

CHAPTER 6

Pursuing Swift, Fair, and Humane Administration of Justice

Access to justice is a fundamental aspect of the rule of law. This is underscored in the Updated Philippine Development Plan 2017-2022, which aims to ensure access to civil and criminal justice, especially by the poor and the vulnerable and marginalized sectors through ICT-enabled systems, digital infrastructure, and strengthened alternative dispute resolution mechanisms. The courts and justice sector agencies envision an enhanced and inclusive administration of justice as the country gears towards recovery.

ASSESSMENT

The courts and justice sector agencies were able to sustain case disposition rates despite the impediments posed by the COVID-19 pandemic. This accomplishment can be attributed to streamlined justice processes, revised judicial rules and procedures, and sector-wide collaboration. These developments were complemented by improvements in the legal framework and ICT-enabled systems of judicial and investigation procedures.

Despite said improvements, the overall scores of the Philippines in cross-country indices remain low. The country scored well in civil justice but failed to meet 2020 and 2021 targets in the fundamental rights and criminal justice sub-indicators under the World Justice Project and in the rule of law index of the Worldwide Governance Indicators. The weak performance may be attributed to poor public perception and expert opinion on fundamental rights and criminal justice, particularly on its sub-indicators on freedom of expression¹, freedom of assembly², and due process of law.³ The country saw a sharp decrease in the due process of law in 2021, slipping 17 ranks lower with a 13 percent decrease in score. While the ranking and score of the country in both the freedom of expression and freedom of assembly decreased by 14 ranks and by 8 percent in score.

¹ Under fundamental rights, the sub-indicator on freedom of expression measures whether an independent media, civil society organizations, political parties, and individuals are free to report and comment on government policies without fear of retaliation,

² Under fundamental rights, the sub-indicator on freedom of assembly measures whether people can freely attend community meetings, join political organizations, hold peaceful public demonstrations, sign petitions, and express opinions against government policies and actions without fear of retaliation

³ Included in both fundamental rights and criminal justice, the sub-indicator on due process of law and rights of the accused measures whether the basic rights of criminal suspects are respected, including the presumption of innocence and the freedom from arbitrary arrest and unreasonable pre-trial detention.

STREAMLINING ICT-ENABLED CRIMINAL, CIVIL AND ECONOMIC JUSTICE PROCESSES

Initiatives to improve criminal, civil, and economic justice processes were implemented to facilitate speedy disposition of cases and to declog court dockets. The enactment of Republic Act No. 11576 expanded the jurisdiction of first-level courts by setting higher threshold values for civil cases, allowing them to hear more cases. The law is expected to address delays in the disposition of cases due to the overload of cases assigned to regional trial court judges.⁴ The use of Alternative Dispute Resolution (ADR) has also contributed to unclogging court dockets. In its 2021 data, the Office for Alternative Dispute Resolution (OADR) under the Department of Justice (DOJ) reported 201,498 cases that were settled through mediation, conciliation, and arbitration under the *Katarungang Pambarangay*.

In ensuring the continued operation of the trial court system, the Supreme Court institutionalized the use of videoconferencing for hearings.⁵ Related to this, it also authorized Philippine embassies and consulates to serve as venues for online hearings for Filipino litigants abroad.⁶ A total of 778,206 online hearings in both criminal and civil cases were conducted from May 2020 to February 2022.

Efforts to decongest jails and prisons were pursued. As part of the government's efforts to decongest penitentiaries in order to mitigate health risks, the Bureau of Jail Management and Penology released 50,489 persons deprived of liberty (PDL) in 2021.⁷ Construction of new penal facilities continued to be carried out, including the inauguration of jail facilities in Mandaluyong City and completion of Phase 1 of the New Quezon City Jail Building in Payatas.⁸ The Bureau of Corrections has also entered into a joint venture agreement for the transfer of prison facilities from the National Bilibid Prison in Muntinlupa City to Nueva Ecija, which is expected to accommodate 30,000 male PDLs and 4,000 female PDLs.

The *e-Dalaw* system was intensified to lessen the risk of exposure to COVID-19 of PDLs and their families. In 2021, a total of 104,838 PDLs availed the *e-Dalaw* System in 474 jails nationwide.

IMPROVING SECTOR EFFICIENCY AND ACCOUNTABILITY

Mechanisms to enhance sector-wide coordination were improved. The Justice Sector Coordinating Council (JSCC) has designated Calamba City, Laguna as a Justice Zone through JSCC Joint Resolution 01-2021, bringing the total number of special focus areas to seven (see box article on Justice Zones on [page 58](#)). The DOJ, in partnership with the Department of Information and Communications Technology, updated the National Justice Information System (NJIS) plan to focus on the registry systems for cases and PDLs, and on the information exchange procedures among law enforcement and penology/corrections agencies.

⁴ "An Act Further Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purposes Batas Pambansa Blg. 129, Otherwise Known as 'The Judiciary Reorganization Act of 1980,' As Amended," (RA 11576)

⁵ A.M. No. 20-12-01-SC (effective December 9, 2020) on Proposed guidelines on the conduct of videoconferencing

⁶ Office of Court Administrator (OCA) No. 133-2021 (effective November 3, 2021) Guidelines on the conduct of videoconferencing with respect to remote appearance from abroad

⁷ The release of PDLs can be attributed to the following measures: 1) BJMP's continuous paralegal interventions; 2) Supreme Court's issuance of A.C. No. 38-2020, which provides the guidelines on reduced bail and recognizance as modes for releasing indigent PDLs; 3) Supreme Court's issuance of OCA Circular No. 91-2020, which requires the effective implementation of the rights of the accused to bail and to a speedy trial; and, 4) RA 10592 or the Good Conduct Time allowance Law, among others.

⁸ Other facilities constructed are in Negros Occidental, particularly in the cities of Escalante, La Carlota, Himamaylan, and Sagay. Construction of more city and municipality jails is in the pipeline with the BJMP's acquisition of properties in the cities of Baguio and Tabuk and municipality of Tanudan.

As of November 2021, the procurement of services to develop and further enhance the NJIS was underway.⁹

The Philippines signed the Jakarta Declaration. The Philippines, through the Chief Justice, signed the Jakarta Declaration during the 9th Meeting of the Council of ASEAN Chief Justices on October 7, 2021. The Jakarta Declaration supports the establishment of a task force within the ASEAN Judiciaries Portal (AJP) Working Group to consider issues related to the use of social media as an additional platform for engaging the public and wider international community.

The Supreme Court has adopted a child-friendly and gender-sensitive justice system. The Supreme Court, through Memorandum Order No. 90-2021, adopted the Civil Service Commission guidelines, among others, on the use of gender-fair language in issuances, decisions, orders, and communications in the Judiciary.¹⁰ It also issued OCA Circular No. 136-2021 to ensure that evidence containing sensitive photographs and recordings shall only be presented through in-court proceedings and not through videoconferencing to protect the welfare of women and children.¹¹

⁹ The NJIS includes the following components: 1) Middleware Exchange Platform; 2) Philippine Crime Index; 3) Prosecution Case Management System; and 4) Single Carpeta System.

¹⁰ Memorandum Order No. 90-2021 (effective September 24, 2021) on Use of gender-fair language in the judiciary

¹¹ OCA No. 136-2021 (effective November 10, 2021) on Presentation of evidence containing sexual abuse photographs and recordings

IN FOCUS: JANO, PERSON DEPRIVED OF LIBERTY



Jano was a construction worker who had a part-time job as a personal courier for several establishments. While doing a delivery, he was caught carrying drugs in a police entrapment operation.

Now behind bars and waiting for his drug trafficking case to move forward, Jano faces several challenges. A qualified indigent, he is assigned a public attorney. However, mobility restrictions due to the pandemic continue to cause a delay in his investigation, hearing, and trial.

The prolonged detention exposes Jano to a greater risk of contracting the virus. He is also susceptible to developing psychological issues given the limited physical interaction with his family and his frustration with the justice system. Jano hopes that poor and marginalized individuals like him have greater access to justice, especially during emergencies.

STRATEGIC FRAMEWORK

The challenges confronting Jano are shared by many PDLs, who seek to be released from jails and start anew with their loved ones. To attain this aspiration, it is important to ensure greater access to swift, fair, and humane administration of justice especially by the poor, vulnerable, and marginalized sectors, even during national emergencies.

To sustain the gains achieved by the justice sector, the government will continue to pursue strategies to achieve the following outcomes: 1) ICT-enabled and streamlined criminal, civil, and economic justice processes; and 2) improved sector efficiency and accountability. As the country transitions to the new normal, it will also adopt new strategies that are responsive to the challenges that confronted the justice sector, especially during the COVID-19 pandemic.

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



Note: Text in bold are revised/new strategies to address the challenges identified in the sector.

STRATEGIES

TO STREAMLINE ICT-ENABLED CRIMINAL, CIVIL AND ECONOMIC JUSTICE PROCESSES

Streamline and digitalize the justice system for unhampered and speedy resolution of criminal and civil cases. The justice sector will continue to streamline and adopt ICT-enabled systems to ensure continuous administration of justice even during emergencies. Specifically, it will undertake the following: 1) maximize the use of digital technology in the administration of justice; 2) strengthen the witness protection program and establish a whistleblower protection program; 3) construct and rehabilitate disaster-resilient, green and IT-enabled courthouses nationwide; 4) advance the use of alternative dispute resolution mechanisms; and 5) strengthen the OADR.

Ensure access to justice especially by poor, vulnerable and marginalized groups. The justice sector will continue to improve its capacity to ensure accessible and affordable justice for all. The DOJ will review the allocation of new positions for prosecutors and Public Attorney's Office (PAO) lawyers to address the shortage of public attorneys in organized salas. The Supreme Court will pursue the creation of new court plantilla positions to complement the digitalization of the judiciary system. The limited practice of law will be promoted through the implementation of the Revised Law Student Practice Rule to allow externship¹² in courts as a means of complying with the Clinical Legal Education Program of law schools. Lastly, the Board of Claims will strengthen its victim compensation program by educating the marginalized groups and increasing the compensation for victims.

Pursue jail and prison management and corrections reforms. The government will continue construction and repair of penal facilities to provide humane living conditions for PDLs. To minimize transmission of COVID-19 and address other health risks, it will sustain the *e-Dalaw* System and introduce the same interface in more jails. The government will also establish a unified penology and corrections system to address fragmentation of the institutional framework of said system. It will pursue corrections reforms by sustaining livelihood and literacy programs for PDLs and by providing educational training with strong ethics course on the use of technology. The Commission on Human Rights (CHR) will pursue legislation to operationalize the National Preventive Mechanism to improve the human rights situations of PDLs, the conditions of detention facilities, and the prevention of torture.

TO IMPROVE SECTOR EFFICIENCY AND ACCOUNTABILITY

Strengthen inter-agency coordination mechanism. To provide more platforms for effective coordination among agencies at the local level, the JSCC will pursue its target to establish seven more justice zones by 2022. The justice sector will also expedite the launch of the NJIS to facilitate the management and exchange of information among law enforcement and justice sector agencies. The rollout

¹² As defined in the Supreme Court's Rule 138-A or the Law Student Practice, externship is part of the clinical legal educational program if: (a) it allows students to engage in legal work for the marginalized sectors or for the promotion of social justice and public interest; and (b) it is undertaken with any of the following: (i) the courts, the Integrated Bar of the Philippines (IBP), government offices; and (ii) law school-recognized non-governmental organizations (NGOs). Source: <https://sc.judiciary.gov.ph/4808>

of the NJIS will include the full implementation of Single Carpeta System. The JSCC will reactivate the Technical Working Group on Evidence Management System. The Evidence Management System will include improvement in the handling and tracking of the chain of custody of evidence and management of digital recordings in view of the use of body-worn cameras in the execution of search warrants.

Pursue international commitments. To strengthen the country's international commitment to criminal justice, the government will revisit the country's withdrawal from the Rome Statute of International Criminal Court.

Establish the Commission on Human Rights Charter. In compliance with the requirements of the UN Paris Principles affecting National Human Rights Institutions, the government will pursue legislation establishing the CHR charter to ensure its independence, including full fiscal autonomy.

RESULTS MATRIX

Table 6.1 Accomplishments in Pursuing Swift, Fair, and Humane Administration of Justice

INDICATORS	BASELINE (YEAR)	TARGETS			ACTUAL		
		2020	2021	2022	2019	2020	2021
Subsector Outcome 1: Criminal, civil, and economic justice processes ICT-enabled and streamlined							
World Justice Project – Rule of Law Index improved							
Sub-indicator on Fundamental Rights improved							
Percentile rank	26.55 (2016)	28.00	29.00	29.00	16.67	16.41	11.51
Score	0.50 (2016)	Increasing	Increasing	Increasing	0.42	0.41	0.39
Sub-indicator on Civil Justice improved							
Percentile rank	23.01 (2016)	25.00	27.00	27.00	21.43	28.13	27.34
Score	0.45 (2016)	Increasing	Increasing	Increasing	0.44	0.46	0.45
Sub-indicator on Criminal Justice improved							
Percentile rank	25.66 (2016)	27.00	29.00	29.00	10.32	12.50	13.67
Score	0.36 (2016)	Increasing	Increasing	Increasing	0.31	0.31	0.31
Subsector Outcome 2: Sector efficiency and accountability improved							
Percentile rank in the Worldwide Governance Indicator – Rule of Law improved ^a	43.27 (2015)	46.00	50.00	50.00	34.13	31.73	NA

Note: 2020 targets were set prior to onset of the COVID-19 pandemic and retained in the midterm update. 2021, 2022, and end-of-plan targets were adjusted to take into consideration the effects of the COVID-19 pandemic.

^{a/} Due to World Bank's annual recalculation, country scores in the rule of law index may change.

JUSTICE ZONES AS FOCUS AREAS IN UNCLOGGING COURT DOCKETS, SECTOR COORDINATION

The Justice Sector Coordinating Council (JSCC) continues to expand its list of project areas designated as Justice Zones. In a Joint Resolution 01-2021 dated March 11, 2021, the JSCC has added Calamba City, Laguna to the roster that includes the cities of Angeles, Bacolod, Cebu, Davao, Naga, and Quezon.

The Justice Zones are JSCC's project areas supported by the Justice Sector Reform Programme: Governance in Justice (GOJUST) Programme. These areas act as venue for innovative court declogging programs and where local justice sector actors such as the police, prosecutors, public attorneys, judges, and prison staff can work together to identify common problems and generate common solutions.

The Supreme Court, the Department of Justice and the Department of Interior and Local Government comprise the JSCC, which aims to have a total of 14 special focus areas by 2022.

The GOJUST program is funded by the European Union and aligns with JSCC's goals to improve access to justice as a way of achieving inclusive and sustainable socioeconomic development.