

PROCEEDINGS OF THE

1st National Criminal Justice Summit

**5-6 DECEMBER 2011
MANILA HOTEL**



JUSTICE SECTOR COORDINATING COUNCIL
ADVANCING JUSTICE

IN PARTNERSHIP WITH

 **Hanns
Seidel
Stiftung**

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MESSAGE FROM THE PRESIDENT



It is my pleasure to greet the Justice Sector Coordinating Council, the legal and law enforcement community, and the participating academicians, business and civil society groups on this publication highlighting the proceedings of the 1st National Criminal Justice Summit.

The recent summit served as an apt occasion for us to assess our criminal justice system and the necessary measures to revamp it, in order to carry out the mandate of the law. As we are in our collective cause to promote good governance and equal opportunities for all, it is imperative that we continually reinforce the anchors of national stability, among them an impartial justice system that remains cognizant that its power has been granted by the people and, as such, so should it strive to serve the people. Hence, we must be firm in implementing provisions that uphold the sovereignty of our state, while also preserving the rights of our countrymen. We must always sustain our commitment to advocate public welfare and remain unequivocal in our crusade to conquer the obstacles we inevitably face in our pursuit of lasting reform.

Let this milestone event initiate a continuing resolve for an impartial, efficient and prompt administration of justice. United toward fulfilling our Social Contract with the Filipino People, may we embody integrity, accountability and transparency in our task as champions of our citizenry.

A handwritten signature in black ink, appearing to read 'Benigno S. Aquino III'.

His Excellency Benigno S. Aquino III
President of the Republic of the Philippines

FOREWORD

In line with its mandate to promote an approach to justice work that is collaborative and inclusive of all justice system stakeholders, the Justice Sector Coordinating Council (JSCC) held the 1st National Criminal Justice Summit from December 5 to 6, 2011 at the historic Manila Hotel.

The JSCC is led by the Supreme Court, the Department of Justice and the Department of the Interior and Local Government and was formally constituted on April 30, 2010 when the heads of the foregoing agencies signed the Joint Declaration of the Justice Sector Agencies in Support of the Effective and Efficient Administration of Justice. Its mandate is to serve as a joint forum for dialogue on issues of common interest and as a mechanism for effective coordination and sharing of information in support of planning and implementing joint initiatives.

The Summit was opened by no less than the heads of all the branches of government – President Benigno S. Aquino III, Vice President Jejomar Binay, Senate President Juan Ponce Enrile, House Speaker Feliciano Belmonte, and Supreme Court Chief Justice Renato Corona. It was attended by almost 800 participants, including:

1. Secretary of Justice Leila M. De Lima
2. Secretary of the Interior and Local Government Jesse M. Robredo
3. Sandiganbayan Presiding Justice Francisco H. Villaruz, Jr.
4. Court of Tax Appeals Presiding Justice Ernesto D. Acosta
5. Court Administrator Jose Midas P. Marquez
6. Deputy Court Administrator Raul B. Villanueva
7. Human Rights Commissioner Ma. Victoria V. Cardona
8. Human Rights Commissioner Norberto Dela Cruz

This gathering of top and senior officials of agencies involved in justice work represents a significant milestone because it is the first time that they have come together to engage in constructive dialogue, and exchange insights, experiences and points of view on various criminal justice issues and challenges.

During the two-day event, delegates approached pervasive issues using a new framework for viewing the criminal justice system from a systemic and holistic perspective. They discussed issues that need to be addressed in the criminal justice system, including the state of our corrections institutions, the question of resources for justice sector agencies and needed reforms in the conduct of trials.

Delegates to the event were likewise given a preview of the progress of the work of the Criminal Code Committee, a multi-stakeholder initiative led by the Department of Justice which was tasked to craft a new, modern, organic and truly Filipino Criminal Code. The proposed Criminal Code seeks to simplify the penal law, streamline the process of prosecuting crimes and imposing penalties and integrate international best practices and insights from allied fields related to the legal profession. The codification work of the Criminal Code Committee employs a democratic, consultative and inclusive approach, seeking to elicit the insights of as many stakeholders as possible, especially from the grassroots.

The delegates were also encouraged to rethink the traditional framework of the criminal justice system that is made up of five pillars and propose revolutionary approaches in order to improve the way the government and the community deal with criminality.

The Summit became a venue for consultations with the delegates who represent various sectors within the criminal justice system. These were done through self-administered survey questionnaires distributed to all participants, as well as through the innovative “Justice Café” workshops where focus groups discussed some of the more pressing issues confronted by justice workers. The Justice Café did not subscribe to the traditional division of criminal justice stakeholders into the “five pillars”. The memberships of workshop groups cut across all sectors, ensuring that common problems can be approached from the perspective of all stakeholders. The results of the survey and workshop were presented by the Court Administrator.

To highlight the principle that justice work should be a coordinated and collaborative system-wide effort, the Chief Justice, the Justice Secretary and the Interior and Local Government Secretary signed the Declaration for Justice Reform, where they committed to the following points of the National Action Plan for Justice Reform:

1. to design a criminal justice framework that is coherent, logical and sensible;
2. to legislate a simple, modern and truly Filipino criminal code;
3. to craft rules and procedures that will enhance access to justice and improve justice administration;

4. to channel resources to justice sector agencies; and
5. to select, appoint and retain men and women in the justice sector who are of the highest ethical and intellectual standards, of known competency in law and management and who will exercise exemplary leadership qualities beyond the call of duty.

The Vice President, to conclude the Summit, led the delegates in their Pledge of Commitment to help reform the criminal justice system, to assist in the prosecution of crimes, and to support the rehabilitation and eventual reintegration of offenders.

The 1st National Criminal Justice Summit was an opportune time to recall what focal role a sound criminal justice system plays in the over-all framework of governance. Harnessing the experience and expertise of vital stakeholders of the criminal justice system, the event sought to find new and innovative avenues for the improvement of the quality of justice administration in the country. It underscored the need to forge strategic partnerships between stakeholders across all sectors, including civil society and the larger community, in order to advance the cause of justice.

Messages



WELCOME REMARKS

21st Century Criminal Justice System: *The Way Forward — Justice Reform Agenda*

Secretary Leila M. De Lima

Department of Justice

Senate President Juan Ponce Enrile, House Speaker Feliciano R. Belmonte, Chief Justice Renato C. Corona, Secretary Jesse M. Robredo, excellencies of the Diplomatic Corps, honorable senators and representatives, honorable justices and judges, fellow members of the cabinet, colleagues in the justice sector, officers of bar associations, distinguished members of the legal community, good representatives of the civil society, the business sector and the academe, partners in development, all delegates to the 1st National Criminal Justice Summit, ladies and gentlemen: good morning.

On behalf of the Justice Sector Coordinating Council, the JSCC, I welcome you to the 1st National Criminal Justice Summit at historic Manila Hotel. This year-ending event is long overdue and is a pro-active response to the clear need for all criminal justice stakeholders to come together in fellowship to not only

bring insights and specific experiences on the institutional challenges of the justice system but more importantly to re-examine, reflect on and, if necessary, redesign the essential foundations of our criminal justice system. It need not be debated that our justice system is dysfunctional, fragmented and broken.

Indeed, it is not the time to run faster — when the racetracks lead nowhere; it is not the time to work harder — when legal processes are never-ending. Rather, it is the time to take stock of the greatest challenge of all: our own mindsets and prejudices, our being boxed into and by years, decades and centuries of antiquated laws, irrelevant procedures and faulty conceptions.

Please allow me to quickly elaborate to set the framework and tone of this Summit.

We have our Philippine Development

Plan, we have the separate Justice Sector Development Plan developed with the UNDP, we have our own agency planning documents – all containing worthwhile strategies for governance improvement and capacity building in the justice sector. The JSCC is full speed ahead on these programs. In fact, I am happy to report that after five months of intense dialogue, the Philippine-U.S. Partnership for Growth or the PFG is now concluded and ready for implementation in 2012 with a strong anchor on the rule of law. The justice sector also recently completed the Governance in the Justice Sector Reform Program with the Asian Development Bank with policy matrices on key projects met. For the first time in the history of justice institutions, we are channelling resources not to any one agency but to the whole justice system with the JSCC at the helm based on existing programs and projects.

But today's presentations are not just about the trees nor the forests; they are about the landscapes, about our perceptions of the painting and its frame and even the brushstrokes that make them intelligible. Take a glance at the Summit program. I am confident that you are all expectant of the unique, innovative and transformational ideas and initiatives from a complete spectrum of

“It is the time to take stock of the greatest challenge of all: our own mindsets and prejudices, our being boxed into and by years, decades and centuries of antiquated laws, irrelevant procedures and faulty conceptions.”

home-grown experts that have been long-time justice advocates and represent the best minds in the country. Please join me in acknowledging their spirit of collaboration. Please also give a hearty applause for yourselves as the chosen delegates from your esteemed institutions. You will have the best opportunity to participate in the open forum series today and to contribute in the pioneering Café de la Justice tomorrow.

Then the objectives of the Summit begin to come to focus. Our beloved nation will continue to bear witness to sensational and high crimes unless we present a systemic approach to the problem of crime. Organized crime cannot be successfully interdicted unless we make fighting syndicates a priority in

our laws. A culture of impunity will prevail and dominate unless we have a set of rules and procedures that do not reward delay, but are proper rules of engagement that are sensible and logical for us to reach the truth.

There is another fundamental reason for the Summit. The President has spoken: At the bottom line is (our) firm belief that justice is the bedrock of progress. Only with a 21st century criminal justice system can we hope to reach the full potential of our people.



Without peace of mind and physical safety, it is impossible to do anything productive or constructive. Without legal stability and predictability in our legal environment, economics and finance will not have basis for sound decisions. Without good governance and the rule of law, graft will feast on the poor, corruption will feed on the weak. Our civic spirit will wither. Only by advancing justice can we progress as a people — the development of justice must take center stage.

We recognize the importance of a whole of government approach and the inter-dependencies among justice institutions — anyone who matters and anyone who cares are here to support and work together. And yet we respect the independence of each other, and keep sacred the check-and-balance principle. Our constitutional bodies are present to ensure that public office is an

office for the public trust. Thank you specially Senator Enrile and Speaker Belmonte for your passionate advocacy for the rule of law. We await guidance on your legislative vision for the country's justice system.

Towards high noon, the JSCC with Chief Justice Corona, Secretary Jesse Robredo and myself will sign a major Declaration for Justice Reform. To give meaning to the occasion and to convey that this is not just a paper document but are commitments that will be translated into action plans, we will listen to a short presentation from our DOJ Assistant Secretary Geronimo L. Sy on the substance of the Declaration. As a preview, many of you already know the ongoing work of the Criminal Code Committee to draft a simple, modern and Filipino criminal code. This is a legacy project and we are happy to have as our main partner the Hanns Seidel Stiftung.

In closing, we request you to think hard before pledging your heart and soul to the cause of justice — be ready when you sign the wall of justice which will serve as the repository of all the delegates in attendance today and will be a reminder forever of our gathering at the 1st National Criminal Justice Summit.

Let us acknowledge the hard work of the men and women of the Supreme Court, the DILG and the DOJ Summit working group. Thank you as you carry on to make this Summit already a success and a merry one at that.

Welcome once again, good luck to us, may God be with us in all our efforts. May we continue to be humble and to stay true to the ideals of truth and justice. May we live out our call for greatness and nobility.

Salamat, mabuhay ang Pilipinas, mabuhay tayong lahat!

WELCOME REMARKS

Justice and Dignity

Secretary Jesse M. Robredo

Department of the Interior and Local Government

Welcome to the First National Criminal Justice Summit, an event that encapsulates our joint and fervent desire to fix our fragmented justice system.

As stated in the President’s social contract with the Filipino people, we have vowed to create “a truly impartial system that delivers equal justice to rich or poor.” This we all want to do, but how? May the spirit of learning and openness allow all of us today to solidify our people’s hope for equal justice for rich and poor, and may I add, give dignity to both victims and those convicted of crimes.

Our police forces work day and night to bring the crime rate down and apprehend those who oppress others, but they face countless constraints on that road to excellence.

What would it take for this government to be known for transforming the members of the police force into effective law enforcers, bringing back the image of “*Mamang Pulis*” who can be trusted by the powerless? What

will it take for our law enforcers to have the skills and the resources to go after those who use all the technology and tools of the trade that the 21st century provides?

DILG has been professionalizing the police and weeding out those who do not deserve to be within its ranks. Through the PNP, we have intensified anti-criminality campaigns in the hope of improving one of the five pillars of justice — police, prosecution, court, corrections, and the community.

When those who wrong others have been caught and put into prison, how then do we provide them with dignity befitting any Filipino? Those who have been rightfully deprived of liberty are still citizens of this country who should not be deprived of humanity. They can still heal, so that scars against people and property become closures for the convicted, the victim, and the society.

Healing is hard when you live in a space that will not allow you to make more than



three normal steps back and forth. You cannot sleep in that space, unless you sit or stand up or take turns sleeping. Anybody living in that situation is a ripe candidate for sickness, disease, and bad temper. That is the inhumanity of congestion in our jails as of the moment, brought about by our lack of resources.

The criminal justice system needs to become, in the end, a restorative cure that allows personal rehabilitation and social reintegration so that individual and collective safety is always protected. More than merely apprehending those who break the law and putting them in jail, our justice system needs to provide fairness and dignity to all.

The DILG supports all moves to design a criminal justice framework that is coherent, logical, and sensible. We are one with you in aiming to improve our general and special

penal laws, which are no longer in keeping with the changing times. We will continue to work together with other government agencies to provide a just and peaceful society for all Filipinos.

So thank you for coming and may we all have a productive conference.

MESSAGE FROM THE SENATE

Senate President Juan Ponce Enrile*Senate of the Philippines*

His Excellency, President Benigno S. Aquino III, Speaker Feliciano Belmonte, Secretary Leila de Lima, fellow government workers, our friends from the international community and the civil society, ladies and gentlemen, a pleasant morning to all of you.

It is a great honor and pleasure to join you in this historic occasion which brings together representatives from the five pillars of justice namely: law enforcement, defense, judiciary, corrections and community. I am proud to be part of this noteworthy endeavor to reform our criminal justice system.

Criminal cases that happened in those days were speedily done. The responsible people were charged, tried and convicted and held in custody, but changes happened in our country after several years of evolution especially after my experience in the last World War in 1941 up to 1945.

Today, we live in a more open and seemingly borderless world marked by amazing advancements in technology. However, even if the global landscape presents enormous possibilities for human development, it also arms criminal elements with mechanisms to

prosper in the work that they do.

For instance, the electronic transfer of money which has made it easier for our countrymen working overseas to send money to their families has also made it easier to transfer money that would be used for criminal or nefarious activities. Even cell phones that revolutionized communication in other parts of the world are not totally harmless. While they make communication very easy today, there have been many occasions in the past when they were also used to detonate bombs, to kill not just one or two or three or a great number of people, they cause harm and serious injury to people and properties.

Moreover, there are crimes that are being committed in cyberspace that destroy very important government files and bank records as well as reputations, properties and lives of individuals.

The aforementioned examples that were cited show us that while technology spurs progress, it is also being used as a means to further the interests of rogue members of our society. Criminal networks, criminal syndicates are more than eager to exploit new technologies



for their criminal activities and economic gain.

Apparently, we are also experiencing the downside of globalization as the type and nature of crimes against humanity have multiplied, and even intensified, over the years. What is unfortunate, however, is that if we cut through the fog of daily headlines, we will be confronting the painful truth that we are fighting crimes with obsolete tools, obsolete principles and inadequate legal system.

There has always been a strong clamor to arrest the onset of lawlessness and criminality in the country. Now, more than ever, we need to update our laws to make them relevant to our present times. The Revised Penal Code, which dates back during the Spanish era, the *Codigo Penal* of our Spanish colonizers, and amended 80 years ago, mind you, 80 years

ago, just shorter than my time on earth, has increasingly become a legal relic. As I have said during the Legislators Forum last July, it is time to produce not just a code but a compendium of penal laws and the sanctions for crimes even covered by special laws in order to make it easier for us and our people to refer to them whenever we encounter criminal activities. We need to have a truly organic, Filipino criminal code that reflects the values and norms of our own society.

I have been saying for many years that we need to undertake meaningful reforms in our justice system. We have to change and define many of the criminal activities of the country today through our law enforcement agents, and modernize our criminal procedures and our system of custodial function for our convicted criminals. More importantly, we have to maintain peace and order and preserve the moral fabric of our society. I was

elated when I learned that the Department of Justice took the initiative to conduct a thorough review and eventually propose much-needed revisions of the Revised Penal Code through the creation of a Criminal Code Committee.

It would be difficult for our people to appreciate the fruits of economic and social development if they are not safe and secure in their communities, in their places of work and specially even in their own homes. How can we attract the foreign investors to our land if they, the foreign investors, their companies and their personnel would feel that their safety is being threatened constantly not just by petty street crimes but by criminal groups that prey on helpless foreigners doing business in our country?

Moreover, any marketing plan aimed at promoting the beauty of our country and attracting millions of tourists similar to what successful Asian neighbors have been doing in their tourism industry in order to better the lives of their people will not be effective if the perception that the Philippines is not a safe haven for foreigners and foreign investment persists.

I am appealing to the members of the Criminal Code Committee, in my capacity as head of the other branch of Congress,

the Senate, to be meticulous in defining the crimes and the corresponding penalties that would be imposed. Currently, the penalties are light as against the weight of the crime committed, thus encouraging people to flout or circumvent the law because they know that they can easily get away with the crimes they would commit.

The temptation to commit a crime is more difficult to resist if the economic benefits that can be derived from the criminal act are much bigger compared to the cost of committing the act. Having said that, it is my opinion

“We need to have a truly organic, Filipino criminal code that reflects the values and norms of our own society.”

that there is a need to revise, review and upgrade not only the extent of the criminal act to be defined but more importantly the magnitude and the degree of its impact on society in order to

measure the correct penalties to be imposed.

I therefore commend the Department of Justice for adopting a multi-disciplinary approach to this need, involving various stakeholders in this endeavor. I am certain that you will have all areas covered and all issues and concerns addressed. I trust that with your expertise, legal experiences, competence and knowledge of the law and criminal procedure especially on the Rules of Evidence needed to convict criminal elements, it will not take long for you to finish the colossal task of crafting a new Philippine Criminal Code. But crafting a new Criminal

Code will not be enough. We also have to review and revise our Rules of Criminal Procedure in order to see to it that the process of trial is achieved at the shortest possible time.

At this juncture, I would like to congratulate the hardworking and dynamic members of the Committee for completing the initial draft of Book I of the Criminal Code that we are planning to create. I must say that I am truly impressed by the dedication you have shown resulting in the completion of this initial draft.

Ladies and gentlemen, having a modern Criminal Code is a giant leap towards achieving our goal of creating meaningful reforms in our justice system. This is a legacy we can leave to our generation and the generations yet to be born.

Thank you very much and good day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Speaker Feliciano R. Belmonte, Jr.*House of Representatives*

Senate President Juan Ponce Enrile, Chief Justice of the Supreme Court Renato Corona, Justice Secretary Leila De Lima, Interior and Local Government Secretary Jesse Robredo, Presiding Justice Francisco Villaruz, the Sandiganbayan, participants and guests, thank you for inviting me in this gathering.

There is no more opportune time for us to have a meeting of minds regarding the workings of the criminal justice system. Notwithstanding the significant active reforms that we in government, especially the judiciary have pursued in the past years, there remains public concern on perceptions that there is room for improvement in our criminal justice system.

Not too long ago, the Hong Kong-based Asian Rights Commission harshly criticized our country's criminal justice system. At the same time, the Court Justice Project Rule of Law Index of 2010 ranked the Philippines last from seven Asian nations that were surveyed in terms of a number of factors including "effective criminal justice".

Such adverse references to our institutions have added to the negative outlook of

the international community towards our country. Our efforts to promote the Philippines as an investment and as a tourist destination may not be as effective unless we erase the impression that impunity is a way of life in our country — that we, government and people, are not doing anything about it. This is, of course, farthest from the truth.

We are here to examine ways on how to reform our criminal justice system. There are all sorts of ideas. Crime prevention as you know means providing adequate assistance to victims and protection for witnesses because the prosecution of criminals depend on the quality of evidence we have on them. Meanwhile, an effective criminal justice system recognizes that justice is a basic right, like education. That is why we should provide them with legal assistance especially the vulnerable, including children.

You know, I also have some experiences here. I spent the first four years of my working life as a police reporter virtually living in the Manila Police Department while studying law. So I can see how justice is done at that level and this is how long time ago. But I have seen some really good and dedicated policemen

who have worked hard and I hope to see more of them in this time.

You know, in the jail in Quezon City, at the time when I took over as Mayor, most of the offenders were accused of violations of B.P. 22 — bouncing checks and so forth — that’s most of the inmates. Now there are virtually eighty percent drug-related. And when you talk about drug-related cases, you know that in almost every case, the decision hinges on the testimony of the apprehending policeman. So when those policemen do not show up, the case gets postponed, postponed, postponed, and in the meantime the jail swells up, or they’re dismissed. So right there and then, I think we can already address something that would greatly affect a lot of the cases pending in our judicial system.

Along these areas, we must focus on restorative justice as well because crimes are truly about breaking the laws. Crime evidently causes harm to people, relationships in the community. This cooperative effort among the victims and offenders in the community is best exemplified by the *Katarungan Pambarangay* system.

Our efforts in these areas should consist partly of the promotion of professional standards

of conduct of all those who are within the justice system. It should be complemented by improving criminal justice management and strengthening the monitoring and oversight systems.

The improvement of the criminal justice system and the gaining of public trust is not the exclusive responsibility of those involved in it. Everyone, including public and private parties, has an important role to play.

“The improvement of the criminal justice system and the gaining of public trust is not the exclusive responsibility of those involved in it. Everyone, including public and private parties, has an important role to play.”

The UN Office on Drugs and Crime offers some interesting principles on the formal criminal justice system that can guide us. One principle states that everyone should engage in effective coordination and partnership. We may have a common goal, but without a common strategy, we will all be heading

towards different directions. We should bear in mind that our system may have different parts but do not function in isolation from one another.

To my mind, the formation of the Justice Sector Coordinating Council composed of the different institutions involved in the delivery of justice to the people is a big and positive development. Although the Legislature has no institutional representation in this



Council, I can promise you that we are more than willing to consider any legislation that you may require in the achievement of your goals. Certainly, we are all ready for the new criminal code, the one that will come out of this meeting.

the realization of a more orderly and peaceful society. We have a stake on what you are going to do and we look forward to your success.

Thank you very much.

Of course there are other reforms that we should need to consider. What is important today is that a consensus is made on what overall direction should be taken. The prompt reform at times can be one long and arduous process; we cannot solve this overnight. But I believe any obstacles to reform can be overcome by sheer will and determination underpinned by a resolute commitment that we are going to tread *yung daang matuwid* for everybody.

In closing, let me thank each of you for your involvement and participation here today. What you achieve will contribute highly to

MESSAGE FROM THE JUDICIARY

Coordinated Action

Chief Justice Renato C. Corona

Supreme Court

A pleasant good morning to everyone.

Julius Ocampo, a thirty-nine year old man who was charged with illegal drug use, languished in jail for six years. Twenty-seven year-old Niño Polo was incarcerated for four years for murder. Early this year, however, during a Supreme Court-led pilot project, both were acquitted due to the prosecution's failure to prove their guilt beyond reasonable doubt.¹

The pilot project, aptly named Judgment Day, was launched at the Las Piñas City Hall of Justice early this year. Aside from the acquittal of 46 individuals, including Ocampo and Polo, the Judgment Day also resulted in the provisional release of five inmates and the conviction of eight others in criminal cases.² An initiative of the Las Piñas City judges,

Judgment Day is the simultaneous disposition of cases in one day.

Judgment Day effectively promotes the speedy resolution of criminal cases and awareness of the justice system. Envisioned as a measure that will boost the Enhanced Justice on Wheels or EJOW Program on which it is based, Judgment Day is a success on its own. Hopefully, we can soon realize the roll-out of a nationwide Judgment Day.

The EJOW Program, which inspired the creation of the Judgment Day, is another Supreme Court initiative geared towards improving our people's access to justice. This mobile court system program was established to bring justice closer to the poor, by providing a speedy resolution of conflicts through conciliation, mediation, or

1 *Of Acquittals and Convictions on Judgment Day and NBP's Dancing Inmates*, Available at: <http://sc.judiciary.gov.ph/news/courtnews%20flash/2011/01/01221102.php>

2 *Ibid.*

adjudication.

The EJOW mobile courts go to various parts of our country to decongest jails and courts with heavy caseloads, initiate mobile court-annexed mediation, and bring a legal aid clinic for underprivileged litigants. The project also provides free medical and dental aid; serves as a venue for dialogue with judges and other court personnel, members of the Integrated Bar of the Philippines, and other members of the justice sector; offers team-building activities for local court personnel; and facilitates information dissemination drives on the justice system and the pertinent laws for barangay officials and members of the community, including indigenous peoples.³

We started with three mobile courts cum buses in 2008. We now have nine, with donations from LGUs and NGOs, the latest of which was a donation from Santiago City some three weeks ago. These mobile courts have travelled the length and breadth of the archipelago, and have made stops in some forty provinces, from as far as Abra up north, to as far as Basilan down south.

Since its inception too in 2008, the use of these mobile courts has resulted in the release of some 6,500 inmates and the successful mediation of 7,000 cases. Some 13,000 inmates too were given medical

and dental attention, while around 3,600 benefitted from the legal aid conducted by the Integrated Bar of the Philippines. Some 18,773 barangay officials have also participated in its information dissemination campaigns.

Certainly, the Judgment Day and the EJOW Program are two of the most successful projects of the Judiciary in addressing the problems of our criminal justice system. Through these initiatives, we, in the Judiciary, hope that we are making valuable contributions toward reform in the justice sector. Nevertheless, it is clear that the justice sector operates in an environment where there is interconnectivity. Particularly, reforms introduced in one institution tend to have consequences for others. And conversely, the impact of reforms in one institution may be weakened by the lack of reforms in another justice sector agency. In effect, an injustice perpetuated in one justice sector agency threatens the entire administration of justice in our country.

Despite our reform projects, setbacks still continue to beset other aspects of our justice system, thereby weakening the overall impact of our initial successes. Delays in the resolution of cases and perceived graft and corruption have continued to weaken public confidence in the justice system. Other critical issues that need to be addressed

3 Marquez, Jose Midas P., *Bringing our Courts Closer to Our People (A Yearend Report)*, 2009.



are weak institutional systems, poor court technologies and facilities, inadequate human resource development programs, and perceived limited access to justice by the poor and marginalized sectors of society.⁵

Looking at these dilemmas in the justice sector, one cannot help but wonder why such problems still persist when all the justice sector agencies, for the past two decades, have been very determined to tackle and abolish the roadblocks to their efficiency as institutions. Like the Judiciary, other justice sector agencies have been instituting reforms in accord with their legal mandates, and commencing projects that endeavor to improve their methods and processes. Therefore, the crucial question is what is amiss in all of these?

The answer, I believe, can be inferred from the success of the Judgment Day and EJOW Program. To make this inference, all we need to do is figure out the factors which made such projects successful, and then ascertain what the justice sector ultimately needs. The answer, fellow stakeholders in the justice sector, is quite simple. Cooperation and coordination among all justice sector agencies is a must if we are to succeed in our common goal of making the justice system more effective. Such resolution, without a doubt, can be seen in the synergy at work during every EJOW visit.

When an EJOW bus visits a city or town, it would normally be parked outside the provincial or city jail for the jail and docket decongestion component and the mobile

4 National Economic Development Authority, *Medium-Term Philippine Development Plan (2004–2010)*.

court-annexed mediation.⁵ Volunteer lawyers man tables for those who need free legal assistance, while Supreme Court doctors, dentists, and nurses, together with other volunteer medical workers, attend to those availing of free medical and dental services.⁶ Medicines are dispensed free of charge. And, experts from the Supreme Court and the Philippine Judicial Academy give lectures to barangay leaders and members of the community in a nearby gym or hall, while the Chief Justice or other SC officials hold a dialogue with the local judges and court personnel, prosecutors, jail wardens, public defenders, police, and other stakeholders in the justice sector.⁷ In this scenario, it is apparent

that all the five pillars of the justice system are dynamically involved – the courts, the prosecution, enforcement, corrections and rehabilitation and the community. This coordinated approach is the answer to our continuing problems. Accordingly, it was on this premise that the Justice Sector Coordinating Council or JSCC was convened, as a joint forum for dialogue on issues of common interest, sharing of information, and

implementation of joint initiatives geared towards our ultimate goal.

Just three weeks ago, the JSCC held the 2011 Anti-Illegal Drugs Forum to address the ever-worsening problem of illegal drugs by identifying the issues and problems, as well as by recommending solutions thereto.

Without a doubt, the delivery of justice is a process and a duty shared by all justice

sector agencies.

Although each justice sector agency plays a specific role in a system of checks and balances, each must also recognize that its performance and the attainment of its

“I believe that we are slowly inching our way towards accomplishing our collective goals, and finally enhancing our entire justice system.”

ultimate objective depend on other agencies’ performance.⁸ This is because the justice system of the Philippines is a complicated network of government branches, agencies, and offices for dispute resolution, investigation, prosecution, police action, and correction and rehabilitation of offenders, and no one branch or agency performs all of the above functions.⁹ As such, coordination, particularly on the ground, is necessary to

5 Marquez, Jose Midas P., *Bringing our Courts Closer to Our People (A Yearend Report)*, 2009.

6 *Ibid.*

7 *Ibid.*

8 Asian Development Bank, *Background Note on the Justice Sector of the Philippines* (2009), p. 68.

improve efficiency in the administration of justice.¹⁰ However, attaining such coordination and cooperation is no easy task. It takes a lot of time, great energy, and tremendous effort. Nevertheless, with the signing of our declaration today, the conduct of enlightening lectures and workshops on the justice system throughout this two-day summit, and with the proclamation of our pledge of commitment to the justice reform agenda, I believe that we are slowly inching our way towards accomplishing our collective goals, and finally enhancing our entire justice system.

Even after this summit ends, we should persist in our endeavors, such as the Judgment Day and the EJOW, and unreservedly fulfill their obligations under our Declaration for Justice Reform and the Pledge of Commitment to the Justice Reform Agenda. Most importantly, I hope that our commitments do not remain as lip service. As your partner in nation-building, the judicial branch will continue to support the projects of your agencies, and have your goals in mind as it continues to uphold the strong tradition of the rule of law. As we go back to work in our respective institutions, I sincerely hope that each of us will be able to build on our

milestones in justice reform, and absolutely concede that the speedy and well-organized disposition of justice is dependent on our collective and coordinated action, without compromising our independence as separate institutions.

Thank you and good day.

9 *Id.* at 17.

10 *Supra* note 8.

KEYNOTE ADDRESS

His Excellency Benigno S. Aquino III*President of the Republic of the Philippines*

Senate President Juan Ponce Enrile; Speaker Sonny Belmonte; honorable members of the House of Representatives present; Chief Justice Renato Corona and the honorable members of the Supreme Court, Court of Appeals, and Sandiganbayan; excellencies of the diplomatic corps; Secretary Leila de Lima; Secretary Jesse Robredo; Secretary Eduardo de Mesa; Secretary Cesar Garcia; Chairman Francis Tolentino; Presiding Justice Villaruz of the Sandiganbayan; men and women of the Philippine National Police, led by Director General Nicanor Bartolome; civil society; nongovernment organizations; fellow workers in government; honored guests; ladies and gentlemen:

Ang pagtitipon natin ngayong umaga ay isang pagkakataon para higit na masuri ang lakas at kahinaan ng ating kasalukuyang criminal justice system, at makalikom ng mga makabago at napapanahong inisyatibang pangkatarungan. Masasabi nating napapanahon ito: dahil sa mga araw-araw na headline sa diyaryo at telebisyon, nasasaksihan din ngayon ng buong bansa kung gaano kasalimuot ang trabaho ng mga clerk of court, abugado, at huwes. Walang duda sa halaga ng inyong trabaho: ang inyong mga desisyon at hakbang ay may

makabuluhang implikasyon sa ating pong demokrasya. Dahil dito, mahalagang balikan natin ang nakasaad sa Artikulo 2, Seksyon 1 ng ating Saligang Batas: ang ganap na kapangyarihan ay nasa sambayanan, at ang lahat ng kapangyarihang pampamahalaan ay nagmumula sa kanila. Minabuti ko pong ipaalala ito sa inyo dahil minsan sa ating kasaysayan, tila nakalimutan natin ito.

Noong panahon ng batas militar, hindi nakatuon ang katarungan para sa kapakanan ng taumbayan, kundi upang sundin ang mga kagustuhan ng iisang tao lamang, ang dating pangulong Ferdinand Marcos. Mismong pamilya ko po ay biktima nito: Iniharap sa court martial ang aking ama, subalit bago pa man magsimula ang paglilitis, malaon nang naitakda ang kahihinatnan niya. Sa isang hukumang binubuo ng mga mahistrado, abugado, tagalitis, at mga saksing itinalaga ng mismong nagsampa ng kaso — si Ginoong Marcos — ginawa ng diktadurya ang lahat ng kanilang makakaya upang baluktutin ang katarungan at ubusin ang karapatang pantao ng aking ama. Kahit wala siyang kasalanan, pitong taon at pitong buwan po siyang ipiniit at pinagdusa, habang pinagpiyestahan ng mga nasa kapangyarihan ang kaban ng bayan.



Tinanggalan nila ng piring ang katarungan, at naibaling nila ang timbangan ng hustisya ayon sa kanilang kagustuhan.

Ngayon, bilang inyong Pangulo, may sinumpaan akong tungkulin: ang pangangalagaan at ipagtatanggol ang konstitusyon, ipatupad ang mga batas nito, maging makatarungan sa bawat tao, at italaga ang aking sarili sa paglilingkod sa Bansa. At bahagi ng aking mandato ang tiyaking hindi na maulit ang mga kadilimang nangyari noong panahon ng Martial law, at kung may gumawa man nito, ang siguruhing managot sila sa kanilang kasalanan.

Kaya naman simula't sapul pa lamang, naglatag na tayo ng mga hakbang upang bigyang linaw ang mga alegasyon ng korupsiyon noong nakaraang administrasyon: mula sa *fertilizer scam*, na nagpataba umano, hindi sa mga pananim, kundi sa mga bulsa ng ilang opisyal; hanggang sa *ZTE deal*, na

humantong din sa pagkaka-*kidnap* di-umano sa saksing si Jun Lozada; mula sa alegasyon ng pandaraya ng 2004 at 2007 *election*, at marami pang ibang katiwalian na nais nating maunghat.

Sinimulan natin ito sa pagbuo ng *Truth Commission*, na dapat ay susuyod sa mga di-umano'y katiwaliang lumaganap noong nakaraang administrasyon, at panagutin ang mga nasa likod nito. Wala itong ibang layon kundi iwasto ang mali sa lalong madaling panahon. Subalit alam naman natin ang nangyari: labag daw ito sa konstitusyon ayon sa Korte Suprema. Unang hakbang pa lang natin, may barikada na agad.

Tungkulin ng COMELEC na tiyaking malinis at kapanipaniwala ang resulta ng eleksiyon. Kaya naman natural lang na humingi sila ng tulong sa DOJ para imbestigahan ang mga alegasyon ng pandaraya noong 2007. Pangkaraniwan na ang pagbuo ng ganitong mga *panel*, ngunit

kinukuwestiyon ito ngayon sa Korte Suprema. Kinukuwestiyon din nila ang legalidad ng *warrant of arrest* na ipinataw ng Pasay *Regional Trial Court* kay Ginang Arroyo.

Pansinin po ninyo: Nang naglabas ng TRO ang Korte Suprema, may kaakibat itong mga kondisyon. Subalit hindi nagtagal, sila mismo ang umaming hindi naman pala kailangang tuparin ang mga alituntuning ito. Aba, e naglagay ka pa ng patakaran; wala ka naman palang balak na masunod ito. Lahat na ng proseso ay sinusunod natin, ngunit sa kabila nito, tayo pa daw ngayon ang naghahanap ng away. Sino ba naman ang hindi magdududa sa tunay nilang hangarin?

Hindi ito ang unang beses na gumawa ang Korte Suprema ng mga desisyong napakahirap unawain. Ayon sa *Article 7, Section 15* ng Saligang Batas, “Ang isang Pangulo ay hindi dapat gumawa ng mga paghirang sa loob ng dalawang buwan bago sumapit ang susunod na halalang pampanguluhan at hanggang sa matapos ang kanyang taning ng panunungkulan, maliban na lamang sa mga pansamantalang paghirang sa mga katungkulang ehekutibo.” Ngunit alam naman po nating pinilit ni Ginang Arroyo na magtalaga pa rin ng *Chief Justice*. Hinirang siya, hindi dalawang buwan bago ang halalan, kundi isang linggo matapos ang eleksiyon. Base sa batas at sa dati nilang pasya, sumangayon ang Korte Suprema na bawal magtalaga ng pwesto dalawang buwan bago sumapit ang susunod na eleksiyon, maliban na lamang kung ito ay pansamantalang posisyon

sa ehekutibo. Ngunit bumaliktad sila nang italaga ni Ginang Arroyo, ating kagalang-galang, na *Chief Justice* Renato Corona: isang pwestong hindi saklaw ng ehekutibo, kundi sa hudikatura. Ang tanong ngayon: lumabag ba ang Korte Suprema sa pagbabaliktad ng dating pag-unawa ng ating Saligang Batas?

Isang halimbawa pa po ng desisyon nilang mahirap intindihin ay tungkol sa paggawa ng mga distrito sa Kongreso: Sa *Article 6, Section 5* ng Saligang Batas, kinakailangang mas higit sa dalawandaan at limampung libo ang populasyon ng bawat distrito. Ang problema: may mga hindi nakakaabot sa bilang na ito, tulad na lamang ng isang distrito sa Camarines Sur na may mahigit isandaan pitumpu’t anim na libo lamang ang populasyon. Kaya noong nasa Senado pa tayo, bilang *chairman* ng *Committee on Local Government*, kinuwestiyon natin ang pagbuo ng distritong ito, subalit naibasura lamang ito ng Korte Suprema. Ang tanong ngayon: kung hindi na nakasalalay sa populasyon ang paglikha ng distrito, ano ang magiging basehan ng mga mambabatas kapag may panukalang redistricting? Ibig bang sabihin, may nakalatag tayong batayan kapag lungsod ang binubuo, pero kapag lalawigan o distrito sa lalawigan, wala na? Nakikiramay po ako sa bagong *Chairman ng Senate Committee on Local Government* na si Senador Bongbong Marcos: *Good luck* po sa pagresolba ng problemang ito; sinubukan ko pong resolbahin noong panahon ko.

Iginagalang po natin ang pagkakapantay sa kapangyarihan ng hudikatura at ng

ehekutibong sangay ng gobyerno. Wala po tayong balak na tapakan ang karapatan nila, o bastusin ang kredibilidad ng sinuman. Pero kailangan nating balikan ang mga batayang prinsipyo ng ating demokrasya. Kami pong mga nanumpa sa tungkulin ay iisa lamang ang pinagkakautangan ng loob: kayong mga Boss namin, ang sambayanang Pilipino. Narito kami para maglingkod sa ating bansa; at para may manilbihan nang buong katapatan at sigasig sa mga Pilipino.

Ngayon, kung may isang lingkod-bayan na tumatanaw ng utang ng loob, hindi sa taumbayan na siyang dapat na bukal ng aming kapangyarihan, kundi sa isang padron na isiniksik siya sa puwesto, maaasahan po kaya natin siyang intindihin ang interes ng Pilipino?

Hindi po ako nagtapos ng abugasya. Gayumpaman, lumaki tayong may malinaw na pananaw kung alin ang tama, at kung alin ang mali; kung alin ang makatao, at kung alin ang tiwali. Naninindigan pa rin akong ang katarungan ay hindi manibelang basta-basta naililiko sa kung saan nais sumadsad ng mga mahistrado. Hindi ito laruan ng mga abugado't hukom na binabaliktad at pinapasirko ayon sa kanilang kagustuhan.

Balikan po natin ang nabanggit ko kanina:

ang kapangyarihan ng Korte Suprema, ng Pangulo, at ng Kongreso ay nagmumula sa nag-iisa nilang Boss: ang taumbayan. Samakatuwid, ang interes lamang ng taumbayan ang dapat naming panigan at ipaglaban. Nanumpa akong pangangalagaan at ipagtatangol ang konstitusyon, ipatupad ang mga batas nito, maging makatarungan sa bawat tao, at italaga ang aking sarili sa paglilingkod sa bansa. Wala akong balak na lumabag sa aking sinumpaang tungkulin. Wala akong balak na biguin ang taumbayan.

“Obligasyon ko, at obligasyon nating lahat na manatiling tumahak sa iisang direksyon, sa ilalim ng nagkakaisa nating adhika: ang paglingkuran at pangalagaan ang interes ng sambayanan.”

Obligasyon ko, at obligasyon nating lahat na manatiling tumahak sa iisang direksyon, sa ilalim ng nagkakaisa nating adhika: ang paglingkuran at pangalagaan ang interes ng sambayanan. Sa lahat ng nakikibalikat sa atin sa tuwid na daan, manalig kayo:

Hangga't nasa tama tayo, wala tayong laban na aatrasan. Hanggang nasa likod natin ang taumbayan, magtatagumpay tayo. Huwag natin silang bibiguin.

Magandang araw po. Maraming salamat po.

CLOSING REMARKS

Hon. Jejomar C. Binay

Vice President of the Republic of the Philippines

*Ako po ay lubos na umaasa na ating isasa-
puso at panghahawakan ang ating sinumpaang
“Pledge of Commitment to the Justice Reform
Agenda” na ipinagkatiwala ninyo na aking
pamunuan sa hapong ito. Isa pong mahalagang
hakbang ang panunumpa at pagkakaisa nating
ito tungo sa minimithing pagrereporma ng ating
sistemang pangkatarungan.*

My friends:

I am honored by your gracious invitation to be part of this First National Criminal Justice Summit, even if my part comes only at the end of your two-day event. I am thinking that perhaps my being a Boy Scout helped qualify me to lead in today’s taking of our Pledge of Commitment.

Levity aside, congratulations are in order to the Justice Sector Coordinating Council, spearheaded by the Department of Justice, the Supreme Court, and the Department of the Interior and Local Government, for initiating this first ever National Criminal Justice Summit, which is intended to jump-start the adoption of far-reaching and meaningful reforms in our prevailing justice system. The last two days have been very fruitful in

discussing concrete proposals for reforming and modernizing the various components of our justice system.

The organizers have succeeded in projecting a holistic approach to our common quest at improving our people’s access to justice. Of particular note is the monumental task of updating and modernizing our criminal laws to attune them to the changing demands of our developing nation.

The Criminal Code Committee, chaired by Asec. Geronimo Sy of the Department of Justice, has gained impressive ground in the drafting and preparation of an organic, Filipino, and modern criminal code. We fervently hope that the output of this committee will soon enough be deliberated upon in the chambers of our Congress.

Also of great significance are the efforts by the Supreme Court, notably articulated by Justice Roberto Abad, at exploring new rules of procedure that would simplify and speed up proceedings of trial and adjudication so as to make the delivery of justice simple, effective, and inexpensive. This would, indeed, be revolutionary and may well come down as one

of the great accomplishments of our Supreme Court.

We all look forward to having the salutary reforms taken up in this summit as forming part of an effective and reinvigorated justice system in the days to come. As a lawyer in government, I take my role as stakeholder in our justice system very seriously. In the agencies that I am tasked to handle, we need the arms of the justice system to go after those who perpetrate fraud against the people, be it in housing projects, in overseas labor recruitment or in human trafficking activities.

This constituency easily consists of the majority of our population, and the efficacy of our laws and our justice system will be tested here, before it is tested anywhere else.

That is why I will yield to no one in making sure that our reforms impact directly on the daily lives of our people.

Where mere lawyers meet, you are guaranteed a lively exchange. Where legal eagles or titans meet, you are assured of something more. This summit has not failed you in that regard; no one will come away from here, disappointed that he or she had to sit through a boring session.

Yesterday's fireworks made some headlines. But more than anything else, they showed the

vigor and strength of the legal profession, and the healthy debate that is going on and must be encouraged between and among the three branches of our government.

The law is not static but dynamic. Not only specific laws are subject to change, but the very concept of law is itself subject to change. This must be debated, and it is best that the debate take place not only within the academe and the legal profession but primarily within government itself.

There are, however, certain self-evident principles. These we must uphold always.

“We need the arms of the justice system to go after those who perpetrate fraud against the people.”

This is the only way to preserve truth and freedom. Friedrich A. Von Hayek reminds us that “Freedom can be preserved only by following principles and is destroyed by following expediency.”

As early as the third century, the Roman jurist Julius Paulus wrote — and you will perhaps allow me to give it to you in the original Latin: *Non ex regula ius sumatur, sed ex iure quod est regula fiat* — “What is right is not derived from the rule but the rule arises from our knowledge of what is right.”

Sixteen centuries later, Montesquieu would write not of the law shaping the society, but rather of the society and its culture being shaped by “the spirit of its laws”. Ultimately, though, what concerns us is justice. For as



David Hume assures us, “It is possible for men to maintain a small uncultivated society without government, but it is impossible that they maintain a society of any kind without justice.”

Justice is what gives validity to any law. And in any legal system, the dispensing and administration of justice begins with due process. What is due process? Lord Denning defines it for us to mean, “the measures authorized by the law so as to keep the streams of justice pure: to see that trials and inquiries are fairly conducted; that arrests and searches are properly made; that lawful remedies are readily available; and that unnecessary delays are eliminated.”

To keep the streams of justice clear and pure — what a felicitous phrase! than that there cannot be anything of greater consequence, the great jurist continues, quoting Lord Hardwicke (1742). There is not one stream of

justice, Lord Denning points out. There are many streams. But whatever obstructs their courses or muddies the waters of any of those streams, a judge must be free to punish, under the single cognomen ‘contempt of court.’

Through our common effort, I am confident that we shall see the streams of justice in our country made much purer in the days ahead.

Once again, my congratulations and thanks to the organizers and to Hanns Seidel Foundation, and good afternoon.

MESSAGE FROM THE PROJECT PARTNER

Paul G. Schäfer*Resident Representative, Hanns Seidel Foundation*

It is our honor and privilege to be a part of this auspicious event, the 1st National Criminal Justice Summit, which is one of the major activities of our joint project with the Philippine Department of Justice and the German Federal Foreign Office towards crafting a modern criminal code for the Philippines.

Upon the assumption to office of His Excellency, President Benigno S. Aquino III, he has articulated his vision and program of government for the country within his six-year term as Chief Executive anchored on transformational leadership. The Philippine Development Plan for 2011–2016 presents the government's priority agenda which includes good governance and the rule of law, and social development. We are pleased to note that in the Philippines, the Hanns Seidel Foundation is actively working in these two important areas in cooperation with relevant government agencies, non-government organizations and the private sector.

Since 1979, our international cooperation programs in the Philippines have largely contributed to the following national objectives: enhancing capacities of local

institutions involved in rural development, training professionals and skilled workers; strengthening democratic structures; and promoting partnerships between government and the private sector. Its main intervention comes in the form of technical and financial assistance to support human resource development activities in cooperation with Philippine partners. The activities are based on long-term partnerships, and cover priority programs and areas in the country.

The Hanns Seidel Foundation (HSF) was founded in 1967 in Munich, Germany and named in honor of former Bavarian State Minister President Dr. Hanns Seidel, who is also known as the architect of “Modern Bavaria” (Bavaria is one of the 16 federal states of Germany). HSF is an international non-profit, non-stock, non-government organization and has project operations in more than 60 countries worldwide, spanning Africa, Asia and the Pacific, the Middle East, Latin America and Europe. Guided by its motto, “*In the service of Democracy, Peace and Development*,” the Foundation promotes self-help and self-responsibility to help ensure the sustainability of the programs and projects that have received its support through funds

provided by, mainly, the German Federal Government through a special fund allocation by the German Federal Parliament, the Government of the State of Bavaria and the European Union. The basic philosophy behind the Foundation's international cooperation is to work within the development framework of its partner countries.

In pursuit of its mission, it is implementing or has implemented joint programs with local partners in several focus areas: first is **rural development**, in particular, with the *microfinance sector*, from 2008 to the present, by increasing access of the poor to microfinance services through the development of competent manpower to support the expansion of microfinance institutions, and the strengthening of a network of business development service (BDS) providers to extend technical support to micro-entrepreneurs.

This program is being undertaken in cooperation with the PinoyME Foundation, Ninoy and Cory Aquino Foundation, and microfinance and educational institutions. The end-goal of this and the Foundation's earlier cooperative development program

is to help the microfinance institutions and co-operatives fulfill their important role as partners of the government in poverty reduction towards the socio-economic development of the country.

Second is **support for public administration**.

Beginning in 2008, two program partnerships on human rights were forged — one with the Philippine National Police (PNP) through its Human Rights Affairs Office (HRAO) for the joint implementation of its Human Rights Development Program and two, for the implementation of the "Community-based Dialogue Sessions on Human Rights Promotion and Protection between the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), and Civil Society Organizations and Local Communities."

"As a long-standing partner of the Philippines, the Hanns Seidel Foundation would like to express its continued support and commitment to the avowed policies, plans and programs of the Philippine government as envisioned under its Philippine Development Plan 2011-2016, its roadmap towards a better quality of life for all Filipinos."

HSF provides technical assistance to PNP in the conduct of human rights training for police officers such as Trainers' Training activities, deepening seminars on human rights, seminar-workshops for Human Rights



Officers, and roll-out or echo seminars; community-based dialogue sessions on human rights promotion and protection, policy fora, research studies as well as the publication or production of training and information materials, operations manuals, among others.

The dialogue sessions project is being undertaken in cooperation with the Alternative Law Groups (ALG), the Ninoy and Cory Aquino Foundation (NCAF), PNP-HRAO, AFP Human Rights Office (AFP-HRO), the Office of the Deputy Chief of Staff for Civil-Military Operations (AFP J7) and the Commission on Human Rights of the Philippines (CHRP). The regional dialogues have been completed covering all 17 regions of the country; the next phase will entail extending the dialogue sessions to the provincial level and the institutionalization of relevant mechanisms both at the local level, that is, through monitoring, and training

and education activities, and at the national level by implementing a Top-Level Dialogue Mechanism through Policy Forums among policy-makers and key representatives of national government agencies and leaders of civil society groups.

Corollary to these activities are the exchange programs, such as information and study visits, for PNP Delegations to Germany and Europe, and consultative meetings and lectures with visiting German short-time experts in the Philippines.

Third is **support for follow-up activities** in the fields of co-operative systems and ASEAN-EU Cooperation as well as study grant programs in Germany for young professionals. Under the co-operatives program, HSF is working closely with the National Cooperative Movement (NCM) which spearheads national-level activities towards the integration and consolidation of co-operatives in

the country to make these institutions financially and organizationally viable. The ASEAN-EU cooperation is a regular forum for discussion of various issues related to economic and political cooperation and integration, environmental management as well as trade relations and investment policies within ASEAN and between ASEAN and the European Union. This is being implemented in cooperation with the Ramos Peace and Development Foundation (RPDEV) through conferences and workshops.

Fourth area and the latest is our joint project with the DOJ and German Federal Foreign Office for the Crafting of the new, Filipino-inspired Criminal Code for the Philippines in support of the Aquino administration's justice sector reform agenda.

As a long-standing partner of the Philippines, the Hanns Seidel Foundation would like to express its continued support and commitment to the avowed policies, plans and programs of the Philippine government as envisioned under its Philippine Development Plan 2011-2016, its roadmap towards a better quality of life for all Filipinos.

Finally, we would like to thank our partner, the Department of Justice spearheaded by Secretary Leila de Lima, Assistant Secretary Geronimo Sy, the members of the Criminal Code Committee and its Experts Group and the staff of the Committee Secretariat for organizing the summit and we look forward to its successful conclusion.

Maraming salamat po sa inyong lahat at Mabuhay!



Presentations

Published in this section are full transcriptions of actual presentations from the Summit.

PRESENTATION

The Criminal Justice Story 1898–2011

Assistant Secretary Geronimo L. Sy

*Chair, Criminal Code Committee
Department of Justice*

Thank you everyone, for bearing with us this morning, for a very interesting session.

After hearing the policy speeches of the President, the Senate President, the Speaker, Chief Justice and both Secretary De Lima and Secretary Robredo, I would like to give you a ten-minute presentation on how these things would actually work, from here to 2016, and from 1898 to 2011. To reduce 113 years' worth of history, social-legal division, of the Philippines, into fifteen (15) minutes, is something that we will try to do, shortly.

So the title of this is “The Criminal Justice Story,” and we will complete this presentation in three (3) chapters. These are the first three chapters of these stories that will make up the major working rules, which we will handle from today until tomorrow. The **first** one is reform of our Penal Code. The **second**, as requested and as championed by the Senate President, is that, with the criminal laws we should also have the

Criminal Procedure together. And **finally**, we have to design a new criminal justice system. This is where the hard work is, this is where the rubber meets the road — beyond major policy corrections — this is where details are needed, this is where hard work is needed, for us to make sure that justice reforms are very institutional and will take root, aside from occasional cases.

I'd like to start with Chapter 1 as we look at our Revised Penal Code of 1932, which was actually not a new tool in 1932 but actually a revision of the 1870 Spanish Penal Code, which was adopted into the Philippine setting. So it is something that is not endemic and organic from us, that is why, we are spearheading something that is truly attuned to the mores of the Philippine people. Aside from that, the one who wrote this was a judge, such that, a lot of the writing in the Revised Penal Code is very academic. It is something that is very difficult to understand. It has a lot of words, a lot of terms that need

Philippine Penal Code	Spanish Penal Code	German Criminal Code
<ul style="list-style-type: none"> * The 1932 Revised Penal Code is a revision of the Spanish Penal Code (1886-1930) * Passed during the American Occupation * Uses academic writing * Contains commentaries in 2 volumes 	<ul style="list-style-type: none"> * Código penal de 1822 * Código penal de 1848 * Código penal de 1928 * Código penal de 1932 * Código penal de 1944, 1963, y 1973 * Código penal de 1995 	<ul style="list-style-type: none"> * More than 200 amendments since 1871 * Contains commentaries in more than 35 volumes

A comparative history of the Philippine, Spanish, and German Codes

to be explained to the lay person. In the New Criminal Code, we are doing a very layman approach; it will be very simple English – easy to translate into all major Filipino languages.

Aside from this, our Revised Penal Code of 1932, which predates everyone of you here, except for Senator Enrile, is geared towards street crimes, it is geared towards a lot of petty crimes. It is not geared towards organized crimes, it is not geared towards money laundering offenses, cyber offenses, drug trafficking, human trafficking, tax evasion, smuggling. The prior cases of the Philippines are not suited for the Revised Penal Code. And this is one key area that we'll look at.

There are four (4) drivers of change in any penal code codification. First is the moral-

changing time. Before, we had the death penalty; now we don't have the death penalty. Also, changes in technology and other reforms, especially constitutional changes. We already had two (2) Constitutions – 1970 and 1986 – and yet we still have the same penal code. We have done our homework, and if you look at the next slide – the Spanish Penal Code we copied – has been revised one, two, three, four, five, six, seven, eight times – eight major codifications since 1822. Yet from 1932 down, we still have one Revised Penal Code, which is not even ours.

In the latest Berlin Trip, courtesy of Hanns Seidel, our major partner, we also looked at the German Criminal Code, and the first one that we have, traces back to 1871. From 1871 up to the present, there had been more than two hundred (200) amendments to the



German Criminal Code. In the Philippines, we have only done less than twenty (20). So can you imagine the range of antiquated provisions that we have? The German Criminal Code commentaries are thirty-five volumes long. In the Philippines, we only have Volume 1, Volume 2 commentaries. That is the disparity in terms of our legal infrastructure to handle the criminal code. Hopefully in the future Summit we will also report the French Penal Code, to find out what provisions are existing, and what provisions will be changed.

What we have done in the Philippines is actually to pass a lot of special laws. We inventoried at least one hundred eighty (180) penal laws. Can you imagine? Since 1932? And now we have one hundred eighty (180) special penal laws that not even any criminal expert in the Philippines can name. We also have at least one hundred forty-one (141) general laws with penal provisions, pushing the total

to three hundred twenty-one (321) laws, aside from the Revised Penal Code. Nowadays, when the police and prosecutor file the case, they say, “Article 1, Section 1, in relation to Republic Act 2 and Republic Act 3.”

In the preview of our simple and modern Filipino Criminal Code — the full presentation is set tomorrow, Session 5, if you look at the program — what we have included is a basic definition of terms. We also have restructured Book 1 and Book 2, to make it simple. And very important: the level of penalties is not seven (7) or eight (8) steps that uses a lot of foreign words. It’s now Level One, Two, Three, Four, Five, starting with Level One on community service or fines. That will be in Session 5 tomorrow.

And then we will go down to the Second Chapter 1898–2011, and for this you should be ready for a little of shock. It’s the evolution of the Criminal Procedure that we have,

and our focus is on the rules of preliminary investigation, because our rules now make delay something that is embedded in the system, when rules are supposed to make life easier. They are supposed to define how things are, how we set things together.

What's happening with our rules is they are being used to promote delay. We have also reviewed, done our homework, went back all the way, to the Spanish times, to look at all the criminal procedure that we had, starting with the Spanish Provisional laws and Criminal Rules of Procedure that we had before 1898.

When the Americans came, to codify that, they became General Order No.58, and then our first Rules of Court, 1940. There are a lot of amendments on the way that will be subject to a full presentation this afternoon in Session Four. But what's interesting is the next slide. If you look at General Order No. 58 — a 1900 law, which is something you have to remember, 1900 — the preliminary investigation started as a judicial proceeding for courts, for judges, for magistrates. This is the first — 1940 — and 1964 Rules, basically being modern. If you look at the bold portion of Rule 108 (1940) and Rule 112 (1964), it's still a judge or sometimes it's the fiscals — an executive officer — authorized to conduct preliminary investigation or examination, that there is a reasonable ground to believe

“Our rules now make delay something that is embedded in the system, when rules are supposed to make life easier.”

that an offense has been committed, and the defendant is probably guilty thereof — something which is very familiar to us, so as to issue a warrant of arrest, and hold him for trial. I think we are familiar with this.

But if you look at the 1985 or 2000 Rules of Court, *nawala na yun*, so is the issue of a warrant of arrest. It became a free investigation the way that we experience it today. What happened in between? Well, we had two Constitutions in between, 1935 and 1973. So now, for the past 112 years, we have been laboring under rules of preliminary

investigation that are faulty because as the next slide will show, General Order No. 58 was done by a magistrate.

When you refer to 1940–64, there was a bifurcation, both judicial officers — judges, magistrates, justice of the peace — and city fiscal, municipal mayors — on the executive side, could also determine probable cause. If you look at the 1985 Rules of Court, this bifurcation continued, but with the 2000 Rules of Court, judges no longer conduct preliminary investigations because there is a warrant of arrest involved.

So today, what we have is a judicial proceeding dating from 1900 being conducted by an executive officer — the prosecutor — which requires a trial, a mini-trial, which

General Order No. 58 (1900)

Section 13:

If the **magistrate** be satisfied from the investigation that the crime complained of has been committed, and that **there is reasonable ground to believe that the party charged has committed it, he must issue an order for his arrest.**

1940 and 1964 Rules of Court

Rule 108 [Rule 112], Section 1:

Preliminary investigation [examination] is a previous inquiry or examination made before the arrest of the defendant by the **judge or officer authorized to conduct the same, with whom a complaint or information has been filed** imputing the commission of an offense cognizable by the Court of First Instance, for the purpose of determining whether **there is a reasonable ground to believe that an offense has been committed and the defendant is probably guilty thereof, so as to issue a warrant of arrest and to hold him for trial.**

1985 and 2000 Rules of Court

Rule 112, Section 1:

Preliminary investigation is an inquiry or proceeding for the purpose of determining whether **there is sufficient ground to engender a well-founded belief that a crime [cognizable by the Regional Trial Court] has been committed and that the respondent is probably guilty thereof, and should be held for trial.**

1900

1940 and 1964

1985

2000–present

- Magistrates [JUDICIAL]

- Judges, justices of the peace [JUDICIAL]
- City fiscals, municipal mayors [EXECUTIVE]

- Judges of the Municipal Trial Courts and Municipal Circuit Trial Courts [JUDICIAL]
- Provincial or city fiscals; national and regional prosecutors and other officers as may be authorized by law [EXECUTIVE]

- Provincial or city prosecutors and their assistants; national and regional prosecutors and other officers as may be authorized by law [EXECUTIVE]

A comparative history of the Rules of Court

contributes at least two (2) to five (5) years of delay to our criminal justice process. We hope to present this fully again in our afternoon session, but I hope ladies and gentlemen, this goes to show, all this time we have been looking at our preliminary investigation, we have been laboring under a judicial proceeding, but conducted structurally by executive officers. And we know, as a basic foundation of criminal law, judicial proceedings are to be conducted by judicial officers. Executive proceedings, like preliminary investigation, should be conducted by executive officers. This also prevents prosecutors from working closely with the policemen, with the NBI, because precisely the nature of the judicial proceedings is to set a firewall between prosecution and law enforcement.

This is very unique, because we are the only country in the world that uses an old tool, and we never bothered to rewrite it even if other countries have better ideas, in the past six, seven decades. We're also very unique in that we're the only one in the world whose preliminary investigation uses a judicial proceeding run by executive officers. Very unique, very anachronistic and very systemic fault lines.

Just to bring you to a very good case study

“The community cluster is always at a loss because our pillar system mixes, combines and confuses both the formal criminal justice system and the informal criminal justice system.”

of the JSCC, and no offense to my friends in the judiciary, if you can take a look at this Administrative Matter No. 99-20-09-SC, which was issued ten, eleven years ago in 2000. This talks about who can file warrants of arrest. Everyone is familiar with four. The thing that you don't see here is all these four are supposed to file for search warrants including drug cases, correct? Now, what is the primary authority for the drug cases? It is the PDEA, but the PDEA is not authorized to apply for a search warrant. These are the

systemic issues that the JSCC is trying to address. “Sir, we could not get our warrants”. Why? It's not in the rules. *Bakit?* Anyone? Because the PDEA law came into effect in 2002 and this one is 2000. And we never bothered to do our homework, and we wonder why the drug problem is getting

worse. *Mga simpleng bagay lang.*

The third and last chapter of this Criminal Justice Story is perhaps the most shocking of all. But, as we said, we don't want to go through two days of your time to just talk about little things; we want to really have a mindset-change. And we are talking about design of the criminal justice system, a question of foundation. Boys and girls, be ready for this story. It's fun, and it's fun because again, it's in the Philippine setting,

only in the Philippines, that we have this five-fingered model that we have been using since 1977.

Now, question. Chief PAO is here. Is PAO part of the justice system? Yes. Where is it in the criminal justice system model? Why? Because PAO formally had been created in 1987; this (model) was done in 1977. Law enforcement, does it include our Bureau of Immigration? Yes. Does it include our National Bureau of Investigation? Yes. Where are they? The legislators who pass our laws; are they part of the system? Are they part of justice system, as you heard Senator Enrile and Speaker Belmonte? Yes of course, but they are not part of the model. So they pass laws, changing minimum age of criminal responsibility, they change all of these things, and then leave it to their executive to implement it — *magulo*. Leave it to justices to interpret — *lalong magulo*, and we never get the chance to change the laws. We keep on passing. We now have more than three hundred (300) laws, we never bothered to amend, to delete, to change old laws. *So padagdag nang padagdag ang trabaho, pagulo nang pagulo*.

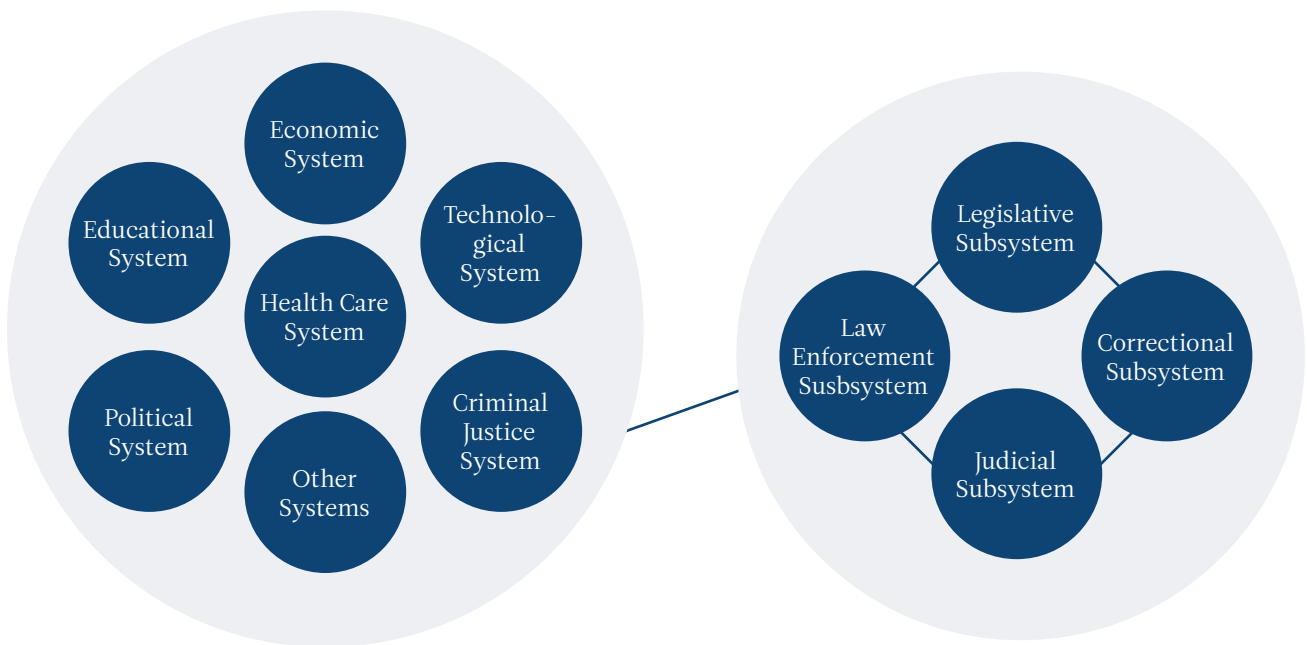
Law enforcement and prosecution — again, Philippines is the only country worldwide that has two (2) different clusters for basically a law enforcement activity. In all the other countries, prosecutors are the number one law enforcers. They direct, they guide, and they assist law enforcement duties. But I'll tell you how this happened.

From a criminology stand point, academic papers will show that the fight against crime is a total social system and that's the first statement you see. Let me read it out loud for you, we have the economic system — a lot of our crimes are property crimes no? Snatching of cellphones, property. We have the educational system — DepED, intend to teaching people the right basis of morality. Political system — we don't have to explain that. Health care system, other system, technology system, under criminal justice system which is our concern in the Summit.

The criminal justice system in turn — and this is based on research — is composed of four (4) major sub-systems: law enforcement, which includes prosecutors and public attorney's to make sure that the guilty is punished and the innocent is free. We have the legislative system which is also included in the judicial system, correctional system and the judicial system. And they're supposed to work together in this particular instance.

So we'd like to validate this in today and tomorrow's sessions, to say why all these people, all this time, are still stuck with five (5) pillars. Everyone knows about five pillars. Have you really thought about why it is five pillars and why is it so? Obviously, there's something wrong with the key components of the justice system.

Let me introduce you now to the story. It's a very good story why we have a very unique "pillar system" in the country. Pre-1974,

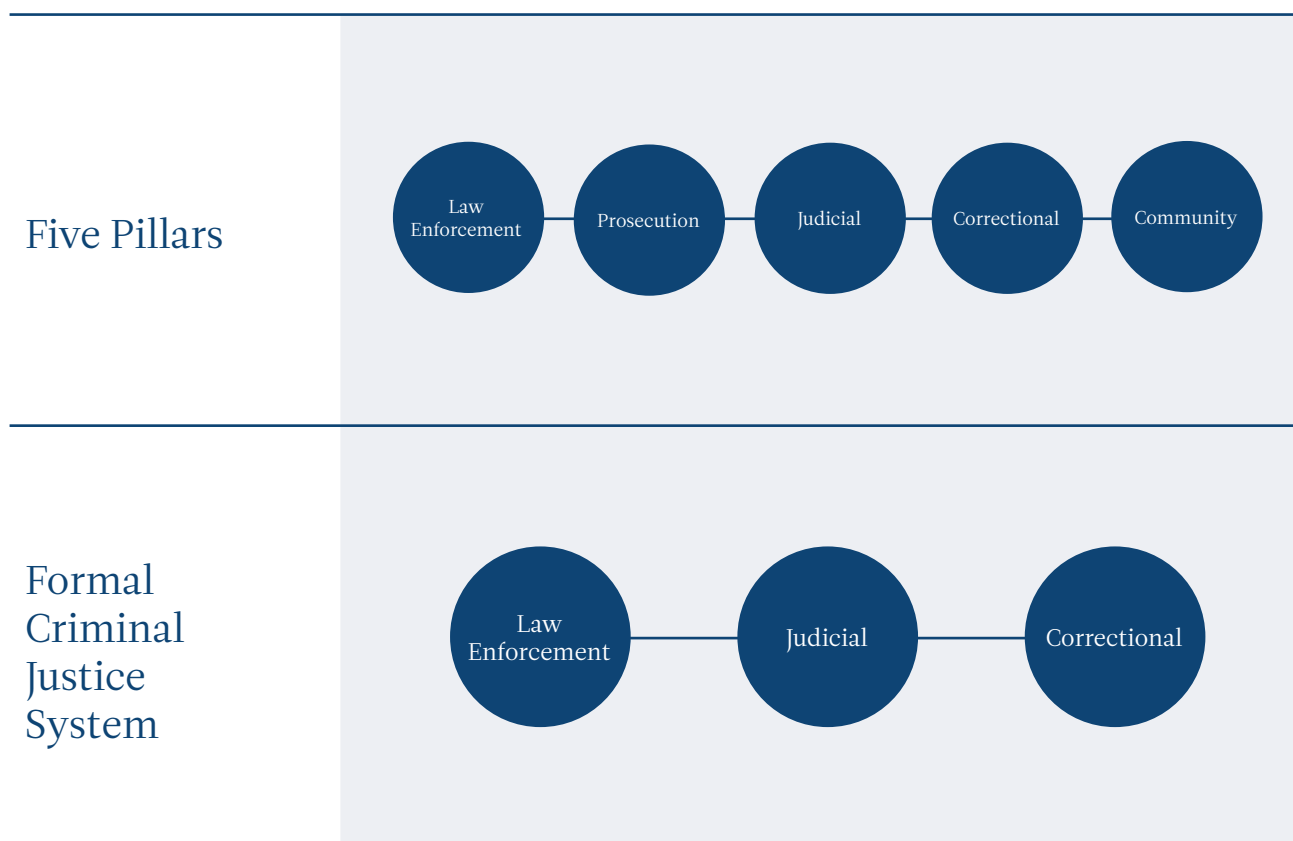


The Criminal Justice System in the Total Social System

our criminal justice system, Martial Law era, was only concerned with police work, because it was not integrated, no? When you talk about criminal justice, you talk about police law enforcement. In 1974-1978 an IDC on crime prevention was formed. This body was formed only for four (4) years with the NAPOLCOM and it called for a great approach to bring all the other pillars to the justice system. After that, one of the key priorities in 1975 was to attend the 5th Convention on the Prevention of Crime, which is how we modeled the Justice Summit to be. Instead of globalizing it worldwide we're just looking at the Philippine setting. And, there was a five-person delegation to this 5th Convention. Now, give a good guess, who are the five (5) members of this particular delegation? The five members happened to be from the five pillars, which we have today. *Kasi wala pa*

yung PAO, wala pa yung legislators eh.

So what happened is, they submitted the working papers which we have traced, the working papers between law enforcement, prosecution, courts, corrections, the fifth one being government. The rest that are not in the formal justice system, that is what happened. And, they put all these work together in 1976, a working paper of IDC and they talked about the need for coordinated and concerted actions. Much like today, if you decide to say, "Ok, let's break this down, the whole Summit into groups." How will you break it down? You will break it down again into, Law Enforcers, Prosecutors, Judges, Corrections. We are in that mindset today. But this was precisely the error of the IDC. They used the working papers, and in that, mapped the institutional landscape of the Philippine



A comparison of the five pillars and the formal criminal justice system

justice system.

And so, in 1977, and President Aquino said this, President Marcos' keynote address of 1977, talked about lack of coordination from the five pillars. But the five pillars that he mentioned here, is not the five pillars that we have today. Because the five pillars, from President Marcos then, community was at the base of the pillar. So if you review all of the National Crime Prevention Plans of the NAPOLCOM, from now until technically years ago, the community cluster is always at a loss because our pillar system mixes, combines and confuses both the formal criminal justice system and the informal

criminal justice system. The old sub-systems, *hinahalo-halo* natin to our five pillars. That's why conceptually, if we don't understand our criminal justice system, we implement programs, projects, and we try to assign people. *Naliligaw tayo, nawawala tayo*, because we have a faulty criminal justice system which we hope we can arrange.

From 1977 up to 2011, we have been stuck with the old five-pillar model, which is the only kind of system in the world. That confuses the formal and informal justice system which does not include the other sub-system, which does not look at the total social system approach. So, we'd like to benchmark

our system to make sure we get it right. After that, we put in a very strong criminal law framework, put in a relevant criminal procedure, and then we can all retire from public service.

The last two lines are to give you a sense of hope, because not all is lost even with the challenges ahead. We have mapped also since 1898 until 2004 all the development plans of the Philippines. There was never a mention of rule of law until 2004, *nasa* Chapter 17 *pa*, because the Philippine Development Plan is anchored on economics. Emphasis is on development, investments, finance. We never had a document, that is exclusively for the Justice Sector because we are debating *anong mauuna* — economic development or the health of justice institutions. Our position is, justice advocates the rule of law, good governance. We must have a functioning justice system, strong rule of law, stability of the legal environment for economic development to take place. *Hindi ho baliktad*.

You cannot find a country with very good economic development that does not have a very stable justice framework. So our narrative as justice advocates is, we present a very good legal framework, then peace and development come together. 2011–2016, at least from Chapter 17 *naging* Chapter 7 *na ho ang* governance and rule of law.

The concluding slide shows you that what we need in the justice sector is leadership and management. At the end of the day, it's about

people righting the system. You can have all the funds, you can have all the systems, you have all the detail, but if you don't have the people behind it, it's not going to work.

So here's a couple of things. What I would like to go for, as we end the presentation today, is that the JSCC is the mechanism and I'm sure some of you are still a bit shocked how we got everybody here, despite everything that had happened. We can have CJ's for ten (10) years, and presidents for six (6) years, but at the end of the day, it's the institutions that count. It's the working together, regardless of different interpretation; it's the magnanimity of the spirit, the spirit of the Filipino that should shine, that should see the light of day.

So the JSCC is the forum, is the venue. And everyone is invited. If you have any ideas we have justicesummit@doj.gov.ph. Whether you're a correction officer, you're an NGO, anti-crime advocate, and presiding justice of the Court of Appeals. Regardless of who you are, write us. We will listen; we'll put all your efforts in, as we have done with the research of 1898 and beyond. We will put everything together to make sure that we will have a better system, for a better future.

So with that, ladies and gentlemen, thank you for listening and thank you for your time. Have a very good Summit, thank you.

PRESENTATION

It Begins with Corrections (Part 1)

Director Rosendo M. Dial

Bureau of Jail Management and Penology

The greatest statesman Winston Churchill once commented that correctional regulations reflect and magnify societies' problems. Just like other formal organizations discussed in management codes, the correctional institution which is all about prisons and jails has structures, people and technology. It has a special group of people as clients — the persons deprived of liberty, prisoners or inmates.

My presentation today will cover the following:

1. A quick overview of the Philippine Corrections Systems;
2. The BJMP's response or initiatives to the challenges of corrections; and
3. Trends and prospects of Philippine Corrections.

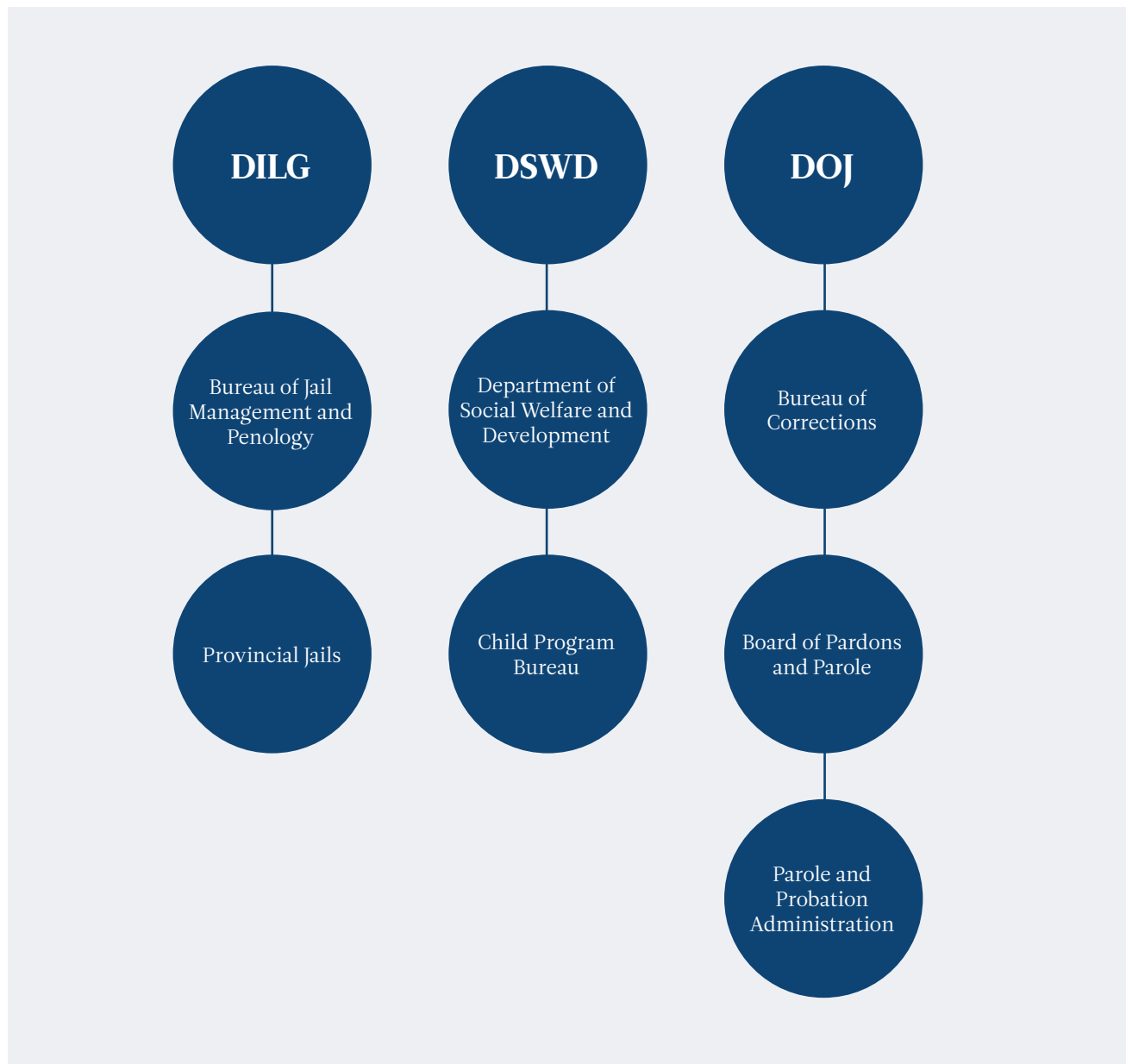
Shown herein is the splintered set-up of the Philippine correctional system. Each agency of the prison and jail system in the country is an entirely different entity, rather than a unified whole, where these institutions must act into a single and concerted effort toward

the realization of the goals of corrections.

The Issues and Challenges of Corrections

Aside from the fragmented correctional system and overcrowding of jails which have been thoroughly presented in so many fora and gatherings already, we in the corrections sector face many problems every day and are constantly being challenged by inmates. While many are contented to serve their sentences, follow the rules and obey security regulations, still some pose real security threats and continuously try to test the system and the mettle of our jail personnel.

Maintaining public safety and operating safe detention facilities depend upon an effective implementation of the most rigorous security measures. But the security systems and procedures currently being used in our facilities are unable to prevent entry of contrabands or separate them totally from their cohorts which basically empower some of the inmates to harass or threaten others and



The Philippines' fragmented correctional administration

even engage in unlawful activities or sustain their criminal enterprises. Furthermore, the evolution of cellphones and wireless technology is making it more difficult for us to meet the challenges of jail security.

With the limited resources of the BJMP, we strongly need technological support to combat drugs and other contraband items in

jails. Just last week, we had the opportunity to talk to some providers of cellular phone jamming technology, which we believe could be effective in solving these problems. But there are lots of factors to be considered and administrative requirements to comply with for us to be allowed to use such jamming devices in our facilities could put an end to the use of cellphones and gears.



We are also confronted with the difficulty of modernizing the physical structures of our facilities. Sub-human conditions in jails are still to be dealt with. While the BJMP has taken giant steps and gained significant improvements, the ideal conditions are yet to be attained. Visits to counterpart Asian countries reveal that our country is very far in terms of facilities, services, security standards and human resources. It is sad to know that prisons and jails in Indonesia, Korea, Japan, Thailand, Singapore and Malaysia are way advanced than ours. We often ask ourselves, why is this so? What do we do? The only way maybe for us to advance in corrections is to advocate with our legislators and local executives to include in their agenda, when they travel abroad, the visit of prisons in jails.

The BJMP's Initiative

I will only focus on the actionable options to squarely meet the challenges of corrections

and these are the J.A.I.L.S. First Program, new strategies to cope up with the growth of inmates' population, and lastly, the importance of the legislative bills that will enhance the dignity of persons deprived of liberty, our inmates.

Year in and year out, with the insufficiency of government resources plus the unabated rising need to provide social service support to the citizens, the BJMP management has to think big about how to address the various challenges confronting corrections. While it is our business to incarcerate, we diversified into a paralegal program to set our inmates free and thus mitigate both our woes. We are compelled to venture on innovative approaches like tapping private sector resources to bridge the gap of service provision to all. This public-private partnership strategy is meant to generate additional funds to augment the resources of government in responding to reform

concerns in the country's prisons and jails. Also, we advocated or lobbied for various bills and pleaded with the legislature to see the necessities of this marginalized sector of our society and the pressing need to modernize the prison and jail system as well as revisit the current public policy on criminal justice and corrections.

The J.A.I.L.S. First Program is a strategic plan that stands for Jail Management Services, Acquisition, Retention, and Development of Human Resources, Innovations and Good Practices, Logistical Support, and Support from the Top.

The first two letters of the acronym are concerned with improving the services we render to our clients like creating the national database for inmates, developing better and indigenous standards in food service, inmate welfare development, and therapeutic community modality programs as well as consolidate proposals on decongestion and clustering of jails and developing and training our people to accomplish them, among others.

The next three letters of the acronym represent our commitment to use research and development as a tool; institutionalize documentation of good practices, innovations and "transformation" stories; adopt new plans and policies on the construction of jails and the acquisition of sites, mobility and equipment; and ways and means to secure the commitment of managers to carry out those

development programs.

The three presented strategies as actionable options are new in the consciousness of traditionally punitive Filipinos. Thus, these ideas are geared to drumbeat utmost participation of all stakeholders and the civil society in the affairs of the Philippine correctional system.

While the challenges confronting the BJMP and the corrections pillar of the criminal justice system are intimidating, the prospects are nonetheless bright and comforting.

In a nutshell, the following are considered by the BJMP as bright prospects:

1. *The unification of jail and prison system.*
This is a long awaited development which has taken shape with the transfer of 15 provincial jails under the control of the BJMP through Memoranda of Agreement with the LGU's, but the passage of the bill mandating the transfer of all provincial jails under the BJMP is one potent solution to address the fragmented system along with the modernization of the Bureau of Corrections;
2. *A paradigm shift from punitive to restorative justice.* This is an exciting prospect that would compel us to revisit our mindset and the existing public policy on crime and corrections. It seeks to explore solutions beyond crime and punishment in addressing conflict and offending in

J.A.I.L.S. First Program

J	Jail Management Services
A	Acquisition Retention and Development of Human Resources
I	Innovations and Good Practices
L	Logistical Support
S	Support from the Top

our society. It is expected to revolutionize the entire package, so to speak, in accord with the biblical principle “a new wine in a new wineskin”;

3. *The holistic community involvement in corrections.* The challenge of the corrections sector is not for the government alone; it is everybody’s concern. The new trend towards greater community involvement is becoming more apparent as the community realizes the need to respond to its own need of embracing back its people; and
4. *The decongestion of jails and prisons.* The number of case dockets has gone down significantly with the institution of alternative disputes resolution systems. There is a prospect that jails and prisons will be reduced and community-based corrections will increase, as policy makers

start to train their eyes on alternatives to imprisonment, thus reducing jail population and enabling jail management to focus its resources to the violent and recalcitrant only. Precious human resource is thus saved and the social stigma is avoided.

With that presentation, thank you very much to all of you.

PRESENTATION

It Begins with Corrections (Part 2)

Director Gaudencio S. Pangilinan

Bureau of Corrections

Very rarely does the Bureau of Corrections (BuCor) get the chance to publicly articulate its side on a positive note. The public impression was so bad; it will take more than just media interviews and press releases to convince our society that there is more good than bad that happens behind the walls of our prison system. We take this chance once more to promote the positive side of our correctional system. With your much wanted help we can improve public perception and acceptance on the plight of our inmates and of the correctional system as a whole.

For the next few minutes I will discuss the different challenges we face at BuCor, and more importantly, what we have done within our means and what we hope to accomplish in the near future in order to be relevant and responsive to our society's expectations.

BuCor's mandate is the safekeeping and reformation of national prisoners or those sentenced for more than three (3) years. It also includes those convicted for violations

of immigration laws, customs laws, and interestingly of election laws. As part of the criminal justice system, our bottom line function is "crime prevention."

We keep offenders off the streets so they do not pose a threat or become a nuisance to law-abiding citizens. The more difficult part of our mandate is reformation. It is quite difficult if not impossible to evaluate if indeed an inmate has changed his ways and is less likely to commit another crime after serving time in our facilities. It is only when an inmate goes back to us that we can accurately gauge our success or failure to reform him or her. The recidivism rate is miserably high and still going higher. The number of admissions vis-à-vis releases of inmates is also frightening.

Restorative justice is the new and now emerging discipline in the correctional service. It is yet another doctrine we have to study and pursue.

Restorative Justice and its application is a

BuCor Pain-Points

Overcrowding (119%)

Reformation issues

Recidivism (27%)

Personnel development

Drug problem at facilities

growing doctrine in Europe and other first world countries. It seeks to provide closure on the painful conflict criminal offenses create, by placing face to face in several sessions the victims and their families with that of the offenders and his families. It also involves preparing the community for the eventual release of an inmate. Any inmate, or any person for that matter, rejected or ostracized by the community, is likely to commit a criminal act, or worse, drive him to return to prison where he is accepted and where he feels part of a community of humans. Rejection by the community in many cases becomes more painful than incarceration. Correctional institutes must therefore consider heavily in its post-release program the non-institutional aspects of the inmate's reformation.

Here are some painful statistics on what we

have at BuCor. Overcrowding is on top of our list. Our prisons are filled to the brim, more than double its capacity. We house inmates at triple deck bunk beds at some facilities, others had to sleep at makeshift cubicles or *kubol* if only to keep their dignity as human beings intact. Overcrowding has a thousand and one aftereffects. It horribly impacts on hygiene and sanitation, followed by lack of sanitary water and then the spread of diseases. Overcrowding miserably affects safekeeping and reformation capacity of any institution. We average one death per day because of diseases. The most notorious killer is tuberculosis, next are cardiovascular illnesses. Fifty percent of our admissions are already afflicted with some form of sickness which terribly complicate health issues.

On reformation, we need to consider the potential destructive effect of incarceration

to a person, of his concept of right and wrong, and of his view of community. As overcrowding impacts on health and reformation issues, it also impacts heavily and negatively on the capacity of corrections personnel to contain violence and to implement an efficient reformation program.

To date, our recidivism rate or repeat offenders runs to 27% and growing. This was less than 20% five years ago. As I have told my colleagues at BuCor, we have to restudy our reformation program and apply quick solutions if only to reduce the probability that a released inmate will be back in prison.

Personnel development is a contentious issue. Low salary grade is not a reason to be corrupt. BuCor is equipped with resources adequate enough to promote professionalism and to motivate its employees. They too were victims of the system. Focused training and reorientation is ongoing.

Illegal drugs is always a problem in every prison and jail facility worldwide. Regardless of quantity, it magnifies the failure of safekeeping and reformation. It thus requires a multi-pronged approach. Along with strict contraband control, BuCor extends its anti-drug campaign to educate the families and visitors of inmates on the drug problem.

On all these “pain-points” at BuCor, you need not worry much. We have our solution, or at the very least we are seeking the right mix of applying our resources. Most of these

solutions are already in motion, a few require time and more logistics, and the rest, we will need all the help we can get from the rest of the justice sector and from our stakeholders.

Earlier this year, a young dashing TV commentator ran an expose about malpractices or anomalies at BuCor. His expose of “VIP” inmates who can leave prison at will clogged the airwaves. This was followed by more embarrassing stories about how BuCor was being managed or mismanaged, prompting the national leadership to step-in. The Department of Justice was under siege by the media. The disappointments were nothing new, but it confirmed every citizen’s perception that the Bureau itself needed corrections.

On the other hand, we must look at these embarrassing stories as something that did not come overnight or by sheer mismanagement. It was also a result of long neglect and apathy both to the inmates and to the correctional service. It is from these pains that we wish to usher in the rebirth of the true role of the correctional service to society. The way we treat our inmates is indeed a reflection of how we treat the rest of our citizens.

In the aftermath of the young commentator’s expose, the Department of Justice formed a panel to study the underlying factors on said national embarrassment. While some saw these recommendations as knee jerk reaction, the panel was indeed not less than accurate



with their findings.

I am happy to report to this forum, that of these ten recommendations, seven which are clearly within the powers and resources of BuCor have been meaningfully addressed. The rest are in the works and are being addressed within practicable level.

We have identified 5 Key Result Areas in the Correctional Service. This is where we validate the efficacy and responsiveness of our correctional system. First is on management. Number two is on the operational and administrative strength of the agency. Number three validates the proficiency of our managers and supervisors to implement reformation programs. Number four calls for valued work and professionalism of our employees. And number five, the optimum utilization and protection of the Agency's assets.

Corrections Management begins with the admission of prisoners. This is where all reception and diagnostic centers in all prisons and penal farms exercise a vital function. This is where an individual record is prepared, a case management portfolio is organized and serves as a basis for classification. The prison classification is mechanical. Those with sentences of more than 20 years in the maximum period are categorized under Maximum security; 19 years and below are categorized under medium security. Those one year before completion of their minimum sentence are classified under minimum security status.

All throughout the period when an inmate serves his time, he is given a work assignment and from there, he participates in every institutional endeavor including the exercise of his rights to receive visitors.

This is the most sensitive and delicate part

of correctional service. As a matter of fact, this is where the strength of the security organization is to be assessed. Violence comes instantly without signs, escapes happen in a flash, “escorting” are stretched to the limits, contraband smuggling improves every second and technology must be upgraded regularly. Strengthening this key result area to the point of pre-eminence assures the entire prison service the necessary advantage in fulfilling its operational mandate. The quality of this key result area indicates the dominant character of administration, the basic requirement in proper prison operation.

The incarcerated humanity is a big responsibility not only to society but a challenge to one’s faith. This is where the conscience of the prison service is ingrained. This is where one’s commitment to serve the so called poorest of the poor, where the preferential treatment of the poor can be expressed. This is where our Spiritual Quotient is rated.

Along this line, we have instituted a feeding system based on honesty, a reform program anchored on professionalism through government and non-government organization, a pre-release and post release program based on employment referral and guarantee, a drug rehab program based on therapeutic approaches, and lastly, an inmate family support program which pronounces a role of the family on inmates’ reformation. Regarding trainings of correctional personnel, responsible officers are now compelled to join

such trainings or seminars.

We invite you all to visit our facilities and help us spread the word that our prison system is not really that bad. We invite you to see for yourselves the paradigm-shift we have initiated. A lot of our facilities have great historical value. These facilities shall exist alongside the next generation. It therefore needs constant upgrading.

BuCor refers to Republic Act 9184 to correct malpractices and to promote professionalism. The Bureau of Corrections is a “landed” agency. It has a vast tract reservation under the charge of the prison superintendent. We utilize these assets for revenues that go directly to the prison. Most of the tools sold at markets nowadays are made in China all because of cheap labor. The prison system can manufacture selected goods way below production cost. Already, they are manufacturing our own T-shirts. Next year, this will include mosquito nets, mats, blankets and perhaps prison guard uniforms.

Amidst all these programs, I have outlined the few uncommon challenges – the challenges that test our ability to fulfill public expectations. The ideal prison guard-to-inmate ratio is 1:7. We are still at the 1:81 mark. We were formally notified by DBM that funding will be available for five hundred (500) more prison guards for 2012. This will bring our guard-to-inmate ratio to a better 1:51. It may still look deficient, but we will innovate. Our reformation program

Key Result Areas in the Correctional Service

Correctional center management

Security and safekeeping

Inmate services and work release program

Staff development

Assets and resource management

had to be fine-tuned. Reformation officers need to be re-oriented and reinforced. The modernization bill has gone through several committee level hearings at both houses. Once passed into law, it will make permanent many of our initiatives.

We hope to launch a roadmap by the third week of January 2012, and the whole criminal justice system is invited. We shall have a board of advisers to help ensure that the roadmap is followed.

While our inmates record system is computerized, the softwares are still Jurassic and, at times, unreliable. We have started migrating these records into a more reliable system. New Bilibid Prison and Correctional Institute for Women house more than twenty-two thousand (22,000) inmates. A study is ongoing as to where and when these facilities will be transferred. Eventually,

the correctional system will find itself decentralized, regionalized at best.

Finally, corrections shall be seen in this institutional and non-institutional expression. It must complement and promote the welfare of both those under custody and those on parole, pardon or probation. And, as I clearly projected, under our watch, it should enhance public safety by controlling and supervising offenders in a humane, cost-efficient manner, consistent with correctional principles and compliant with international standards. Under this paradigm, corrections can become one of the pillars, an effective enforcement of social change. That ends my presentation. Thank you and *mabuhay po tayo*.

PRESENTATION

Resources or Resolve?

Salvador M. Enriquez, Jr.

Former Secretary, Department of Budget and Management

Sa inyo pong lahat, good afternoon. Sana po hindi pa kayo inaantok. Ewan ko ba kung bakit ako napunta sa graveyard shift. But perhaps, for the sake of all of us and for the sake more importantly of this Republic, sana this Summit will be fruitful in advancing justice. Payag po ba kayo? Yun po ba ang hangad nating lahat? Sana po. To achieve our objective, allow me to share with you some thoughts from an old man like me. Lampas-lampas na po ako. Ewan ko ba kung bakit nandito pa ako. Anyway, mag-aabuloy po ako dito sa inyong Summit.

Even with a democratic system like ours, administering justice has truly become a complicated aspect especially the case of criminal justice where the process of identifying, apprehending, prosecuting, convicting and rehabilitating an offender is a task that is not only tedious but must be done with judiciousness, where the system necessarily ignites a clash between the rights of the accused and the rights of the victims, where the rule of law and due process make the wheels of justice grind slow, and where,

in some cases the wrong wins by technicality.

Nangyayari po ba yun? This is why when Atty. Carol I invited me to speak in this Summit, I was a bit hesitant for two reasons: first, the topic, *sabi niya* “Money for Justice.” *Para sa akin*, for me *ha*, it seemed to pre-empt the issues I am expected to discuss. And second, it seemed to suggest the view that we simply need more money to solve the problems in the criminal justice system. In other words, a resource-driven criminal justice system is an effective and efficient system now. But there is evidence to show that the resources don’t necessarily make for good action and results.

In the justice sector for example, data showed that many agencies are under-spending while complaining of insufficient budgets. Out of the total appropriations, 5.7 billion in 2009 and 4.8 billion in 2010, were not spent. In the handouts that will be given to you — I hope I have tables kaya lang po sabi ni Carol thirty (30) minutes *lang daw kami dito*; I wish you would refer to the tables

handed to you — agencies under the DOJ did not spend about 600 million or 10% of their available appropriations in 2010, *sobra*. Unused appropriations in PNP, PNP po yan, ano, amounted to 3.5 billion in 2009 and 2.3 billion in 2010. In the judiciary, unused appropriations amounted to almost two (2) billion each in 2009 and 2010. In 2010 alone, the Supreme Court failed to spend 10% of its appropriations; Sandiganbayan, 15%, *mga kapitbahay ko doon*; Court of Appeals, 22%, *hindi din nagastos*; and Court of Tax Appeals, 32%.

Under-spending is not the only issue. Despite the huge unused appropriations, spending in the judiciary actually increased considerably over the years — from 7.7 billion in 2002 to 15 billion in 2010. *Meron po akong table diyan na nagpapatotoo ng sinasabi kong yan. Sana may handouts na kayo. Nakuha na po ba nyo? Hindi pa? Mamaya na po siguro*. With such hefty increases in funds, one would be inclined to think that the performance of the Judiciary would proportionately improve, but nothing could be farther from the truth.

For example, the number of cases decided by our courts in 2010 was only 60% of what were decided in 1999, and even fewer judges. Table 3 po, *sinasabi diyan kung gaano karami ang judges natin noon at ngayon*. If we will see it, it dropped from 43.5 % in 1999 to 37.8% in 2010. The outputs of lower courts judges decreased from an average of 334 cases in 2004 to 207 cases in 2009. The backlog grew from 56% of cases in 1999 to 63% in 2010. As

a result, the cost per case outputs more than doubled in four (4) years — from an average of 16,000 in 2005 to 37,000 in 2009. *Kung hindi man po totoo ito, ito po ang sinasabi ng mga records*. These data tell us that the judiciary's productivity declined despite the doubling of its budget within a decade. *Meron pa po yung ibang facts, budgetary lang po 'yan*, which should prompt us to ask, "What could be missing in the equation?" *Ano nga po kaya?*

Para sa akin ho, I submit that beyond having the resources to carry out the right programs in the administration of justice in making our criminal justice system more effective and efficient, we need, I repeat, we need a strong resolve. *Kamukha po nung idinemonstrate kaninang umaga*, strong resolve. We need a strong resolve that is founded on the right information and arrived at through an acceptable process that involves the following: *una*, study the data and the information available. *Marami naman po 'yan eh pero hindi lang lagay nang lagay ng pera*, study *muna* the data and the information. Then identify the problems — number two. Third, formulate the most effective solution or intervention. Fourth, identify who will carry out the intervention, and fifth, *saka lang po natin allocate-an ng resource in funding the solutions and intervention*.

I am aware that the justice sector is one of the most studied aspects of our governance. We have volumes of data and studies on which to base our actions. *Meron po tayo sa courts, meron po tayong APJR funded by*



the World Bank. *Ewan ko po kung ano na ang nangyari diyan. Now, nagkalasog-lasog na yata.* There is also the previous study and reform program *ng DOJ, meron din po 'yan.* 'Yun pong PNP, there's a PNP transformation program funded by UNDP, the justice sector strategy funded by ADB. *Katakot-takot na studies, ano ho?* About fifteen (15) other assessments and reforms studies since 2000. *Hindi na po tayo nagkukulang sa pag-iisip kung ano ang tama. Ang dami na pong pag-aaral, hindi lang natin nabibigyan ng tamang resolve.* Most of the problems, including those that relate to resources, have been identified.

For example, we already know that the level and management of resources can hamper performance. Here are some instances to show inadequacies. An NBI agent handles an average of two hundred twenty-six (226) cases every year, twice the number that an agent of the United States FBI handles. Of these cases, only thirty-five (35) could be

fully investigated. In addition, NBI agents sometimes need to work in teams particularly for complex cases, thereby adding to their caseloads. Last year, a prosecutor had an average load of five hundred fifty-three (553) cases. Imagine, this meant he was expected to dispose of two (2) cases per working day. The task is next to impossible, *sabi po nila.* The Bureau of Corrections, *kare-report lang po nila,* has only one guard for every twenty seven (27) inmates on an eight-hour shift. This is way above the UN-prescribed ratio of one guard for every seven (7) prisoners. This work overload occurs despite the fact that 70% to 80% of total budgets of key justice agencies such as PNP, Judiciary, DOJ/NPS are allocated for personnel expenditures.

As for management, we know that Justice Sector agencies such as the Supreme Court and lower courts, DOJ/NPS, PNP, NBI and PAO are very large agencies with nationwide presence and yet are centrally administered.

Our studies have shown that this centralized administrative system has resulted in very poor and inefficient administrative and financial support to the field offices. In one study, we learned that it took judges six (6) months to one (1) year to receive supplies they have requested. There is also inequity in budget allocation, with regional and field offices getting a much smaller share. Some indicators — per capita allocation MOOE of prosecution offices, for example, is only 20% of that for the central office. *‘Pag nasa probinsya kayo, malabo kayo.* Per capita MOOE of the lower courts is less than 10% of that of the Supreme Court people. *Meron ba tayong taga-Supreme Court?* Ah, *sa* Table 6. There are disparities in working conditions between the central offices and the field offices. This is particularly visible in the lower courts, even here in Metro Manila, in terms of poor sanitation and ventilation, lack of proper facilities for records, storage, office congestion and problems related to working conditions.

Weaknesses in financial accountability. Many justices receive funds, supplies and personnel from LGU’s and yet they are not accounted for by them. These are not recorded in the accounting books and considered in the evaluation of resources of

the total agency. Without proper accounting, this system undermines the integrity of case investigation, prosecution and resolution. This is a long standing issue that awaits resolute action.

These are just some of the myriad problems that confront the criminal justice system. I’m sure you have identified many more, you’re not wanting in ideas and proposals to resolve them. Using the five-point process we have outlined, we can perhaps try to take

“It is only with an enhanced information system, with accurate information, that we can have a heightened degree of resolve and act with the speed and confidence needed in the administration of justice.”

a closer look at some of these problems and what solutions we can offer. Example *lang po ito, marami pong may mga nag-aakala pero, appointment, halimbawa, to a vital position in the Justice Sector — an open subject not only to competency requirements but to the recommendation*

of those in the legislature. *Natatandaan ko si Speaker De Venecia pinipili ang endorsement niya, pinipirmahan nila kung sinong lumapit.*

In the Judiciary, we know that the backlog of cases run high. One possible reason for this is the reliance on “higher paid” professionals, like lawyers. *Ano pong possible solution?* Suggestion *lang ito:* employing paralegals who are not as highly-paid as lawyers but have the technical competence to go over cases and

judge. Lawyers can prepare templates that paralegals can use, check, check, check *na lang, mas mahirap pang hanapin ang ganun ‘di ba?* Check, check, check *lang sila. Tumbalbog ba yung tseke? Magkano ang tumbalbog? Ilang buwan nang tumbalbog? Mahirap pang gawin ‘yun.* Information is a vital resource, *eto po lang ang aking gagawin.* I submit that whatever ideas we may have, whatever measures we may think of, whatever programs we may propose, all will lead to a strong resolve to make them happen. *Palagay ko po nakita niyo na ang example ng strong resolve, ‘di ba? Bakit kayo tumawa?*

Whether in the legislative, whether in the judicial or in the executive branch of our trifurcated system of government, without strong resolve, even the best laid plans will remain lying in wait. But to have a strong resolve, we need to improve our information system. *Kaya lang naman po tayo wishy-washy o pahinay-hinay kasi hindi tayo sigurado, eh. Pero kung malinaw ang ating information system at sigurado tayo na salbahe nga siya, malamang yun lahat gagawin natin parang sya makulong, ‘di ba? Yun daw po ang sabi.* To have a strong resolve, we need to improve our information system in all aspects of the criminal justice system and the information system that covers the following processes:

1. Having a record of all information vital to decision-making;
2. Having good competencies and SOP's in gathering, documenting and preserving records and testimonies;

3. Having sound competencies and scientific facilities for generating and preserving quality forensic and other information;
4. Maintaining a sound case management system that judges, prosecutors and investigation agents directly use in managing their cases and caseloads;
5. Having a strong staff expertise and institutional standards in processing case information in building and resolving a case; and
6. Simply coordinating all these elements in ensuring the delivery of justice.

We need to view information as a vital resource like funds, human resources, goods and equipment, technology, facilities and other resources in ensuring the speedy and equal dispensation of justice. For it is only with an enhanced information system, with accurate information, that we can have a heightened degree of resolve and act with the speed and confidence needed in the administration of justice.

It is also the executive branch that should serve as the model of strong resolve. *Sa bagay, ipinakita na kanina, ano?* While much attention has been accorded to the judicial branch in terms of resources and reforms, the biggest part of the criminal justice system is actually in the executive branch. *Marami siguro sa inyo natutulong.* The Department of Justice with the NPS, NBI, PPA, BUCOR, DILG, PNP and so forth and other executive agencies perform four (4) of the five (5) major functions of criminal justice. Four out of five *po*

trabahong executive, *eh*. From investigation to prosecution, to correction and rehabilitation of the offender, all these rest on the shoulders of the executive branch. These are what require strong resolve based on accurate information.

It is noteworthy that while public trust and confidence in our justice system as a whole was at its lowest at the start of this administration, we now see significant improvements in the criminal justice system and we are starting to bring back that trust and confidence. And this has been achieved without substantial increases in resources, with slow spending even.

For instance, whereas before, the conviction rate remains stagnant 18%, it is now at 25%. *Uy*, congratulations *po*! Whereas before, there were zero conviction rate in extra-judicial killings, we now have eight (8) convictions. Congratulations *po* again. Whereas before, our people had no hope that powerful and big time corruptors will ever be brought to justice. *Uuy*, *ginaganahan sila*. Our hopes are now uplifted by the strong resolve of the national leadership and the unwavering determination of the DOJ leadership, *uuy*, to bring integrity offenders to justice regardless of who they are. *Sarap, ano?*

These accomplishments may be small in relation to what ought to be achieved, but they are significant starting points to a sustained reform process and they will be achieved not by infusing more resources but

by the resolve of the new national leadership and the transformative management of the respective leadership in the agencies doing the jobs. But in sum, what we need really is not just resources or resolve. *Hindi po pipili lang*, resources or resolve? What we need is **both** resources and resolve.

Salamat po.

PRESENTATION

Game Changers — A Call for New Rules

Justice Roberto A. Abad
Supreme Court

Well, I am here, I missed the program this morning. So many distinguished guests. I'll just call you my friends.

The number one complaint against us, the judiciary, is that it takes three to five years or even more for our courts to hear and decide a case. Actually delays are common to the rest of the world, except that the delays in some are quite severe. And we are a candidate in this category especially in crowded cities where most of our people live. We are so many and our courts are few.

There are many reasons for delays. Our courts remain few. Prosecutors and public attorneys are few. And many lawyers seek postponement, or come to court unprepared. But whatever be the cause of delays, these have created problems for our people. Forty out of every 100 persons accused of crimes walk free because complainants give up after experiencing so many postponements. I saw

some reports of the Supreme Court which said that 40% of criminal cases in a year were dismissed because the complainants gave up.

I remember somebody's simple story, he received a subpoena to appear in the first hearing, and it turns out that it's for the arraignment so he was absent from work. He went there being the complainant, and it was postponed because the accused had no lawyer. So 3 months later, he was in court again, he was there, and still the accused had no lawyer and the judge had to give him the Public Attorney's Office to help him. Alright, so after the arraignment it was the same proper type of hearing, so the poor complainant needs to come back on different trial dates when he could alone even testify already, retrial, hearing after three months, postponed, because the prosecutor was not ready with his case. So another three months and he will be absent from work. After three more hearings the case is eventually

Causes for Delay in the Administration of Justice

Few courts

Few prosecutors and public attorneys

Many lawyers seek postponement, or come to work unprepared

dismissed. Yet, even with huge dismissals for loss of interest, our jails remained overcrowded with detainees who wait three to five years or more for their cases to be decided. This is true, I think in Manila, where our jails are designed for 1,000 detainees but there are 5,000 to 6,000 detainees being housed there. This is also true in the women's section.

So the innocent languish in jail and eventually maybe many of them had already become indifferent to their sufferings. I was in prison, said Jesus, and you did not care for me. Delays in civil actions are probably even worse. So much more cases are filed each year, than our courts are able to dispose of. You know, we at the Supreme Court recognizes that this is a problem, it's not to say that the Supreme Court just let it go, as if we're not taking steps to address the problem. As it stands, few local and foreign businessmen invest in our country. The perception is that our courts cannot provide prompt legal protection for their investments. The result: we do not attain

economic growth. When these people do not invest in our country, then we remain poor.

Apparently, our system for hearing and deciding cases is no longer working for us. Can we still fix it? Einstein used to say, that you cannot repair a system that no longer works with the same mind that created such system. There's a point where an old malfunctioning car can no longer be repaired. So, what is Einstein's advice? Open your mind to other systems.

Now let us look at our system for hearing and deciding cases. The Americans gave it to us over a hundred years ago. The system has been with us for, actually, nearly hundred fifty years. It was a system meant to meet the peculiar needs of the American people, based on their history and culture. Yet, we were quick to assume that there is no way to hear and decide cases except the way the Americans will. As it happens, it is a system designed for both a jury trial, and a bench trial. You know that we copied the uniform

American Trial System	Philippine Trial System	European Trial System
Based on American history and culture	Based on the American system	
Jury trial and bench trial	No jury	
Adversarial	Adversarial	Inquisitorial
Lawyers decide which evidence the judge will hear	Lawyers decide which evidence the judge will hear	Judge searches for evidence
Witnesses are questioned by lawyers; must give testimony piece by piece for benefit of the jury	Witnesses are questioned by lawyers; must give testimony piece by piece	Judge questions witnesses
	Judge must listen to full details until parties have rested their cases	Judge confirms his own findings

A comparison of the American, Philippine, and European trial systems

federal rule of procedure; this is designed for two types of system, bench trial and jury trial. We do not have such a double system. The proceeding is adversarial, like a contest, where a party's skills in presenting evidence are matched against the skills of the opposing party. The plaintiff presents his case as he sees fit and so does the defendant. Actually, their lawyers, not the judge control the flow of trial in our country. The lawyers decide what evidence the judge will hear. This is the purely adversarial system that we have.

Like the American jury, our rules require that the judge hear the testimony of the witnesses from scratch. The reason for this is that the jury is presumably without any idea about the case. Section 4 of our Rule 132 is borrowed from the US, the counsel elicits the facts of the case only by direct examination. This means that the counsel must take the facts from the witness, bit by bit, from beginning to end, one fact placed on top of another. But our judge does not actually need to hear all these specifics or the full testimony of

each witness from scratch. The judge already knows from the record the background of the case, the facts that are submitted, and the facts that remain in issue. And, unfortunately, the system compels him to sit like a jury, and listen to the full details of the case until the parties shall have rested their cases.

For example, a motorbike store sells a motorbike for 250,000 pesos in 30-day credit but the buyer refuses to pay and he said he's already paid. If the parties do not stipulate, the plaintiff's lawyer will present the plaintiff who will tell his version of the transaction from when it began. The plaintiff's lawyer will put him on the witness stand, then the interpreter will ask first the witness to state his name and personal circumstances, so he states it. And then the lawyer will usually ask the question, Do you know the defendant in this case? *Eh, hindi marunong mag-English, ita-translate mo pa.* "Nakikilala mo ang nasasakdal sa kasong ito?" "Opo, yes sir." "Why do you know the defendant? Bakit mo nakikilala ang nasasakdal?" "Kasi ho nagbenta ako sa kanya ng motorsiklo. Because I sold the motorcycle to him, sir." Then the lawyer will ask, "When did you sell it to him? Where did you sell it to him? Is your transaction in writing? I am showing to you a sales invoice, what relation does this have to the sales invoice that you mentioned?" Then the lawyer will ask that the sales invoice be marked as Exhibit A. *So kukunin nung Clerk of Court, susulatan* — Exhibit A. Then the lawyer will ask that the name of the buyer be brought and marked as Exhibit A-1. *So mamarkahan.*

And will further ask that the article be brought and marked as Exhibit A-2. Then for the price to be brought and marked as Exhibit A-3. Finally, the signature of the buyer will be marked as Exhibit A-4. Alright, and then the plaintiff proceeds with his story.

In the same manner, the defendant's lawyer will present the defendant's version. "State your name and other circumstances. Do you know the plaintiff in this case?" And so forth. Each one of them telling his stories to the judge. But you, as a judge, know the real issue. Whether or not the buyer already paid for the motorcycle, but you are not allowed to cut through the preliminaries and seek the facts that you want to know. For example, the judge cannot say "O, Mr. Plaintiff, what evidence do you have that you have not been paid?" "Your honor, here's the sales invoice, that I issued to the defendant." "O, Mr. Defendant, here is the sales invoice, what can you say to this?" And the defendant will probably say, "Your honor, we have already paid for that, here is the check that I used for paying it." And then he gets it and shows it to the Plaintiff. "O, Plaintiff, he paid you, he paid you already with this check." "Your honor, that's for another transaction. That's for this invoice." Then he presents another invoice. "Do you have anymore evidence to present?" "No more, your honor." "O, decision."

But in our process, the long process, with the adversarial trial system that we have, the present system, it will take three to five



years to finish this testimony. Why? Because there will be twenty cases to be heard for that morning. We will be given five minutes for the plaintiff and five minutes after that, postpone. Another five minutes after that three months and so forth. It will take about three to five years to finish such a simple case.

Another cause of delay is the often indiscriminate objections to the questions asked of the witness. “Again, do you know the defendant in this case?” “Objection, your honor, leading question, answerable by yes or no.” So then they will have a debate. “Alright, reform the question.” “Alright, sir, I’ll start from the beginning. When were you born?” “Objection, your honor, incompetent. How will he know when he was born he was still one day old?”

Our cumbersome system for receiving evidence prolongs trial and, because of the need to accommodate other cases on the

calendar, the judge is often forced to take the testimony of the witness by installments. One fourth now, another one fourth three months later, and further one fourth also three months thereafter with a new judge already. And finally, the last one fourth after another three months — that is, if the judge does not attend a seminar or a convention like this. That is just for the first witness. Inevitably, this results in piecemeal trial, that takes from three to five years. In the Sandiganbayan, it takes about six to seven years, even eight years to finish the trial of a case. The judge is unable to hear every item of fact in the context of the whole case. He is forced to rely more on the transcript than on his personal recollection of what the witness said and how he said it. The judge often finds no real value in paying attention to what the witness says at the time he testifies. *Bakit humaba ito, pagiging witness nito, eh, five years from now saka pa lang magdedecide diba?* He knows he’s going to read his transcript anyway, he will

forget so what's the value of listening to this witness.

In contrast, the traditional European system follows the inquisitorial kind of hearings.

When a crime is reported, the judge summons the witnesses, queries them and makes his findings. The judge sits here and then the witnesses and the lawyers stand before him, and then he asks him his case, asks them questions. When nobody else asks questions, then he takes a proactive role in searching for evidence. A subsequent trial is largely confirmatory of the finding of the investigating judge.

Now we are seriously considering the adoption of a new system for hearing and deciding cases that combines the best features of the adversarial and the inquisitorial systems and gives the judge greater control

over the case. The new philosophy favors a determined speed to get the judge to go to the heart of the case and dispose of it on its merits in two sittings.

Under this new philosophy, the judge will hold only two hearings. A preliminary conference, and, this is the one that's new — an adjudication hearing, the last and final hearing. If the case will not be settled by mediation or JDR, the parties will submit

the affidavit of witnesses and supporting documents, already marked as exhibits. This has been already the practice in practically all countries in Asia — Singapore, Indonesia, even in Australia, it is being done, where the direct testimonies are being presented in the form of affidavits. The judge will then prepare a summary of, first, the conflicting factual claims of the parties. Then second, the factual and legal issues that he needs to resolve. This summary is the only thing the judge will prepare prior to deciding the case. Knowing

what the case is about will give him control of the direction of the hearing.

This is sometimes the problem that we see in our courts. I've been a practitioner for, well, more than forty years. And when you're in court, cases are many. You can sense that the judge has not read the

case. So, what they are requiring now is for the judge, at the very beginning, to prepare a summary of the conflicting claims of the parties and the statement of the issues in the case. It does not have to be very long, it can be a one pager. The highlights of conflicting claims and then issues tend to be the problem. The judge will not have to reread the whole record each time he has to open the case because there is already a summary of what it is. And this is not an additional

“We are seriously considering the adoption of a new system for hearing and deciding cases that combines the best features of the adversarial and the inquisitorial systems and gives the judge greater control over the case.”

burden, since the judge will anyway make a summary of the conflicting claims and the issues when he eventually writes his own decision. The judge makes it in advance. So this technique is not new and we did not invent this. It's being done all over the world. The Construction Industry Arbitration Commission or CIAC, has been preparing similar summaries for years. That is being done by the CIAC. They send you what they call frame of reference and then you will see the claims of the parties as well as the issues involved. So that would enable the CIAC to fairly dispose of cases in two hearings no matter how complex the cases are. Why can't we do the same in our regular courts?

In the preliminary conference, the judge and the parties will finalize the summary, agree on the order in which the factual issues are to be heard, and identify the witnesses who need to come to testify on those issues. All the facts that the parties alleged in their pleadings and affidavits that were not put in issue shall be deemed irrelevant. The court will then set the case for adjudication hearing. Such hearing cannot be postponed except for a fortuitous event. So we will adopt the same procedure here. Technically, with the submission of the opposing affidavits as direct testimonies, together with the documents, the evidence for both sides are before the judge. The judge will swear in the parties and their witnesses, simultaneously, *sabay-sabay*, *parang sa* Senate blue ribbon hearing, and elicit from them those facts that he needs to make his decision.

This proactive method of hearing and deciding cases is not new. King Solomon acted as judge of disputes among his subjects. Two mothers who were fighting over the possession of a child presented their conflicting claims to him. He did not decide the case based solely on what the two mothers told him. Solomon was proactive. To test them, he proposed to cut up the child and give half to each of the claiming mothers. The real mother opted to give up her claim rather than see her child brutally killed. King Solomon gave her the child.

Well, because this is really the normal way of resolving disputes. Take for instance, in your own household, when you come home and find your kids quarrelling. They come to you, addressing their dispute before you. You say, "Wait a minute, one of you will speak first." So the youngest one talks. After a few statements, you then say, "This is postponed for three months! We will delay this until after three months!" And then you just don't listen. No, this is not the way!

You ask questions. That's the normal way of deciding disputes. You ask questions — "O, what happened?" You ask questions that you need to make a decision. And since you are the judge, you can ask them any question you want. And then, you make your decision based on the facts. That's the normal, logical way of solving disputes. Under this new system, the trial will no longer be treated as a field of combat where the opposing lawyers stand as champions of their clients.

Under the new procedure, the examination of the witnesses by the judge and the lawyers will generally be free-flowing. It may shift from one witness to another, prompting spontaneity in answers and vivid contrast between opposing versions. Like this — the aggrieved one may be angry, the one who appears guilty may be shy and timid. Something like that. So you can see the reaction. This gives the judge the opportunity to observe the demeanor of the witnesses and their reaction to each other. Nothing beats face to face confrontation in sensing what is true. Conversation, says the Bible, is the test of a man. *Kung minsan nakita mo na siya from a distance*, but if you want to really know the person, you talk to him. Because over time, you really get to know who he is.

So, in this case, the new procedure that we are proposing is the key to a speedy disposition of the case. When I was a solicitor from the Office of the Solicitor General, they asked me to conduct hearings also for the Board of Censors with respect to some movie theater that is inserting obscene scenes in the regular movies, *binabalik nila yung na-cut*. They were caught and then there was a hearing. They had no lawyer so we could not conduct a hearing but I had no time to really stay with them. So what I did, I conducted this very first hearing and I asked them to prepare their affidavits. I swore them all at the same time, and then I asked them questions and yes, they can ask each other questions. When they finished, they waited ten minutes for me to type the decision, and then I gave it

to them, and then I went home.

Later on, I was appointed Chairman of the Faculty of Tribunal of the UST. Do you think this would work only in a simple case? You know, not really. There was a case I heard of where one doctor fought against another doctor concerning negligence committed by one doctor. And they brought the best lawyers in town. I was told that before, hearings of cases like this takes about three to four years to finish because they follow the procedures observed in the court room.

But I said, this is only a 30-second case, and then they all arrived and I swore in all the witnesses. They had seven witnesses, three on one side and four on the other side. And I swore them in, and then I asked one witness questions about his testimony. And then I asked the other three, “Is there anything you can add?” And one person added one fact. And the other said, “They said everything.” But if you go to a normal trial hearing that displays one witness after the other, the lawyer will repeat the testimony of all the witnesses. That’s why *ang haba ng trial*, probably he thinks he will make more money. Representing and asking all the same questions. So in the end, we were able to finish this somewhat complex case in about two and half hours. And the lawyers said nothing more to us, of the witnesses. How could we manage that?

You hear the cases based on the issues. First, we define the issues, and then, we

address the next issue. We don't need to hear everything. We go directly to the issues. Then to the second issue, and after that the third issue. The three issues have been heard, the lawyers are not important to us. The judge will ensure the right of the parties to ask cross or additional direct examination questions of the witnesses. That is an important retained element of the adversarial system.

Actually, the other retained element of the adversarial system is that, in this type of

hearing, the plaintiff and the defendant decide what evidence they want to present — they can present the affidavits of the witnesses and the supporting documents. In that sense, it's adversarial. In the proposed rules, objections to questions will not be allowed except on grounds of self-incrimination or disqualifications of the witness. The judge can simply ignore incompetent evidence. At any rate, the proposed rules will allow the lawyer to register his objection after the witness has answered the question.

For example, the witness is asked a question, then the lawyer says, "Your honor, leading question," or "Your honor, hearsay." And the judge will just note the objection. If he subsequently uses or relies on the objected

evidence in his decision, the objecting party can assign his action as error on appeal.

But if the case goes freely, testimonies will be taken in vernacular. Now this is really an important change because under our old system, we all interpret in English. We lose a lot of the testimonies in the translation. Those of you who are practitioners, sometimes you have no opportunity no matter how you would want to correct it. Actually, the transcript may not reflect the true answer.

"Under the new procedure, the examination of the witnesses by the judge and the lawyers will generally be free-flowing. It may shift from one witness to another, prompting spontaneity in answers and vivid contrast between opposing versions."

So, why don't we leave it as it is? As it is given. No longer will they be interpreted into English. They will be digitally recorded. So if you want a copy, the court will burn a copy for you, and then pay for it. If you want an interpretation, pay for it. Now, if you quote it in your pleading, you will quote it

in the vernacular and then put your own interpretation in parenthesis.

As a rule the judge will hear every case in one sitting, the adjudication hearing. One continuous hearing will enable the judge to see every item of fact in the context of the whole. In hearings that run for years, the poor judge would hardly remember what he heard in the early years. Piecemeal trial is a farce! After the parties have rested

Advantages of immediate decision after hearing

1. The judge will decide the case when he has the clearest picture of the dispute
2. He can avoid approaches by interested parties between the trial and judgment
3. Knowing that he must decide the case soon afterwards, the judge will be forced to pay attention to the hearing
4. The procedure makes a point for authentic speedy justice in our courts

their case, the judge will, unless the issues are exceptionally difficult announce his decision in the presence of the parties. This is being done even in the United States, after the hearing, the judge will announce the decision. But I will say to you that this is true only in case of run-of-the-mill cases. Those cases for collection of money, things like that. When cases are more complex, the judge cannot possibly decide it immediately. So this is true, where the case is simple enough. Once he made his judgment, he will issue the corresponding written decision within fifteen days. This is being done in the United States too.

You ask the winning party to prepare a draft of the decision. Here, there's nothing wrong with it, because the judge has already made his decision. You submit the draft decision,

but this one, you have already made up your mind. You've made up your mind and you ask one of them to submit the draft decision for you. The dispositive portion of the oral decision will be recorded in the minutes of the proceedings and will be signed by the parties. Should the judge on further reflection, find a need to change his verbal decision, he may do so, explaining in his decision the reason for such change.

What are the advantages of the immediate decision after hearing? A judge will decide the case when he has the clearest picture of the dispute. Don't you think so? It's the highest point, where you can make a really fair judgment in the case. He can avoid approaches by interested parties between the trial and judgment.

Knowing that he must decide the case soon afterwards, the judge will be forced to pay attention to the hearing. Now, the judge knows that he will have to decide the case, so he really has to listen to the parties when they give their testimonies, and really appreciate them. The procedure makes a point for authentic speedy justice in our courts. If we can decide our case in two or three days, then I think it will be a complement to our system.

There is also another reason that I have not pointed out here. Another one is a public attended hearing. The parties are present. The public is present. Everyone hears the witnesses as they testify. If it is evident from the appearances that one party is hiding something, the judge is going to say this party wins. Then everybody knows that this party is hiding something. So, this is here, where the real power of the public hearing works. Because the judge is deterred from making an unfair ruling in favor of one party. The same procedure will be observed in hearing and deciding criminal cases. Would this not impair the constitutional rights of the accused? It won't.

It takes into account all his constitutional rights — right to a counsel, to procure a witness, presumption of innocence, right to remain silent. Adjudicative hearing can be no less exhaustive since the required proof of guilt to support conviction remains the same. Of course, since the accused is presumed innocent, the burden is on the prosecution to prove his guilt. He has the right to withhold

his testimony until the prosecution has completely disclosed its evidence.

This is the addition. Where the penalty is below six years, municipal trial court '*yan, meron yang* probation. So it's not so serious. But, when the crime is punishable by imprisonment in excess of six years, the judge shall require the witnesses to narrate their testimonies in chief, first the prosecution witnesses, then those of the defense. This one calls for narrative testimony. The only reason this is objectionable is because there is a jury. The jury must be protected from testimonies which can be tampered by the witness. When the judge is present, then they can qualify, where they got his testimony. This is hearsay testimony. In this way, the judge will have additional benefit of observing the demeanor of the witnesses.

For example, he will ask the victim of rape, "What happened to you?" "*Eh*, I was waiting alone, on the side of the road, coming from my school, waiting for the tricycle. And then this tricycle stopped, it was driven by the accused. So I rode the tricycle, and after a distance, suddenly, I'm right behind the trees, and then he raped me." The judge will be able to observe the way the testimony is said. He will have the additional benefit of observing the demeanor of the witnesses both on the testimonies in chief and on cross. Free-flowing examination of the witnesses shall follow. After both have narrated their stories, the cross-examination will be free-flowing from one side to the other, between

the accused and the accuser.

A party may appeal the MTC decision to the RTC by filing a memorandum of appeal with the MTC that decided the case. The adverse party will file his counter memorandum. The branch clerk of court will then elevate the record and memorandum to the RTC. *So kukumpletuhin muna yung record dun sa MTC dahil hindi mo alam kung sino ang magiging judge mo.* They will be brought up to the RTC. *'Pag dating sa RTC* you will know to whom the case is raffled only when you are ready for oral argument. The RTC branch Clerk of Court will set the case for appellate hearing and adjudication. The Regional Trial Court will hear the parties on their arguments and immediately resolve the appeal in the presence of the parties, reserving the issuance

of a written decision in fifteen days.

Well, I've been in the Supreme Court, for about two years now. And I have to say that cases are better understood when they are argued rather than when they are just read. The decisions of the RTC in civil cases when final and executory are not appealable, except that you may go to the Supreme Court or Court Appeals on special civil action. We also need jurisprudence to develop this system. We will allow for special civil action. Appeals from the RTC to the Court of Appeals will be according to Rule 41.

Thank you very much.

PRESENTATION

Interlocutory or Dilatory?

Justice Eduardo B. Peralta, Jr.

Court of Appeals

Good afternoon.

As much as Justice Gesmundo of the Sandiganbayan wanted to join us, he is recuperating from a mild medical condition. I was requested by Asec. Sy last Friday to prepare a short piece on the topic of Session 4 and pursuant to the request of Asec. Sy, I prepared some printouts and slides intended to portray to you the attempt of the current Subcommittee on Criminal Procedure which will tackle in a nutshell the various proposals of the committee.

We attempted to first simplify the rules on criminal procedure by, first, renumbering of the proposals. And of course, we commenced with the general provisions, and these general provisions are enshrined in Rule 1 of the proposals. And these proposed rules on criminal procedure will be made applicable to all trial and collegiate courts in the exercise of criminal jurisdiction. Now, to provide a synthesis of our proposals, part of the powerpoint presentation is a bullet-type

enumeration of the highlights of the proposal.

First is the expanded venue. We all know, most of us are aware, that venue in criminal cases is jurisdictional, unlike in civil procedure. And along this line, part of the proposal of the committee is to incorporate a provision regarding electronic document. This electronic document is an offshoot of Republic Act 8792 concerning the E-commerce Law.

The second point is to specify detailed timeframes particularly with respect to procedure. For instance, with respect to the question of a prejudicial question, the current rule seems to limit the filing of the petition for prejudicial question prior to the resting by the prosecution of its evidence. For our part, it is our view that it would be better if we will specify the timeframe therefor. We suggested that we limit this to not more than fifteen days from the submission of the issue on the existence or non-existence of a prejudicial question.

The third proposal is with reference to the modes of discovery. And these modes of discovery are of course intended to accelerate the proceedings. Let us, however, disabuse ourselves of the notion that all modes of discovery can be included in the rules on criminal procedure. We suggested that we limit these to only three modes of discovery, mindful of the constitutional reservations with respect to the rights of the accused. If we are going to incorporate this Request for Admission, for instance, the Request for Admission by the adverse party, we have to view it vis-à-vis the right of the accused against self-incrimination.

Now, the other point is the insertion of a provision on a preservation order asking for a provisional remedy. And this provisional remedy, under the current rule, is incorporated in Rule 127. Now, we also underscored the function of a preliminary investigation which is, ordinarily, within the exclusive domain of the executive department. Now, aside from these proposals, we also included a specific provision which will prevent the filing of a motion for judicial determination of probable cause. And even an attempt to impugn the court's assessment of probable cause is legally impermissible to our mind. The other point is the restitution of the seized item. This has reference to the situation

where the item is the subject matter of a search warrant and there is a question on the legality of the admissibility of the item seized as a consequence of the search warrant. Later, probably, we can explain some of the proposals on the ramifications of the filing of that motion before the appropriate court.

The next point is the prospect of allowing the accused to present countervailing evidence in a bail hearing. To my recollection, Rule 114, the current provision, is silent on this matter of whether or not the defendant can present evidence to resist the petition for bail.

“It is our submission that in case of the unavailability of a person or a lawyer for the accused, any competent person can ably assist the accused in the course of the arraignment.”

The other one is the person who can assist the accused in the course of the arraignment. We all know for a fact that arraignment is vital for the valid exercise of jurisdiction – criminal

jurisdiction. And it is our submission that in case of unavailability of a person or a lawyer for the accused, any competent person can ably assist the accused in the course of the arraignment.

The other point is specific situations concerning provisional dismissal. It is our attempt to address the problem of whether or not the criminal case that was provisionally dismissed can be revived or should be the subject of re-filing.

Synopsis of Proposals

Expanded venue	Specific time-frames of procedure
Incorporated modes of discovery	Preservation order as provisional remedy
Preliminary investigation as an executive function	Prohibited motion for judicial determination of probable cause
Restitution of seized item	Countervailing evidence in bail hearing
Competent person for accused during plea	Remedies from provisional dismissal
Post-judgment remedies	Uniformity in appellate procedure

Now, the other one is with respect to post-judgment remedies. We are talking about the prospect of reopening, which is still, under the rule, through a motion for new trial and motion for reconsideration, without prejudice, of course, to the prospect of interposing the appropriate remedy following exhaustion of these post-judgment remedies.

And lastly, uniformity in appellate procedure to govern the situation in these post-judgment remedies.

Now, to go over these proposals in more

detail as quickly as possible given the time constraints, let us jump to Rule 2 now, and this is, again, concerning the venue of criminal actions. Part of the, I would say, new idea, is to include where the effects of the offense occurred.

And this is now our suggestion, with respect to Rule 3 on institution of civil action, this is a problem on existence of a prejudicial question and as stated a while ago the timeframe was now limited to fifteen days after the submission of the issue on the existence or non-existence of a prejudicial question.

In Rule 4 now, this concerns modes of discovery, our suggestion is for the incorporation of three items. The first as can be seen in our slides is the physical and mental examination of a person, the examination of witnesses and the production and inspection of documents. There is this usual caveat about the avilment of the modes of discovery and we perceive that these modes of discovery can be hardly utilized by somebody or like the accused who jumps bail or escapes from detention or is not in the custody of the law.

Along this line, I was reminded of the case of Gimenez vs. Nazareno, and this is through Justice Gancayco, to the effect that the accused who is a detention prisoner, escaped from confinement, can hardly present evidence or cross-examine the witnesses precisely because of his escaping. In this scenario, when can he avail of these modes of discovery? It is our submission with respect to these three, the examination of witnesses, there should be a specific time frame depending on whether the witness of the prosecution or the defense is the one that will be subjected to the examination.

Incidentally, this examination of the witness may either comprehend a conditional examination or a deposition. Now, going back to the specific time frame as to the physical and mental examination of a person and the production or inspection of documents, there is currently no specific timeframe for the avilment of these but we do understand

that it is in the course of the hearing or more particularly the trial. Will there be sanctions for non-compliance with the modes of discovery? It is our submission that this will trigger the prospect of a citation for contempt depending on the reason for non-compliance and of course, we have to be governed by the current Rule 71 of the 1997 Rules of Civil Procedure regarding this matter.

The next one is in Rule 5 concerning Provisional Remedy. This provisional remedy is via a preservation order. There is again a cross-reference there concerning this Supreme Court resolution, but to our mind, a reading of the resolution was restricted to a civil forfeiture in an unlawful activity usually arising from anti-money laundering. It is the intention of the Subcommittee on the Rules on Criminal Procedure to cover every crime outside of the resolution of the Supreme Court which has some civil liability repercussion to protect the interest of the State.

Now, how can this preservation order be utilized? Even in the absence of a motion from the prosecution, the court can *sua sponte*, meaning to say, at the initiative of the court, issue a preservation order or upon application of the proper party, depending on the presence or absence of the grounds therefor. And these grounds, we submit are also included in the slides and one of which is like for instance, we say that flight is an indication of guilt. Of course, from the standpoint of evidence, we can also say that non-flight is not necessarily an indication of

innocence. Now, even without the flight or attempt to flee, if the accused is the subject of an application for an HDO, meaning hold departure order within the context of Supreme Court Circular 39-97 independently of DOJ Circular 41-10, we won't go much into that discussion. The preservation order can be utilized to protect the interest of the State as well as the offended party. The other ground is the disposition, the disposal of assets, which for obvious reason, we don't have to elaborate. If it's a public officer, it is intended for the purpose of accountability of the public officer and this is a bit akin to the second ground regarding the prospect of disposal of the assets.

Now how about the issuance of the warrant of arrest? The issuance of the warrant of arrest, of course, is also a judicial function but it is our view that the mere issuance of warrant of arrest can also lay the foundation for the issuance of a preservation order or if the accused remains at large, for instance. The other one is irreparable injury and as specified in the slides, to the State or to the offended party but on this matter it is imperative for the applicant or for the court require the posting of the bond. Now, just like the provisional remedy of attachment under Rule 57, the preservation order or the provisional remedy of preliminary attachment is subject to dissolution. And how

can this preservation order be dissolved? It is our submission, of course, that just like the other grounds for dissolution of preliminary attachment, the provisional remedy or the preservation order can be dissolved if it was improperly issued or illegally issued or if the property subject of the preservation order belongs to a third person.

We now jump to Rule 7 on Arrest. There is a timeframe for the determination by the judge of the probable cause for the issuance of the warrant of arrest and therefore, we deem it proper to specify the timeframe and this is within ten days from the filing of the charge, the judge should determine whether or

not the warrant of arrest should issue. So as to prevent any question regarding the issuance of the warrant of arrest or an attempt to stave off implementation of the warrant of arrest, it was our perception through the Committee that the motion for judicial determination of probable cause or even a motion for reconsideration from an assessment of probable cause should not be permitted. And that is why we offer this proposal. The warrant of arrest of course must be served quickly as much as possible and the return of the warrant should be in three days from the service of the warrant of arrest.

“To prevent any question regarding the issuance of the warrant of arrest, it was our perception that the motion for judicial determination of probable cause should not be permitted.”



Now, let's go to Rule 8, Search and Seizure. Now there is a restriction on the validity of the search warrant and the search warrant is intended to be confined only to a period of five days from the issuance of the search warrant. Now, the delivery of the seized item, there is a specific timeframe and it is believed that the 48-hour period will suffice from the implementation of the search warrant.

Now, the parameter of a motion to quash or to suppress the evidence, the committee felt that we have to clarify. There are two courts which can entertain this motion. The first one is the court that issued the search warrant and the other one is if there is already a case that was filed, then the court where the case was filed. This is involving the admissibility of the evidence seized as a consequence of the search warrant. If the motion to quash the search warrant or to suppress the evidence is granted, what happens to the seized items?

Jurisprudence tells us that you have to file a separate suit. To our mind, it is no longer necessary to do so because by a mere motion, the seized item can be recovered, provided of course, that the item is not prohibited or unlawful. In which case, this should be disposed of by applying Article 45 of the Revised Penal Code. Now, if the motion on the other hand is denied, it is believed that it ought to remain, of course, in *custodia legis*.

What about these Rules 9, 10, 11 or on Bail, Rights of the Accused, Arraignment and Plea, respectively? The accused, as I've said, should present countervailing evidence in the course of the bail hearing and a competent person can assist the accused in the course of the arraignment or plea if there is no counsel available or counsel de officio. But if the accused pleads guilty to a capital offense, presentation of the evidence may be dispensed with simply because it is a judicial admission and under Section 4, Rule 27,

judicial admission does not require proof.

Now, in Rule 12, this is the Motion to Quash and Rule 13 Pre-Trial Conference. The Motion to Quash is a preliminary challenge and there are several grounds. And the grounds under the proposal were practically the same as the old rules. One of the proposals as I recall is to give the courts the authority to dismiss the charge even in the absence of a Motion to Quash if it falls under the fourth exception as stated under the current rule and even under the proposal.

Now, with respect to pre-trial guidelines, we attempted to specify and to echo the Pre-Trial Guidelines from the Supreme Court with particular emphasis on Plea Bargaining, Stipulation of Facts, the One Day Examination Rule and the proscription on the presentation of evidence not discussed in the course of the pre-trial conference unless permitted by the court in the interest of justice.

As to Rule 14, which I think is also significant concerning the trial stage of the proceeding, because we attempted to spell out some of the possible basis for provisional dismissal and these are on the screen, foremost of which is the unjustified absence of a vital indispensable prosecution witness. In other words, it is not the absence of all prosecution witness which would trigger the prospect of a provisional dismissal or permanent dismissal as the case maybe. The second one is the willful failure to present the people's evidence and the other one is by written agreement

of the parties and counsel. As I said a while ago, what happens if the case is provisionally dismissed? Can it be the subject of revival or refiling? We have to preserve the six-year threshold, below six years, one year, above six years, two years. And if there was a motion that was filed, this can be the subject matter of a refiling provided this is done within the period of prescription.

Now, what about this variance? This is practically the same, concerning the verdict. In other words, the rule of thumb is that it should be for the lesser penalty, provided that the essential components are the same.

Lastly, rules on appellate courts. Uniform procedure unless otherwise provided by the Constitution or the law or the rules. We have to underscore the significance of the filing of briefs, because these are guidelines in the resolution of the appellate process, as well as sanctions for the non-filing of these briefs on appeal.

In conclusion, we respectfully submit that these proposals are intended for a swift disposition of criminal cases: number one, integration probably of fresh ideas particularly for modes of discovery and this preservation order for the purpose of expediency not only of the court but the parties, the counsel and the public, etc.

Thank you.

PRESENTATION

New Criminal Code of 2015

Government Corporate Counsel Raoul C. Creencia

Vice-Chair, Criminal Code Committee

Office of the Government Corporate Counsel

Good morning, everyone! I won't be acknowledging and recognizing all of the esteemed delegates to this Summit. I will be consuming the time allotted to me, if I do that.

In yesterday's opening ceremonies, our esteemed guests, among them, Senate President Juan Ponce Enrile, echoed to me an urgency in passing a New Criminal Code. Crafting a new Penal Code is indeed urgent, timely and needed. Today the Revised Penal Code or the RPC is one of the oldest and still operative laws. As was explained yesterday by Asec. Sy, the RPC was passed in 1932, when we were still under the American government. This vintage RPC essentially reproduces the old *Codigo Penal* that we inherited from Spain. The piecemeal amendments over the years have made the RPC a patchwork of provisions — some amended as recently as last year, and some never amended at all since 1932.

Hence, we have antiquated and outdated provisions in our RPC, with prescribed penalties totally detached from present day realities and from present day accepted fundamental principles. Moreover, our criminal law system also includes, as reported by Asec. Sy yesterday, more than three hundred (300) special penal laws, or bills of legislation, which define and penalize specific acts, independent of those in the RPC. We have today a bloated body of criminal laws, that we can no longer keep track of all criminal and punishable acts, by just referring to a simple law. This body of laws has expanded in the past decades without retaining coherence, and this has made law enforcement extremely complicated and difficult.

In his SONA, President Benigno Aquino underscored the need for effective and needed meaningful reforms by way of amending outdated laws. Towards this end, the DOJ constituted the Criminal Code Committee,



through Department Circular No. 19.

The Criminal Code Committee is composed of various agencies, aside from the Department of Justice. Also actively involved are the Office of the Solicitor General, the Office of the Government Corporate Counsel, the National Bureau of Investigation, the Bureau of Immigration, members of the academe, like the Philippine Association of Law Schools, of course we have the Bureau of Corrections, the National Prosecution Service, the Philippine National Police, the Public Attorney's Office, and NGO's like Transparency International, the professional organizations like the Integrated Bar of the Philippines and the Philippine Bar Association.

The CCC's mandate is to craft a modern, responsive, organic and truly Filipino criminal code, one that takes into account both our experiences from the ground, as well as invaluable insights from international best

practices; a criminal code that is coherent, rational and comprehensible, for the efficient administration of justice. It is a code that truly reflects the values unique to the Filipino people. It is anchored on cornerstone philosophies such as human rights, gender, youth justice, restorative justice and a rational system of punishment.

Since convening earlier this year, the CCC has buckled down to work, adopting an inclusive, consultative, multi-disciplinary, and holistic approach. And you can expect, ladies and gentlemen and friends, that the CCC will not simply update the current RPC, it will introduce game-changing and revolutionary concepts such as, universal jurisdiction, a strong sense of juvenile justice, both for child offenders and child victims, penalties that are based on their effect on the offender (for example, based on the percentage of income), simple categorization of persons criminally liable, and alternative forms of penalty such

as community service.

Since its constitution, the CCC held weekly experts group meetings at the Heritage Hotel with special lectures from American and German experts. A study trip to Berlin attended by the CCC members was also held last October. Focus group discussions were also conducted, where a more detailed exchange on specific subject matters were made, such as on the corrections system, and crimes affecting women and children.

Universal jurisdiction: we always say that we live in a borderless global society; ironically, we have a jurassic RPC that is imprisoned within its own borders and boundaries. We oftentimes speak about protecting our citizens overseas, but we have an archaic RPC that cannot reach them where they are.

A modern criminal code therefore, has universal jurisdiction, to suit in an era of a borderless world. Towards this end, changes have been introduced. While Article 2 of the current RPC covers only acts committed on Philippine-registered ships or air ships, the new code will now cover aircraft, ships or vessels originating or destined for the Philippines.

The new code can also now apply to Philippine citizens, or Philippine-registered entities, for acts committed outside the Philippines; as well as those acts committed outside the Philippines against Philippine nationals, and against persons inside the

Philippines. Finally, this code should apply within or outside the Philippines if the crime is against national security, national interest, acts against humanity, or internationally accepted principles.

The new code will be rewritten in simple English, to be better understood. Hence, aside from using plain language apart from the usual legal mumbo-jumbo, the modern code will also change some definition and words used. These terms include: person, respondent, accused, offender, repeat offender, offended party, judgment, final judgment, detainee, inmate, preventive detention, penalty, civil liability, prescription and other commonly used terms. Once completed, we should have a more user-friendly penal code that contains the definition of these terms.

The new code will also have a statement of unassailable principles of our criminal justice system: first, there is no crime if there is nothing in this Code or in special laws defining and punishing it. Second, criminal liability carries with it civil liability. Third, the prospective application of criminal laws, unless there's a retroactive application with benefit to the respondent, accused or offender.

The penalty shall be determined by the law in force at the time of the commission of the act. The liberal construction of the penal law would always favor the accused or offender. And of course, the purpose of the imposition

of penalties is not to punish but to reform and to rehabilitate. And the precedence of national laws over local laws or ordinances. We are also taking “complex crimes” out, although the lesser offense will be considered a modifying circumstance.

Let us proceed to minimum age of criminal responsibility. Prior to the enactment of

RA 9344, the Juvenile Justice and Welfare Act, Article 12 of the Revised Penal Code is still at issue here: that a child 9–15 years old who acted with discernment is liable for any felony committed. Hence, under the Revised Penal Code, a 15–year–old child is considered to have complete discernment. After RA 9344 was enacted, the minimum age of criminal responsibility was increased to 15. The Criminal Code sub–committee on women and children headed by

Assistant Solicitor General Marissa Guillen, after considering various studies, inputs, the UN Convention on the Rights of the Child, and the minimum rules for the administration of juvenile justice also known as the Beijing rules, noted that the international average minimum age of criminal responsibility is 12–15. Currently, the consensus of the

Committee is to bring the minimum age of criminal responsibility back to 12, but with special provisions for the prosecution of minors aged 12 to 18.

Now, corporate liability. We live in an era where major transactions are contracted or conducted through major corporate entities. As such, the new penal code should now

hold corporations responsible for criminal acts.

Currently, what we have is Section 31 of the Corporation Code, which punishes directors and trustees who willfully and knowingly vote or assent to patently unlawful acts, where they were guilty of gross negligence or bad faith. But is this actually enough?

Criminal liability for corporations has been the subject of vigorous

debates in recent years. This issue has become significant, with the alarming number of crimes involving corporations, especially in the United States and Europe. On the other hand, arguments for criminal liability are based on the belief that criminal sanctions are appropriate for corporate misconduct, especially those involving intentional,

“The CCC’s mandate is to craft a modern, responsive, and truly Filipino criminal code, one that takes into account both our experiences from the ground, as well as invaluable insights from international best practices; a criminal code that is coherent, rational, and comprehensible, for the efficient administration of justice.”

knowing and reckless conduct, or express tacit authorization, to commit a crime, or when a corporate culture exists, within a body corporate that directed, encouraged, tolerated or led to the commission of the crime.

Corporate culture means an attitude, policy route, or course of action or course of conduct or practice, existing within the corporation, or part of the corporation, in which the relevant activities take place. And what can be the possible sanctions for corporations? Imposition of fines, corporate fines, freedom deprivation, dissolution of the corporate entity and adverse publicity.

That ends part I of our presentation of the criminal code. Asec. Sy, Chairman of the Criminal Code Committee, will further discuss the other features of the new penal code, such as conspiracy, the newly modified modifying circumstances, the stages of committing an offense, and penalties. On that note, I would like to thank you for listening to this presentation.

Mabuhay! Magandang Umaga Po!

PRESENTATION

New Criminal Code of 2015

Assistant Secretary Geronimo L. Sy

Chair, Criminal Code Committee

Department of Justice

Thank you Raoul, a fellow Visaya. *Maayong buntag sa inyong tanan*. Good morning.

Before we start with the nitty gritty, I want to thank everyone here today. Some people came in yesterday – they want to see the policy speeches, the big things; but the hard work is done in Day 2. So thank you for being here, our attendance still is very good, because this is where the technical details are happening, and before we go to the presentation proper, just a few quick things. One is, please have a sheet of paper and pen ready with you. If you don't have a piece of paper, the Secretariat, please make sure that everyone has a sheet each of paper for submission. Second, was everyone here yesterday, so we can have a base line? Everyone was here? Ok, so I think 95%, so we don't have to build that.

We forgot to mention yesterday that we already have a number of constitutions: the 1935 constitution, the 1973 and 1986

constitutions, and the 1987 constitution, but we still have only one Revised Penal Code. And let me ask you this, between writing a Constitution and the Revised Penal Code, which is more difficult? The Revised Penal Code is more difficult because we only had one for the past 89 years. So those are the parameters and let me start this presentation by consulting all of you. And, as mentioned by Raoul, part of our nationwide consultation is this Summit, where we would not only speak but we will listen to you. Have your sheets ready, and, Secretariat please note the questions.

The first thing is to just put your name, optional, put your age, if you don't want to mention your age, put in the range between 20–40. No, just kidding. At least, put your age, so we'll know, and say if you're a lawyer or not. If you're a lawyer, what is your branch, executive, judicial or whatever. If you're not a lawyer, what is your background: NGO's, civil society, mother of three, whatever.

We'd like to give a very good snapshot of the participants today.

First question, answerable by yes or no. Do you agree that the Revised Penal Code needs to be amended? Yes or no. Second, should the amendments incorporate all special penal laws, or no? Yes or no. Should it incorporate all or not? You can always say most of it or whatever, but that's another question. The third question is, should it be a rewriting from the ground up, or should it just be revising?

Fourth, do you agree that we need a definition of terms in this new code? Definition of terms, yes or no. If you agree, what are the terms that need to be defined, feel free to put it down. That has not been covered by the presentation.

Next question is, do you agree that the fundamental principles should be listed? If yes, what are the principles that should be included?

Next, and I will really need your support, to get the best answers among all of you. Should bigamy be included? Bigamy, adultery, concubinage. Those are the three things that should be there, because right now, we have adultery and concubinage, and what we are trying to do is have adultery, concubinage, just one, marital infidelity, ok? That's a difficult chunk, so, answerable by yes or no. Feel free to write in a question or comment. Right now, it's adultery and concubinage, no? Different for men, different for women. The

proposal is just one, marital infidelity, which applies equally for both men and women, the same set of standards. It doesn't mean though, that one sexual indiscretion, you will go to jail or be punished by death, we're still defining what should be done.

Next, should libel be punished? If yes, should it be criminal or civil? That's the next question, if you don't think it should be punished, then no. If you think it should be punished, should it be criminal libel or civil libel. Next, BP 22, should it be decriminalized or criminalized? Prostitution, should it be decriminalized or criminalized? With two sub answers. Is it for the prostitute or for the user of the prostitute? So far so good?

Next question, what do you think should be the minimum age of criminal responsibility? Indicate your age, exact number only please, if you think 12 and below should be exempt, say 12 and below. If it's 13 and below, or if you think 18 and below, give us the exact age. So far so good?

Should corporations be held criminally responsible? Our idea is that corporations, since they don't have a body, they cannot be in prison. But the equivalent of death penalty for corporation is dissolution. You cannot imprison a corporation but you can certainly limit its operation. You're depriving it of its liberty, or imposing a fine.

Next, and guys, it just gets a bit more complicated. Should we still maintain the

malum in se and *malum prohibitum* distinction? Because the direction of the Criminal Code Committee is that we are not going for specific offenses or crimes, but we are going for conduct-based crimes.

Next, and again, like I said, this gets more complicated. Should quasi-delicts be punishable by the criminal code? And the classic example is negligence, reckless imprudence resulting to damaged property. Whether that should be criminal or not. So far so good? Are you having fun, this morning, at the summit? As promised, it's going to be difficult, it's going to be different, so we're getting all the results, make sure you give very good answers, because what you write today will determine the fate of the Criminal Code that we will have.

Last few more questions. We are simplifying the levels of penalties. Instead of having a whole range, which we would show, we will only come up with five levels of penalties. Quick question to this, no need to come up with a comprehensive answer. Do you think the penalties are too complicated? Yes or no? And if it is, how would you simplify them? Ok? Just keep it open.

In Book 2, we already took out the Chapters and the Titles. We already have three basic parts of Book 2. One is on crimes against the state, or national security. Second would be crimes against persons. The third would be crimes against property. Do you think, or do you agree with this triple approach to Book 2?

If you think there is a better model, please say so. Ok? Interesting, huh? With that, I'd like to go to the presentation proper. The second part of this presentation will deal with some the nitty gritty details of the work of the criminal code.

The first point that I'd like to say is that, right now, our design of principals, accomplices and accessories need to be redefined or rethought. Right now, we have these three forms which are not exactly helpful, because "principal" in the Revised Penal Code is described as by direct participation, by indispensable cooperation, or by inducement. The position of the Criminal Code Committee is that we just define principals as those who directly participate in the crime. There is no longer any need to define what kind of principal you are. Accomplices and accessories, we don't need to have all this technical confusion between the two. It's either you're the principal or you are a secondary. Either you participate fully in the commission of the crime or you do not. Then you become a secondary. If you did not, if you are not a principal or a secondary, then of course you are totally innocent.

The next point is that the stages of commission of a crime right now follow a treadmill rule again: consummated, frustrated, attempted. The direction of the criminal code is to use just two: either consummated, you've done the crime, or it is an attempt to do that. At present, the only time that it becomes frustrated, in 99% of

our jurisprudence, is when there is medical intervention. Thus, we don't need to have a separate category and confuse everyone. So either you consummate the crime or it is an attempt to consummate the crime.

The next thing we're doing is, instead of having exempting circumstances and justifying circumstances with all the ramifications, we'll just have one set. Either you're exempted or criminally responsible.

The other big ticket, which is something very crucial, we are also taking out the difference between crime and offense. Right now, we have a very technical definition of what is a crime and what is an offense. The new criminal code will only talk about a crime, either you commit a crime or you did not commit a crime, there's no more need to talk about offenses.

The next point is this, and this is something a bit transformational. We will no longer have aggravating, mitigating and other circumstances. We will just list all the circumstances and these circumstances will swing in favor or against the accused at trial. The policemen, prosecutors, do not have to spend time finding out all the circumstances. The job of the policemen and

the prosecutors working together is to find out if there's a crime that was committed and who committed it, as to the exact pinpointing of the criminal culpability, the exact penalty to be imposed, we're going to do it in trial.

Hindi na magulo yung hahanapin mo pa yung aggravating and you specify the information. If the offense that he committed has ten mitigating circumstances, it's up to the court to decide if indeed they're mitigating. If there are a hundred aggravating circumstances,

whether or not they're mentioned in the offense in the crime, it's not important, the judge will have power to decide.

Right now, we have penalties, principals, accessories. You have different kinds of afflictive, correctional, all of that, the whole range. We've mapped about thirty (30) kinds of penalties. We'd like

to just integrate all of these into five levels.

Level 5 will be the most serious crimes, robbery, murder, homicide. Level 1, you will not go to jail. Either you will get civic duty, which is what we call community service now. We will research on civic duty. You can be at most fined. Truly economic crime, it's easy on the pockets. *Estafador*, a hundred thousand. You get caught, you pay double or triple. No need to talk about jail time,

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unless it's a second time, or third time, or something that is really pernicious. Economic penalty for economic crime. These are the things that we are doing with penalties. We are also taking away the concept of principal vs. accessory penalties. We will lay out all the penalties, and depending on the judge's appreciation, the judge can pick out from the menu of penalties, to say, "Hey, you're a public official, you should be disqualified from office." "Your actions are so bad, it should be a perpetual disqualification." "This is a first time infraction, but serious enough, that you should be disqualified for five years."

We don't need to have all of these accessories of penalties to make it so rigid. Otherwise, we take away the human capacity for a common sense approach to penalties. Because, at the root of all implementation of any law, especially the Criminal Code, is the human mind, the human heart. No matter how many laws, rules and regulations you put in, at the end of the day, it's the persons running the system, who are doing it.

We'd like to empower the police, the prosecutors, the judges. As it is now, with all the restrictions, is it a working system? No. Is it a better system? No. Only by empowering people, trusting our people to do the good job, the do the best job, then we can have a better system. Putting on more rules, putting on more restrictions, that is not the way to go. We have all of these rules, *pero kung hahanapan ng lusot, makakalusot pa rin*, no? So we'd like to turn things around, make it a

dynamic code, and make sure that there are good people to implement it.

The final point that I'd like to share is that right now we have a very confused concept of conspiracy. Conspiracy as a mode of commission or conspiracy as a crime. That's very wrong. We have a position paper done, we have redefined conspiracy, because right now our basic idea is conspiracy and text book mantra: the act of one is the act of all. Which means there is no other provision that will allow you to be the least guilty. And our rules of court, and in our respective criminal court, the least guilty can be the state witness or be meted a different penalty. Conspiracy is the act of one: no one is more guilty, or least guilty or most guilty. It's a legal fiction, conceptually difficult. Because of this confused principle of conspiracy, we are having a difficult time cracking down on organized crimes, which is at the heart of any criminal code: finding syndicates, whose main purpose of existence is to perpetrate crimes. That is where we should bring government resources to and not general police work. These are the people that are congesting our jails, dissipating our resources, but not promoting the rule of law, stability in our society.

So, with that, ladies and gentlemen, the work of the criminal code committee is almost done but not done. We ask you to join us at the Heritage Hotel every Friday. But don't just show up, we will not have food for you. Be there, register early and let us know you're

coming. If you have position papers, if you'd like to write us for any advocacy, we've been receiving several position papers nationwide, even other countries.

We received very specific papers from the Philippine Coast Guard. You know what is the biggest problem in the Philippine Coast Guard? The question of jurisdiction. Territorial waters versus international waters. International waters, it becomes piracy. National waters, territorial water, it becomes robbery on the high seas. But the reality is, where you draw the line, in the middle of the sea. These are the fine technical details that we'd like to solicit from you, because everyone has expertise to contribute in this work of ours.

And, moving forward, moving ahead, once we've finished the Book 1, hopefully by January, we'll start a road show. And from all the partner organizations, anywhere in the world, if we have contacts, we are going to do a live webcast, feel free to work with us. We will go around the whole country, to explain the code, get input, making it the best code, and in our visit to Berlin, of which we will have a special presentation during the break, special focus in Berlin courtesy of Raoul, we realize that if we do this well, criminal and criminal procedure, our redesign of the justice system, we can leapfrog any country in the world, to make our justice system the best in the world. Not just in the Philippines, but the best global standards.

This is the advantage of coming late. We can learn from all the pitfalls, we can get the best practices, we can redesign it, best it. But, the final thing I would like to say is, don't believe anything that we've said. All you have to do is read, research, write us. Approach any of the Secretariat for the emails, this is just the beginning of the national consultation.

On behalf of the Justice Sector Coordinating Council, Secretary De Lima, Secretary Robredo, and Chief Justice Corona, on behalf of the expert groups and members — several of them are here today, and will join us in answering your questions — and on behalf of our very special friend, Paul Schaefer, our one and only partner for the Criminal Code Committee, Hanns Seidel Foundation, can we give them a round of applause?

And of course, we just got word early this week, that the Office of the President already approved an extra 10 million pesos in funding, for the Criminal Code Committee's work. We'll be very happy to share the 10 million with you, or so long as you write us an email. So we thank you, I thank you, and you all have a very good Summit.

PRESENTATION

The Case of the Broken Pillars (Courts)

Judge Ma. Filomena D. Singh

Regional Trial Court of Quezon City

Good morning, ladies and gentlemen. I am here before you to speak on the case of the broken pillars from the perspective of the Judiciary. The Judiciary is the backbone of the rule of law and this rule of law is only as strong as the Judiciary. Globally, people equate the efficiency level of their judicial and legal systems. I have presented this paper before the international organizations for judicial training in October 2009 in Sydney, Australia.

The problem of delay and docket congestion is cross-border. Even the United States, which is deemed to be a benchmark, also suffers from case delay. Our country faces the same problems. We have seen for years a rising influx of cases, a staggering judge-to-population ratio of one judge for every 15,277 Filipinos, inadequate facilities and limited financial resources. Just a look at the first statistics, we have a total of 2,182 drug courts. As of May 31 of this year, there are 615,205 pending cases just in trial courts. For the First Level Courts, these are the Metropolitan Trial

Courts, Municipal Trial Courts and the Circuit Courts, we have a total of 213,769 pending cases. While for our Regional Trial Courts, the total is 382,892. Comparing this to the figure at the end of 2008 which was 642,649, you will see that over a three-year period there was a very, very little improvement.

Among our collegiate courts or the Third Level Courts, there is a total of 93 justices. In the Court of Appeals, there are 16,984 cases pending, in the Sandiganbayan 902, in the Court of Tax Appeals the lowest 58 cases. The Supreme Court for its part as of December 2010 received a total of 10,697 newly-filed cases, 4,555 of which were disposed and their disposal rate as of end December 2010 is 43%. You will see that the figure is a far cry from what the US Supreme Court receives yearly.

During my year of studies in the US, I learned why they have low congestion in the Supreme Court. Of a total of 1,800 petitions that they received yearly, they only act on less than a hundred a year. So they really saved the



cases and fully take those that have national significance, potential significance. We are here at this Summit to find solutions that can be forged through cooperation among the different pillars of criminal justice system. So I call this re-engineering the system and re-building the foundations, the problematic foundations of the country's criminal justice system.

For the part of the Judiciary, we are currently working on changing the mindset of the members of the bench. Sadly, it has become more the norm, rather than the exception, that justice is delayed in our courts. And this is not all due to the faults of those sitting on the bench or the court personnel but this is due to the increase in the population, due to the increase in the volume of cases being handled by our courts without a corresponding increase in the number of courts in the country. This was commenced in 1983 after the Judiciary Reorganization Act

took effect.

I can tell you especially for Quezon City, which is the largest territory in the NCR, that it receives the largest number of cases in terms of docket congestion. Every Regional Trial Court has an average of 40 cases a month. And the First Level Court receives an average of 150 to 200 new cases a month, and you add on top of that our existing dockets and we have an average for Regional Trial Courts of 500 to 800 cases per court or per branch. We have 45 branches in Quezon City and for Metropolitan Trial Courts, they have an average of 2,500 to 3,000 per branch. And we have only 13 Metropolitan Trial Courts in Quezon City. So if you have a docket for example of 4,000 which was my docket when I was first appointed to the Judiciary in the MTC of Quezon City, if I did not dispose of the 200 new cases in exchange for the 200 that I received for a certain month, my 4,500 will even increase. But if I only dispose of 200 to

match the 200 that I received, my 4,500 will remain 4,500. That is the problem that every judge faces and that is why I may say, most of the programs that we have formulated for our problem do not work.

Why? There is an answer. The answer is, those programs only address speeding up case disposition, speeding up litigation for new cases, but nobody has ever taught us how to address our existing backlogs. So we have had to devise our own strategies judge by judge, branch by branch, court by court, station to station to address this problem. And that is why I say changing the mindset because fortunately, with our new

Chief Justice, we have advanced some proposals and there has been a committee formed with the Chief Justice no less sitting as the Chairman.

“Sadly, it has become more the norm, rather than the exception, that justice is delayed in our courts.”

To address the twin evils of case delay and docket congestion, there must be a changing of mindsets, because judges, speaking of trial judges, think that they are in the bench to adjudicate cases. That is only one side of a judges’ role. The Philippines is unique in the sense that judges have more than one job. We are not supposed to just adjudicate cases but we are also supposed to manage the courts.

In my study of the different systems internationally, I found out that this is only true in the Philippines. In the U.S., they have court managers, who are not lawyers.

These are professional people who deal with the administrative side of the case. But in the Philippines, your judges have to manage the courts, have to manage the personnel, have to manage the property and resources of the court and the management of the cases from your receipt of a new case to the final execution of the decision in your court. That is where delay comes in. If you do not personally manage your cases, you will see all these opportunities where you can cut the delay and cut the waiting time of the parties. That is what we are trying to do with our judges now. We are trying to re-orient them and make them accept, admit and

acknowledge that they have another duty that they have to focus on and that is case management.

Second, we have to replace our criminal laws and rules of procedure.

I believe, yesterday Justice Roberto Abad spoke of his proposed new rules of procedure and they intend to cut down litigation time a great deal. What I will relate to you is that in Quezon City, for those of you who will be practicing starting 2012 in Quezon City, we are set to start the run of the Quezon City practice guidelines and some of the features of the Quezon City practice guidelines are:

Your postponement will be limited to one. The postponement will be allowed in cases of *force majeure* and/or acts of God. And then your submissions will be limited. For

Rebuilding the Foundations of the Justice System

1. Changing the mindset of members of the bench
2. Replacing archaic criminal laws and rules of procedure
3. Bridging the gap between investigation and prosecution towards a criminal conviction
4. Acknowledging the link between the rule of law and a stable economy

example, your Memoranda will be limited to twenty-five (25) pages. The offers of evidence will always be oral and this will be done on the day that you present your last witness and there will be no excuse for postponement. The objection will also be raised on the same day and the judge must make a ruling also on the same day. So we cut out a good number of months, I think even as much as six months just with the offer. Because with the offer you wait for thirty (30) days, then you wait for the other party's comment. And most likely somebody will ask for a postponement and then there's the waiting time which is so slow, so we are cutting all of that and we are set to do that in Quezon City starting this January.

The other thing that's on the criminal side, the DOJ, through the Office of the City Prosecutor of Quezon City, has agreed that in instances wherein a Motion for

Reconsideration is filed with the OCP but the information is already filed in court or where there is a Motion for Preliminary Investigation which is granted, all these incidents will be resolved by the Office of the City Prosecutor within thirty (30) days. They have agreed with us that if we exceed or if they exceed the period that we allowed them, then the arraignment will proceed. There will be no indefinite postponement of arraignment by reason of the pendency of a Motion for Preliminary Investigation in the Office of the Prosecutor. So all of this, all this is being done by the Judiciary. The Judiciary is not sleeping on its feet. There are people under the Judiciary who are actually working towards providing better services to our countrymen.

And then as you know, our rules of procedure are really tedious and they tend to be long and very adversarial proceedings. I think Justice Abad stressed yesterday that what is

important is that the judges be active, pro-active, judges have to exert control over the proceedings from the very start. I am sorry to say but a lot of our colleagues allow lawyers to dictate the pace of the litigation, not just about postponements but even as to the presentation of evidence. We allow indefinite numbers of witnesses to be called, we allow numerous evidences that have no relation to the case or issue being driven at. So, also: control — that is what we are also trying to train our judges to have, to be more active in respect of controlling the proceedings from start to finish.

Third, bridging the gap between investigation and prosecution towards a criminal conviction. The Philippines is also unique in the sense that our prosecutors are not part of the case build-up. In other jurisdictions, from the time a crime is committed and the law enforcement agencies are called in by the victims or the family of the victims, the prosecution side comes in together with the law enforcement agencies for the investigation and case build-up. That is something that we badly need because the Judiciary is blamed for a lot of dismissals and acquittals. And yet what can we do if that is the only evidence that's before us. And we must base our decisions on the evidence that is presented. It is very important that we have trained prosecutors who are there from the start to formulate the theory, to build up the case, to gather the evidence, to handle the evidence properly and not only that, to secure witnesses both with regard to

their personal safety but also with regard to their attendance. There are lots of cases that are dismissed because it is so difficult to call police officers. It is so difficult to call police officers to testify in court, it is so difficult to call the medico-legal experts to conduct examination. Despite the issuance of warrants for their arrest and citations of contempt, you still can't get them to come to court. So what, the courts are left with no witnesses, no evidence and that results to acquittals and dismissals.

Last, acknowledging that a stable rule of law means a stable economy. This is the new trend, and we still neglect it here in our jurisdiction, although we are very fortunate that this is now the new focus of the DOJ. People must understand that without a good criminal justice system or a stable rule of law regime, the economy cannot take off. We must make the Philippines a haven for good investors, not a refuge for the unscrupulous. And that is sadly, for the present, the perception that prevails.

I end with this line which says, "Some make it happen, some watch it happen, and some ask what happened." We are all wearing ID's where it says I am and then with your name. It says there you are committed to advance justice. Just to add to the questions of Asec. Sy earlier, "Are you committed to justice?"

Thank you very much.

PRESENTATION

The Case of the Broken Pillars

P/C Supt. Alex Paul I. Monteagudo

Philippine National Police

The PNP has in its record about 33,000 standing warrants of arrest. About 4,600 of those with warrants may be convicted. The rest, 28,400, will be free and perhaps commit another crime, perhaps. The PNP is one of the major players of the law enforcement pillar of the criminal justice system. Like any pillar or structure, however, it is constantly being subjected to stress and its weak pillar will eventually crack, break and collapse. But while we refer to one of the pillars as “law enforcement”, the particular activity actually refers to the investigation of crime. The wheels of the criminal justice system start to turn after a crime is committed. No crime means nothing to investigate, no one to prosecute, no one to convict, no one to incarcerate. What we will focus on in this presentation are the realities or influences that create the stress or weaken the law enforcement pillars contributing to its collapse.

The PNP identifies several factors that would cause major cracks in the law enforcement

pillar. Among them are competence, motivation of the investigators, graft and corruption in the organization and perhaps the most serious and difficult are the external factors. These realities allow me to continue to make the case of a broken pillar a soluble one.

The system of appointment opens the justice system to abuses and manipulation. One of the most significant stress factors of the entire criminal justice system is the system of appointment for the law enforcement officers and other pillars of the criminal justice system.

While the inclusion of this very sensitive issue may raise a lot of contending views, this must be addressed. If we are to make headway to strengthening the criminal justice system, let us take a look into the infamous Maguindanao massacre which very recently marked its second anniversary. To illustrate just how serious the concerns: contributory to the said incident was the reality that the law enforcement pillar as well as the other

four pillars of the criminal justice system in Maguindanao at the time of the incident are all beholden to the clan. Assured perhaps to get away with anything, the perpetrators committed the crime and finally broke the camel's back. Unfortunately, the Maguindanao incident may not be an isolated case but rather it may become the norm of the day when the time should come. Do we have to wait for another massacre for us to wake up and change the system?

The system is seeking the endorsement of the local official to get appointed to a post. It puts the appointed official to an awkward situation since there will always be the "utang na loob" factor in the performance of duties. It is recommended that at least one or two of the pillars of the criminal justice system should be insulated from partisan

politics to ensure that the system of checks and balance will exist in the criminal justice system. In this way, we are able to institute the system of defense and control for possible abuse. Most PNP officers who are here believe that the PNP's organizational structure and mandate make it possible for him to be one of these pillars. That should be insulated from partisan politics, since it has the capacity to stand against possible abuses committed by the other pillars of the criminal justice

system. Furthermore, should the officer and personnel of the PNP commit abuses, they can be easily relieved or replaced by the Chief PNP.

Prosecutor and police should work together for stronger cases. At the moment, prosecutors are not involved in the case build-up, unlike in other countries where prosecutors and investigators work together to build an airtight case. Prosecutors, by their

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title, are to help bring to justice the perpetrators of the crime which is the same objective of the police investigators. Two prospective police investigator and criminal prosecutor make for better appreciation of the case, gathering of evidence and following leads.

Therefore, it will be a great advantage if there will be a prosecutor who can help the police to gather evidence. The aim of law enforcement is not only the identification of criminals but also to gather all possible evidence to establish his guilt. In turn, it is the prosecutor who will present all this evidence in the trial. Therefore, a prosecutor working with a police investigator should be sure that all possible evidence are gathered.

Reluctance of witnesses to testify weakens

the process of the criminal justice system. There are several factors or root causes to make the witness uncooperative: the fear of reprisal, distrust in the law enforcement agency or the criminal justice system, wide inconvenience to keep going back to the police station, court appearance without compensation, lengthy processes. The witness might ask, “Why bother, what’s in it for me?” Some cases are eventually settled amicably, leaving the witness in pondering what to do next. The

witness protection program will always have positive contribution as to the solution of sensational cases and is open to those cases that are sensational or cases which involve known or famous personalities. It has been perceived that the witness protection program applies only to major cases, notwithstanding the fact that there are also

less sensational cases which benefit from this program. Is there discrimination against the lowly victims? Are they not entitled to the equal protection of the law? We have to consider that the less fortunate are the most vulnerable to threat and coercion.

The following are recommended: speedy trial. Postponement of hearing for today give the perpetrators the opportunity to move heaven and earth just to discourage and threaten

the witnesses. There are also cases where the witnesses lose interest or even died after so many years of waiting because the defense counsel keeps moving for the postponement and the judges run. Financial support, particularly the special concerns that are part and parcel of investigation and prosecution that are not usually budgeted for. There must be a way to fund the investigative process so as not to lead to lost income.

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Strengthen the witness protection program. The witnesses can wait for years before their cases come to trial, they are stuck in safe houses or worse, transferred from one place to another, while the perpetrators roam free. Without the mechanism that should truly protect them, some witnesses just give up. We propose to redesign the witness

program — it should take into consideration Filipino customs, traditions, values, and way of life.

Perhaps aside from the witness protection program, we should also adopt a witness support program where the witnesses will be provided support, not necessarily security. Loopholes in the legal system open it up to manipulation. There are still witnesses within the legal system that allow perpetrators or



criminals to circumvent the law and even take advantage of the very system, this time to stop criminals and bring them to justice. The rigid technicalities which sometimes lead to legal manipulation have become more useful in protecting perpetrators who have been able to exploit legal avenues.

The law is sometimes perceived to favor the perpetrators rather than the victims who are seeking justice for the crime committed against them. For instance, lawyers delay hearings purposely to frustrate and discourage witnesses. With the evidence taking the backseat and making the justice system suffer for this, some of the laws that have been taken advantage of by criminals are the Juvenile Justice and Welfare Act. Criminals employ 14-year-old kids and younger to commit crimes and even act as couriers for drugs.

Due to Section 21 of the Comprehensive Dangerous Drugs Act, almost all cases result

in dismissals; many exploit this Section of the law. Under the anti-carnapping law, the perpetrators are able to post bail. This and other laws call for review as to assure that the law protects the right of the victims as well.

The competence of investigators must also be upgraded. The PNP actually lacks investigators. The PNP is 113,000 strong but while investigation is one of the two major functions of the police, the other being crime prevention, we only have 7,000 investigators or 5% of the force which translates to about one duty investigator for each eight-hour shift. For every police station on the average there is also a problem of corruption and incompetence of our investigators. The PNP has taken steps to remedy this. A year ago, practically many policemen could be designated as investigator without appropriate training. PNP has realized the need to upgrade this current investigative capability. Today, not less than 5,000

personnel have been provided training as investigators to strengthen their knowledge and develop insights in the successful solution of cases. There are regular and specialized courses being conducted and manuals are published and distributed. The vision is one day to be able to prosecute the perpetrators independent of his testimonial evidence; to be able to utilize forensic evidence to identify and convict the perpetrators.

On corrupt and abusive policemen, there is much to be done and the other pillars of the criminal justice system can help them out.

The law and the legal system are perceived to be favorable to the elite, the educated, the rich and the privileged. It is for this reason that the institutions and the mechanisms for the protection of law are vulnerable to manipulation and abuses. Ginoong Juan de la Cruz is wondering why our laws are crafted in English. Our laws should be understandable to all Filipinos who will be directly affected by its implementation. Worst, it even uses Latin and Spanish words. How is Juan de la Cruz supposed to understand words like *res gestae*? He would have to hire a lawyer, but unfortunately, lawyers are expensive and he cannot afford one. Thus, Juan de la Cruz would have to buy the law to protect him and give him justice.

On the other hand, the rich man can hire the best lawyer, post bail, pay the victims' family and then walk the streets like he never committed a crime. Even a policeman finds it

difficult to understand the law. And there are so many laws in the land that even the victims do not know how to assert their rights and how they are really protected by these laws. If the bible which contains God's laws can be translated to Filipino and other local dialects and still retain its integrity and be understood by the ordinary people, surely our laws can be crafted in the same manner as well.

Just imagine, *isang Filipino nagmimistulang dayuhan sa loob ng korte, sa loob ng criminal justice system, dahil lahat ng tao ay nagsasalita ng English na hindi nya maintindihan ang pinag-uusapan*. Juan de la Cruz becomes an alien in his own country when it comes to the criminal justice system. For the law to serve the people it must be understood and appreciated by the citizen.

Before presenting the PNP's plans for an effective criminal justice system, allow me to discuss briefly the theory that the revolution of rising expectation results to the revolution of rising frustration.

The criminal justice system provides hope for people that under the law, everyone, rich or poor, is equal. But the question is, under the present system, "are we all equal" — from the perspective of law enforcement, from the perspective of the agency which is the first to respond to a crime and is at the frontlines of the fight against crime? The indications are the pillars are cracked and broken and the system has failed in this regard. The people cannot take justice from the system. Their

frustrations will compel them to take action when the justice system fails. The people are left with two options which are unfortunately both criminal in nature:

1. For the criminal who wants to take advantage of the broken system, he will carry on with his activities with impunity. A corrupt government official, for instance, would steal or launder all of the money he can, even sell second-hand equipment, knowing the system will not be able to work against him. He will abuse and even perhaps order political killings against his opponent;
2. The other option is, the people will take the law into their hands. This could mean vigilantes, salvaging or extra judicial killings, the NPA, the family feud in Mindanao or rebellion. All these are resorted to out of frustrations for the slow or unreliable justice system.

The existence of a revitalized insurgency movement by the NPA is fueled by their propaganda that the laws being passed by Congress are all designed to benefit the Members of Congress and the elite and not the ordinary people. While this is propaganda it is nevertheless effective because unfortunately there is truth to it.

These are just some of the issues that confront the law enforcers. With all these realities, we're going to present another perspective of the criminal justice system. But before that,

let us take another look at the five pillars of the criminal justice system.

Illustrated as a temple, it would suggest that even if one of the pillars break or fall, the temple still stands. The victims of a crime seek justice under the system. Any pillar that breaks would mean that the system has failed, yet the temple stands.

But that's not what the common people feel or see. This is our perspective: the pillars of the justice system are links in forming a chain. A chain is only as strong as its weakest link. There are two major stakeholders: the victim and the offender. Both use a system to put forward his interest — justice. We have opted to present this model of a chain. Each link representing each pillars of a justice system because it would suggest that if any link breaks, the chain fails. When a crime is committed, the victim needs to use each link of a chain to obtain justice. If law enforcement or investigation fails he will never get to the next link, he stops there. If the investigation of evidences are strong and the prosecution fails or the court fails, the chain breaks. In any case, justice breaks. This is a more painful illustration of how the justice system works or fails to work as the case may be.

Therefore we cannot strengthen one link and disregard the others because it would have the same result. If law enforcement is strengthened by adding new recruits or resources, the same inputs should be done

for the prosecution, and of course, the corrections. If the court is competent to investigate the case, prosecutors must also be competent. All the pillars operate only as just one system. They are interdependent, interconnected and inseparable. The failure of one will definitely affect or hamper the efficiency of the other.

Each one has its own mandates and functions. It builds upon its link to help strengthen the other, instead of blaming each other for the failure of the system.

Earlier, we identify some realities and factors that cause pillars to break or even weaken. The people are considered as chain holders or beneficiaries of the system; they have expectations. Today, we believe there is a revolution of rising expectations. People will hold on to the system that will give them greater results, otherwise, it will give rise to frustration. These expectations and frustrations encourage the proliferation of crime, abuse and disregard of the law, corruption, and political killings. In the absence of an effective system that will hold the perpetrators of crime accountable, others will take the law into their own hands.

We already have so many laws; the problem is the implementation and the availability of resources to implement them effectively, as well as the poor system of accountability for failure to implement the laws and the lack of cooperation among the pillars of the system. Despite the seeming grim picture however,

the PNP is optimistic. We have instituted the PNP integrated task formation program which is really making a lot of progress. The PNP will continue to work as one of the pillars of the criminal justice system. Most importantly, the PNP believes that if the criminal justice system is to be effective and responsive to the needs and expectations of the Filipino people, we must re-orient our perspectives from the five pillars — solid temple — to a chain of strength. The change in perspective will allow us to re-assess also what is to be done to strengthen each link of the chain and work with each other. We are measured by the strength of each link, we fulfill our responsibilities when we stand strong as one chain, one justice system that works for every Filipino.

Thank you and *mabuhay tayong lahat*.

SURVEY RESULTS AND WORKSHOP SYNTHESIS

Court Administrator Jose Midas P. Marquez*Supreme Court - Office of the Court Administrator*

Before proceeding to the results of the workshop, we will first present the results of the questionnaire-based survey that the Secretariat of the Summit administered to yesterday's participants. Overall, from an aggregate base of 140 respondents, we were able to gather the following data:

1. 55% of all the respondents are very much aware of the Revised Penal Code
 2. The majority of the respondents, however, or 50%, are only “aware” of special penal laws, and only 28% are “very aware” of them
 3. Asked if there is a need for a new criminal code, an overwhelming 82% of the respondents answered in the affirmative
 4. As to which provisions of the existing Revised Penal Code needs to be changed, the following are the top ten choice provisions:
 - a. Penalties
 - b. Old/antiquated provisions, like the provision on dueling
 - c. Criminal negligence
 - d. Age of criminal responsibility
 - e. Estafa
 - f. Slander and libel
 - g. Provisions on fines, especially in light of the changes in the value of the peso
 - h. Adultery
 - i. Concubinage
 - j. Crimes against national security
- The other suggestions which you can see on the screen include such provisions as addressing high-technology crimes, prostitution, bigamy and marriage laws, and complex crimes
5. We also found that 89% of the respondents are aware that in other jurisdictions, the police and the prosecutor coordinate closely together in the case build-up
 6. Asked if the Philippines should also adopt the same model, 96% of the respondents answered in the affirmative
 7. 37% of the respondents are of the opinion that using a “team approach” will lead to more successful prosecutions; about 21% also think that there will be a more thorough case build-up for the prosecution if the police are already involved in the process of preparing the case right from the outset
 8. An overwhelming 91% of the respondents are aware of the existing criminal justice



system framework

9. However, 77% of them are aware of the gaps in the said framework
10. 55% of the respondents think that the “five pillars” model of the criminal justice system does not promote coordination between the stakeholders. 32% believe, on the other hand, believe that the current framework excludes certain other stakeholders of the system. The remaining respondents think that the current framework leads to problems in terms of resource optimization, efficiency of operations and capacity-building
11. Asked if the respondents prefer to adopt a “total social system” framework, 69% answered in the affirmative
12. In connection with this, 32% believe that the “total social system” approach will include all relevant stakeholders, while 18% believe that this will address the need to have a holistic view of the system. Another 18% think that synergistic

cooperation can be achieved by adopting the new framework.

We first focus on what we require of our leaders in the justice sector. The qualities we expect of our leaders are: transparent, consultative, has integrity and character, reform oriented, will set a good example for everyone and has unimpeachable expertise and competence.

Asked to identify the provisions of the penal code that need to be changed, the participants identified the following top five provisions: (1) Modifying circumstances, (2) Decriminalization of BP 22, to treat it as a purely civil wrong, (3) Penalties, to rationalize their range and clarify/simplify their application, (4) Classification of crimes (to include some of the more novel crimes that we have nowadays like internet crimes, bullying, etc.), and (5) Applicability of the penal code in terms of territorial jurisdiction.

As to procedural rules, there is a need to improve the trial process to address the problem of delay – this is the most urgent concern of the workshop groups. The community justice system and other modes of alternative dispute resolution should be enhanced in order to facilitate the criminal justice process. Coordination between law enforcers and prosecutors should also be promoted. Pre-trial should be required in crimes. Likewise, in order to speed up the trial, witnesses should no longer be required to physically give evidence. The executive branch should be allowed to promulgate their own rules on preliminary investigation, since prosecutors who conduct it are under the executive. The number of judges should also be increased, and cases should be more accessible, like being downloadable over the internet.

Finally, as the blueprint for reform that we can all take with us as we conclude this Summit, the following are the most pressing doable action points that you considered most urgent: recognizing the importance of the people who manage the justice sector agencies, there is a need to comprehensively address the human resource issues currently being faced – from hiring to firing. In order to enhance the delivery of justice, the best people need to be hired and they should be trained continuously and given adequate

benefits and incentives.

The penalties regime should be rationalized and simplified. There should be logic between the crime and its punishment and, in all cases, the application of penalties should be predictable.

Focus should also be given on the coordination of agencies within the justice sector, aware that the criminal justice process is holistic and not fragmented.

Corollary to this, an effective communication and feedback system should be established between and among agencies to facilitate their cooperation and coordination in all the aspects of their functions.

Lastly, there is also a need to enhance the witness protection and victim welfare programs, since witnesses and victims play a very crucial role in the delivery of justice.

Thank you and good afternoon to all.

“There is a need to improve the trial process to address the problem of delay – this is the most urgent concern of the workshop groups.”

The background of the slide features a detailed photograph of classical architecture. It shows several tall, fluted columns supporting an ornate entablature with acanthus capitals. Above the columns, there are large, rounded arches. The image is in a light, desaturated tone, providing a sophisticated and formal backdrop for the text.

Key Outputs and Action Documents

SUMMARY OF PROCEEDINGS

Opening Session

The 1st National Criminal Justice Summit was formally opened by Deputy Court Administrator Raul Villanueva who gave an overview of the line-up of activities for this two-day event. He also recognized the distinguished guests who were present, including Sandiganbayan Presiding Justice Francisco H. Villaruz Jr., Court of Appeals Presiding Justice Ernesto D. Acosta, justices and judges, ambassadors and officials of the diplomatic corps, officials of justice sector agencies and representatives from public and private sector stakeholders in the criminal justice system.

Delegates to the Summit were welcomed by Secretary of Justice Leila M. De Lima who underscored the urgent need for close cooperation and coordination between and among all agencies performing justice work. Secretary of the Interior and Local Government Jesse M. Robredo emphasized the focal role of law enforcers in the fight against crime and in the over-all scheme of delivery of justice in the country.

In messages delivered on behalf of their respective institutions, no less than the

Chief Justice, the Senate President and the Speaker of the House shared their visions in the improvement of the criminal justice system. Senate President Juan Ponce Enrile underscored the need to update our penal laws in order to address the evolving nature of criminality and to optimize their deterrent effect to the benefit of peace and order.

House Speaker Feliciano R. Belmonte Jr. also recognized the importance of concerted action in the pursuit of justice. He stated that the Justice Sector Coordinating Council can count on the leadership of the House of Representatives to consider and accommodate their proposals for legislative reform.

Chief Justice Renato C. Corona laid out the programs that the Supreme Court is currently undertaking in order to expedite the release of eligible inmates, leading to the gradual decongestion of jails. Through programs such as this, the Chief Justice gave an assurance that despite chronic delays in court trials, the Supreme Court is doing all it can to improve access to justice, especially by the poor, and enhance justice delivery.

President Benigno S. Aquino III, in his

Keynote Speech, reiterated his call for greater accountability in government. He called on all public servants from all branches of government to remain faithful to their sworn duties and to owe allegiance not to their appointing authorities but to the Filipino public.

The events for the morning of the first day of the Summit were capped by the signing of the Declaration for Justice Reform by the Chief Justice and the Secretaries of Justice and of the Interior and Local Government. The Declaration contains commitments to advance justice through effective reforms in laws and rules, rethinking of the criminal justice framework and the optimization of material and human resources in the justice sector agencies.

Day 1 Discussions

The series of plenary discussions were opened by Asec. Geronimo L. Sy, who underscored three major points that need to be addressed in order to significantly improve the current state of the criminal justice system – updating of the penal code, revision of the rules on criminal procedure and the rethinking of the traditional “five pillars” criminal justice framework.

During the first session, Director Rosendo M. Dial of the Bureau of Jail Management and Penology and Director Gaudencio S. Pangilinan of the Bureau of Corrections gave an overview of the problems currently

besetting the corrections institutions in the country. By providing a picture of how reformation of offenders is currently being undertaken, participants were forced to think how this impacts on the fight against crime and the delivery of justice.

The discussions proceeded to the second session led by former Budget Secretary Salvador M. Enriquez, Jr.. Through his presentation, participants were awakened to the fact that improving the delivery of service by the justice sector agencies does not solely depend on the commitment of resources. Without political resolve and judicious management, resources, no matter how plenty, cannot be optimized to the nation’s benefit.

During the third session, Supreme Court Justice Roberto A. Abad presented a comprehensive view of how trials are being conducted in the country today. He pointed out some of the chronic problems being faced by litigants, and where the chokepoints of the criminal justice system lie. By adopting various strategic reforms in rules and procedure, these persistent issues can be significantly reduced and effectively addressed.

During the fourth session, participants were given by Court of Appeals Justice Eduardo B. Peralta, Jr. a run-through of the proposed reforms in the rules on criminal procedure, which are expected to be adopted soon. These reforms strike at the heart of some of

the most serious and persistent problems in the criminal justice process, reducing delay, streamlining its various stages and getting rid of institutional hurdles.

Day 2 Discussions

During the second day of the Summit, discussions were opened by Judge Maria Filomena D. Singh of the Regional Trial Court of Quezon City. She discussed some of the most prevalent problems of the judiciary, including docket congestion, protracted rules of procedure and inefficient case management. She underscored the role of the judiciary as the backbone of the rule of law and its important role in contributing to a stable economy.

Superintendent Alex Paul I. Monteagudo of the Philippine National Police, for his part, discussed what the weak points of the law enforcement system are and how best to strengthen them. He made a strong case for strengthening police–prosecutor linkages during the case build–up stage, expediting the conduct of criminal trials, and improving the witness protection program in order to provide adequate support to witnesses who perform the most vital roles in convicting criminals.

To conclude the series of discussions, Assistant Secretary Geronimo L. Sy and Government Corporate Counsel Raoul C. Creencia made a presentation on the work of the Criminal Code Committee and laid

down what has so far been agreed upon by the Experts Group as far as key reforms and innovations in the draft criminal code are concerned. Proposals regarding the new regime of penalties, minimum age of criminal responsibility, as well as provisions on criminal participation (conspiracy) and stages of commission of crimes were presented. After the presentations, the floor was opened for comments from the participants to elicit their reactions and suggestions on the proposals.

Workshop

After the series of discussions, participants were divided into several workshop groups. Facilitators from the Office of the Solicitor General discussed with each of them the following guide questions:

1. What qualities should a leader in the justice sector possess?
2. What provisions of the penal code should be amended?
3. What rules of procedure should be reformed?
4. What are some of the doable action points that may be undertaken to improve the justice sector?

Documentors from the Local Government Academy and the Department of Justice processed the data gathered from the participants and summarized the same. To conclude the workshop, Court Administrator Jose Midas P. Marquez first presented the

results of the survey conducted during Day 1 of the Summit using the Self-Administered Questionnaire distributed during the event. The results of the survey are as follows:

1. 55% of all the respondents are very much aware of the Revised Penal Code
2. The majority of the respondents, however, or 50%, are only “aware” of special penal laws, and only 28% are “very aware” of them
3. Asked if there is a need for a new criminal code, an overwhelming 82% of the respondents answered in the affirmative
4. As to which provisions of the existing Revised Penal Code needs to be changed, the following are the top ten choice provisions:
 - a. Penalties
 - b. Old/antiquated provisions, like the provision on dueling
 - c. Criminal negligence
 - d. Age of criminal responsibility
 - e. Estafa
 - f. Slander and libel
 - g. Provisions on fines, especially in light of the changes in the value of the peso
 - h. Adultery
 - i. Concubinage
 - j. Crimes against national security

The other suggestions which you can see on the screen include such provisions as addressing high-technology crimes, prostitution, bigamy and marriage laws,

and complex crimes.

5. We also found that 89% of the respondents are aware that in other jurisdictions, the police and the prosecutor coordinate closely together in the case build-up
6. Asked if the Philippines should also adopt the same model, 96% of the respondents answered in the affirmative.
7. 37% of the respondents are of the opinion that using a “team approach” will lead to more successful prosecutions; about 21% also think that there will be a more thorough case build-up for the prosecution if the police are already involved in the process of preparing the case right from the outset
8. An overwhelming 91% of the respondents are aware of the existing criminal justice system framework
9. However, 77% of them are aware of the gaps in the said framework
10. 55% of the respondents think that the “five pillars” model of the criminal justice system does not promote coordination between the stakeholders. 32% believe, on the other hand, believe that the current framework excludes certain other stakeholders of the system. The remaining respondents think that the current framework leads to problems in terms of resource optimization, efficiency of operations and capacity-building
11. Asked if the respondents prefer to adopt a “total social system” framework, 69% answered in the affirmative
12. In connection with this, 32% believe that

the “total social system” approach will include all relevant stakeholders, while 18% believe that this will address the need to have a holistic view of the system. Another 18% think that synergistic cooperation can be achieved by adopting the new framework.

Subsequently, Atty. Marquez also presented a summary of the results of the workshop:

The first focus is on what participants require of their leaders in the justice sector. The qualities they expect of their leaders are: transparent, consultative, has integrity and character, reform oriented, will set a good example for everyone and has unimpeachable expertise and competence.

Asked to identify the provisions of the penal code that need to be changed, the participants identified the following top five provisions: (1) Modifying circumstances, (2) Decriminalization of BP 22, to treat it as a purely civil wrong, (3) Penalties, to rationalize their range and clarify/simplify their application, (4) Classification of crimes (to include some of the more novel crimes that we have nowadays like internet crimes, bullying, etc.), and (5) Applicability of the penal code in terms of territorial jurisdiction.

As to procedural rules, there is a need to improve the trial process to address the problem of delay – this is the most urgent concern of the workshop groups. The community justice system and other modes

of alternative dispute resolution should be enhanced in order to facilitate the criminal justice process. Coordination between law enforcers and prosecutors should also be promoted. Pre-trial should be required in crimes. Likewise, in order to speed up the trial, witnesses should no longer be required to physically give evidence. The executive branch should be allowed to promulgate their own rules on preliminary investigation, since prosecutors who conduct it are under the executive. The number of judges should also be increased, and cases should be more accessible, like being downloadable over the internet.

Lastly, as the blueprint for reform that will signal the conclusion of the Summit, the following are the most pressing doable action points that were considered most urgent by the participants: recognizing the importance of the people who manage the justice sector agencies, there is a need to comprehensively address the human resource issues currently being faced – from hiring to firing. In order to enhance the delivery of justice, the best people need to be hired and they should be trained continuously and given adequate benefits and incentives.

The penalties regime should be rationalized and simplified. There should be logic between the crime and its punishment and, in all cases, the application of penalties should be predictable.

Focus should also be given on the

coordination of agencies within the justice sector, aware that the criminal justice process is holistic and not fragmented.

Corollary to this, an effective communication and feedback system should be established between and among agencies to facilitate their cooperation and coordination in all the aspects of their functions.

Lastly, there is also a need to enhance the witness protection and victim welfare programs, since witnesses and victims play a very crucial role in the delivery of justice.

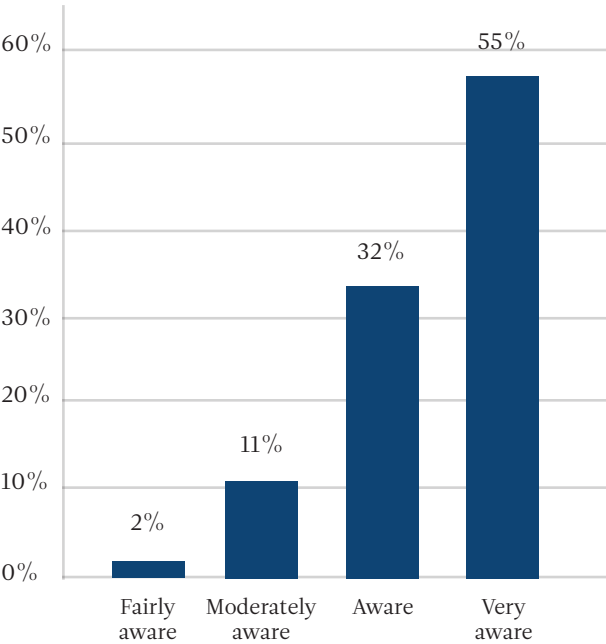
Closing Session

The Summit was formally closed by Vice President Jejomar Binay, who

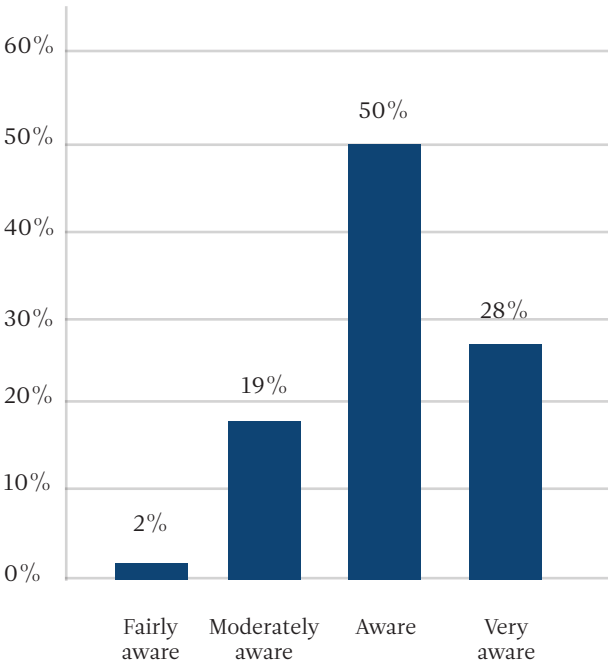
underscored in his Closing Remarks the need for institutionalizing cooperation and coordination between and among the different stakeholders of the criminal justice system in order to improve the fight against criminality and enhance the delivery of and access to justice. He also expressed his gratitude to the Department of Justice, in partnership with the Hanns Seidel Foundation, for spearheading efforts to craft a new criminal code that harnesses the insights and expertise of as broad a spectrum of criminal justice stakeholders as possible. In conclusion, the Vice President led the participants of the Summit in taking the Pledge of Commitment to Justice Reform.

SLIDES (SURVEY RESULTS AND WORKSHOP SYNTHESIS)

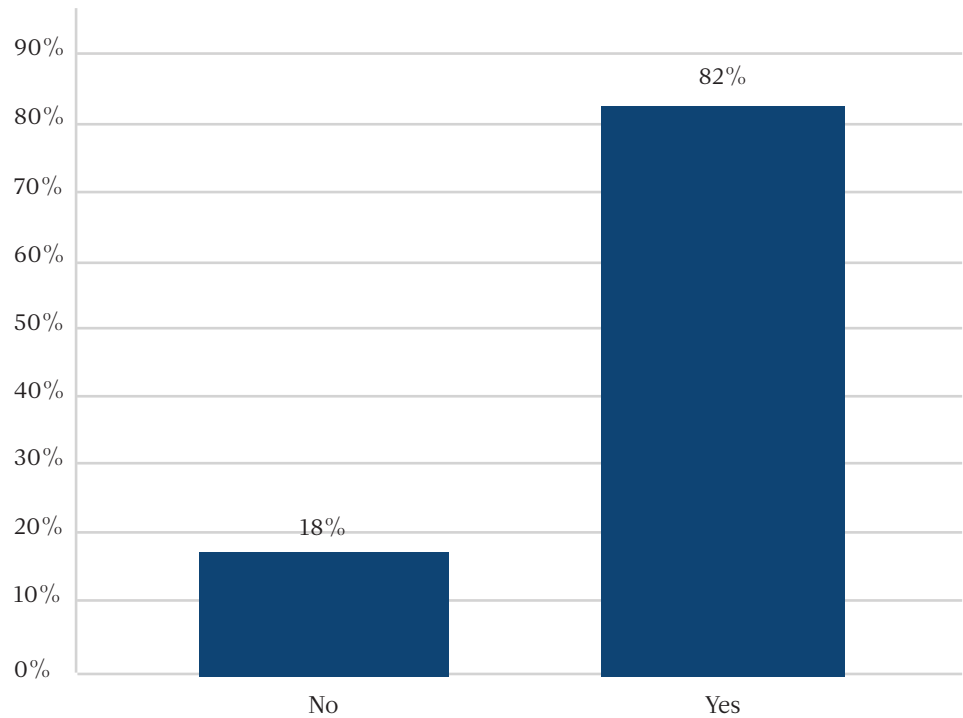
How aware are you of the Revised Penal Code?



How aware are you of special penal laws?



Is there a need for a new penal code?



Top Revised Penal Code provisions that must be changed

From the Survey

1. Penalties
2. Old/antiquated provisions
3. Criminal negligence
4. Age of criminal responsibility
5. Estafa
6. Slander and libel
7. Provisions on fines
8. Adultery
9. Concubinage
10. Crimes against national security

From the Workshop

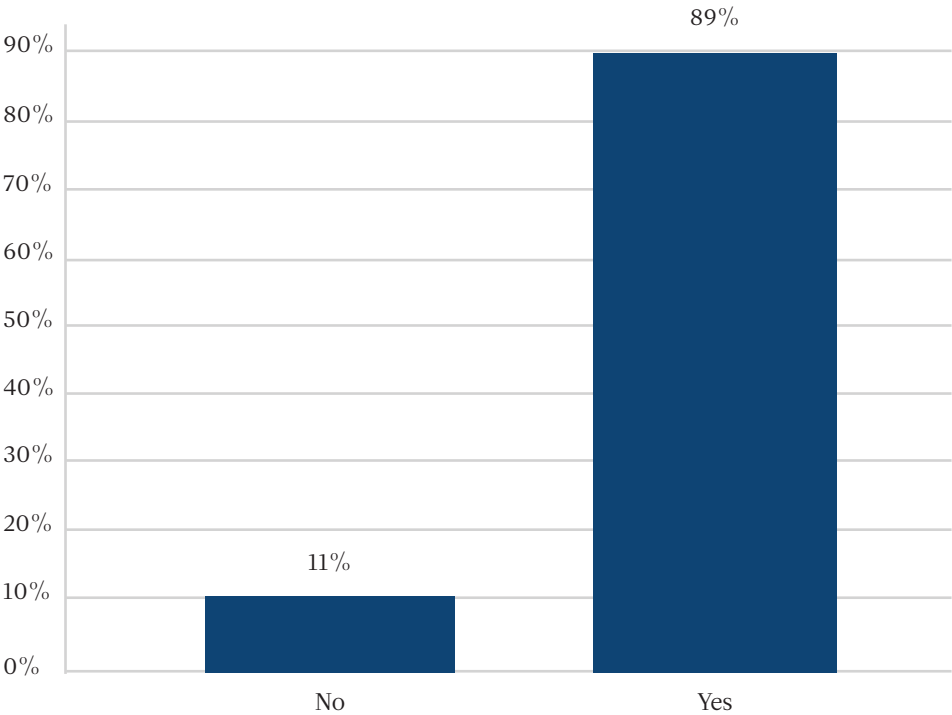
1. Modifying circumstances
2. Decriminalization of BP 22
(Treat is as a purely civil wrong)
3. Penalties (rationalize range,
clarify or simplify their
application)
4. Classification of crimes
5. Applicability of the penal
code in terms of territorial
jurisdiction

Other suggested changes

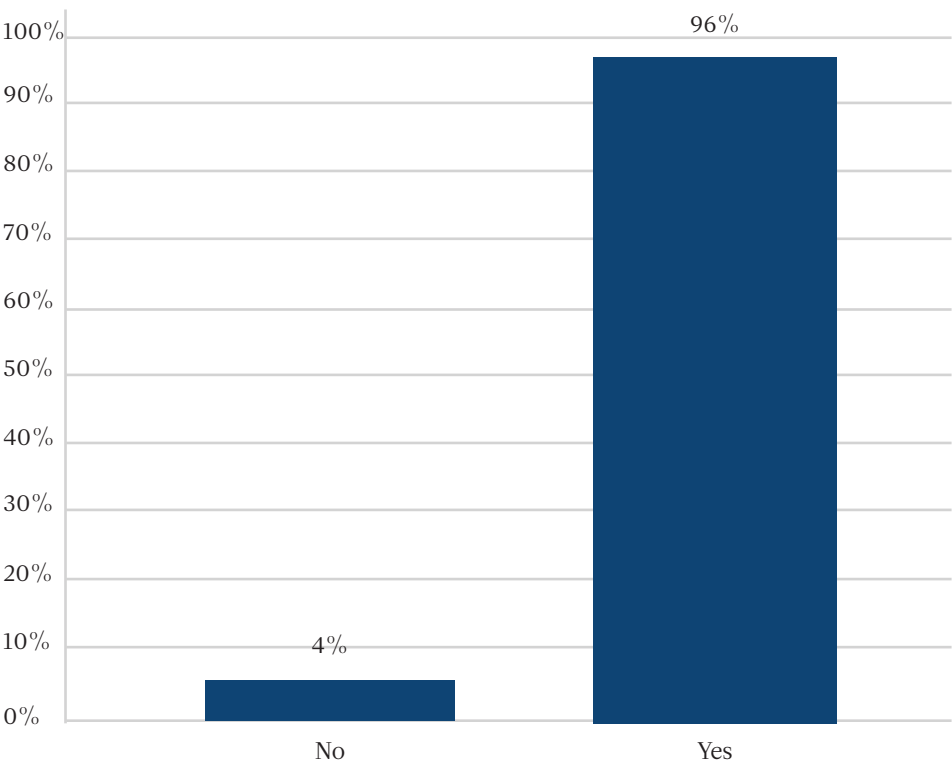
Stages of execution
Subsidiary imprisonment
Robbery and theft
Addressing technology crimes
Falsification
Crimes against public morals
Illegal detention
Vagrancy
Terrorism
Reclusion perpetua
Estafa in rel BP 22
Applicability
Integrate VAWC law
Rape
Illegal possession of firearms

Prostitution
Indeterminate sentence
Article 5
Illegal gambling
Suspension of sentence of minors
Illegal drugs
Bigamy
Marriage laws
Corruption laws
Malicious mischief
Qualifying circumstances
Complex crimes
Special penal laws (integration)
Probation

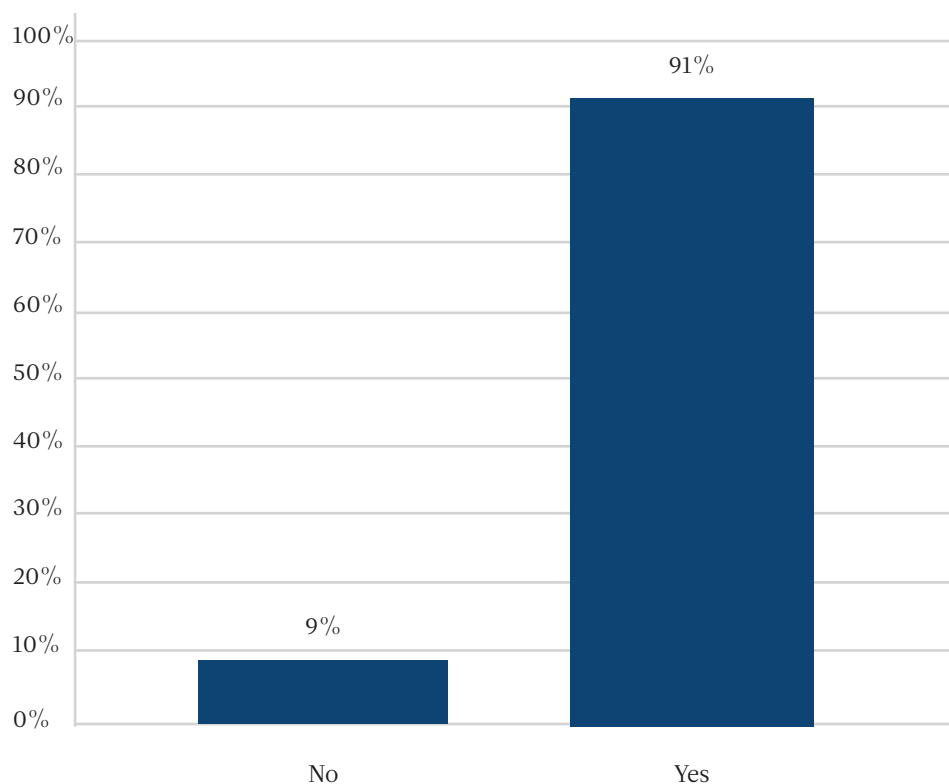
Are you aware that in other jurisdictions abroad, the police and the prosecutor coordinate closely during criminal investigation?



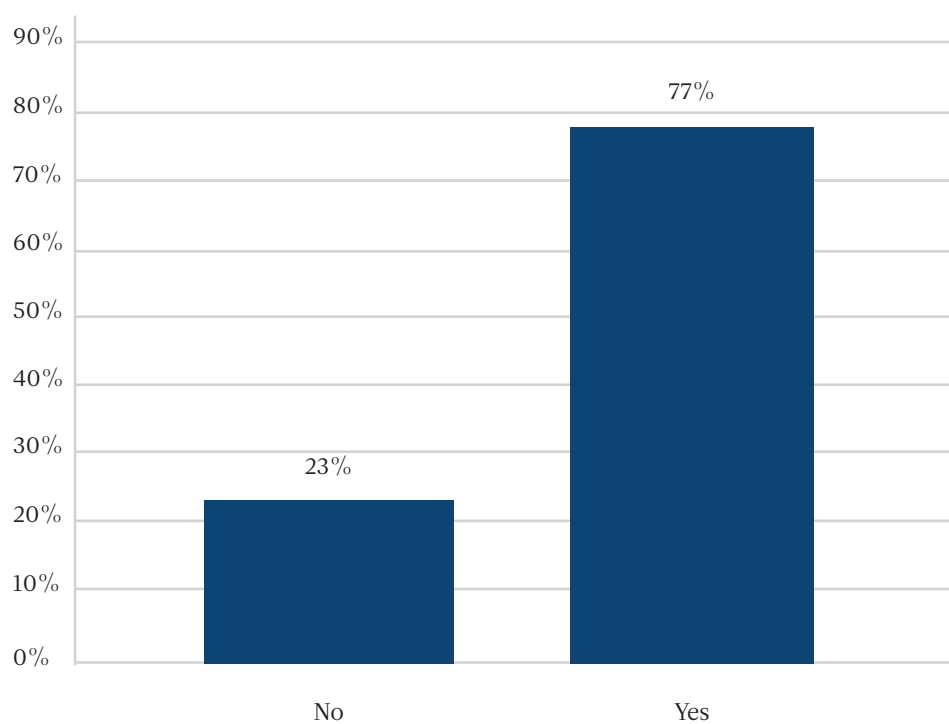
Do you agree that our police and prosecutors should work closely together during the investigation phase?



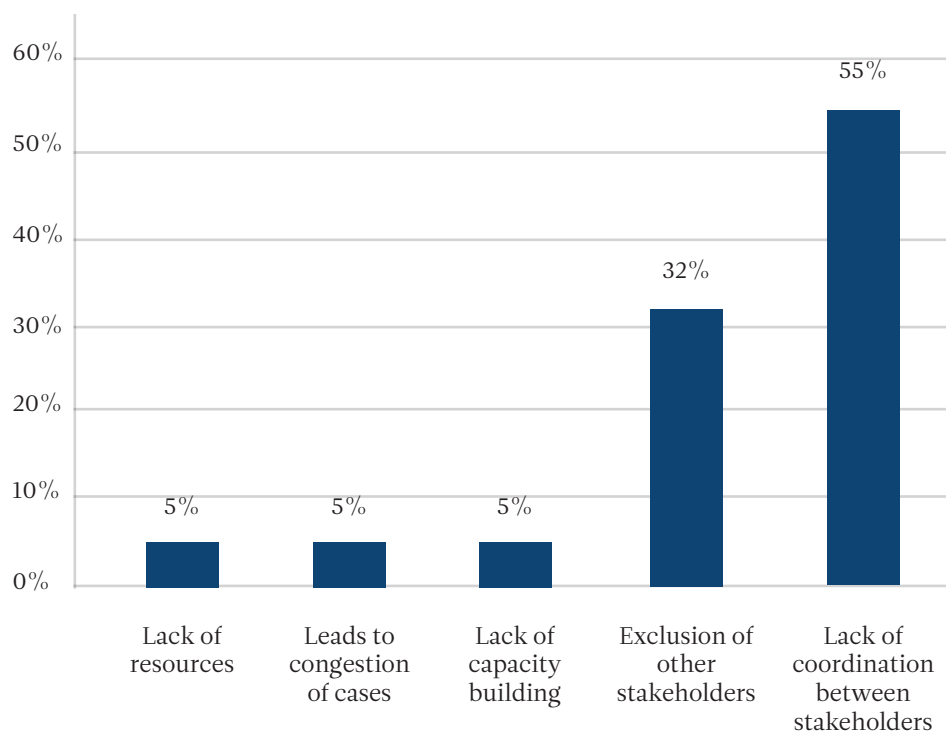
Are you aware of the “five pillars” framework of the criminal justice system?



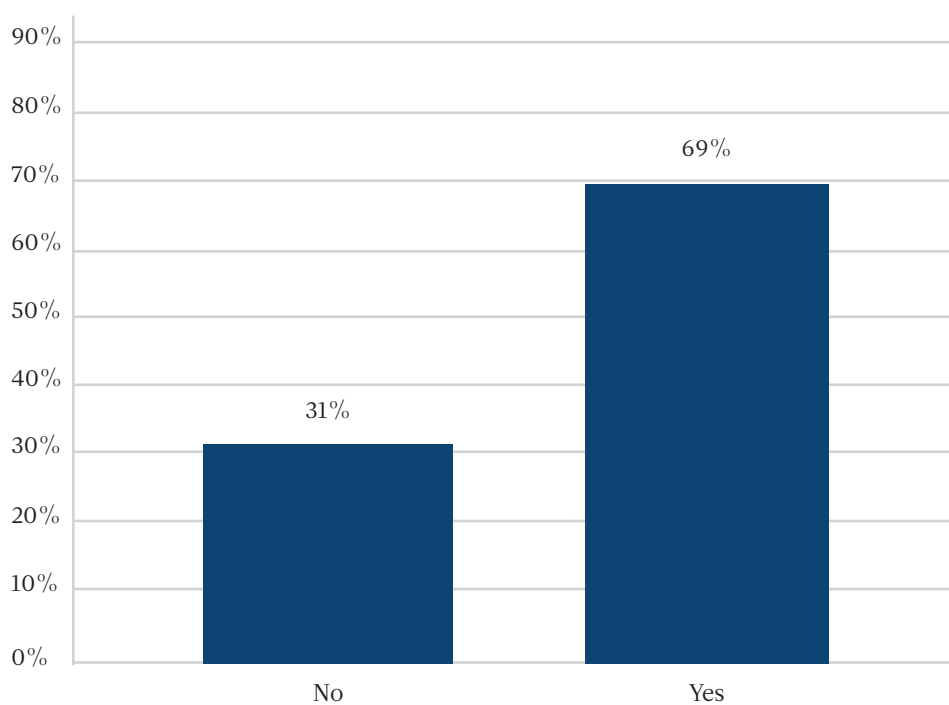
Are you aware of gaps in the “five pillars” framework?



What are the gaps in the “five pillars” framework?

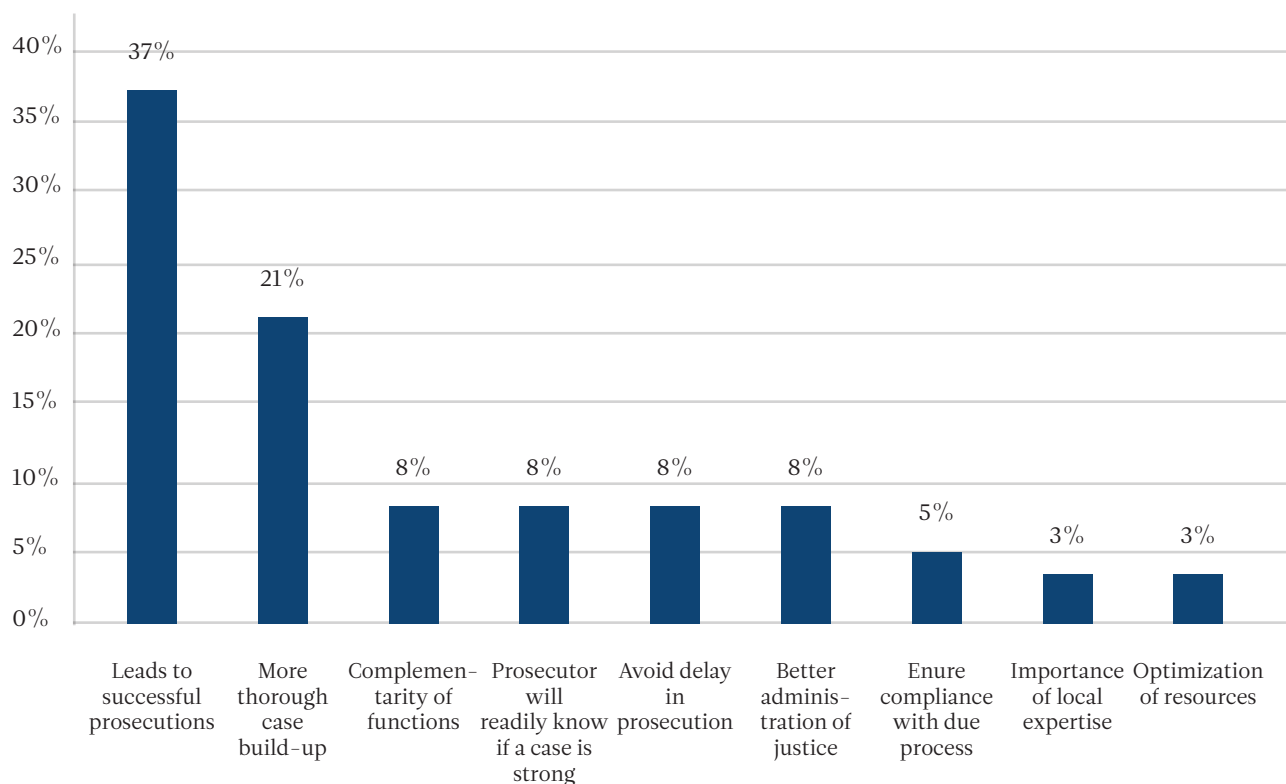


Should we adopt the “total social system” framework?¹



1 Note that the “total justice system” framework includes other stakeholders like police, legislators, and civil society. It also emphasizes constant interaction between stakeholders, instead of linear and compartmentalized stages.

Why should we adopt the “total social system” framework?



Qualities expected of a justice sector official

1. Transparent
2. Consultative
3. Has integrity and character
4. Reform-oriented (a “change leader”)
5. Sets a good example
6. Expert and competent

Reforms in Procedures

1. Improve trial process to reduce delays
 2. Enhance the community justice system
 3. Promote close coordination between NBI/PNP and DOJ
 4. Require pre-trial in crimes
 5. Change the rule in requiring witnesses to physically give evidence
 6. Allow the executive branch to promulgate its own rules on preliminary investigation
 7. Increase the number of judges
 8. Make cases more accessible
-

Reforms, solutions, and action plan

1. Comprehensive improvement of human resource management in the justice sector agencies (in terms of benefits, capacity-building, and leadership training) – from hiring to firing
2. Improvement of the penalties regime, with emphasis on the simplification of application of penalties to make them rational, logical, and predictable
3. Enhance the coordination of agencies within the justice sector
4. Establish an effective communication and feedback system, with emphasis on the optimization of technology
5. Improve and strengthen witness protection and victim welfare programs

DECLARATION FOR JUSTICE REFORM

We believe in the dignity of every Filipino and the right to live equally under the rule of law. We believe that justice is the cornerstone of a democratic and peaceful society, and that justice can only be achieved if there is honesty in governance, strength in justice institutions, and effectiveness in translating our cause into action.

We commit ourselves to these ideals and affirm this Declaration for Justice Reform, specifically the five (5) major policies and programs of the National Action Plan for Justice Reform, as follows:

1. to design a criminal justice framework that is coherent, logical, and sensible;
2. to advocate for a simple, modern, and truly Filipino criminal code;
3. to craft rules and procedures that will enhance access to justice and improve justice administration;
4. to channel resources to justice sector agencies; and
5. to select, appoint, and retain men and women in the justice sector who are of the highest ethical and intellectual standards, of known competency in law and management and who will exercise exemplary leadership qualities beyond the call of duty.

We resolve to work together, respecting the independence while acknowledging the interdependence of the three branches of government and the constitutional bodies, in the pursuit of a just and peaceful society.



Renato C. Corona

Chief Justice, Supreme Court of the Philippines



Leila M. De Lima

Secretary of Justice



Jesse M. Robredo

Secretary of the Interior and Local Government

PLEDGE OF COMMITMENT

I, _____, pledge to commit myself to be an active instrument in reforming our Criminal Justice System.

I commit to do my civic duty to report a crime when it happens; be a witness when called for; and cooperate with investigators and prosecutors in ensuring that justice is served.

I commit to help in the rehabilitation and reintegration of offenders, in working for a community that is accepting of rehabilitated offenders, embracing a justice framework that restores the dignity of the offender and restores peace in the community.

I undertake all these for I believe that we are a nation of compassionate people and that every individual is inherently good, just and decent.

So help me God.

SUMMIT DELEGATES

Name	Position	Organization
Abad, Roberto A.	Associate Justice	Supreme Court
Abalos, Karl Christian	Training Officer	Department of the Interior and Local Government
Abellar, Elenor	Attorney	Committee on Justice – House of Representatives
Abellera, Ulysses	OIC, LS	Philippine National Police
Abello, April	Reporter	RPN 9
Abes, Paul	Administrative Aide IV	Department of Justice
Ablen Jr., Jovencio	Security	National Bureau of Investigation
Abon, Edgardo	Chairman	Tariff Commission
Acosta, Ernesto D.	Presiding Justice	Court of Tax Appeals
Acosta, Persida Rueda	Chief Public Attorney	Public Attorney's Office
Acosta, Rodolfo	Special Assistant	Office of the President
Aga, Dennis	DLLS	Department of National Defense

Name	Position	Organization
Agabas, Marlyn Primicias	Representative	House of Representatives
Aguilar, Erwin	Reporter	Radyo Inquirer
Aguilar, Jeffrey G.	Vice President for Internal Affairs	Polytechnic University of the Philippines
Aguinaldo, Arthur	Cameraman	GMA 7
Alabado, Elsa	Chief	Bureau of Corrections
Alaban, Lito	Reporter	ABS-CBN
Alam, Susan	Chief Corporate Attorney	Tourism Infrastructure and Enterprise Zone Authority
Alarcon, Rollo	Chief, Program Development Office	Bureau of Corrections
Albores, Melanie	Legal Officer	National Intelligence Coordinating Agency
Alcala, Joan S.	Administrative Aide VI	Department of Justice
Alcala, Proceso J.	Secretary	Department of Agriculture
Alcaraz, Jesse	Police Officer	League of Provinces of the Philippines
Alcoriza, Danilo J.	Executive Director	Philippine National Police
Aldana, Ester A.	Assistant Secretary	Department of the Interior and Local Government

Name	Position	Organization
Alenzuela, Norberto	Economic Development Specialist	National Economic Development Authority
Alicer, Albert	Reporter	Solar News
Alinsug, Vicenta	President	CPRM Consultants Inc.
Almaden, Arlene R.	Administrative Officer	Department of Justice
Alsaga, Joel	Cameraman	GMA 7
Alviz, Lei	Reporter	GMA 7
Amante, Jason A.	City Prosecutor	Department of Justice
Amon, Joselito	Officer-in-Charge, Legal Evaluation Division	National Bureau of Investigation
Amurao, Richard	Commissioner	Presidential Commission on Good Government
Ancheta, Glenn	Attorney II	Office of Solicitor General
Anco, Rey	Cameraman	GMA 7
Andrade, Jeannette	Reporter	Philippine Daily Inquirer
Andres, May	Business Development Manager	IP Converge Data Center Inc.
Ang, Jacinto G.	City Prosecutor	Department of Justice
Angeles, Noel M.	Chief Corporate Attorney	Local Waterworks and Utilities Administration

Name	Position	Organization
Angostora, Joey	Information Technology Officer	Department of Justice
Angostora, Leonida	Administrative Officer V	Department of Justice
Ang-See, Teresita	Founding President	Kaisa para sa Kaunlaran (Movement for Restoration of Peace and Order)
Antonio, Ding	Technical Crew	Net 25
Aperio, Geovel	Security	National Bureau of Investigation
Apolinar, Leanne Maureen S.	Associate Solicitor I	Office of Solicitor General
Aquino, Amado P. III	Student Council Officer	Philippine Christian University College of Law
Aquino, Vicente S.	Executive Director	Anti-Money Laundering Council
Araneta, Jonar	Security/PO2	Public Attorney's Office
Arcena, JV	Reporter	Radyo 5 (TV5)
Arellano, Claro A.	Prosecutor General	Department of Justice
Aritchela, Kristale D.	Staff	Bureau of Corrections
Arles, Albert B.	Attorney IV	Sugar Regulatory Administration

Name	Position	Organization
Arquiza, Nelson	President	Pasay-Makati Realtors Board
Arranza, Jesus	Chairman	Federation of Philippine Industries
Arriola, Andrew	Director	Kaisa para sa Kaunlaran (Movement for Restoration of Peace and Order)
Arugay, Ed	Deputy Director	National Bureau of Investigation
Asetre, Ivy	Senior Corporate Attorney	Tourism Infrastructure and Enterprise Zone Authority
Asido, Guiller B.	Corporate Secretary	Tourism Infrastructure and Enterprise Zone Authority
Aspi, Feliciano A.	City Prosecutor	Department of Justice
Austria, Dino	National President	Association of Law Students of the Philippines, University of Santo Tomas
Avelino, Lalaine	Program Assistant	Hanns Seidel Foundation
Aventuzado, J	Lightman	GMA 7
Avila, Alyssa Daphne	Vice Chair	San Beda College, College of Law
Avila, Annalyn	Attorney II	Office of Solicitor General

Name	Position	Organization
Avila, Ysa	Student	Association of Law Students of the Philippines, University of Santo Tomas
Azcuna, Adolfo	Chancellor	Philippine Judicial Academy
Azis, Zabedin M.	Assistant Secretary	Department of Justice
B. Aguinaldo	Cameraman	NBN 4
Bacelonia, Joy Anne	Attorney	Office of Justice Abad, Supreme Court
Baes, Sheilani	Fiscal	Department of Justice
Bagasina, Catalina C.	Congressman	ALE Partylist
Balajadia, Febbie	Lightman	GMA 7
Balane, Romelyn Q.	Administrative Officer	Department of Justice
Baldago, Dennis Russel	Chief, Judicial Reform	Supreme Court
Baldos, Teresita Diaz	Associate Justice	Sandiganbayan
Baligod, Rommel C.	Regional Prosecutor	Region 2 - Tuguegarao City
Balisacan, Ryan Hartzell	Prosecution Attorney	Department of Justice
Bantog, Rommel	Assistant Cameraman	GMA 7
Bantug, Violeta O.	Commissioner	National Labor Relations Commission

Name	Position	Organization
Baraan, Francisco F.	Undersecretary	Department of Justice
Barlis, Wilhelm E.	Deputy Director	Philippine National Police
Barot, Gerardo P.	Assistant City Prosecutor	Department of Justice
Barrameda, Aubrey	Reporter	Businessworld
Barrera, Oscar	Businessman and Civic Leader	Philippine Jury International Advocates
Barrios, Manuel	Justice	Court of Appeals
Barroso, Isobel	Technical Assistant	Office of Executive Secretary Paquito Ochoa
Bartolome, Nicanor	Police Director General	Philippine National Police
Basas, Renante A.	Director	Assistance and Visitorial Office, Commission on Human Rights
Basquiñez, Flora Sherry	Attorney IV	National Economic Development Authority
Batara, Jimmy Edmond G.	Prosecutor	Department of Justice
Bautista, Lovell R.	Justice	Court of Tax Appeals
Bautista, Andres D.	Chairman	Presidential Commission on Good Government
Bautista, Bernadette	Chief Information Technology Officer	Department of Justice

Name	Position	Organization
Bautista, Edgardo C.	City Prosecutor	Department of Justice
Bayang, Reynaldo G.	Executive Director	Board of Pardons and Parole
Baylon, Bernard I.	Support Staff	Department of Justice
Bazar, Sheila	Attorney	University of the Philippines Law Center - Institute of Administration and Justice
Belarma, Mark Edison B.	Deputy Director	Philippine National Police
Beley, Dolores	Commissioner	National Labor Relations Commission
Bellosillo, Josue N.	Associate Justice; Dean	Supreme Court; Centro Escolar University
Belmonte, Feliciano R.	House Speaker	House of Representatives
Benzon, Maricarl	Correspondent	Multimedia
Bermejo, Ma. Teresa Ana. V.	Associate Solicitor II	Office of Solicitor General
Bernardo, Oscar	Associate Dean	Philippine Association of Law Schools
Berteni, Causing	Attorney	Philippine Jury International Advocates
Besmonte, Hernan	Assistant Cameraman	UNTV News

Name	Position	Organization
Biares, Kristinne Chrystelles	Chairman, Council of Leaders	San Beda College of Law
Biazon, Ruffy	Commissioner	Bureau of Customs
Binay, Jejomar C.	Vice President	Office of the Vice President
Bionat, Jeremy	Assistant City Prosecutor (Iloilo)	Department of Justice – Office of Usec Leah Armamento
Bitun, Janeth	Advertising	Pinoy Journalism
Boncales, Roger	Executive Assistant	Bureau of Corrections
Borpan, Gilbert	Assistant Cameraman	ZOE TV
Bosantog, Marlon	Associate Solicitor	Office of the Solicitor General
Briola, Jerbert M.	Member	Medical Action Group
Brosaz, Ricky	Reporter	DZIQ
Buan, Antonio C.	Assistant City Prosecutor	Region 3 – San Fernando City
Buemio, Edita K.	ARD	Parole and Probation Authority
Buenavidez, Pastor	Assistant Chief State Counsel	Department of Justice
Bulos, Ricky	Security	Office of Senator Juan Ponce Enrile

Name	Position	Organization
Bulosan, Danny	Director	Financial Service
Bundang, Susan B.	Exec. Asst.	Professional Regulatory Commission
Burgos, Maricar	Assistant Vice President	IP Converge Data Center Inc.
Bustamante, Manuel	Acting Dean	Philippine Law School
Caay, Willie	Cameraman	GMA 7
Cabalum, Maria Theresa Bueno	Assistant City Prosecutor	Department of Justice
Cabial, Fritzie	Reporter	TV 5
Cabral, Fernan	Attorney	Maritime Industry Authority
Cabucos, Denis	Attorney	Insurance Commission
Cadiz, Joel	Lawyer	Office of the Solicitor General
Cadiz, Jose Anselmo I.	Solicitor General	Office of the Solicitor General
Cahayon, Felipe	Dean	Polytechnic University of the Philippines
Cahiles, Gerg Anrol	Reporter	Solar News
Calduna, Arturo	Security	Office of Senator Juan Ponce Enrile

Name	Position	Organization
Caliba, Erwin	Attorney	Commission on Elections
Calizo, Andre	Court Attorney VI	Supreme Court
Canlapan, Cristina C.	Chief Management and Audit Division	Department of Justice
Canlas, Jomar	Reporter	Manila Times
Canoy, Juliet	Budget Officer	Department of Justice
Cañeba, Josephine Joy	Attorney	Feria Tantoco Robeniol Law Offices
Caparas, Donna Lynn	Director	National Police Commission
Carada, Noreen	Planning Officer IV	Supreme Court
Carag, Carlo A.	Undersecretary	Department of Finance
Caranguian, Juliet	Reporter	ZOE TV
Carbero, Abigail	Attorney	Commission on Elections
Cardona, Ma. Victoria V.	Commissioner	Commission on Human Rights
Carillo, Edwin	Attorney	Office of the Government Corporate Counsel
Cariño, Grace	Executive Vice President	Rosetta Group
Carnegie, Thomas	Rule of Law Unit Chief	Embassy of the United States

Name	Position	Organization
Carongoy, Carlo	Reporter	RPN 9
Casimiro, Orlando C.	Overall Deputy Ombudsman	Office of the Ombudsman
Castañeda, John M.	Director	Department of the Interior and Local Government
Castañeda, Juanito Jr.	Associate Justice	Court of Tax Appeals
Castillo , Rodolfo V.	Attorney	Manila Law College Foundation
Castillo, Giovanni M.	Administrative Aide VI	Department of Justice
Castillo, Raffy	Reporter	Radyo 5 (TV5)
Castro III, Alejandro	Executive Director	Infant and Pediatric Nutrition Association of the Philippines
Castro, Jose	Crew	GMA 7
Castro, Roel Vincent G.	Associate Solicitor III	Office of Solicitor General
Castro, Virgilio A.	Director	Department of Interior and Local Government
Cayetuna, Sarah Emily	Program Management Assistant	Embassy of the United States
Ceballos, Nevic A.	Prosecutor	Department of Justice

Name	Position	Organization
Chen, David	Secretary, Political Division	Taipei Economic and Cultural Office
Cheng, Willard	Reporter	ABS-CBN
Chiong, Thelma	Vice President	Crusade Against Violence
Chua, George S.	President	Federation of Philippine Industries
Chua, Ronald	Attorney	Presidential Commission on Good Government
Christoff, James	Political Counsellor	Embassy of Canada
Clemente, Clemente	Deputy Clerk of Court	Philippine Judges Association
Co, Manuel G.	Administrator	Parole and Probation Authority
Colmenares, Neri	Representative	House of Representatives
Coloma Jr., Herminio B.	Secretary	Presidential Communications Operations Office
Comilang, Joseph Albert	Senior Assistant City Prosecutor	Region 4 – San Pablo City
Conrado, Generoso	Consultant	CPRM Consultants Inc.
Constantino, Danilo S.	Deputy Director	Philippine National Police
Contreras, Wilson	Student	University of the Philippines

Name	Position	Organization
Cordero, Leslie	Assistant Secretary	Presidential Communications Operations Office
Cordova, Leandra C.	Cashier III	Department of Justice
Cornelio , Annielie	Cashier II	Court of Appeals
Corominas, Anne Marie	Assistant Secretary	Office of Executive Secretary Ochoa
Corona, Renato C.	Supreme Court	Chief Justice
Coronel, Sandra Olaso	Professor	University of the Philippines
Corpuz, Ma. Cecille L.	Technical Assistant	Office of the Executive Secretary
Correa, Camilo	General Counsel	Securities and Exchange Commission
Cortes, Philippe	Legislative Staff Officer	Presidential Communications Operations Office
Courtney, Robert	DOJ Attache	Embassy of the United States
Creencia, Raoul C.	Government Corporate Counsel	Office of the Government Corporate Counsel
Cristal, Ana	Attorney	University of the Philippines Law Center - Institute of Administration of Justice

Name	Position	Organization
Cristobal, Milagros	Attorney	University of the Philippines Law Center – Institute of Administration of Justice
Cruz, Faith Roslyndale	Student	San Beda College of Law
Cruz, Oliver	Cinematographer	UNTV News
Cruz, Rodel	Legal Counsel	Philippine Bar Association
Cueto, Cresencio	Attorney	National Bureau of Investigation
Cuna, Juan Miguel	Director	Environment and Management Bureau
Curugan, Esperidion	Security	National Bureau of Investigation
Cusio, Rojohn	Cameraman	Net 25
Da Silva, Carol	Administrative Officer IV	Department of Justice
Daez, Angelita M.	Administrative Aide VI	Department of Justice
Daguiso, Alejandro	State Counsel II	Department of Justice
David, Sonny Y.	Deputy Director	Philippine National Police
Davis, Edilberto	Deputy Judicial Reform Administrator	Supreme Court

Name	Position	Organization
De Castro, Nieves	Commissioner	National Labor Relations Commission
De Dios, Patrick Noel	Assistant City Prosecutor	Department of Justice
De Guzman, Emerico	Lawyer; Board Member	Philippine Bar Association
De La Cruz, Efren N.	Associate Justice	Sandiganbayan
De Leon, Dennis	Security	National Bureau of Investigation
De Leon, Liza B.	Director	Administrative Service
De Leon, Magdangal M.	Associate Justice	Court of Appeals
De Leon, Pilar	Director	Technological Education and Skills Development Authority
De Leoz, Mary May D.	Regional Prosecutor	Department of Justice
De Lima, Anicia Marasigan	Assistant Commissioner	Civil Service Commission
De Lima, Leila M.	Secretary	Department of Justice
De Mesa, Eduardo V.	Chief Presidential Legal Counsel	Presidential Legal Counsel
De Mesa, Max	Chairperson	Philippine Alliance of Human Rights Advocates
De Pano, Jean	Consultant	Department of Interior and Local Government

Name	Position	Organization
Del Rosario, Jam	Student	Association of Law Students of the Philippines, University of Santo Tomas
Dela Cruz, Aytch	Writer	Presidential News Desk
Dela Cruz, June Abigail	Associate Solicitor	Office of the Solicitor General
dela Cruz, KC Lyn B.	Administrative Aide	Department of Justice
Dela Cruz, Norberto	Commissioner	Commission on Human Rights
Dela Cruz, Sherylene S.	Technical Assistant	Office of the Executive Secretary
dela Rosa, Rosalinda	Senior Corporate Attorney	Tourism Infrastructure and Enterprise Zone Authority
DelaCruz, June Abigail S.	Associate Solicitor	Office of the Solicitor General
Delorino, Jenny Lind	Assistant Court Administrator	Supreme Court – OCAD
delos Reyes, Butch	Senior Vice President	IP Converge Data Center Inc.
Dial, Rosendo M.	Director	Bureau of Jail and Management
Diampuhan, Ali	National Chairman	Muslim Congress of the Philippines

Name	Position	Organization
Diaz, Eulalio C.	Administrator	Land Registration Authority
Diaz, Omar	Associate Solicitor	Office of Solicitor General
Digman, Edgar	Security	National Bureau of Investigation
Dilan, Rene	Photographer	Manila Times
Dimaculangan, Girlie Y.	Chief Parole Officer	Board of Pardons and Parole
Dimalanta, Racquel Ruiz	Attorney	Lawyers League for Liberty
Dionisio, Carlo	Reporter	ABS-CBN
Dizon, Natividad G.	Chairperson	Board of Pardons and Parole
Donko, Wilhelm Maximillian	Ambassador	Embassy of Australia
Dolino, Rex Milton A.	Deputy Director	Philippine National Police
Domingo, Benjamin	Dean	Manila Law College Foundation
Domingo, Katrina Frances	State Counsel I	Department of Justice
Dooc, Emmanuel F.	Commissioner	Insurance Commission
Dorigo, Doris R.	DCO	Bureau of Jail Management

Name	Position	Organization
Drapete, Clotilde L.	OIC, Assistant Director	Department of Budget and Management
Dumancas, Rudy	Cameraman	GMA 7
Dumdum, Evelyn	Justice Sector Reform Expert	Asian Development Bank
Dumlao II, Roy Camilo	Assistant City Prosecutor	Department of Justice
Durian, Doriente	Security	National Bureau of Investigation
Duriano, Levi	Crew	TV 5
Dy Po, Maria Charina B.	Director	Technical Staff
Econg, Geraldine Faith A.	Chief, PMO	Supreme Court
Eleda, Edwin Alvar F.	Security/PO2	Public Attorney's Office
Encabo, Heidi	Supervising Administrative Officer	Department of Justice
Enrile, Juan Ponce	Senate President	Senate of the Philippines
Enriquez Jr., Salvador	Former Budget Secretary	Quezon City Polytechnic University
Erigbuagas, Shigred A.	Administrative Assistant Aide VI	Department of Justice
Escueta, Eduardo U.	Vice Chairman and Executive Officer	National Police Commission

Name	Position	Organization
Esguerra, Zony R.	Reporter	Radyo 5 (TV5)
Escutin, Sally	Attorney	University of the Philippines Law Center - Institute of Administration of Justice
Esguerra, Concepcion A.	Chief Probation and Parole Officer	Parole and Probation Administration
Español, Dolores D.	Chairperson	Transparency International
Estavillo, Jr., Antonio M.	Student Gov't Repr.	Philippine Law School
Estrella, Anatoly N.	Attorney	Philippine Christian University College of Law
Estreller Jr., Conrado	Special Prosecution Officer II	Office of the Ombudsman
Eugenio Jr., Antonio	President	Philippine Judges Association
Evangelista, Joven	Legal Consultant	Office of Congressman Neri Colmenares; House of Representatives
Evangelista, Rosendo B.	Senior Exec. Asst.	National Police Commission
Fabella, Laarni G.	Assistant City Prosecutor	Department of Justice
Fajardo, Melchor A.	Deputy Director	Philippine National Police

Name	Position	Organization
Fajardo, Beda	Attorney	Philippine Bar Association
Falcon, Banuar	Attorney IV	Commission on Human Rights
Felix, Rodolfo	Director	Department of Justice
Ferdinand, Benjamin	Cameraman	RPN 9
Fernandez, Alexander P.	Administrative Aide VI	Department of Justice
Fernandez, Shirley L.	Chief Probation and Parole Officer	Parole and Probation Authority
Fernando, Remedios Salazar	Associate Justice	Court of Appeals
Figura, Francisco	Attorney	Department of the Interior and Local Government
Figuracion, Andre	Reporter	Solar News
Flaminiano, Jose B.	Attorney	Flaminiano Law Office
Florendo, Ruby	Senior Administrative Assistant I	Public Attorney's Office
Florentin, Rodolfo	Director II	Department of Justice
Florin, Isabel E.	Overall Head, Litigation – Legal Affairs Office	Department of Agrarian Reform
Follante, Eugene	Chief, Claims and Conflicts Division	Department of Agrarian Reform

Name	Position	Organization
Fondevilla, Ruben F.	Assistant Chief State Counsel	Department of Justice
Forbes, Euclides G.	Administrator	Philippine Coconut Authority
Fornari, Luca	Ambassador	Embassy of Italy
Francisco, Reynaline Tan	Attorney	Philippine Judicial Academy
Frianeza, Crisanto	Secretary General	Philippine Chamber of Commerce and Industry
Fruto, Ruben	Attorney	Philippine Bar Association
Gabao, Ramil G.	Attorney	Manila Law College Foundation
Gaite, Manuel Huberto B.	Commissioner	Securities and Exchange Commission
Galan, Rene Rose	Associate Solicitor	Office of the Solicitor General
Galang, Hazel	Asia Pacific Campaign Officer	Amnesty International Philippines
Galang, John Paul	Program Development Officer	Supreme Court
Galicia, Jennilyn	Administrative Aide	Department of Justice
Gallardo, Antonio	Undersecretary	Presidential Legislative Liaison Office

Name	Position	Organization
Galvante, Edgar C.	Acting Executive Director	Dangerous Drugs Board
Galvez, Romeo	Director	Department of Justice - Action Center
Ganelo, Remy	Cameraman	ABS-CBN
Garcia, Cita	Attorney	Philippine Jury International Advocates
Garcia, Jose Paolo	CCC	GMA 7
Garcia, Ricardo	Cameraman	GMA 7
Garcia, Xerxes U.	Prosecution Attorney	Department of Justice
Gascon, Angelica	Attorney	Office of Chief Justice Renato Corona
Gatchalian, Oliver	Attorney	Department of Justice
Gatdula, Magtanggol B.	Director	National Bureau of Investigation
General, Rocky	Crew	Solar TV
Generoso, Conrado	Consultant	CPRM Consultants Inc.
Germar, Maria Elisa	Chief Accountant	Department of Justice
Geronaga, Abraham	Security	National Bureau of Investigation
Gesmundo, Alexander	Justice	Sandiganbayan

Name	Position	Organization
Gheorghe, Valeriu	Ambassador	Embassy of Romania
Girourard, Benoit	Political Officer	Embassy of Canada
Godalle, Eddie	Security	Office of Chief Justice Renato Corona
Gonzales, Boy	Reporter	DZRH
Gonzales, Butch	Cameraman	Solar TV
Gonzales, Joel	Assistant Cameraman	Net 25
Gonzalo, Joseph	Director	National Police Commission
Gotis, Manuel Q.	Director, Bureau of Local Government Development	Department of the Interior and Local Government
Gouzée De Harven, Antoine	Program Manager	European Union
Gozon, Jolly	Crew	Solar News
Granada, Marlo M.	Administrative Aide VI	Department of Justice
Granado, Arvin M.	Administrative Assistant	Department of Justice
Gualberto, Christa	Presidential Staff Officer	Presidential Management Staff
Guanzon, Rowena	Professor	Gender Justice Network; University of the Philippines Law Center

Name	Position	Organization
Guevarra, Rexford	Attorney III	Commission on Human Rights
Guillen, Marissa	Asst. Solicitor General	Office of the Solicitor General
Guisange, Ruel	Assistant Cameraman	GMA 7
Gumban, Julius	Security	Office of Senator Juan Ponce Enrile
Guño, Ma. Aileen D.	Assistant City Prosecutor	Department of Justice
Gutierrez, Francis	CS II	Supreme Court
Gutierrez, Francisco S.	Photographer	Office of Chief Justice Renato Corona
Halili, Olivia R.	Board Secretary and Secretary to the Dean	Polytechnic University of the Philippines College of Law
Hamlim, Catherine	Governance Officer	United States Agency for International Development
Hannikainen, Heikki	Ambassador	Embassy of Finland
Henares, Kim	Commissioner	Bureau of Internal and Revenue
Hernandez, Edeliza P.	Executive Director	Medical Action Group
Hernandez, Jeffrey	Executive Assisant	Commission on Human Rights

Name	Position	Organization
Hernandez, Jose R.	Associate Justice	Sandiganbayan
Hernandez, Paterno P.	Executive Officer	Philippine National Police
Hernandez, RJ	Crew	Solar News
Herrera Jr., Oscar C.	Associate Justice	Sandiganbayan
Hilbay, Florin	Professor	University of the Philippines Law Center
Hitoris, Gil J.	Deputy Director	Philippine National Police
Ibuyan, Hilda P.	City Prosecutor	Department of Justice
Ifurnung, Nestor	Vice President	Philippine Trial Lawyer Association
Ifurung, Virra	Attorney	Office of Senator Eduardo Angara
Iiri, Takahiko	JICA Expert to the Philippine National Police as Program Manager; Advisor to Chief PNP	Japan International Cooperation Agency Philippines
Ilagan, Jerome	Technical Assistant	Office of the President
Ingking, Edgardo C.	Executive Officer	Philippine National Police
Inoturan, Napoleon E.	Associate Justice	Sandiganbayan
Isla, Percival	Support Staff	Department of Justice

Name	Position	Organization
Jalimao, Lizbeth	Statistician	Department of the Interior and Local Government
Jamito, Dennis	Reporter	Bombo Radyo
Jara, Virgilio	Dean	San Beda College, College of Law
Jena Sr., Prasanna	Public Management Specialist	Asian Development Bank
Joachim Heidorn	Ambassador	Embassy of Germany
Johnson, Ky	Deputy Country Representative	Asia Foundation
Juan, Ronald Allan B.	Assistant City Prosecutor	Department of Justice
Jubay, Edgar T.	Deputy Director	Philippine Drug Enforcement Agency
Jumeuen, Randy	Assistant Cameraman	GMA
Junsay, Noel M.	Support Staff	Department of Justice
Jurado , Roland B.	Associate Justice	Sandiganbayan
Kallos, Robert E.	Deputy Special Prosecutor	Office of the Ombudsman
Lacandola, Melvyn	Security	Department of Justice
Lacas, Pascual T.	Dean	Bulacan University
Laciste Jr., Federico E.	Deputy Director	Philippine National Police

Name	Position	Organization
Lacsamana, Jun Philip	Support Staff	Department of Justice
Lactao, Alejandro	Support Staff	Department of Justice
Lagos, Rafael	Associate Justice	Sandiganbayan
Lamondot, Faridah	Congressional Staff	Office of Congresswoman Catalina Bagasina
Landicho, Robinson A.	Assistant City Prosecutor	Department of Justice
Lapuz, Emmanuel	Security	National Bureau of Investigation
Lardizabal, Judy	Assistant Solicitor General	Office of the Solicitor General
Latosa, Alma	Accountant III	Public Attorney's Office
Latosa, Victorina Carina	State Prosecutor	Department of Justice
Laxa, Christopher A.	DDO, CIDG	Philippine National Police
Lazo, Suzette H.	Director	Food and Drug Administration
Ledesma, Alan	Head Security	Office of Chief Justice Renato Corona
Ledoux, Guy	Ambassador	European Union
Lee, Caroline	Program Officer	Hanns Seidel Foundation
Lee, Donald T.	City Prosecutor	Department of Justice

Name	Position	Organization
Lee, Lorna T.	City Prosecutor	Department of Justice
Lee, Michael	System Engineer	GMA 7
Legaspi, Amita	Reporter	GMA News Online
Legowo, Yohanes Kristiarto Soeryo	Ambassador	Embassy of Indonesia
Leonardo-De Castro, Teresita J.	Associate Justice	Supreme Court
Leyretana, Robert Nomar V.	Deputy Administrator	Land Registration Authority
Liban, Ma. Theresa T.	Administrative Assistant III	Department of Justice
Liboon, Ma. Angelica	Senior Administrative Assistant III	Department of Justice
Librojo, Vero B.	Chief, Legal Division	Department of Agrarian Reform
Lim, Francis	Attorney	National Competitiveness Council
Lim, Victor	Chair, External Affairs	Filipino-Chinese Chamber of Commerce
Limare, Rogelio C.	Assistant Commissioner	Civil Service Commission
Limos, Pedro	Chief of Staff	Office of the Government Corporate Counsel
Lindayag, Jr, Santiago	CPPO	Parole and Probation Authority

Name	Position	Organization
Llanes, Manny	Photographer	Manila Bulletin
Llena, Manuel	Officer-in-Charge	National Intelligence Coordinating Agency
Llosala, Edmund	Cameraman	ABS-CBN
Lofranco, Eligio B.	Head Executive Assistant	National Police Commission
Lomondot, Faridah	Congressional Staff	Office of Congresswoman Catalina Bagasina
Lopez, Jhosep Y.	City Prosecutor	Department of Justice
Loteyro, Manuel A.	Assistant City Prosecutor	Department of Justice
Luang, Marlyn Cynthia Fatima Madamba	City Prosecutor	Department of Justice
Macapagal, Marylou S.	Student	Philippine Christian University College of Law
Macasaet, Donald H.	Assistant City Prosecutor	Department of Justice
Macdonald, Kirsty	Deputy Protection Coordinator	International Committee of the Red Cross
Maceda Jr., Ernesto P.	Dean	Pamantasan ng Lungsod ng Maynila, College of Law
Machica III, Erwin VA	Judge Advocate General	Armed Forces of the Philippines
Macorol, Raymond	Security	National Bureau of Investigation

Name	Position	Organization
Maderazo, Mario	Project Officer	Philippine Misereor Partnership
Madrid-Songgadan, Marjory	Judge	Supreme Court
Magadia, Kenneth	Student	Association of Law Students of the Philippines - University of Santo Tomas
Magleo, Esther	Vice President for Internal Affairs	Financial Executives Institute of the Philippines
Magsano, REXIE	Attorney	Commission on Elections
Maguigad, Vanessa	Legal Consultant	Office of Congressman Neri Colmenares
Mallari, Eligio P.	Attorney	EP Mallari & Associates
Mama, Macapangcat A.	Deputy Chief	Public Attorney's Office
Mamauag, Jose Manuel S.	Commissioner	Commission on Human Rights
Manabat, Archimedes V.	City Prosecutor	Department of Justice
Manalastas, Amelia Cotangco	Justice	Court of Tax Appeals
Manalo, Jonathan	Audio Man	GMA 7
Manansala, Teresita R.	Chairperson	Professional Regulatory Commission

Name	Position	Organization
Manaois, Jorge S.	Associate Provincial Prosecutor	Region 1 – San Fernando City
Mangawang, Neah	Reporter	Net 25
Manguerra, Raoul S.	Security	National Bureau of Investigation
Manzano, Peter	Deputy Commissioner	Bureau of Customs
Mapagu, Ma. Edelwisa M.	Managing Director	Assessment Analytics, Inc.
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AFTERWORD

Since the 1st National Criminal Justice Summit was held last December 5 to 6, 2011, various events that have captured the nation's consciousness have transpired. The most riveting of these is the fact that a year after the Summit, only one of the three lead convenors — Secretary Leila M. De Lima — remains in office.

Chief Justice Renato Corona was impeached by the House of Representatives on December 12, 2011, a few days after the Summit, and convicted by the Senate for failure to faithfully disclose his assets and liabilities on May 29, 2012 after a trial that the public closely followed. His impeachment drew into sharper focus the necessity for reforms in the administration of the judiciary and in the accountability of judicial officers.

One of the concerns raised during the Summit is the insufficient coordination between various justice sector agencies, which often lead to fragmented, if not completely inconsistent, responses to systemic problems. To address this, the Justice Sector Coordinating Council (JSCC), which spearheaded the Summit, has been strengthened, in order for it to continue engaging the executive and judicial departments to discuss and find mutually acceptable solutions to problems in the criminal justice system. The JSCC has held a Strategic Planning Workshop, during which it crafted its short-term and long-term plans of action.

Secretary Jesse Robredo, on the other hand, met an unfortunate accident when he, along with two flight crew, perished in a plane crash off the waters of Masbate on August 18, 2012. He was on his way home to Naga after attending an official function in Cebu when the Piper Seneca aircraft captained by his trusted pilot developed engine trouble. His death was mourned by the entire nation, and signaled a renewed call for more public servants who share his humility, ideals of service and sense of sacrifice.

This publication is dedicated to the memory of the late Secretary Jesse M. Robredo, a tireless advocate of good governance and a friend to everyone who believes in justice for all.

However, both the impeachment of Chief Justice Corona and untimely demise of Secretary Jesse

Robredo, even if unfortunate, were not in vain. The tensions and sadness that enveloped the nation during these events compelled the people to undertake a difficult but necessary self-introspection. Through this process, the nation realized the imperative need to take bold steps towards a more ideal form of governance defined by accountability, transparency and people-centered leadership.

Along this line, several reform initiatives have been initiated and completed following the Summit, to be able to address some of the issues identified during the event.

One of the concerns raised during the Summit is the insufficient coordination between various justice sector agencies, which often lead to fragmented, if not completely inconsistent, responses to systemic problems. To address this, the Justice Sector Coordinating Council (JSCC), which spearheaded the Summit, has been strengthened, in order for it to continue engaging the executive and judicial departments to discuss and find mutually acceptable solutions to problems in the criminal justice system. The JSCC has held a Strategic Planning Workshop, during which it crafted its short-term and long-term plans of action.

The Strategic Plan of the JSCC covers ten key areas of coordination and cooperation among the member agencies, each with corresponding activities or projects:

1. Good governance in the justice system
2. Intensification of crime prevention and law enforcement
3. Case decongestion and backlog reduction
4. Enhancement and harmonization of the framework of the justice system
5. Improvement of the custody/rehabilitation of detention prisoners and convicted offenders
6. Increase of access to justice especially by the poor and vulnerable groups
7. Enhancement and integration of justice research and capacity development
8. Strengthening of strategic cooperation and partnerships
9. Optimization of resources and technology for the justice system
10. Strengthening and institutionalization of specialized justice services

Overcrowding of jails is also one of the principal issues raised during the Summit. In order to contribute to the decongestion of detention facilities, the Department of Justice (DOJ) has constituted a committee to review the 2000 Bail Bond Guide and craft a new set of guidelines to govern bail. Aside from rationalizing the amounts of bail to be recommended by prosecutors in criminal cases, the committee is also tasked to determine how the existing bail regime works

to the disadvantage of poor and marginalized detainees. The new guidelines are expected to provide a socialized bail system which places emphasis on the financial capacity of detainees, thereby preventing the unjust situation where detainees cannot avail of their constitutionally-guaranteed right to bail merely because of poverty.

The DOJ has also issued Department Circular No. 012 dated 13 February 2012, which allows respondents in drug cases whose cases have been dismissed by local prosecutors to be released pending automatic review of their cases by the Secretary of Justice. Likewise, the DOJ has issued Department Order No. 202 dated 06 March 2012 which mandates all prosecutors to dismiss all cases which have been pending in their offices for five (5) years or more. These issuances are expected to declog the dockets of prosecutors and minimize the detrimental effects associated with the protracted resolution of cases for preliminary investigation.

The DOJ, along with the Presidential Commission on Good Government and the Department of Finance (DOF) (particularly the Privatization and Management Office), have embarked on an initiative to rationalize, streamline and strengthen the forfeiture system in the country. This will ensure that, at the end of every trial, the forfeiture in favor of the State of the fruits and instruments of the unlawful act can be done effectively and efficiently. By integrating into a central authority the process of forfeiting, managing and disposing of assets identified as proceeding from a crime, the interests of the State are fully protected and the offender cannot benefit from his or her unlawful deed. The proposed creation of an Office for Asset Forfeiture and Asset Management, jointly chaired by the DOJ and the DOF, is expected to complement efforts to make court trials speedy and cost-efficient.

With regard to the tedious litigation processes in the courts, the Supreme Court has designated the trial courts of Quezon City as pilot courts for the implementation of new litigation guidelines, by virtue of A.M. No. 11-6-10-SC dated 21 February 2012. The new guidelines lay down rules that seek to expedite trials by, among others, prescribing standards in pleadings, providing for consequences for postponement of hearings and the setting of arraignment and pre-trial on the same date. If successful, the said rules for expeditious trials will be implemented system-wide.

Taking off from the implementation of the new litigation rules in Quezon City, the Supreme Court has promulgated a landmark rule that will alter the landscape of trials in the country. On September 4, 2012, the Supreme Court approved the adoption of A.M. No. 12-8-8-SC or the the Judicial Affidavit Rule, which mandates the use of judicial affidavits in lieu of direct examination for witnesses in all courts and quasi-judicial bodies (with the exception that, in criminal cases

cognizable by the Regional Trial Courts, the rule applies only if the accused consents). The rule is envisioned to significantly reduce the time it takes to conduct trials in all cases and declog the dockets of courts.

With regard to the work of the Criminal Code Committee (CCC), the Experts Group, which serves as the working group of the CCC, composed of representatives from criminal justice and law enforcement agencies, the legislature, the judiciary, national lawyers' associations, the academe and civil society, has finished drafting Book 1 of the proposed new Criminal Code. The draft is a product not only of the series of meetings and writeshop sessions of the CCC's Experts Group, but also of various consultations with criminal justice stakeholders through focus group discussions, presentation fora and the Summit.

Some salient features of the proposed new Criminal Code include:

1. A definition of the terms found in many parts of the Code, in order to avert confusing or contradictory interpretations.
2. Provisions empowering the State to prosecute crimes committed abroad, provided that the crime, the criminal or the victim bears a substantial link to the Philippines or any of its protected interests, and as long as the said prosecution is consistent with principles of international comity.
3. A simplified categorization of crimes – there is no longer a frustrated stage of commission of crime and participants to a crime are only either principals or accessories.
4. A lower minimum age of criminal liability (i.e., 12 years old), provided that those between 12 and 18 are penalized depending on the nature of the crime but with suspended sentence and referral to diversionary programs.
5. Provisions subjecting corporations to criminal penalties (including payment of fines and suspension or cancellation of franchises).
6. An integrated remedy for both criminal and civil actions, to avoid the tedious process of securing a criminal conviction and suing for civil compensation in separate proceedings.

7. An integrated scale of principal, alternative and accessory penalties with restorative justice measures and periods of prescription for different categories of crimes, all presented in one table to simplify the process of sentencing.
8. A rationalized double jeopardy rule which allows the State to appeal a judgment of conviction.
9. Modifying circumstances (i.e., aggravating and mitigating circumstances) that are generic and not specific, giving judges more leeway to consider circumstances particular to a case which should increase or reduce the appropriate penalty.
10. A unified period for the prescription of crime and prescription of sentence.

With Book 1 of the proposed new Criminal Code finished and being subjected to nationwide consultations, the CCC is currently working on Book 2, following the same series of working group meetings, writeshop sessions, focus group discussions and stakeholder consultations and presentations.

The overhaul of the criminal law will not be complete if it will not be complemented by reforms in the field of criminal procedure. Efforts to simplify and rationalize the penal code will not be as effective as when parallel efforts are also made to simplify and rationalize the rules on criminal procedure. Under the auspices of the Supreme Court, a committee has been formed to review the existing Rules of Court, particularly the Rules on Criminal Procedure. Among other reforms, the process of preliminary investigation is envisioned to be more oriented towards weeding out weak and unsubstantiated criminal charges, so that only those that can withstand the rigors of trial will be filed. This will result in the decongestion of criminal dockets (as preliminary investigation has been identified as the major bottleneck in the criminal justice process) and more efficient administration of justice.

With the foregoing efforts arising from and aligned with the issues, concerns and proposals raised during the Summit, the criminal justice system will get a much-needed boost from its principal stakeholders. These initiatives will substantially reduce the chronic ills besetting the justice system at all levels and promote a quality of justice that is efficient, effective and accessible to all.

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Clemente M. Clemente

Philippine Judges Association

Roan I. Libarios

Rodolfo G. Urbiztondo

Integrated Bar of the Philippines

Ronald O. Solis

Rodel A. Cruz

Leah Glenda J. Quesada

Kristine Punzalan

Philippine Bar Association

Amado D. Valdez

Oscar B. Bernardo

Philippine Association of
Law Schools

Eduardo J. Valdez

Office of Senator

Francis “Chiz” Escudero

Eleanor Agnes F. Abellar

Office of Representative

Niel C. Tupas, Jr.

Herold G. Ubalde

Francisco A. Uyami, Jr.

Lyra Stella C. Valera

Philippine National Police

Joselito R. Amon

Cresencio M. Cueto

National Bureau of Investigation

Girly F. Yulores-Dimaculangan

Ernesto P. Dizon

Alfredo S. Malonda Jr.

Board of Pardons & Parole

Elmer M. Rejano

Feliciano C. Ledesma

Bureau of Corrections

Manuel G. Co
Leo S. Carillo
Fidencio D. Zerrudo
Parole and Probation Administration

Robert Nomar V. Leyretana
Ethel B. Regadio
Land Registration Authority

Gerald P. Sotto
Office of the Solicitor General

Feliciano A. Aspi
Chief Prosecutors Association

Dolores S. Español
Araceli V. Villanueva
Manolo M. Mabini
Transparency International

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Ryan Jay I. Roset
Office of Undersecretary Jose Vicente B. Salazar

Hazel D. Valdez
Arceli C. Ragsac
Ryan Hartzell C. Balisacan
Rene Rose DSM. Galan
Marlon P. Bosantog
Cherry E. Sabino
Richez Joyce L. Matibag
Secretariat

Macapangcat A. Mama
Agatha Mijares
Vanessa Joy B. Ong Pe-Jones
Public Attorney's Office

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Floro Balato, Jr.
Rommel S. Tacorda
Bureau of Immigration

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Leah M. Quiambao
Katrina Maria Reyes
Office of the Government Corporate Counsel

Michael Frederick D. L. Musngi
Michael G. Aguinardo
Anne Marie L. Corominas
Office of the Executive Secretary

Rafael Villanueva
Office of Undersecretary
Francisco F. Baraan III

GALLERY



Secretary Jesse M. Robredo (on the podium) welcoming the Summit delegates. Seated are (L-R) Sandiganbayan Presiding Justice Villaruz, Chief Justice Corona, Senate President Enrile, Speaker Belmonte, and Secretary De Lima.



Top: Justice Secretary Leila M. De Lima and Chief Justice Renato C. Corona

Bottom: Hanns Seidel Foundation Resident Representative Paul Schäfer (center) with representatives from development partners





Top: The support staff of The Summit from the Department of Justice

Bottom: The Secretariat and the Steering Committee of The Summit



Top: (L-R)
Assistant Secretary
Sy, Director
Pangilinan,
Director Dial, and
former Secretary
Enriquez

Bottom:
Open Forum





Top:
Administrator Co
during the Open
Forum

Bottom: Justice
Abad (center) with
(L-R) Assistant
Secretary Sy and
Justice Peralta
during The Open
Forum



Top: Prosecutor General Claro A. Arellano summarizes the events during Day 1 of The Summit

Bottom: Senate President Enrile (on the podium) greets (L-R) Speaker Belmonte, Secretary De Lima, and Secretary Robdredo before his speech.





Top: (L-R) Judge Ma. Filomena Singh, P/C Superintendent Alex Paul Montenegro, Mr. Paul Schäfer, Assistant Secretary Geronimo Sy, and Government Corporate Counsel Raoul Creencia

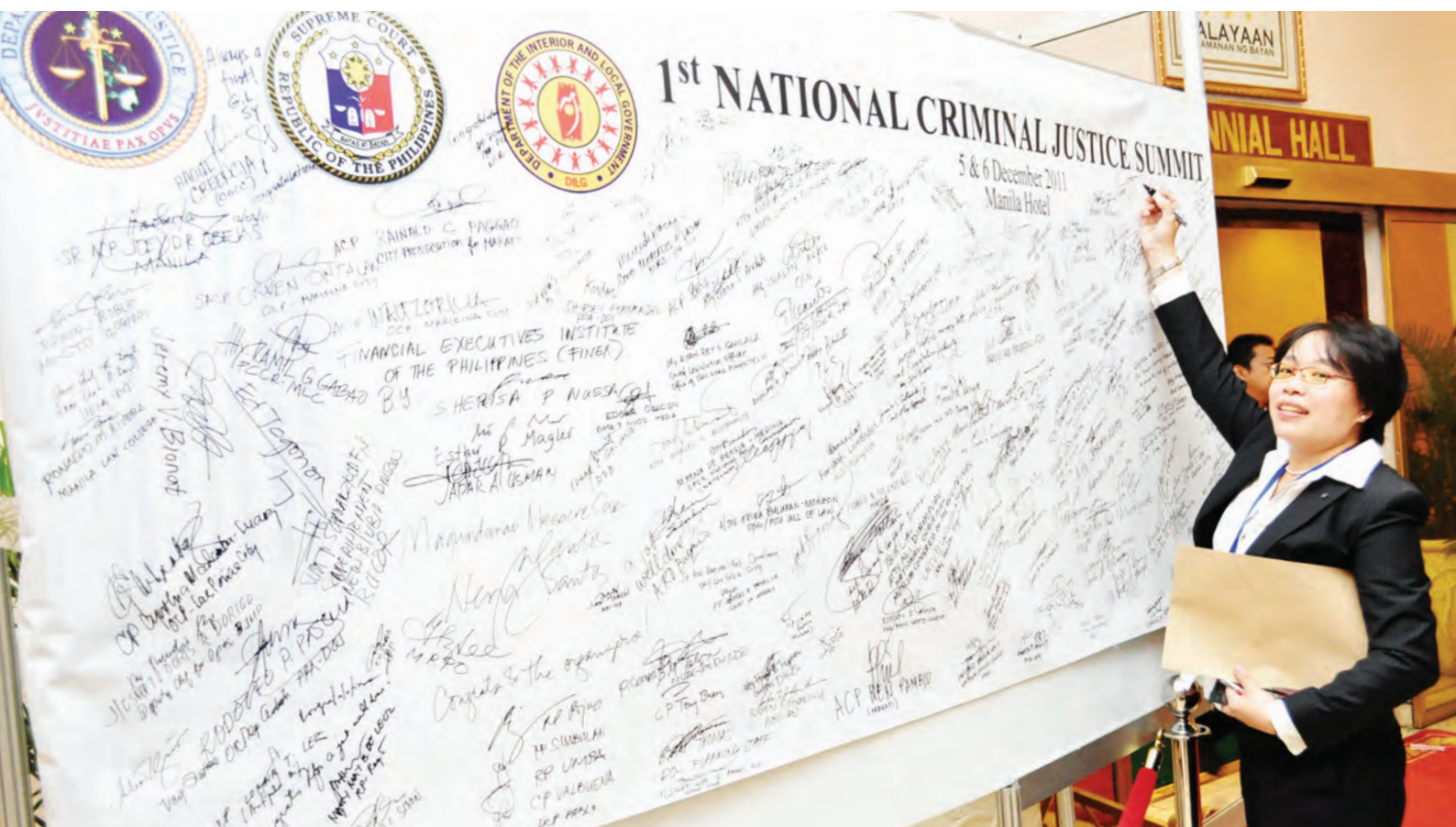


Bottom: The Registration Committee

Top: State
Prosecutor Hazel
Valdez explains the
mechanics of the
workshop

Bottom: (L-R)
Court of Tax
Appeals Associate
Justice Juanito
Castañeda,
Secretary De
Lima, Assistant
Secretary Sy, and
Sandiganbayan
Presiding Justice
Villaruz





Hanns Seidel Foundation Program Officer Caroline Lee signs her name on the Wall of Justice.

The Wall of Justice was situated at the lobby of Manila Hotel's Centennial Hall during the two-day Summit. Participants were encouraged to sign their names on the Wall of Justice to signify their support for justice reforms and their commitment to work for initiatives that would improve criminal justice administration in the Philippines. The Wall of Justice is now situated at the Department of Justice to memorialize the first coming together of justice workers in the 1st National Criminal Justice Summit.



Café de la Justice
– the Summit
Workshop
facilitated by the
Supreme Court–
PMO, Office
of the Solicitor
General, and
Local Government
Academy



Top: (L-R) Court Administrator Midas Marquez, Vice President Jejomar Binay, and Secretary Leila De Lima with their blue “Justice for All” ballers

Bottom: Mr. Paul Schäfer with Assistant Secretary Geronimo Sy



Top: Secretary De Lima with Asia Foundation Program Manager Carol Mercado and EU Program Manager Antoine Gouzée De Harven

Bottom: Hanns Seidel Foundation Resident Representative Paul Schäfer with Justice Secretary De Lima





Top: The Criminal Code Committee Experts Group with Secretary De Lima

Bottom: Mr. Schäfer (center) and Secretary De Lima welcome Vice President Binay to The Summit



Top: Summit delegates with (seated, L-R) Court Administrator Marquez, Vice President Binay, and Secretary De Lima

Bottom: The Criminal Code Committee Experts Group with Court Administrator Marquez, Vice President Binay, and Secretary De Lima



