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Pursuing Swift and  
Fair Administration  
of Justice



# Pursuing Swift and Fair Administration of Justice

Providing justice is a crucial element in enhancing the social fabric. It serves as a deterrent to those intending to violate the law, provides recompense and closure to the victims of those who violate the law, and gives a chance to those convicted of violating the law to face the consequence of their action and redeem themselves in society.

Providing justice is the role of government, therefore, the administration of justice must be swift and fair so that people trust government.

Under the Philippine Development Plan (PDP) 2017-2022, the traditional institutions-based method of justice administration will be shifted to a more sector-based approach. It highlights coordination among the justice sector institutions, agencies, and actors to ensure a swift and fair administration of justice. This historic shift will deliver justice in a way that is responsive to the demands of its constituents.

## Assessment and Challenges

Previous reform initiatives boosted the country's ranking in the global indices. Advances made in the past six years toward improving the administration of justice and enhancing economic justice resulted in generally improved rankings in the Ease of Doing Business (EODB) Survey Index and the Global Competitiveness Index (GCI). These indices include indicators on judicial independence, efficiency of legal framework in settling disputes, efficiency of legal framework in challenging regulations, and ease of resolving insolvency. While there has been a decline in some indicators in the last three years, improvements are still generally remarkable over time. However, there are still many issues that need to be addressed.

**Fragmentation of the justice system remains a challenge.** Traditionally, the five pillars of the justice system – law enforcement, prosecution, courts,

correction, and community – performed their respective roles independently, albeit with narrow focus on their spheres of authority. This resulted in procedural inconsistencies and lapses in policy guidance.

A key initiative, the Justice Sector Coordinating Council (JSCC) – composed of the Judiciary, Department of Justice (DOJ), and Department of the Interior and Local Government (DILG) and their relevant attached agencies – has become fully operational as a collaborative mechanism to implement the justice sector agenda. In addition, the establishment of the National Justice Information System (NJIS) also contributed in facilitating coordination among justice sector agencies. Although said accomplishments contributed in addressing fragmentation, the gains need to be further enhanced and scaled up.

**Backlogs in resolving cases and delays in case development procedures continue to increase, and penal facilities are occupied way beyond capacity.** Justice-related agencies have managed to speed up the disposition of complaints and cases for investigation, prosecution, and trial. The National Bureau of Investigation (NBI), for instance, reduced its backlogs to 13 percent versus the 15 percent target committed in the previous plan. Moreover, 130 Philippine Mediation Center (PMC) units were established to promote the use of Alternative Dispute Resolution (ADR). This is higher than the 125 units targeted in the previous PDP. Various jail decongestion programs (e.g., HustisYeah! project, hiring of case decongestion officers, Assisting Courts System, Continuous Trial System, Enhanced Justice on Wheels [E-JOW], use of electronic [e]Subpoena and eCourts systems, etc.) were also effective. The number of detainees released was 5,166, which is slightly higher than the target of 5,000.

However, the uneven ratio between judges and caseloads, in which cases filed outnumber the cases resolved in normal operations, contributes to the piling-up and case hearing delays. In turn, it congests penal facilities to about 500 percent of its original capacity.

**Lack of public awareness, trust, and investor confidence underscores the people's low appreciation of the country's justice system.** The Supreme Court

continues to enjoy a positive image in fighting corruption for the past six years based on the 2016 Surveys of Enterprises on Corruption. However, due to existing protocols and structural constraints, coordination problems among justice sector agencies continue. This results in blame-passing among agencies: court dismissal of cases for lack of evidence blame prosecution; prosecutors, in turn, blame the police for poor evidence gathering; and the police blame the lack of policy guidance. As a consequence, clients see the justice process in the country as very inefficient and slow.

**Limited resources of relevant agencies cause inefficiency and slow delivery of justice.** Many capacity-building programs have been implemented (preparation of judicial affidavits, forensic evidence trainings, implementation of Task Force Katarungan at Kalayaan), and even the establishment of alternative courts (E-JOWS, eCourts, automated hearings, etc.) to support the swift and fair administration of justice.

Lack of human resources is evident in the uneven ratio between public attorneys and court. A public attorney-to-court ratio of 1:3 remains, despite the law (Republic Act 9406) requiring one public attorney per court (1:1). Even financially, the funding for projects for the whole justice sector is not enough to fully implement them and respond to sector efficiency concerns.

## Strategic Framework

The PDP 2017-2022 aims to ensure that justice is administered fairly and swiftly. In order to address the pervasive and persisting issues of the justice system, there will be an overhaul of existing mechanisms. At the core

of the methodological shift is a streamlined interdependence among the justice sector institutions, a process that recognizes their respective jurisdictions and mandates.

## Targets

The country's ranking in the World Governance Indicator (WGI) and World Justice Project (WJP) will continue to be monitored. The target by 2022 is to move up the ranking in the WGI rule of law indicator to the upper half; WJP fundamental rights

and criminal justice indicator to the upper 25 percentile; and WJP civil justice indicator to the upper 20 percentile. *Table 6.1* shows the results matrix at the level of subsector outcomes.

*Table 6.1 Plan Targets to Pursue a Swift and Fair Administration of Justice, PDP 2017-2022*

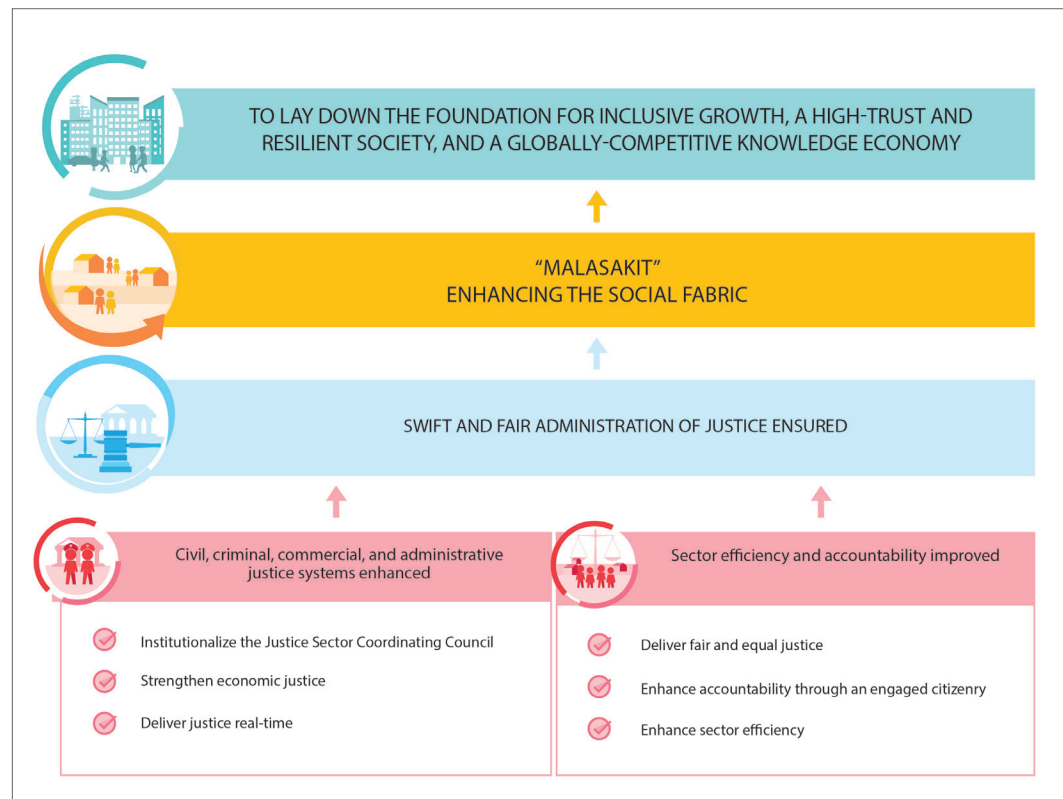
INDICATOR	BASELINE (2016)	END OF PLAN TARGET
<b>Swift and fair administration of justice pursued</b>		
<b>Subsector Outcome A: Civil, criminal, commercial, and administrative justice systems enhanced</b>		
Percentile Rank in the WGI – Rule of Law	42.31 (2015)	50.00
Percentile Rank in the (World Justice Project) WJP Rule of Law: Fundamental Rights	73.45 (2016)	77.00
<b>Subsector Outcome B: Sector efficiency and accountability improved</b>		
Percentile Rank in the WJP Rule of Law: Civil Justice	76.99 (2016)	81.00
Percentile Rank in the WJP Rule of Law: Criminal Justice	74.34 (2016)	78.00

## Strategies

Justice is inclusive when it is swift. Enhancing systems and rationalizing interdependence among justice sector institutions or actors are essential developmental approaches to provide the timely delivery of justice. There

will be harmonized efforts and seamless coordination among the different actors involved in civil, criminal, commercial and administrative justice.

Figure 6.1 Strategic Framework for Pursuing a Swift and Fair Administration of Justice



Delivery of justice will be impartial and meted out objectively, without fear or favor. In relation to this, the institutions that serve justice will be held accountable. Appropriate resources will also be provided to the justice sector actors to support the fair administration of justice.

### Subsector Outcome 1: Civil, criminal, commercial, and administrative justice systems enhanced

***Institutionalize the Justice Sector Coordinating Council (JSCC).*** A national body to monitor and facilitate coordination between and among justice sector agencies and other stakeholders will be institutionalized. Organized in 2009, the JSCC is the vehicle for institutionalizing mechanisms to ensure effective and efficient coordination among all justice sector agencies and other stakeholders. Effective coordination will facilitate the necessary

planning, budgeting and investment programming systems to effectively address systemic issues and concerns in the justice sector.

At the ground level, more justice zones will be established to provide a platform for effective inter-agency coordination in the criminal system. Justice zones are areas or localities where the minimum degree of inter-agency coordinative reforms are at work. They will be subject to the selection and rating criteria formulated by JSCC. Justice zones will monitor the life spans of criminal cases and track activities and targets set by relevant actors and agencies. For the plan period, at least 14 justice zones will be established and assessed for possible replication.

A Justice Hub will also be established in selected local government unit (LGUs). This infrastructure will house courts, prosecutors, public attorneys, the police, and

a jail with classified housing for surrendered or apprehended drug offenders. The justice hub will serve as a one-stop venue for criminal justice and will aim to improve access to judicial processes.

**Strengthen economic justice.** To strengthen the administration of economic justice, sub-strategies to establish and enhance special courts as well as streamline land disposition rules will be undertaken:

- *Establish and enhance special courts.* To rebuild the confidence of investors, the sector will designate special courts to address specific cases and pursue contract enforcement. For instance, infrastructure courts will hear and decide all disputes arising from construction or infrastructure contracts, whether government or private-initiated and implemented. Commercial courts will handle cases related to corporate rehabilitation, insolvency, liquidation, intellectual property rights, and competition cases. Cybercrime courts will coincide with their designations as commercial courts. Lastly, environmental courts will be strengthened to keep up with the influx of pending environmental cases.

To streamline judicial activities, special courts will be selected from the regular jurisdiction courts of the regional trial courts (RTCs). Court officials and personnel will be trained to apply the special rules adopted by the Supreme Court. The special courts will use the proven formula of the Guidelines for Litigation in Quezon City courts, the Guidelines for Continuous Trial, and other rules intended for the speedy

disposition of cases. In addition, factual issues will be referred to commissioners selected from a pool of accredited professionals in relevant fields. As such, proceedings before the commissioners will not be governed by the structures of the rules in regular trials. Only legal issues will be handled by judges.

- *Streamline rules on the disposition of land cases.* The rules on land disputes will be streamlined to impose the mandatory consolidation of causes of action relating to the same real property, whether for possession, ownership, or damages. Assessed value threshold will be maintained in order to operate under the jurisdiction of Batas Pambansa Blg. 129<sup>1</sup>, as amended by Republic Act 7691<sup>2</sup>, albeit excluding delegated jurisdiction on cadastral and land registration cases. The jurisdiction of the National Commission on Indigenous Peoples (NCIP) on claims of indigenous peoples and indigenous cultural communities (ICCs) on ancestral domains will be taken into account<sup>3</sup>.

The Supreme Court will study the need to designate special courts on land dispute settlement.

**Deliver justice real-time.** Real-time justice will be operationalized through inter-agency efforts. The sector-based approach will deliver justice real-time and as needed. Sub-strategies mentioned below will help in the reduction of aging of criminal, civil, administrative and commercial cases from filing to judgment.

- *Streamline investigation and prosecutorial processes.* The DOJ will streamline

<sup>1</sup> Batas Pambansa Blg. 129 or “An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for other Purposes”

<sup>2</sup> Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa, Blg. 129, otherwise known as The ‘Judiciary Reorganization Act Of 1980’

<sup>3</sup> Philippine Indigenous Peoples Rights Act. The NCIP shall have jurisdiction over claims and disputes involving rights of ICC/IPs only when they arise between or among parties belonging to the same ICC/IP. (Unduran vs. Aberasturi, G.R. No. 181284, October 20, 2015),

criminal investigation, prosecution and case management processes, including those for heinous crimes and illegal drugs. The sector will push for the implementation of Republic Act 10867<sup>4</sup> in raising scientific investigation capabilities, and strengthening witness and whistleblower protection to increase investigative and prosecutorial effectiveness.

The Philippine National Police (PNP) will coordinate with the prosecutors even during case build-up to acquire technical guidance in securing evidence that will generate successful prosecution to conviction. The procedures under Administrative Order No. 35<sup>5</sup> will be followed.

- *Enhance and expand the continuous trial system.* Reducing time gaps between trial procedures, as endeavored by the implementation of Continuous Trial Guidelines, will be further enhanced through the introduction of electronic and multimodal means of providing services and communication, all to be voluntarily agreed upon by the parties. Courts will operate on a daily continuous trial basis, on top of their regular trial work in other cases.
- *Roll out automated systems in court hearings nationwide.* Key to the success of the conduct of continuous trial is the implementation of automated hearing. This platform allows the courts to issue real-time orders and processes such as subpoena, warrants of arrest, and hold departure orders. Automated hearings also expedite the issuance and termination of court-issued papers. The government will implement automated hearings in all trial courts in the National Capital Judicial Region (NCJR) by 2017,

and subsequently and in phases in the rest of the courts nationwide.

- *Enhance and expand night courts.* Night courts, which are currently operational in Manila, Quezon City and Pasay courts, address the need to provide immediate judicial action after office hours. They prioritize the handling of bail applications, lifting of warrants of arrest, urgent applications for hold departure orders, plea bargain agreements, and voluntary pleas of guilt. A night court can also conduct summary hearings that require urgent action in cases involving women and children, tourists, and detainees. Each night court will have an assigned DOJ prosecutor and public attorney to facilitate such procedures.

The Supreme Court will constitute a technical working group to study the current night courts and craft rules for enhancing the services rendered by them. The rules will be adopted within the first half of 2017; additional pilot night courts will be established by the second half of 2017.

- *Adopt special rules of procedure for the speedy disposition of multi-party cases.* To handle multi-party cases, special rules of procedure will be crafted to govern cases of this nature. The procedures will be simplified to give access to those who seek redress in mass injury cases, whether through civil or criminal proceedings. The procedures will prevent procedural missteps – as demonstrated in the 1987 MV Doña Paz sinking and Maguindanao Massacre – and facilitate due process for all parties.
- *Enhance and expand eSubpoena and eWarrant systems.* The eSubpoena

<sup>4</sup> Also known as “NBI Modernization Law”

<sup>5</sup> Also known as “Creating the Inter-agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty, and Security of Persons”



enables the courts to send subpoena via e-mail directly to the police witnesses and the units assigned. It also allows the PNP to monitor compliance and sanction police officers who fail to attend hearings. In addition, the PNP's eWarrant system allows easy search, viewing, and retrieval of information relating to a person with an outstanding warrant of arrest or a previous arrest record. The government will aim to expand the operationalization of eSubpoena and eWarrant systems to ease preliminary judicial process

- *Strengthen forfeiture and recovery of assets.* The Philippine criminal justice system will undertake measures to strengthen civil forfeiture and recovery mechanisms, especially in relation to cases of corruption, illegal drugs, human trafficking, cybercrime, economic sabotage, terrorism, and other organized transnational crimes.
- *Enhance and expand family courts.* Pursuant to Republic Act 8369 (Family Courts Act of 1997), family courts will be enhanced and expanded in the RTCs. Special training will be given to judges, court personnel and other stakeholders, including law enforcement agencies, Department of Social Welfare and Development (DSWD) personnel, and the barangays.
- *Implement measures to enhance administrative justice.* An "Agrarian Justice on Wheels" Program, similar to the "Justice on Wheels" Program of the Supreme Court, will be implemented to bring the Department of Agrarian Reform Adjudication Board (DARAB) to the location of the tillers in order to speedily resolve disputes in tenurial arrangements.

## Subsector Outcome 2: Sector efficiency and accountability improved

***Deliver fair and equal justice.*** An impartial and non-discriminatory administration of justice promotes inclusion. To achieve this, several sub-strategies will be undertaken:

- *Increase access to legal aid<sup>6</sup> especially of the poor and the marginalized sector.* Whereas legal aid is provided, several challenges remain such as gaps in the process and the non-availability of competent counsels.

Plantilla positions for public attorneys and prosecutors nationwide will be increased. By the end of the plan period, the current prosecutor-to-court ratio of 1:1 will be increased to 2:1, and the public attorney-to-court ratio of 1:3 will be increased to 1:1.

The 24-hour hotline of the public attorney's office (PAO) will be expanded to cover all regions at a more acceptable public defender-to-population ratio.

Overseas Filipinos (OFs) will be provided with a court hotline for inquiries about the status of their cases. Facilities for remote testimony will also be established through embassies for pending court cases and utilizing automated hearings. Remote filing of small claims will also be allowed among OFs.

Likewise, the Bureau of Jail Management and Penology (BJMP) and the Parole and Probation Administration (PPA) will continue its paralegal programs that look after the rights of detained individuals on pre- or post-conviction. The Supreme Court will continue consolidating issues regarding legal aid

<sup>6</sup> Legal Aid as defined in the 2013 United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, par. 8.

rule, particularly on clinical legal aid programs in law schools and agrarian legal aid.<sup>7</sup>

- *Strengthen victim legal protection and assistance.* Access to justice will be made more inclusive especially for persons with special needs including women, children, persons with disabilities, senior citizens, and indigenous peoples. The DOJ will strengthen victim assistance work toward developing child-sensitive and victim-centered approaches to child rescue operations, case build-up, and prosecution. Further, gender-sensitive, child-friendly, and accessible public assistance desks and interview rooms will be established, starting with prosecution offices nationwide. The PNP will sustain their women's and children's desks and other related initiatives.

Fragmented mechanisms in existing witness protection and victim assistance programs for child witnesses and victim-survivors will be addressed by strengthening coordination between DSWD, PNP, and DOJ.

By amending Republic Act 7309<sup>8</sup>, DOJ will intensify the Victims Compensation Program. It will increase the compensation for victims of unjust imprisonment and violent crimes, improve access to the program, and enhance its administration.

Likewise, the Commission on Human Rights (CHR) will intensify its efforts to facilitate access to justice by: (a) monitoring and evaluation; (b) empowering the poor and marginalized to seek response and remedies for

injustice; (c) improving legal protection, awareness and aid; (d) civil society and parliamentary oversight; (e) addressing human rights violations in the justice sector; and (f) strengthening linkages between formal and informal structures.

- *Pursue strategies and reforms to decongest jails and detention facilities.* The pursuit of fair and equal justice also includes measures to decongest jails and detention facilities.

The Task Force Katarungan at Kalayaan will be continued to eventually cover, by the end of 2017, cities outside Metro Manila where there are more than 500 inmates in a detention facility. Established in trial courts in Manila, Quezon City, and Pasay City, the Task Force tracks the progress of criminal cases of all detained persons within the courts' jurisdiction. It gathers information to support actions that should be undertaken to speed up the trials, and thus decongest the detention facilities. An implementation manual produced as a result of the Manila City Jail experience will serve as guide for the establishment of future task forces.<sup>9</sup>

The DOJ will pursue bail reforms, including the review and update of the 2000 DOJ Bail Bond Guide. The reforms will rationalize and institute equitable amounts and procedures, not just in response to the jail congestion problem, but also to the socio-economic, crime prevention and law enforcement implications.

On the other hand, BJMP will address the 550 percent congestion by fast-tracking the release process of qualified inmates.

<sup>7</sup> Legal Assistance Fund (LAF) and the Welfare Assistance Fund (WAF) administered by the Department of Foreign Affairs (DFA) and the Overseas Workers Welfare Administration (OWWA) respectively will ensure enough resources to extend legal protection to OFs in conflict with the law as well as those that are victims of crimes and abuses abroad.

<sup>8</sup> Also known as "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for other Purposes"

<sup>9</sup> The Implementation Manual aims to supplement A.M. No. 12-11-12 SC.

- *Pursue corrections reform strategies.* With the war on drugs and intensified campaign against criminality, the penology system—from preventive detention, to serving of prison sentence, probation, parole, executive clemency, and final release or discharge—will have to be reformed in a systemic way. This will involve the establishment of a unified corrections framework and systems that includes custody, rehabilitation and social reintegration. This will be done through the establishment of a single correction agency, or a harmonization of processes, standards, and programs across different corrections agencies.

While such is underway, the implementation of new legislations on the modernization of the Bureau of Correction (BuCor), recognizance, amended probation law, and good conduct time allowance will be pursued.

The BJMP's eDalaw Program helps offenders, especially those who are in inaccessible corrections and penal facilities, to communicate virtually with their families, communities and legal counsel. As part of the program, video and internet equipment will be installed in justice zones between 2017 and 2019, as well as in other penal facilities.

Bias against job applicants with criminal records can be addressed by rallying the business sector to open their work places to these returning offenders. The alternative learning system in BuCor gives detainees educational options while serving time. The therapeutic community modality program provides counseling and guidance to inmates. The DILG has implemented barangay-based reintegration programs. These programs will help returning offenders reintegrate into society and reduce reoffenders.

The war on drugs has spawned a different need for corrections and reintegration. For drug users who enter the criminal justice system, documentation and recordal will be done through the DILG's National Centralized Database of drug offenders which will be linked to the Criminal Justice Information Exchange (CjIX).

***Enhance accountability through an engaged citizenry.*** Engaging the citizenry will spur trust and enhance public accountability. By launching broader information, education, and communication (IEC) campaigns, the public will better understand the justice system. This will lead to a higher degree of citizen engagement, which in turn will facilitate sectoral and agency-based accountability.

The Justice Sector will work toward instituting several modes of feedback mechanisms. This will come in the form of: (a) agency-client satisfaction surveys on frontline services to examine the impact of the Anti-Red Tape Act (ARTA), Government Quality Management System (GQMS) and other performance management and accountability mechanisms; and (b) survey on access to justice and procedures, to be included in the nationwide census commissioned by the Philippine Statistics Authority (PSA). Results of these surveys will provide a baseline of people's outlook and perception of the justice system and its corollary institutions.

Another activity is the crafting of a communication plan that will effectively convey initiatives and processes to stakeholders, especially the step-by-step process of the justice system from filing of a complaint up to the disposition of cases. It will utilize the wide reach of social media platforms, and reinforce barangay helpdesks.

**Enhance sector efficiency.** Central to the justice reform initiative is the establishment of a framework of coordination among judicial agencies that recognizes their specific functions and mandates. The framework will converge efforts where needed and will shift the mode of service delivery of the sector. The goal is to depart from the prevailing mindset of institution-focused performance to sector-aware performance and sector-directed targets. This will be achieved through the following:

- *Establish a central evidence unit (CEU) that will serve as the main repository of all evidence in all criminal cases.* Currently, inefficient processing of evidence has resulted in case dismissals, and which has caused frustration among public and government institutions. To address this, an integrated system will be put in place to handle electronic and physical validation and documentation of evidence coming from various agencies: from law enforcement, prosecution, and the courts. Once implemented, it will obviate the need for evidence custodians to appear in court and authenticate the evidence. Consequently, loss or corruption of evidence will be reduced, if not completely eradicated. Likewise, the lack of evidence custodians will be addressed. This system will usher in a swifter, accountable and more transparent evidence processing and presentation.
- *Adopt a uniform template for court-bound and court-issued papers to reduce time gaps to the minimum.* These templates will ensure consistency and speed up the submission and processing of required documents. Templates for criminal and civil cases will be accessible to the public online as part of the Trial Courts Automation Project.

The National Prosecution Service (NPS) will prepare their own templates for institutions of criminal actions and offense checklist.

- *Identify areas for rationalization of resources for easier sector budget support.* To ensure efficient delivery of service, the following will be addressed: staffing deficiencies, rationalization of court positions, selection process<sup>10</sup>, harmonization of human resource standards, and implementation of inter-agency programs across justice sector agencies to achieve multidisciplinary approaches in handling cases.
- *Undertake joint training programs to reorient all sector actors toward a coordinated delivery of justice real-time.* Trainings on handling small claims cases and resolution will be conducted for DARAB members. The Philippine Judicial Academy (PhilJA) and the National Competitiveness Council (NCC) will conduct trainings on handling competition cases for commercial courts and involved agencies. Joint trainings on handling cybercrime cases will be pursued through PhilJA, DOJ, NBI, and PNP for judges and personnel of the cybercrime courts, prosecutors, and law enforcement agents.
- *Efforts will be undertaken to reinforce ADR mechanisms so that courts can refer cases for ADR and help in the speedy disposition of cases.* The PMC will continue to establish mediation units all over the country.

Toward the end of the plan, the Office for Alternative Dispute Resolution (OADR), through Republic Act 9285<sup>11</sup>, will operate as a discrete functional agency of the DOJ.

<sup>10</sup> Section 13-A of Presidential Decree 1513 provides that “Whenever there is an increase in the number of court salas, there shall be a corresponding increase in the number of assistant provincial/city fiscals’ position at the ratio of two fiscals to a sala”.

<sup>11</sup> Republic Act No. 9285 or “An Act to institutionalize the use of an Alternative Dispute Resolution System in the Philippines and to establish the Office for Alternative Dispute Resolution, and for other purposes”.

It will explore methods of promoting and strengthening ADR mechanisms and practices in government. These include ADR at the level of barangay, law enforcers, prosecutors, public attorneys, administrative and regulatory agencies, among others. Further, mediation being piloted by the DOJ will be rolled out to all prosecution offices.

Aside from increasing the coverage of the *Katarungang Pambarangay*, the DILG will conduct more trainings on ADR to surpass its previous accomplishment. It will partner with the Supreme Court through the PhilJA in formulating a “trainers training module” so that it can acquire the capacity to conduct trainings nationwide and on a long-term basis for members of the *Lupong Tagapamayapa*. At least two trainings will be conducted in 2017.

As for law enforcement, the PNP will formulate its rules for mediation techniques for petty disputes. The Supreme Court, through PhilJA, will partner with DILG in training PNP personnel on mediation techniques. The collaboration intends to formulate standard rules for mediation and roll out trainings in 2017.

The ADR will explore attributes of community-based or indigenous conflict resolution processes to augment issues on access and further improve non-judicial mechanisms.

- *Information and communication technology (ICT) will be used sector-wide to help address fragmentation in the justice system and greatly enhance the information management of the whole justice sector.* The National Justice Information System (NJIS), supported by the Department of Information and Communication Technology (DICT) and funded by Congress since 2012, is a project that involves the development

and setup of core agency information management systems and inter-agency exchange mechanisms among them. In a Memorandum of Agreement (MOA), the DOJ leads the project. Participating agencies are the DILG, Philippine Drug Enforcement Agency (PDEA), and Dangerous Drugs Board (DDB).

The CJiX will be established in all justice sector agencies; each agency will then develop its ICT systems, as appropriate. This will build the structure necessary to facilitate interchange of crime-related data pertinent to civil actions and special proceedings, such as fraud in commercial transactions, unfair competition, infringement on intellectual property rights, and infrastructure and land disputes. Agencies at the core of this network are DOJ, DILG, and the judiciary. A key feature of the CJiX is the harmonization of criminal definitions and procedures, as well as consensus on data capture, storage and retrieval.

The Single Carpeta System will establish inmate information management systems for the BJMP, Board of Pardons and Parole (BPP), and PPA, providing an exchange portal among them and with the Inmate Management Information System of BuCor.

The Prosecution Case Management System of the DOJ is also undergoing enhancements for implementation in 2017. This will form part of the Law Enforcement Case Management System that will also cover the case management systems of the PNP, NBI, Bureau of Immigration (BI), PDEA, and DDB.

- *Mechanisms to utilize ICT infrastructure in the judicial process will be established.* The Enterprise Information System

Plan (EISP), a major reform program, is the judiciary’s roadmap to maximize the use of ICT. Its component, the Judiciary Case Management System (JCMS), addresses the twin problem of docket congestion and delay through the automation of the clerical processing of cases from inception to promulgation of decision. A major strategy is the eCourts system, which will put into a single loop all the case management systems that exist in various court levels and allow for a seamless, electronic transmission of essential case data from lower level courts to the Supreme Court. It involves the electronic capture, storage, management, and retrieval of essential case data to aid judges and court case processors in efficiently handling the volume of cases that flood the judiciary.

In the long-term, eCourts will enable eFiling of cases and of subsequent

pleadings such that the filing of both civil and criminal complaints as well as of subsequent pleadings may be carried out by simply accessing the court through its website.

- *The justice sector will work together in developing, adopting and continually updating a national crime index.* This will include all crimes and its corresponding penalties as prescribed in the Revised Penal Code and special penal laws. The index will be used for purposes of the NJIS and CJiX, crime statistics and research, implementation of the 2015 United Nation (UN) Standard Crime Classification for Statistical Purposes, as well as development of vital policies and legislations, including codification and indexation of crimes, penalties and bail bond amounts.

## Legislative Agenda

Following are the key legislations that will play an important role in improving justice administration during the plan period. The set of agenda was formulated with full cognizance of the Supreme Court’s

fundamental role in the determination of questions of constitutionality of present and future legislations, and preservation of the independence of the judiciary.

*Table 6.2 Legislative Agenda to Pursue Swift and Fair Administration of Justice, 2017-2022*

LEGISLATIVE AGENDA	RATIONALE
<b>Swift and Fair Administration of Justice</b>	
<b>Subsector Outcome A: Civil, Commercial, Criminal and Administrative System Enhanced</b>	
Codifying the Philippine Criminal Laws	Codify all penal laws, update the Revised Penal Code provisions in the process, and henceforth adopt a historical compilation-type of codification akin to the U.S. Federal Statutes compilation.
Streamlining the criminal investigation process	Guide law enforcers and prosecutors using standards presently set by laws and rules and that is probable cause for the commencement of a criminal action.
Creation of new courts	Restudy the distribution of courts under BP Blg. 129, the Judiciary Reorganization Act, in relation to the population per proposed court location, historical volume of filings, and the existing dockets of the courts in that particular location. Where necessary, the existing courts may be redistributed and new courts created as needed. It is also more practical to vest the Supreme Court with the power to assign and reassign judges to address inequalities in case distribution.

LEGISLATIVE AGENDA	RATIONALE
Creation of additional prosecutor and public attorney positions	Increase the number of public prosecutors and public attorneys (who are assigned to courts for trial duty) to coincide with the creation of new courts.
Amendment of Republic Act 9165 or "An Act Instituting the Comprehensive Dangerous Drugs Act of 2002"	Amend RA 9165, particularly its very strict rules for evidence to be considered admissible in court proceedings, and for the same to be given weight.
Review of the standard of proof in determining probable cause	Increase the threshold for the investigation phase to harmonize it with the steep threshold for the trial phase.
Restorative Justice Bill	Craft a clear policy which will be visibly identified by law, providing a humane process through which remorseful offenders accept responsibility for their misconduct, particularly to their victims and to the community.
Review and streamlining of land ownership laws and remedies available, in accordance with National Land Use Act and Indigenous Peoples' Rights Act with respect to jurisdiction of NCIP	Streamline the rules to impose the mandatory consolidation of causes of action relating to the same real property, whether for possession, ownership, and/or damages.
Amendments to the Anti-Rape Law of 1997 (RA 8353)	Amend the Anti-Rape Law, pursuant to the CEDAW recommendation to capitalize "lack of consent" on the part of the victim as an element of the crime, instead of the element of "just force, threat or intimidation."
Revisions on the Local Government Code	Increase the coverage of the Katarungan Pambarangay and to mandate the composition of the Lupon Tagapamayapa, revising Section 399 of the Local Government Code which only requires for membership that one be a resident of or have work in the barangay concerned; to include the accreditation of service by lawyers on the Lupon as legal aid; and to institutionalize the concept of inhibition due to relationship and interest.
<b>Subsector Outcome B: Sector Efficiency and Accountability Improved</b>	
Strengthening of the Victims Compensation Program	Amend its enabling law, RA 7309 to increase compensation for victims of unjust imprisonment or detention and victims of violent crimes as well as to increase access to the program and enhance its administration.
Establishment of the Commission on Human Rights (CHR) Charter	Strengthen the CHR as a National Human Rights Institution (NHRI), compliant to the requirements of the UN Paris Principles affecting NHRIs worldwide. Among the requirements are ensuring NHRI's independence, hence full fiscal autonomy is necessary.
Establishment of a Unified Penology System	Mandate the establishment of a unified penology system.
Strengthening of the witness protection and whistleblower protection	Strengthen the Witness Protection Program to encourage more witnesses to be covered and remain therein, towards successful prosecution especially for heinous and high profile crimes; and the Whistleblower Protection program to encourage and protect whistleblowers.
Addressing dependencies on LGU support through legislation/policy and the national budget	Augment the compensation packages of the affected officials, as indicated in the General Appropriations Act. The perception of dependence on LGU support, specifically through the receipt of allowances and other material assistance, creates a level of doubt, if not distrust, in the mind of the public. Meanwhile, it must be recognized that the present salary levels of our judicial and prosecutorial officials are wanting.

