

06

Pursuing Swift, Fair, and Humane Administration of Justice



Pursuing Swift, Fair, and Humane Administration of Justice

In pursuit of swift and fair administration of justice, the Philippine Development Plan (PDP) 2017-2022 outlines strategies aimed at enhancing the country's civil, criminal, commercial, and administrative justice systems and improving efficiency and accountability in the justice sector. The gains achieved during the past three years set the stage for further improvements in terms of the institutional, policy, and process framework of the justice system.

Access to justice and the protection of human rights are fundamental outcomes that need to be guaranteed in order to protect and improve the well-being of Filipinos.

In light of the COVID-19 pandemic, the government will maximize the use of digital platforms to ensure swift, fair, and humane administration of justice. It will further strengthen the coordination and cooperation among justice sector agencies, and continuously streamline and improve processes within the different pillars of the justice system.

Assessment and Challenges

Assessment: Streamlined processes, increased human resources and courts, increased jail and prison personnel and improved facilities, revised judicial rules and procedures, and sector-wide collaboration resulted in higher case disposition rates. These were complemented by information and communications technology (ICT)-enabled systems. Improvements in the legal framework were made through legislative and executive actions relative to the criminal justice system. With the onset of the COVID-19 pandemic, justice sector agencies will increasingly rely on ICT to facilitate access to justice particularly on the conduct of judicial and investigation procedures.

Challenges: Congestion of case dockets and penal facilities and other resource deficiencies are among the most critical challenges in the justice system, particularly affecting the provision of timely and effective remedy and resolution of cases. The COVID-19 pandemic highlighted the persisting problem of overcrowding in jails and prisons and the need to strictly enforce health and safety protocols in penal facilities. Addressing these concerns is essential towards achieving a responsive, humane, and inclusive justice system.

Targets

The country's performance in the World Governance Indicator and World Justice Project Rule of Law (WJP-ROL) Index will continuously be monitored. For the PDP 2017-2022 midterm update, the core indicators are rearranged in line with the updated

strategic framework of the sector. Original targets for the percentile rank of the core indicators were retained. Country scores in WJP-ROL sub-indicators were also added as targets.

Table 6.1 Updated Plan Targets to Pursue Swift, Fair, and Humane Administration of Justice

INDICATOR	BASELINE VALUE (YEAR)	TARGETS			
		2020**	2021	2022	END OF PLAN
Subsector Outcome: Criminal, civil, and economic justice processes ICT-enabled and streamlined					
WJP-ROL Index improved					
<i>Sub-indicator on Fundamental Rights improved</i>					
Percentile rank	26.55 (2016)	28.00	29.00	29.00	29.00
Score	0.50 (2016)	Increasing	Increasing	Increasing	Increasing
<i>Sub-indicator on Civil Justice improved</i>					
Percentile rank	23.01 (2016)	25.00	27.00	27.00	27.00
Score	0.45 (2016)	Increasing	Increasing	Increasing	Increasing
<i>Sub-indicator on Criminal Justice improved</i>					
Percentile rank	25.66 (2016)	27.00	29.00	29.00	29.00
Score	0.36 (2016)	Increasing	Increasing	Increasing	Increasing
Subsector Outcome: Sector efficiency and accountability improved					
Percentile rank in the World Governance Indicator - Rule of Law improved	43.27 (2015)	46.00	50.00	50.00	50.00

*2020 original targets set/approved in 2016 prior to the pandemic retained

Strategic Framework

The revised strategic framework (see Figure 6.1) supports the pursuit of a whole-of-sector approach and streamlined interdependence among the justice sector institutions. Additional emphasis is given to the pursuit of a more humane justice system.

The government will sustain current reforms being undertaken, and strengthen existing structures and systems. These will be done by (a) sustaining and institutionalizing justice sector coordination

and program convergence at the national and local levels; (b) further increasing human resources and courts to enhance access to justice; (c) pursuing ICT-enabled systems to streamline or harmonize processes and facilitate information sharing; (d) expanding and maximizing the use of Alternative Dispute Resolution (ADR); and (e) addressing congestion in penal facilities through infrastructure development and expedient criminal justice processes.

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



Strategies

Streamlining ICT-enabled criminal, civil, and economic justice processes

Streamline processes for speedy resolution of criminal and civil cases. The justice sector agencies will maximize the use of available technologies for the speedy resolution of criminal and civil cases, and community and economic disputes. The use of ICT-

enabled systems will be expanded for investigation, prosecution, and adjudication, harmonization of procedures, and improving evidence management.

Initiatives to improve the criminal investigation system will be pursued. These include legislation being proposed by the Department of Justice (DOJ) to streamline the criminal investigation processes among prosecutors and law enforcers, as well as improvements in existing court rules and procedures on criminal investigation and better

coordination with the Supreme Court (SC). The Witness Protection Program will be strengthened and a whistleblower protection program will be established to facilitate case buildup, investigation, and prosecution, especially on heinous crimes and high-profile cases. International cooperation on criminal justice will also be pursued including mutual legal assistance and transfer of sentence.

Investigation and prosecution of cases involving illegal drugs, human trafficking, cybercrime, and grave human rights violations will remain a priority for the justice sector. As such, the government will establish and/or improve appropriate policies, interventions, coordination, and specialized procedures.

The ADR will be strengthened at all levels. Specifically, the *Katarungang Pambarangay* will be promoted as the primary mechanism of local governments for resolving community-level disputes. The Department of the Interior and Local Government (DILG) will expand its awards program, while the DOJ-Office for ADR will enhance and expand the scope of its mediation capacity building for the *Lupong Tagapamayapa* in coordination with the DILG. In addition to its regular functions on the provision of legal aid services, the Public Attorney's Office (PAO) will sustain its services on mediation and conciliation of disputes. The DOJ will also continue to build the prosecution-level mediation procedures as an ADR mechanism in the National Prosecution Service. Measures to further expand and mainstream the use of ADR in relation to criminal justice will be explored, specifically to include law enforcement agencies, indigenous and community-based justice systems, and restorative justice. Given the requirements for the post-COVID new normal, the government will promote the use of online dispute resolution mechanisms at all levels.

The SC will sustain the review and enhancement of judicial rules and procedures with the promulgation and effectivity of the amendments to the Revised Rules of Evidence (A.M. No. 19-08-15-SC) and to the Revised Rules on Civil Procedure (A.M. No. 19-10-20-SC), which took effect on May 1, 2020. Also

to be covered are the continuous trial system and ICT-enabled systems such as videoconferencing facilities and the e-Courts system. Initiatives on online filing of cases, petition of bails, and electronic testimony will also be institutionalized. The SC will enhance and expand the Family Courts Act of 1997 and pursue the drafting, finalization, and approval of its Implementing Rules and Regulations (IRR). A review of the design and implementation of the Justice on Wheels will also be pursued to make it more relevant and accessible to the people. Lastly, the coverage of small claims courts will be broadened by further promoting it to the public and expanding its coverage to more court users.

Ensure access to justice by the poor, vulnerable, and marginalized groups. To ensure access to justice, the government will prioritize strengthening of the justice sector agencies' capacity to deliver legal and victim assistance. To increase access of the poor, vulnerable, and marginalized sectors to legal aid, plantilla positions will be increased, and the recruitment of investigators, prosecutors, public attorneys, judges, and other legal or court officers will be expedited. Support will also be provided to all personnel nationwide.

Apart from the regular services of the PAO, other legal aid programs will also be sustained and improved such as the implementation of the Revised Law Student Practice Rule (Rule 138-A) of the SC and the DOJ Action Center Program. The justice sector agencies will also explore and implement legal internship and practice programs to augment the limited manpower for legal services and facilitate the recruitment of competent personnel.

Safe and convenient access to legal and victim assistance will be established through online and other communication platforms. Moreover, sustained physical access to free legal assistance and victim support services of agencies concerned will be ensured even during pandemics and other public emergency situations.

Assistance and support for victims of crimes and human rights violations, including gender-sensitive and child-friendly procedures and facilities, will

be improved and strengthened. These include increasing the compensation of victims of unjust imprisonment and victims of violent crimes through the amendment of RA 7309.¹ Referral procedures for legal assistance and victim support in relation to applicable frontline services will be integrated into the manuals of operations, Citizen's Charter, and public assistance or complaint desk mechanism of agencies concerned.

The Commission on Human Rights (CHR) will continue its efforts to facilitate access to justice particularly on addressing human rights violations, empowering the marginalized to seek response and remedies for injustice, and improving legal protection awareness and aid, among others. Its Legal Clinic Caravan will sustain its developmental and legal assistance and counselling. These include increasing human rights awareness, capacity building and training on basic human rights, and raising public awareness on the role, mandate, and services of CHR, and other relevant human rights laws.

Pursue jail decongestion and corrections reform.

Jail decongestion and corrections reform will be pursued in terms of program, institutional, and legal framework. This will be achieved by enforcing the right of persons deprived of liberty (PDLs) to bail in appropriate cases and their right to speedy trial.² Construction and repair of penal facilities will also be prioritized to improve living conditions of PDL and facilitate offender rehabilitation, welfare, and development. The use of teleconferencing or online hearings during court proceedings will be expanded for PDL and other similarly situated parties (e.g., complainants, witnesses, and victims who are constrained from physically appearing in court) to facilitate faster resolution of cases.

Alongside efforts to decongest penal facilities, the government will continue to intensify efforts to ensure drug-free penal facilities and will put in place necessary health and safety protocols to ensure humane living conditions of PDL. Regular

health monitoring will be provided to PDL, along with provision of basic needs and services.

Security facilities will be modernized to prevent escapes, violence, and illegal activities. Jail and prison management policies will be continuously reviewed, improved, and harmonized. These include procedures in terms of admission, classification, security, health, medical treatment, visitation, transfer, transportation, and release. Authorities will ensure that these standards are gender- and child-responsive for PDL and visitors. Appropriate interventions will be put in place for radicalized PDL and those charged or convicted of heinous crimes.

Access to legal assistance for pre-sentence and sentenced PDL will be provided and facilitated. The Bureau of Jail Management and Penology (BJMP) will continuously improve and update its paralegal program for PDL in local jails, which the Bureau of Corrections (BUCOR) can adopt for national penitentiaries. The *e-Dalaw* facility will be sustained and introduced in more jails and prisons to enable off-site interface of PDL and their families, subject to appropriate security protocols and available resources.

The Judiciary will sustain and expand its lead role in the Task Force *Katarungan at Kalayaan* as an inter-agency forum to address jail congestion and facilitate timely resolution of cases involving pre-sentence detainees. The pilot implementation of the Task Force has been rolled out in the court stations of Manila, Quezon City, Makati City, Pasay City, and Muntinlupa City. Innovative approaches on facilitating the conduct of trial for PDLs will also be explored and pursued, including transfer of venue in authorized cases for valid grounds and on-site trial.

The CHR will likewise continue its efforts in operationalizing the Interim National Preventive Mechanism (NPM) against torture pursuant to the State obligation under the United Nations (UN) Optional Protocol to the Convention against torture

¹ An Act Creating a Board of Claims under the DOJ for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes, and for Other Purposes, RA 7309, 1992.

² Supreme Court of the Philippines, Administrative Memorandum No. 12-11-2-SC on *Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial*, March 18, 2014.

and other cruel, inhuman, or degrading treatment or punishment. This aims to improve the human rights situations of PDL, the conditions of the detention facilities, and the prevention of torture cases.

In partnership with other organizations, the CHR will provide legal assistance to PDL and conduct regular case monitoring to facilitate early and timely release of qualified PDL.

The DOJ and the DILG will also coordinate with the Congress to revisit and improve the country's legal and policy framework relating to the penal system and restorative justice, taking into consideration the state obligations on the rights of PDL, offenders, and victims, public safety, and national security. This will include custody, reformation, and reintegration of PDL, as well as improving the institutional framework of penology and corrections.

With the revised IRR of RA 10592, also referred to as the Good Conduct Time Allowance (GCTA) Law, strict implementation will be ensured particularly on the exclusion of heinous crime offenders and inclusion of transparency and accountability mechanisms. Non-custodial measures will be maximized, including release on recognizance and community service for arrested and charged persons, and probation, parole, and executive clemency for convicted persons. Rules and guidelines relative to probation, parole, and executive clemency will be reviewed and improved in the interest of restorative justice for the offender and the victim.

Improving sector efficiency and accountability

Strengthen justice sector coordination. Coordination within the justice sector at the national and local levels will be strengthened through the Justice Sector Coordinating Council (JSCC) and its Justice Zones. The JSCC will establish additional sites subject to a thorough evaluation and calibration of implementing arrangements. This will include the governance mechanism, selection and

establishment criteria, monitoring and evaluation, and possible alignment with other regional and local structures.

Respective justice sector agencies will implement the Justice Sector Convergence Program, under the leadership of the JSCC within the agreed strategic framework. Initiatives will be anchored on individual agency mandates, programs, projects, functional competencies, and institutional independence.

The current COVID-19 pandemic presents a new dimension in coordinated justice sector approach. A business continuity plan will be drafted to ensure sustained administration of justice. This includes the formulation of a sector-wide national emergency preparedness and response framework. Coordination with and guidance from justice sector agencies during emergency situations will be facilitated relative to the legal framework, administration of justice, and protection of human rights.

The justice sector will sustain the implementation of the National Justice Information System, with the support of the Department of Information and Communications Technology (DICT) and in compliance with the requirements of the Data Privacy Act. The DOJ, as the lead agency, will update the Single Carpeta System to conform to the new IRR of the Expanded GCTA Law. The development of an information exchange platform will be pursued with the DICT towards streamlining inter-agency processes within the justice sector. The Philippine Crime Index will also be made available initially to justice sector agencies to harmonize crime and criminal justice data for legal research and as reference for policy development.

While the development of criminal justice information exchange is underway, the SC, Philippine National Police (PNP), BJMP, BUCOR, and Bureau of Immigration (BI) will proceed with the development and implementation of systems and procedures for electronic transmittal and documentation of warrants, hold departure orders, and commitment, mittimus, and/or release orders.

Moreover, the justice sector agencies will continue to participate in other established inter-agency mechanisms at the national, regional, and local levels, with respect to governance, economic, and social development, peace and order, public safety, and poverty alleviation.

Enhance sector efficiency. Justice sector agencies will continue to review and improve their systems and procedures in the context of the government's quality and performance management policies, and in compliance with RA 11032.³ Sustained administration of justice and delivery of services will be ensured amid public emergency situations.

Further, these agencies will work towards optimal access to and management of human, financial, and material resources. Efforts will be undertaken to improve the staffing structure and increase the number of investigators, prosecutors, public attorneys, judges, jail and prison personnel, parole and probation officers, support, and other personnel, especially at the regional and local levels.

Justice sector agencies will establish a sustained and ICT-enabled competency framework and development programs in accordance with civil service policies, especially for prosecution, law enforcement, court, legal service, frontline, management, and vital support personnel. Specialized trainings and other capacity building activities will be harmonized among justice sector agencies to align with their functional mandates and competencies. For lawyers, these will be harmonized with their mandatory continuing legal education.

Coordination within the sector and with infrastructure oversight and land management agencies will be improved specifically on planning, development, funding, project implementation, and maintenance of agency infrastructure.

Sector agencies will maximize the use of available ICT resources for the development and implementation of their respective application systems for core and frontline services, case

management, and administrative support processes, including monitoring and evaluation. The development and use of the system for electronic transmittal of warrants and court orders to agencies concerned is ongoing. The Enhanced e-Warrant System was launched by the SC and the PNP on September 8, 2020.

Increase transparency, accountability, and citizen engagement. Justice sector agencies will continue to participate in multi-sectoral mechanisms such as established committees, councils, and engagements with civil society organizations (CSOs), for purposes of planning and policy development. The agencies will work together through the JSCC in consolidating and harmonizing their available data for better public information. This includes the provision of timely public information, reports, and statistics for government and non-government stakeholders, such as cases and services relative to the COVID-19 pandemic and other emergencies.

Public information on the justice system, including access to legal remedies and assistance, will be continuously improved through agency websites and other media and communication platforms. Online judiciary information platforms (i.e., court locator, judicial application scheduler, and public assistance helpdesk) will be sustained and maximized, including the accessibility of court details, to ensure easier facilitation of online filing of complaint and grant of bails.

The National Economic and Development Authority (NEDA) and the Philippine Statistics Authority (PSA) will develop and implement governance measurement and crime victimization surveys, incorporating national and local surveys to engage the citizens in measuring the performance of the justice system.

³ The Ease of Doing Business and Efficient Government Service Delivery (EODB-EGSD) Act of 2018, RA 11032, 2018.

Legislative Agenda

For the rest of the Plan period, the following legislative agenda will be pursued:

Table 6.2 Legislative Agenda to Pursue Swift, Fair, and Humane Administration of Justice

LEGISLATIVE AGENDA	RATIONALE
<i>Criminal, civil, and economic justice processes ICT-enabled and streamlined</i>	
Streamlining the criminal investigation process, including the review of the standard of proof in determining probable cause	This initiative seeks to redefine the role of prosecutors in relation to case buildup by law enforcers and preliminary investigation in relation to the courts, and increase the threshold for filing criminal cases in court.
Amendment of the Expanded GCTA Act (RA 10592)	The proposed amendment aims to clarify the applicability to heinous crime offenders; include transparency procedures; establish checks and balances, including the role of higher and court authorities (i.e., apart from jail and prison authorities); and provide for corrective measures in cases of erroneous grant of GCTA and release on account thereof.
<i>Sector efficiency and accountability improved</i>	
Creation of New Courts	Under this initiative, the distribution of courts under the Judiciary Reorganization Act will be reviewed, 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.
Strengthening of the Victims Compensation Program	Amending its enabling law, RA 7309 will help increase compensation for victims of unjust imprisonment or detention and victims of violent crimes as well as their access to the program, and improve its administration.
Establishment of the Commission on Human Rights Charter	This will help strengthen the CHR as a National Human Rights Institution (NHRI), compliant with the requirements of the UN Paris Principles affecting NHRIs worldwide. Among the requirements is ensuring NHRI's independence, including full fiscal autonomy.
Establishment of a Unified Penology and Corrections System	This action will address the fragmentation on the institutional framework of the penology and corrections system.
Strengthening the Witness Protection and Whistleblower Protection	This will encourage coverage for more witnesses as well as maintained coverage for them towards successful prosecution, especially of heinous and high-profile crimes. Likewise, the Whistleblower Protection Program will encourage and protect whistleblowers.