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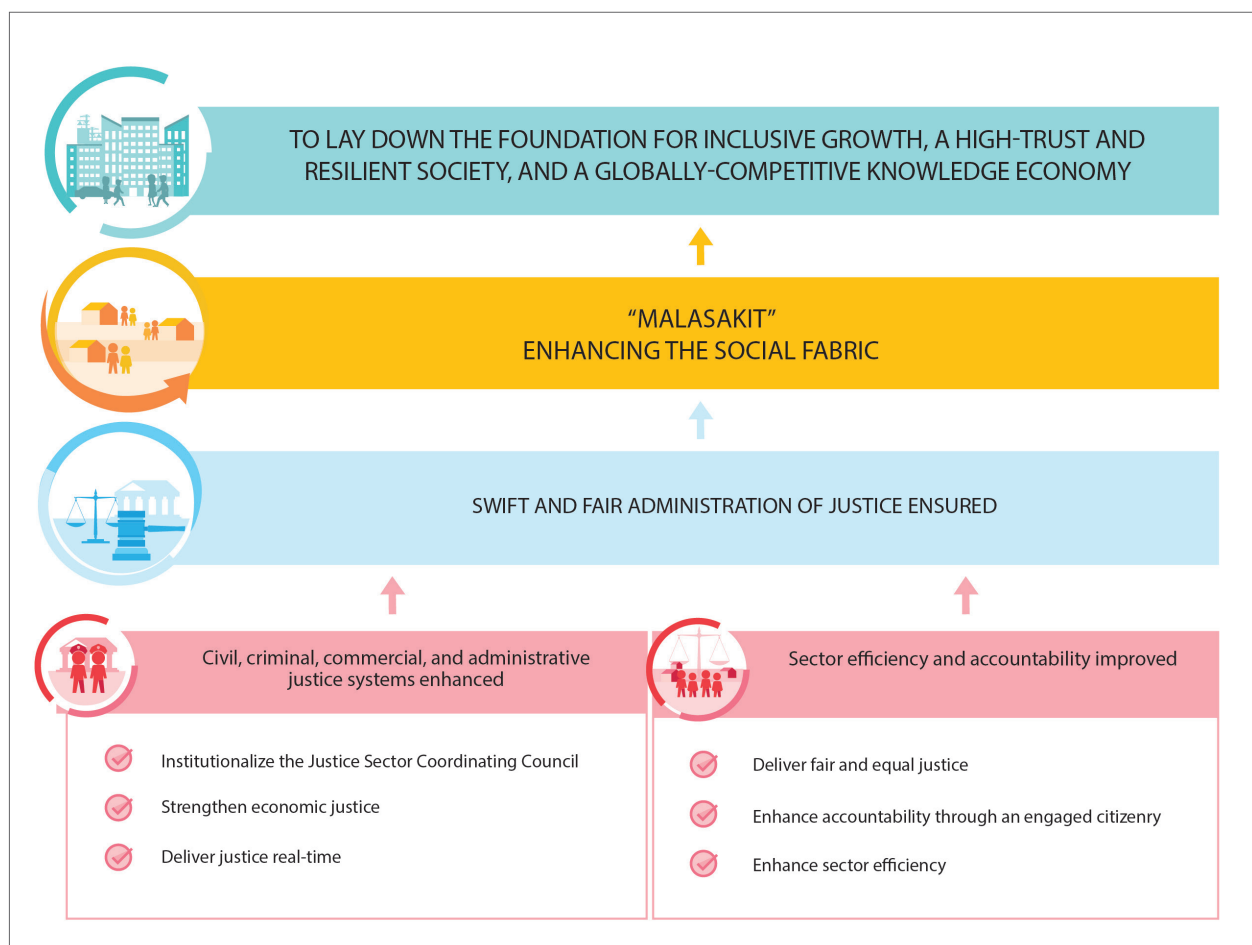
Pursuing
Swift and Fair
Administration
of Justice

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The delivery of swift, fair, and real-time justice is imperative and critical to the realization of the Filipino dream of a stable, comfortable, and secure life. It is likewise crucial in building the trust of the people towards the government.

The Philippine Development Plan (PDP) 2017-2022 has underscored the importance of shifting from an institution-based to a sector-based approach in the administration of justice. An efficient and effective cooperation among the five pillars of the justice system—law enforcement, prosecution, courts, correction, and community—is necessary for the shift. Reforms have been initiated, but will need to be further intensified and accelerated.

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



Accomplishments

For 2017, the justice sector has made significant strides in achieving its targets. Most interventions focused on setting up mechanisms and information systems that are critical in laying down the foundation for integrated and harmonized efforts of justice sector agencies. Necessary issuances and measures were made to make it easier for people to avail of justice services and to expedite the disposition of cases.

Enhancing civil, criminal, commercial, and administrative justice systems

Information sharing systems and harmonized procedures are being set up for better coordination among agencies at various levels within the justice system. The Department of Justice (DOJ) and the Department of the Interior and Local Government (DILG) developed and formally issued the Uniform Manual on Time Allowances and Service of Sentence to harmonize inter-agency corrections systems and procedures. The manual prescribes the standard procedures for prisons nationwide on inmate good conduct time allowances and determination of appropriate time of release. The Single Carpeta System has also been developed and integrated with the agency systems of the Bureau of Jail Management and Penology (BJMP), DOJ Board of Pardons and Parole, and Parole and Probation Administration. It is also part of the National Justice Information System (NJIS) and is aligned with the Uniform Manual. The system is designed to be interoperable in terms of sharing electronic data through a central exchange portal. Once completed, the system of the Bureau of Corrections will also form part of the Single Carpeta System.

The DOJ also facilitated the development of Philippine Crimes Index, a single reference list of offenses and corresponding penalties under all national laws with penal provisions. The index is currently being finalized for immediate use in the NJIS and its component systems. It will be a vital reference for the ongoing development of the Philippine Classification of Crime for Statistical Purposes in line with the 2015 United Nations International Standard.

The Justice Sector Coordinating Council (JSCC), composed of the Judiciary, DOJ, DILG, and their relevant attached agencies, continues as a collaborative mechanism to implement the justice sector reform agenda.

Measures to improve the timeliness of justice delivery have been initiated. Substantial steps have been taken to address case backlogs. Although full-year data for 2017 are not yet available, initial data¹ show that 85.03 percent of the total inventory of cases have been disposed. Despite this, backlogs in preliminary investigation remained high at 53.18 percent. To address this, the DOJ National Prosecution Service (NPS) launched its Case Decongestion Project to clear backlogs on highly congested prosecution offices and develop institutional measures to address NPS-wide backlogs. In addition, the Judiciary has completed the deployment of 635 Case Decongestion Officers to highly congested trial courts. The new Prosecution Case Management System is also being fine-tuned to facilitate case recording, documentation, monitoring, tracking, accountability, and reporting.

The Supreme Court issued the Revised Guidelines for Continuous Trial of Criminal Cases, covering existing trial courts and newly-filed and pending criminal cases with respect to the remainder of the proceedings. The 2017 target of establishing 295 e-courts has been met.

¹ Available data as of January 2018, at 85 percent submission rate.

To facilitate the speedy disposition of cases, interventions to reinforce Alternative Dispute Resolution (ADR) mechanisms have been put in place. ADR mechanisms and mediations promoted and conducted by the Office of the Alternative Dispute Resolution, Public Attorney's Office (PAO), and courts render sustained success rate. Other ADR mechanisms such as Judicial Dispute Resolution, Appellate Court Mediation, and Mobile Court Annexed Mediation are also being maximized.

Improving sector efficiency and accountability

Significant measures to improve the delivery of fair and equal justice are being undertaken. Notably, Republic Act No. 10951 (Amendment to the Revised Penal Code) is the first justice sector-related legislative measure passed under this Administration. It imposes stiffer, updated, and/or rationalized penalties for crimes committed in violation of the Revised Penal Code. In addition, the DOJ issued guidelines for prosecutors on plea bargaining agreement for offenses under RA 9165 (Comprehensive Dangerous Drugs Act of 2002). The issuance provided a definitive guidance and maximized the use of plea bargaining on illegal drugs cases to improve the efficiency of criminal prosecution and to expedite court proceedings.

To increase the people's access to adequate legal aid, the Supreme Court issued the Community Legal Aid Service Rule² which requires lawyers, beginning with those who passed the 2017 Bar Examinations, to render pro bono community legal aid services to qualified parties. Furthermore, all requests for free legal assistance and representation were acted upon within three working days from date of request.

To strengthen programs on victim assistance, the DOJ Victims Compensation Program processed and approved additional 376 claim applications by heinous crime victims, exceeding the 2017 target of 100 processed claims. The Commission on Human Rights has increased the resolution rate of human rights cases within the prescribed period to 68.76 percent. In terms of timeliness, inmates qualified for release were set free on time. These include those in city/municipal/district jails who are qualified based on court orders and those in national prisons who were granted parole/pardon, as well as those who have served their sentence.

To address the steadily rising number of new drugs cases, Regional Trial Courts are now allowed to hear, try, and decide cases filed under the Comprehensive Dangerous Drugs Act of 2002.³ This measure was complemented with the construction of additional jail and prison facilities.

To improve corrections reform actions, jails manned by the BJMP were certified to be compliant with the Therapeutic Community and Modality Program. The program is a holistic approach where communities are engaged in facilitating rehabilitation programs for inmates, especially drug dependents. In addition, *REHABiNasyon*, a unified campaign against illegal drugs that puts premium to rehabilitation, was launched by the Inter-Agency Committee on Anti-Illegal Drugs (ICAD).⁴ Moreover, improvements on inmate/offender rehabilitation programs may have contributed to the decrease in the reoffending rate among convicted offenders, which was 1.45 percent lower than the 2016 figures.

To enhance accountability through engaging the citizenry, the Enhanced Justice on Wheels continues to be a venue for disseminating and educating citizens on relevant laws and judicial reform projects, alongside hearing of cases. Moreover, an "all points broadcast" approach, through the Supreme Court official website, YouTube, Facebook, and short videos and the setting up of information campaign booths in malls, stimulated the public's

² Supreme Court A.M. No. 17-03-09

³ Supreme Court A.M. No. 16-07-06 – Ordering 240 Other Regional Trial Courts to hear, try and decide newly-filed cases under the Comprehensive Dangerous Drugs Act of 2002 (RA 9165), As Amended

⁴ ICAD was created by virtue of Executive Order (EO) No. 15, s. 2017.

awareness and engagement in the improvement of the justice system, particularly on the 2016 Revised Rules of Procedure for Small Claims Cases. Also, the Volunteer Probation Aides Program has heightened and maximized community involvement and participation in community-based programs. This is envisioned to help in the prevention of crime, treatment of offenders, and improvement of criminal justice administration.

As planned, the DOJ has proposed the inclusion of Access to Justice Survey in the National Governance Index and in the Philippine Statistical Development Program to measure the accessibility of and people's awareness of, and trust in, the justice system.

To facilitate assistance to nationals, Philippine embassies and consulates have been taking in or hearing witnesses' depositions. To streamline this procedure, the Department of Foreign Affairs-Office of Legal Affairs recently issued and circulated the "Guidelines in the Taking of Depositions before the Philippine Consular Officers Abroad."

Moving Forward

The aforementioned initiatives need to be sustained and further enhanced. Reforms also need to be institutionalized in order for the system to be more resilient to political disruptions. Specifically, the following strategies should be implemented:

Improve inter-pillar coordination and cooperation. Until the coordination issues within the justice system and the pervasive fragmented legal and institutional framework are addressed, a whole-of-justice sector approach may be difficult to achieve. To address these issues, the justice sector should establish necessary coordination mechanisms and continuously harmonize efforts in the justice ecosystem. To do this, the following actions should be undertaken:

- Strengthen and maximize institutional arrangements within the JSCC.
- Continue the establishment of Justice Zones.
- Harmonize inter-agency policies, systems, and procedures for penology and corrections.
- Pursue the completion and adoption of the Philippine Crimes Index.
- Continue implementation of the NJIS and its component agency/inter-agency systems. Accordingly, establish and enhance necessary information and communications technology systems, including those that will facilitate sharing and harmonization of data among the justice sector agencies.
- Fast-track the passage of the proposed Criminal Investigation Act that seeks to streamline processes for case buildup by clarifying the roles of prosecutors and law enforcers. The bill also seeks to raise the evidence threshold for filing cases in court.

Rationalize and streamline processes within the justice sector including processes on case management, case decongestion, and updating of the DOJ Bail Bond Guide. Appropriate internal controls will have to be put in place to ensure that cases are decided based on evidence and meritorious consideration.

Ensure speedy and timely appointment of prosecutors. The lack of prosecutors contributes to the buildup of preliminary investigation and pending prosecuted cases. The speedy and timely appointment of prosecutors is needed to meet the ideal ratio of courts pursuant to RA 10071 (Prosecution Service Act of 2010) and to cope with the huge case load brought about by the campaign against illegal drugs. The process of screening candidates for judicial and prosecutorial positions should also give due consideration to integrity to ensure that decisions and resolutions are based on facts and the rule of law.

Create additional public attorney positions and new courts with judges and complete staff complement. Increase in case load should be complemented with the necessary human resources and facilities to achieve the ideal ratio per RA 9406 (Act on Reorganizing and Strengthening of the Public Attorney's Office). Amending the Judiciary Reorganization Act and Redefining the PAO's Mandate Act should be fast-tracked to address docket congestion.

Ensure continuous conduct of decongestion programs and timely construction of jail and prison facilities. Infrastructure construction, establishment of jail and regional prisons, and a comprehensive decongestion strategy are necessary in responding to the observed steady increase in congestion rate in corrective facilities.

Strengthen the implementation of offender rehabilitation programs in response to the War on Drugs campaign. Programs may include health-related activities, skills training, and interventions towards effective rehabilitation and reformation of offenders.

Engage the citizens through implementing communication and transparency strategies, conducting survey on access to justice, and providing venue to civil society participation through formal multisectoral mechanisms established by law and/or policies. Advocacy efforts will be continuously conducted to promote mediation and arbitration. In the long run, this will help declog court and prosecution dockets and help establish citizens' mindsets to seek peaceful and amicable settlement of disputes.

Recommendations

The justice sector has enumerated a number of strategies requiring investments in the Public Investment Program 2017-2022. In addition, the following are recommended:

Table 6.1 Supplemental Strategies to Pursue Swift and Fair Administration of Justice

CHALLENGES	RECOMMENDED STRATEGIES	IMPLEMENTING AGENCIES
<ul style="list-style-type: none"> Heavy caseload and congestion in jails and prisons Lack of local indicators that assess the performance of the justice sector and validate the results of global indicators which are solely based on perception surveys 	<ul style="list-style-type: none"> Review and amend existing penal laws, its corresponding penalties and criminal procedures to rationalize penalties and expedite the disposition of cases. Develop indicators that are reflective and relevant to the Philippine justice system to come up with an apt performance assessment on the country's justice system. 	SC, DOJ, DILG
<ul style="list-style-type: none"> Slow appointment of prosecutors causing the continued backlogs and delays in both the prosecution and the court 	<ul style="list-style-type: none"> Strengthen and reorganize the National Prosecution Service to expedite the hiring process of prosecutorial positions. 	DOJ
<ul style="list-style-type: none"> Fragmented institutional and legal framework of the justice system that hinders the effective coordination among justice sector institutions 	<ul style="list-style-type: none"> Review and harmonize the institutional and legal framework on penology and corrections. 	NEDA