

# Chapter 17

## Basic Need: Rule of Law

### I. SITUATIONER

Over the last five years, the government has taken concrete steps to restore public trust and confidence in the judicial system. One of the fundamental strides taken was the preparation of the Action Program for Judicial Reform (APJR), which contains a wide-ranging yet comprehensive set of reform projects aimed at enhancing performance for improved delivery of judicial services.

The APJR envisions a Judiciary that is independent, effective and efficient. It also advocates the provision of quality, ethical, accessible and cost-effective legal service.

Several laws have been passed to improve justice administration in the country. These are:

1. Republic Act (RA) 8246, which provides for Additional Divisions in the Court of Appeals. It also aims to make court litigation faster and more convenient;
2. RA 8557, which establishes the Philippine Judicial Academy as a separate unit of the Supreme Court. It seeks to provide Judiciary members with continuing education and training; and
3. RA 9297, which provides for the increase in government prosecutors and state counsels' remuneration.

To achieve holistic reforms in the criminal justice system, the government has coordinated its five pillars, namely: the courts; the prosecution pillar; the enforcement pillar; the corrections and rehabilitation pillar; and the community pillar.

The Judiciary has also reviewed the Barangay Justice System, formulated the Department of Justice (DOJ) Reform Agenda, prepared the DOJ and Philippine National Police diagnostic studies, evaluated the country's penal institutions and prison conditions, and conducted baseline studies on the Public Attorney's Office (PAO). The government has also been involved in the jail decongestion project.

Despite these efforts, delays in the resolution of cases and perceived graft and corruption have continued to weaken confidence in the criminal justice system. As of end 2003, caseloads and clearance rates in all courts remained low (42.98% average). The number of pending cases in all courts reached only 811,274. Moreover, only 588,152 out of 816,684 pending cases were disposed of in all courts at the beginning of 2003.

**Table 17-1 Caseload and Clearance Rates in the Courts, 1999-2003**

Year	Beginning Year Pending	Inflow	Outflow	Ending Year Pending	Annual Clearance Rate (%)
1999	787,860	686,228	664,014	810,074	45.05
2000	810,074	686,244	678,564	817,754	45.35
2001	817,754	564,721	569,059	813,416	41.16
2002	813,416	578,514	575,246	816,684	41.33
2003	816,684	582,742	588,152	811,274	42.03

Other critical issues that need to be addressed are weak institutional systems, poor court technologies and facilities, inadequate human resource development program, and perceived limited access to justice by the poor and marginalized sectors of society.

The prosecution service still experiences a shortage in number of prosecutors. Despite the recent increases in allowances, many prosecutors are still leaving to become private practitioners or judges.

As the current ratio of prosecutor per litigant is 1:20, more than 500 prosecutors are needed to expedite the resolution cases. As of end 2002, the National Prosecution Service (NPS) had 58,766 cases pending before it. Over the course of 2003, some 405,344 more cases were added to the number, prompting the NPS to tackle a total of 464,110 cases in 2003.

For the discussion on law enforcement, see Chapter 16: Basic Need: Peace and Order.

In the area of corrections and rehabilitation, the Bureau of Corrections (Bucor) targets to safe keep and rehabilitate national prisoners. In the year 2002, Bucor admitted a total of 4,734 prisoners. Recidivism remained at 4 to 5 percent of the total inmate admission for the last 10 years. As of December 2003, Bucor maintained a total of 26,792 inmates. Around 62 percent of this number were confined at the National Bilibid Prison (NBP) in Muntinlupa with congestion rate of 92 percent, while the rest are scattered in the five penal farms located in Leyte, Davao and Palawan, Sablayan and San Ramon.

The NBP can only accommodate 8,000 prisoners. However, according to the latest report, the prisoners are more than 17,000. Clearly, jail congestion exists in the NBP. Other major issues that need to be addressed are inadequate food, poor maintenance, and poor jail facilities.

**Table 17-2 Prison Population and Capacity, 2002**

National Penitentiary	Capacity	Actual Population	% to total	Congestion Rate
New Bilibid Prison	8,700	16,134	65	85
Correctional Institution for Women (CIW)	500	951	4	90
Iwahig Prison and Penal Farm (PPF)	3,500	1,974	8	-
Davao Prison and Penal Farm (DPPF)	3,100	3,005	12	-
San Ramonj Prison and Penal Farm (SPPF)	1,300	1,000	4	-
Sablayan Prison and Penal Farm (SPPF)	1,500	1,050	4	-
Leyte Regional Prison (LRP)	1,000	888	3	-
<b>Total</b>	<b>19,600</b>	<b>25,002</b>	<b>100</b>	<b>28</b>

Community participation has to be fully tapped. While initiatives have been introduced to involve citizens in anticrime activities such as tele-reporting through Hotline Patrol 117 and partnering with nongovernment organizations/people's organizations (NGOs/POs), police-community relations could be further improved.

## **II. GOALS, STRATEGIES AND ACTION PLANS**

In addressing court delays and clogged court dockets, the courts with the cooperation of lawyers shall support the Speedy Trial Act of 1998, and the mandatory continuous trial system, especially in criminal cases. The government shall also create more courts.

This can be achieved by creating more first and second level courts, at the same time hiring competent and highly qualified individuals to the Bench.

The government shall support the Supreme Court's vision of quality, ethical, accessible and cost-effective legal service. In particular, the government will

1. Support and complete the ongoing APJR projects on case decongestion, judicial systems and procedure, human resource development (HRD), institutional development, and reform support systems;
2. Improve functional administrative and operating structures in the Judiciary;
3. Provide sufficient public information and collaboration with society;
4. Provide access to justice by the poor through the ongoing institutional development reforms project under the APJR; and
5. Pursue an advocacy on Alternative Dispute Resolution (ADR) mechanisms under RA 9285 in the judicial system.

The following reforms in the prosecution system shall also be pursued:

1. Expedite resolution of cases
  - a. Intensify the recruitment of 500 prosecutors needed to address the disparity in the prosecutor-case ratio;
  - b. Establish information technology system for prosecution service; and
  - c. Inventory all cases for preliminary investigations, evaluations, and petitions for review.
2. Improve free legal services
  - a. Upgrade the skills of public attorneys;
  - b. Regionalize DOJ Action Center to assist walk-in and phone-in clients and letter-senders requesting legal assistance/advice/counseling; and
  - c. DOJ to conduct lectures/seminars for policemen on legal procedures, law, tactical investigation without violating due process, etc.

3. Maximize the utilization of the *Katarungan Pambarangay*
  - a. Prosecutors/public attorneys to conduct nationwide trainers' and barangay officials' training; and
  - b. Legal education assistance to barangay officials through the Barangay Outreach Program of the PAO.

For the discussion on law enforcement, see Chapter 16: Basic Need: Peace and Order.

The government shall pursue an effective rehabilitation program in corrections and rehabilitation. The prisoners' carpentas/prison records through a systematic and improved records system will be strictly monitored to avoid any delay in the release of prisoners. The government shall also provide funding for the improvement of correctional jail facilities, prisoners' food and other equipment.

The DOJ shall issue a directive to all prosecutors to conduct inventory of detention prisoners who might be considered for release.

In the community pillar, linkages and understanding between the community and other pillars of the criminal justice system will be strengthened. Such would improve the administration of and access to justice. Information on the criminal justice process should also be disseminated to the people.

The Barangay Justice System shall be strengthened to prevent minor disputes to reach the courts. With this, a possibility of declogging the courts by 50 percent would be realized. The Barangay Council shall also employ effective and efficient members of the *Lupong Tagapamayapa* and conduct regular training to educate them more about the system.

Likewise, the government will support the Integrated Bar of the Philippines (IBP) and other lawyers organizations that extend free and competent legal services to indigent and deserving members of the community.

The government shall also encourage the formulation of mechanisms that will promote partnership and collaboration among the executive, legislative and the judiciary, including the private sector and civil society, in the effort to speed up the administration of justice. The government shall support the National Council on the Administration of Justice (NCAJ) created through a Memorandum of Agreement among the DOJ, Department of the Interior and Local Government, Supreme Court and IBP with the Justice Secretary as Chairman.

The NCAJ seeks to address recurring problems that affect the administration of the five pillars of the criminal justice system.