

06

Pursuing
Swift and Fair
Administration
of Justice

PURSUING SWIFT AND FAIR ADMINISTRATION OF JUSTICE

The Philippine Development Plan (PDP) 2017-2022 underscores the need to pursue swift and fair administration of justice by enhancing the country's civil, criminal, commercial, and administrative justice systems; and improving efficiency and accountability of the justice sector. Two years into the implementation of the PDP, significant justice reforms are already underway.

Continuing reform initiatives resulted in the achievement and surpassing of most of the performance targets of the sector, but much still needs to be done to address the persistent and longstanding issues in the justice system. Inter-pillar coordination mechanisms were strengthened in 2018, including the establishment of additional Justice Zones¹ (JZs) and the completion of the development phase of inter-agency information systems. Continuous Trial was expanded to cover all courts as part of efforts to deliver swift and fair justice. The country also improved its ranking in the 2017-2018 World Justice Project-Rule of Law (WJP-RoL) sub-indicator on Civil Justice (81/113 vs. 87/113 in 2016). While these targets were exceeded, significant efforts are still necessary to address the uneven public attorney and prosecutor to court ratio, high case backlog, and congestion in penal facilities, among others. Ranking in other global indicators, particularly on WJP-RoL sub-indicators on Criminal Justice and Fundamental Rights, are still far behind from its targets.

Assessment

Table 6.1 Accomplishments versus Targets in Pursuing Swift and Fair Administration of Justice

| INDICATOR | BASELINE ^a | | ANNUAL PLAN TARGETS | | | | | | ACTUAL |
|--|-----------------------|-------|---------------------|------|------|------|------|------|--------|
| | YEAR | VALUE | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2018 |
| Chapter Outcome 1 | | | | | | | | | |
| Swift and fair administration of justice ensured | | | | | | | | | |
| Sub-chapter Outcome 1.1 | | | | | | | | | |
| Civil, criminal, commercial and administrative justice systems enhanced | | | | | | | | | |
| Percentile rank in the World Governance Indicator – Rule of Law improved ^b | 2015 | 42.31 | 44 | 44 | 46 | 46 | 50 | 50 | N/A |
| Percentile rank in the World Justice Project (WJP) Rule of Law (RoL) Index: Fundamental Rights improved ^c | 2016 | 26.55 | 27 | 27 | 28 | 28 | 29 | 29 | 12.39 |

¹ The Justice Zone is inter-agency mechanism that clusters all the stakeholders in the Justice System in a single location and allows for the coordinative reforms in the locality.

| INDICATOR | BASELINE ^a | | ANNUAL PLAN TARGETS | | | | | | ACTUAL |
|---|-----------------------|-------|---------------------|------|------|------|------|------|--------|
| | YEAR | VALUE | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2018 |
| Sub-chapter Outcome 1.2 | | | | | | | | | |
| Sector efficiency and accountability improved | | | | | | | | | |
| Percentile rank in the WJP RoL Index: Civil Justice indicator improved ^d | 2016 | 23.01 | 24 | 24 | 25 | 25 | 27 | 27 | 28.32 |
| Percentile rank in the WJP-RoL Index: Criminal Justice indicator improved | 2016 | 25.66 | 26 | 26 | 27 | 27 | 29 | 29 | 9.73 |

a/ Actual data as of December 2015, or most recent available data. May not necessarily be year-end values

b/ WGI – Rule of Law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, particularly the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence

c/ WJP RoL Index: Fundamental Rights covers effective enforcement of laws that ensure equal protection, right to life and security, due process of law, and the rights of the accused, among others.

d/ WJP RoL Index: Civil Justice measures whether civil justice systems are accessible and affordable, free of discrimination, corruption, and improper influence by public officials. It examines whether court proceedings are conducted without unreasonable delays, and if decisions are enforced effectively. It also measures the accessibility, impartiality, and effectiveness of alternative dispute resolution mechanisms.

e/ WJP RoL Index: Criminal Justice measures whether the criminal investigation, adjudication, and correctional systems are effective, and whether the criminal justice system is impartial, free of corruption, free of improper influence, and protective of due process and the rights of the accused.

Enhancing civil, criminal, commercial, and administrative justice systems

Much has been done to achieve better coordination among agencies particularly on developing information systems and harmonizing procedures. However, pervasive fragmented legal and institutional frameworks have hampered the implementation of the envisioned whole-of-sector approach.

Following the pilot JZ in Quezon City in 2014, the second JZ was launched in Cebu City in 2018 while two (2) other JZs (Angeles City and Davao City) are targeted to be launched in the Q1 2019.

The development of the Single Carpeta System, the Prosecution Case Management System, and the Philippine Crime Index as part of the National Justice Information System (NJIS) were completed. The roll-out of the system and data sharing among concerned agencies will be done in 2019 through a Memorandum of Understanding.

Data showed improvement in the delivery of justice, but more can be done to achieve speedier disposition of cases. Initial data for 2018 shows that 82.37 percent² of the total inventory of cases have been disposed of, with backlog in preliminary investigation dropping to 39 percent from 44.3 percent in 2017.

The Supreme Court (SC) also completed the roll-out of the Revised Guidelines on Continuous Trial to all courts in 2017, which paved the way to speedier disposition of criminal cases. This was coupled with the Philippine Judicial Academy's (PHILJA) conduct of a series of training seminars for its effective implementation.

Multi-sectoral trainings on cybercrime and electronic evidence were conducted for judges and prosecutors to enhance their skills in handling cybercrime and cyber-related cases. The roll-out of the eCourt System in 41 additional courts improved and automated the processes of the trial courts, bringing a total of 336

² DOJ data on criminal complaints as of October 2018, year-end data is yet to be released.

eCourts out of 2,660 courts nationwide. The construction of six (6) additional Halls of Justice intended to house existing and new court branches is expected to improve operations of the lower courts. Moreover, four (4) additional Philippine Mediation Centers (PMC) were established, reaching a total of 141 PMCs. This brings the sector closer to the target of 159 PMCs by 2022.

Despite these achievements, the number of prosecutors, public attorneys, and courts (including judges and court staff positions) is still insufficient and hinders the delivery of swift justice. The problem is twofold. First, the existing number of prosecutor and public attorney positions is not enough to achieve the ideal ratio pursuant to Republic Act 10071 (Prosecution Service Act of 2010) and RA 9406 (Act on Reorganizing and Strengthening of the Public Attorney's Office). Second, there are delays in the appointment of lawyers to these existing positions. Moreover, the uneven distribution of caseloads among judges contributes to the piling up and case hearing delays. This is exacerbated by the intensified campaign against illegal drugs that has caused a spike in the number of cases, thereby contributing to the overall case backlog.

Improving sector efficiency and accountability

People's access to legal aid was increased to afford fair and equal justice to all. The Expanded Rule on Small Claims Cases was issued as an amendment to the Revised Rules of Procedure for Small Claims Cases, increasing the allowable claims from PHP200,000.00 to PHP300,000.00. Furthermore, all requests for free legal assistance and representation were acted upon within three (3) working days from date of request.

The Commission on Human Rights (CHR) addressed a total of 4,305 complaints on human rights violation in 2018.³ Among these complaints, 4,256 were provided legal counseling of which 1,532 have either been evaluated, investigated, or referred for further investigation.

Conditions in jail and prison facilities were improved, but are still not enough to ease the longstanding congestion in penal facilities. The Bureau of Corrections (BuCor) implemented several projects which are now in various stages of completion in six (6) national and regional prisons, including the construction and rehabilitation of prison dormitories and training facilities. The Bureau of Jail Management and Penology (BJMP) also constructed 70 new jail buildings. However, budget constraints specifically for hiring manpower and further securing the facilities, have hindered the use of these constructed buildings. Necessary resources should be provided for the existing facilities and the additional 74 jail buildings that are planned to be constructed in 2019.

The BJMP and BuCor reported that all persons deprived of liberty (PDLs) who qualified for release from both city/municipal/district jails (84,663 PDLs) and national prisons (1,993 PDLs), were set free on time. To facilitate the early release of qualified PDLs, the BJMP developed the Electronic Paralegal Learning Module (EPLM) to provide Paralegal Officers easy access to standard forms and legal remedies.

Mechanisms to engage citizens were adopted to promote enhanced trust and accountability in the justice system. Aside from providing mobile court hearing, legal aid, and mediation services to far flung courts, the Enhanced Justice on Wheels also became an avenue for dialogue and information dissemination.

The creation of two (2) new offices in the Judiciary -- the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO) -- also led to the revision of the Rules of Court for the discipline of the members of the Judiciary. Specifically, the JIB will improve the assessment and evaluation of disciplinary actions towards complaints against erring justices, judges, and court personnel. On the other hand, the CPIO will conduct investigations, intelligence, surveillance, entrapment operations, or lifestyle checks of

³ Available data as of December 11, 2018

justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals, judges and personnel of the trial courts (including the Shari'a Courts), and officials and employees of the Office of the Court Administrator. These developments will constitute additional avenue for citizens to exact accountability from members of the Judiciary.

Quality management systems were established to enhance justice delivery. The Department of Justice (DOJ) and its attached agencies were granted ISO Quality Management System certification, which highlights the alignment of their processes with international standards. Improvements on public financial management were also noted. A Learning and Development program that aims to improve human resource competency was also developed in DOJ.

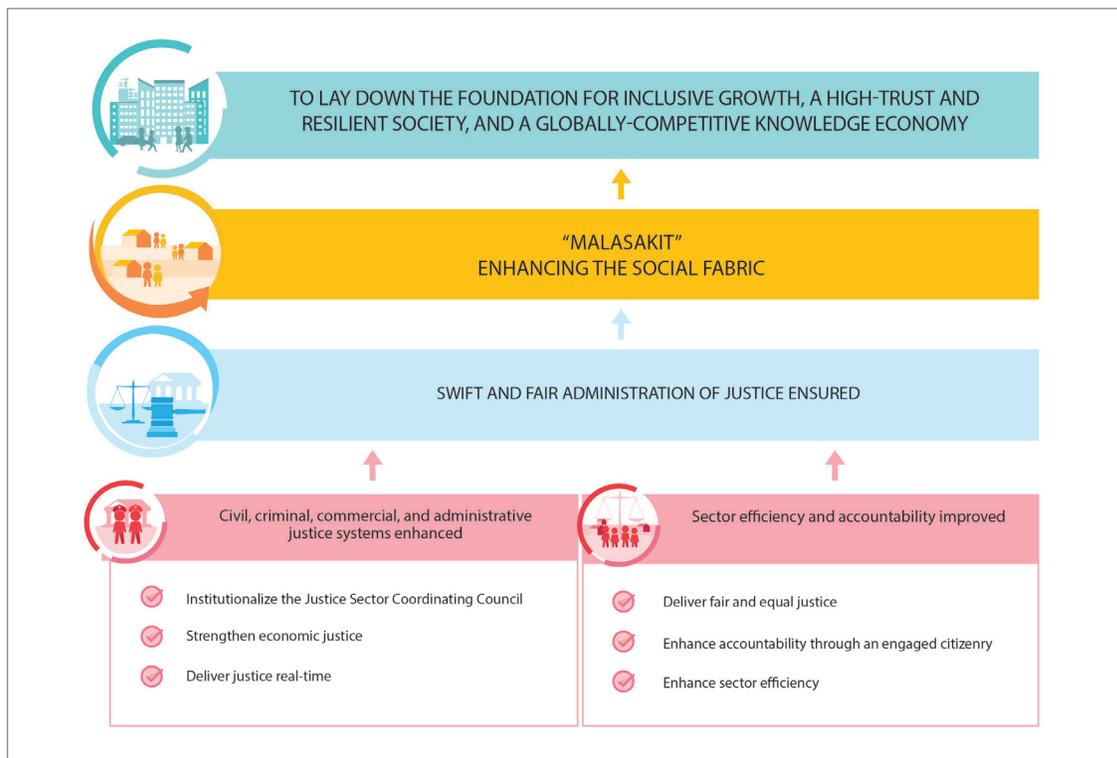
Moving Forward

Initiatives implemented in 2018 paved the way for better access to justice, and thus should be sustained. Further reforms should be carried out efficiently and effectively to address the persisting challenges and gaps that hamper the pursuit of swift and fair administration of justice.

Continuous efforts in the collaboration and cooperation among justice sector agencies will provide better gains in achieving a sector-wide impact. Swifter exchange of information through the roll-out of the different inter-agency information systems will likely enable faster disposition of cases and proper monitoring and release of PDLs in penal facilities.

With this, it is necessary to update and prioritize the strategies to ensure that they will continue to resolve the persisting challenges in the justice sector.

Figure 6.1 Strategic Framework to Pursue Swift and Fair Administration of Justice



To enhance civil, criminal, commercial, and administrative justice systems

Continue to pursue measures to address fragmentation in the justice system and improve inter-pillar coordination and cooperation. Institutionalizing the Justice Sector Coordinating Council (JSCC) and securing continuing annual program appropriations will pave the way for effective and efficient coordination among all justice sector agencies and other stakeholders. The creation of provincial and regional Justice Zones will foster greater coordination with local government units. The sustained implementation of the NJIS and its component systems, including the conduct of training and awareness on its use and the distribution of equipment and hardware for pilot regions, will be a big push towards a sector-based approach in administering justice. Moreover, uniform procedures in filing cases on illegal drugs cases and evidence management should be adopted to fast-track the resolution of these cases.

The passage of legislation that aim to address fragmentation in the justice system should also be fast-tracked. Among these are the (a) Criminal Investigation Bill to institutionalize the prosecutors' role in case build-up with law enforcers; (b) Unified Corrections and Jail Management Systems Bill to integrate correction and jail management into one new unified institution; and (c) Harmonized Penology Bill to transfer the supervision and control of provincial jails to BJMP.

Sustain efforts and implement complementary strategies to address the backlog in resolving cases. These include fully operationalizing the Office for ADR in accordance with RA 9285 and adopting the APEC Collaborative Framework for Online Resolution of Cross-Border Business to Business Disputes especially for small and medium enterprises. The DOJ and Judiciary should also harmonize its procedures on cybercrime investigation, prosecution, and electronic evidence collection; and sustain trainings on these thereon.

The documentation, investigation, and monitoring of critical human rights violations such as extra judicial killings, atrocities of Martial Law, and gender-related violence, among others, should be reinforced with CHR as the lead agency.

There is also a need to push for legislation that aim to ease case backlogs such as the (a) creation of the Judges-at-Large positions; (b) redefining the mandate of Public Attorney's Office including the automatic increase of public attorney positions upon creation of new court branches; and (c) strengthening and reorganizing the National Prosecution Service to expedite the hiring process of prosecutorial positions.

To improve sector efficiency and accountability

Prioritize construction of jails and facilities with the provision of necessary human, physical, technological, and security resources to alleviate the persistent congestion in penal facilities. The BJMP jails and BuCor prison facilities have exceeded their capacities by a staggering 582 percent⁴ and 133 percent,⁵ respectively. Alongside concerted efforts to provide legal assistance and hasten case resolution, there is a need to provide humane living conditions of PDLs as overcrowding has resulted in health and sanitation problems as well as gang affiliations. Hence, additional jails and prisons should be constructed and existing facilities improved.

⁴ BJMP Data as of May 2018, BJMP Website

⁵ BuCor Data as of November 2018, BuCor Website

Additional rehabilitation facilities should also be constructed and programs should be improved for the reintegration of PDLs to community life. In particular, the design and training for reformation/technical officers should be enhanced. Adopting these measures becomes more imperative in light of the relentless campaign against illegal drugs that has led to the arrest of almost 164,000 drug personalities⁶ since 2016.

Decongestion programs should also be properly conducted. These include improving the management of inmate records; implementing the provisions of the Uniform Manual on Time Allowances and Service of Sentence and the Plea Bargaining Programs; expediting the release of qualified PDLs; and maximizing the use of EPLM to support jail paralegals' continuing education.

Address persistent sector inefficiencies by improving processes and systems. The enhancements made in the financial management and procurement processes should be sustained, coupled with the institutionalization of a competency framework and development program for the entire sector. These processes, along with other systems and procedures, should be reengineered pursuant to the Ease of Doing Business and the Efficient Government Service Delivery Act of 2018. Moreover, a resiliency and operations continuity plan should be developed to ensure safety and preservation of evidences and court records.

Develop local indicators to more accurately assess the performance of the justice system. While the country's performance in global justice indicators is being monitored, local measures and indicators must also be institutionalized to more accurately gauge the state of the country's justice system. Towards this end, the establishment of local indicators on justice through a National Governance Index and Crime Victimization Survey and through client feedback and complaint monitoring and evaluation systems in all justice sector institutions should be prioritized. Meanwhile, a serious review of justice-related global indicators must be undertaken to identify drivers for improvement.

Regularly evaluate the effectiveness of judicial reforms and the justice system overall. The recently implemented reforms have benefitted from the independent evaluation of the Action Program for Judicial Reform 2001-2006 which recommended the continuous improvement of the ADR to increase the poor's access to justice. It also prompted the formulation of a follow-on program to improve strategy for public awareness. Also being conducted is the Second National Survey on the User's Experience and Perception on the Judiciary. In addition, an impact evaluation study on three (3) selected judicial reform projects (eCourts System, Small Claims Procedure, and Continuous Trial Guidelines) will commence in 2019.

All these will guide the crafting a Communication Plan as it takes into account the insights of the public and investors, and as reference in developing new programs and projects.

In addition, the CHR should take the lead in the review and assessment of stakeholder engagement with security and law enforcement agencies, government agencies, and civil society at the central and regional levels.

⁶ #RealNumbersPH Data as of November 2018, PDEA Website