in 1995 over the same opponent Raul Lee, who has been sitting as 'acting governor' during the past year and a half. In the 1995 polls, he bested three rivals by garnering 73,440 votes with Raul Lee poorly in second place with a meager 53,304 votes, while Antonio Escudero Jr. got 51,060 votes and the tail-ender, Isagani Ocampo, secured 1,925 votes.

"I can only say that Justice Panganiban's eloquently-written 57-page ruling was a landmark decision whose spirit can be capsulized in the familiar Latin maxim, '*Vox Populi, Vox Dei.*' (The Voice of the People is the Voice of God).

"Justice Panganiban zeroed in on the legal issues involved in the Frivaldo-Lee legal battle and I cannot help but quote the 'meat' of his decision as *ponente* of the High Court.

"Casting legal technicalities aside, which Panganiban observed would have been easy to take against the position of Frivaldo, the Justice wrote: '*But the real essence of justice does not emanate from quibblings over patchwork legal technicality. It proceeds from the spirit's gut consciousness of the dynamic role of law as a brick in the ultimate development of the social edifice. Thus, the Court struggled against and eschewed the easy, legalistic, technical and sometimes anachronistic provisions of the law in order to evoke substantial justice in the larger social context consistent with Frivaldo's unique situation approximating venerability in Philippine political life.*'

"Frivaldos 'alien' citizenship but his loyalty to our country, in turn, did not escape Panganiban's observation and comment. In his *ponencia*, the Justice noted: '*Concededly, he sought American citizenship to escape the clutches of the dictatorship. At this stage, we cannot seriously entertain any doubt about his loyalty and dedication to his country. At the first opportunity, he returned to his land of birth and sought to serve his people once more. The people of Sorsogon overwhelmingly voted for him three times. He took an oath of allegiance to this Republic every time he filed his certificate of candidacy and during his failed naturalization bid. And let it not be overlooked, his demonstrated tenacity and sheer determination to resume his nationality of birth despite several legal setbacks speak more loudly, in spirit, in fact and in truth than any legal technicality, of his consuming intention and burning desire to re-embrace his native Philippines at the ripe old age of 81 years.*'

"He paid tribute to '*such loyalty and love of country as well as nobility of purpose,*' stating that these '*cannot be lost on this Court of justice and equity. Mortals of lesser mettle would have given up. After all, Frivaldo was assured of a life of ease and plenty as a citizen of the most powerful country in the world. But he opted, nay, single-mindedly insisted on returning to and serving once more his struggling but beloved land of birth. He, therefore, deserves every liberal interpretation of the law, which can be applied in his favor. And in the final analysis, over and above Frivaldo himself, the indomitable people of Sorsogon most certainly deserve to be governed by a leader of their overwhelming choice.*'

"I did not suspect until now that Panganiban, a former practising lawyer and hardnosed businessman, possessed the *manque* soul of a poet. It was a touching encomium he penned on the courageous life and true grit of Frivaldo, who valiantly struggled against all odds, to become once again a Filipino. When our Supreme Court strives, it can rise to superb heights, restoring to itself in some measure its traditional (but recently beleaguered) luster."

[8] See Panganiban, *Leadership by Example* (1999), p. 13.

[9] These include all types of cases: review of decisions and orders of lower tribunals; original special actions for certiorari, prohibition, mandamus and habeas corpus; administrative matters involving judges and judicial personnel; and administrative cases against lawyers.

[10] The House of Representatives Electoral Tribunal or HRET has the following members aside from me: Justices Consuelo Ynares-Santiago and Antonio T. Carpio; and Reps. Douglas R. A. Cagas, Salacnib F. Bateria, Laurence B. Wacnang, Mauricio G. Domogan, Romualdo T. Vicencio and Joseph A. Santiago.

[11] “In all humility, may I report that, as in the previous years, I was able to write over 100 full-length *ponencias* and 4 Separate Opinions during the past year, thus bringing my grand total during my nine years in office (as of October 10, 2004) to more than 970 *ponencias* (full-length, signed Decisions) and 78 Separate Opinions. This count does not include the thousands of Minute Resolutions I have also penned during those nine years. Those Resolutions form part of the minutes of the Court’s sessions, extracts of which are sent to the parties by the clerk of court.” Panganiban, *Leveling the Playing Field* (2004), p. xxviii.

[12] These are the Committees on Computerization, Public Information, Judicial Excellence, Legislative-Executive Relations, Access to Justice for the Poor, Knowledge Sharing, International Judicial Reforms Conference and Showcase, and Raffle of Division Cases. In addition, I also head the Executive Committee for the Valedictory Year of Chief Justice Davide.

[13] The figures are as follows: Metropolitan Trial Courts (METCs), 163,527 pending cases; Municipal Trial Courts in Cities, 130,794; Municipal Trial Courts, 84, 931; and Municipal Circuit Trial Courts (MCTC), 66,747.

[14] As of September 2004, 739 of the 2,153 judicial positions were vacant, which means a vacancy rate of 34.3%.

[15] The 343,875 pending cases were distributed among 742 incumbent RTC judges as of September 2004; the 445,999 pending cases in the first-level courts were divided among the 642 incumbent METC, MTCC, MTC and MCTC judges.

[16] § 15 of Article VIII of the Constitution partly states:

“(a) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts. x x x.”

[17] *La Bugal-B’laan Tribal Association v. Ramos*, GR No. 127882, December 1, 2004.

[18] *Tano v. Socrates*, 343 Phil. 670, August 21, 1997.

[19] *Tañada v. Angara*, 338 Phil. 546, May 2, 1997.

[20] *Veterans Federation Party v. Comelec*, 342 SCRA 244, October 6, 2000.

[21] *Rizal Commercial Banking Corporation v. Alfa RTW Manufacturing Corporation*, 420 Phil. 702, November 14, 2001.

[22] *People v. Yip Wai Ming*, 332 Phil. 254, November 4, 1996. The accused in this case was acquitted of murder on the ground of reasonable doubt. The Court found, among others, that the prosecution had failed to establish the time of the victim’s death. Drawing a time line based on the testimonies on record, it noted that the “mathematics of the trial court [as to the possible time of death] was faulty....”

[23] *People v. Yatar*, GR No. 150224, May 19, 2004; and *People v. Vallejo*, 431 Phil. 798, May 9, 2002. In the latter case, the Court affirmed the admissibility of DNA evidence in sustaining the rape and homicide conviction of the accused, whose DNA type matched that found in the vaginal swabs taken from the victim.



[24] *Tijing v. CA*, 354 SCRA 17, March 8, 2001. In this habeas corpus proceeding, the Court stressed that in the appropriate case, courts should not hesitate to rule on the admissibility of DNA tests as evidence. See also *In Re Petition to Take the 1999 Bar Exams* (Julius R. Cesar, petitioner), BM No. 984, June 25, 2005.

[25] *People v. Genosa*, GR No. 135981, January 15, 2004.

[26] *Santos v. Court of Appeals*, 240 SCRA 20, January 4, 1995 and *Republic v. Molina*, 335 Phil. 664, February 13, 1997.

[27] *New Sampaguita Builders Construction, Inc. v. PNB*, GR No. 148753, July 30, 2004.

[28] The compensations of judges and justices were increased twice in the past two years, pursuant to the mandate of Republic Act No. 9227. Under this law, magistrates are to be granted special allowances equivalent to one hundred percent (100%) of their basic monthly salaries under the Salary Standardization Law (RA No. 6758), the allowances to be implemented over a period of four years.

[29] RA 6758, entitled “An Act Prescribing a Revised Compensation and Position Classification System in the Government and for Other Purposes.”

[30] Budget data from the Court’s Financial and Management Budget Office (FMBO) show that the judiciary’s share in the national government budget has been declining over the years, from 1.04 in 2000 to only 0.88 for 2004. The present DBM-recommended budget for the judiciary is also 0.88 % of the total proposed 2005 national government budget.