



A SURVEY OF PRIVATE LEGAL PRACTITIONERS TO MONITOR ACCESS TO JUSTICE BY THE DISADVANTAGED

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Table of Contents

List of Tables	
Acronyms Used	
Appendices	
Executive Summary	1
Part I. Introduction	
A. Background of the Study	1
The UNDP and the Philippine Supreme Court	2
The Integrated Bar of the Philippines	3
Alternative Law Groups	4
B. Significance of the Study	5
C. Objectives	6
D. Theoretical Framework	7
Conceptual Framework	8
Definition of Terms	9
E. Methodology	
Instruments Used	13
F. Limitations of the Study	15
G. Ethical Considerations	15
Part II. Presentation of Data and Analysis	
A. Data About Lawyers	
Demographic Profile of Respondents	17
Comparison of Profiles of Male and Female	
Lawyers	18
Professional Values	21
Lawyer Organizations Involved in Legal Assistance	
Program	22
Alternative Lawyering for the Disadvantaged	23
Attendant Risks and Gains	26
B. Data About the Disadvantaged	
Basic Sectors	28
Access to Lawyers	30
Types of Cases of Disadvantaged Clients	31
C. Data About the Judicial System	
Provision of Legal Representation	31
Cost of Litigation	34
Delay in Court Trial	35
Perceptions About the Judicial System	37
D. Social Milieu of Lawyering	
Regional Characteristics and Concerns	
Baguio	40
Cebu	41
Davao	43
National Capital Region	43
Social Influences	45
Awareness of Judicial Reform	45

E. Good Practices of Lawyers Organization	
The Integrated Bar of the Philippines	46
Alternative Law Groups, Inc.	47
Profile of Members of ALG, Inc.	51
F. Lawyers' Recommendation for Reforms	51
G. Conclusion	52
H. Study Recommendations	53
Bibliography	
Appendices	

List of Tables

- Table 1** - Comparison of Distribution of Populations of Systematic Random Sample and Lawyer Respondents
- Table 2** - Socio-demographic Characteristics of Respondents
- Table 3** - Income Bracket of Lawyer Respondents
- Table 4** - Law Schools Attended
- Table 5** - Comparison of Demographic Profiles of Men and Women Lawyers
- Table 6** - Comparison of Practice of Male and Female Lawyers
- Table 7** - Socio-demographic Characteristics by ALG affiliation
- Table 8** - Comparison of Lawyers' Income
- Table 9** - Minimum Charges by Type of Fees
- Table 10** - Attendant Risks and Gains for Lawyering for the Poor
- Table 11** - Sectors Represented in the Last 5 Years by Type of Client
- Table 12** - Appearance in Courts
- Table 13** - Stages of and Party Requesting Legal Representation
- Table 14** - Access to Clients and Availability of Legal Records
- Table 15** - Cost of Litigation in Pesos
- Table 16** - Duration of Different Stages in a Case
- Table 17** - Causes of Delay
- Table 18** - Distribution of Responses for Perception Survey
- Table 19** - Mean Scores of ALG and Non-ALG Members
- Table 20** - Awareness of the Judicial Reform Agenda
- Table 21** - Examples of ALG Inc.

Acronyms Used

ALGs	-	Alternative Law Group
ALG, Inc.	-	Alternative Law Group, Inc.
ALTERLAW	-	Alternative Law Research and Development Center, Inc.
APJR	-	Action Program for Judicial Reform
ASIN	-	Arts and Sciences Interdisciplinary Network, Inc.
CLB	-	Children's Legal Bureau
DAR	-	Department of Agrarian Reform
DARAB	-	Department of Agrarian Reform Adjudication Board
DSWD	-	Department of Social Welfare and Development
ELAC	-	Environmental Legal Assistance Center
FGD	-	Focus Group Discussion
FIDA	-	Federacion Internationale de Abogados
FLAG	-	Free Legal Assistance Group
FREELAVA	-	Free Rehabilitation, Economic, Education and Legal Assistance Volunteers Association, Inc.
IBP	-	Integrated Bar of the Philippines
JBC	-	Judicial and Bar Council
JRA	-	Judicial Reform Agenda
MABINI	-	Movement of Attorneys for Brotherhood, Integrity, and Nationalism, Inc.
MCEP	-	Mandatory Continuing Education Program
MCLE	-	Mandatory Continuing Legal Education
NCLA	-	National Committee on Legal Aid
NCR	-	National Capital Region
NGOs	-	Non-government Organization
PAO	-	Public Attorney's Office
PILO	-	Public Interest Law Office
POEA	-	Philippine Overseas Employment Administration
PVO	-	Paralegal Volunteers Organization
SALIGAN	-	Sentro ng Alternatibong Lingap Panligal
SWS	-	Social Weather Station
UNDP	-	United Nations Development Programme
WILOCI	-	Women Lawyers' Circle
WLB	-	Women's Legal Bureau

Appendices

- A. National Survey of Private Legal Practitioner Survey Instrument
- B. Focus Group Discussion Guide
- C. Summary of Tabulated Data
- D. Profile of the Integrated Bar of the Philippines and Its Legal Aid Programs
- E. Profile of ALG, Inc. Member Organizations/Survey Data from ALG, Inc. Members
- F. Project Re-launching: National Survey of Private Legal Practitioners
Program of Activities and Attendance Sheet
- G. Focus Group Discussion with Baguio City IBP Chapter
- H. Focus Group Discussion with Davao City Lawyers
- I. Focus Group Discussion with Cebu City ALGs
- J. Focus Group Discussion with Cebu City IBP Chapter
- K. Focus Group Discussion with Manila-based ALGs
- L. Round Table Discussion for Initial Presentation of Draft Report

EXECUTIVE SUMMARY

Conditions of poverty define the circumstances that result in lack of access to justice. A structural analysis of access to justice issues identifies a complimentary set of stakeholders: the poor and the disadvantaged as the “claim holders” and judicial institutions, bar associations and individuals (lawyers) as the “duty holders.” The present study, as part of baseline data for judicial reform, attempts to dissect the structures and processes related to access to justice by the disadvantaged. The lawyers’ perception as duty bearers are used to examine “normative protection (existence of remedy), capacity to seek a remedy (legal empowerment), and the capacity to provide an effective remedy (adjudication, enforcement and oversight)” for disadvantaged groups for grievances related human rights principles and standards.¹

As lawyers have an important role to play towards improving access to justice by the disadvantaged, this study aims to determine the knowledge, attitudes and practices of private legal practitioners towards improving access to justice by the poor and marginalized groups. It made use of quantitative and qualitative methods to be able to describe lawyers’ perception and experiences related to the justice system. An eight-page questionnaire was mailed to lawyer respondents whose names were randomly and systematically generated from the IBP membership roster. Focus group discussions (FGDs) were conducted in Metro Manila, Baguio, Cebu and Davao and a review of literature was done to validate lawyer responses generated from the survey instrument.

A. DATA ABOUT LAWYERS

The demographic profile of the respondents may very well represent the profile of litigation lawyers as the lawyer respondents had ages ranging from 25 to 72 years. Majority were male (70%), Catholic (91%), married (61%). From the systematic random sample drawn from the roster of the Integrated Bar of the Philippines (IBP), 72.8% were male and only 27.2% were female. Most of the respondents (39%) reported a monthly income range of P20,001 to P40,000 while 19% reported a P40,001 to P60,000 range while 13% reported income above P100,000.

About one-fourth of the respondents (24%) claimed to be a member of an Alternative Law Group (ALG). The term Alternative Law Group (ALG) is commonly understood in its generic context. ALGs, as broadly defined, are perceived to be involved in rendering free legal aid, developmental legal assistance or similar public interest lawyering. The Free Legal Assistance Group was the most common ALG mentioned as it represents the traditional concept of ALG to refer to free legal assistance.

Lawyers charge different types of fees. In cases that are not *pro bono*, the usual modes of payment required are lump sum (13%), appearance fee plus progress billing in

¹ UNDP Asia-Pacific Rights and Justice Initiative, 2003

accordance with various stages of the case (54%), contingent (16%), and time charges (16%). More than three-fourths of acceptance fees are charged more than P10,000 and over, while nearly half of appearance, time charges and termination fees are priced at P1,000 and below. While contingent fees are prohibited by the code of ethics, they have become common practice, particularly in cases associated with property or labor cases involving back wages and other forms of settlement. Charging fees based on time spent is a common practice among law firms.

Providing legal services for the disadvantaged results in loss of income for the lawyers (30%), which are compensated by personal fulfillment (36%), psychological reward (18%), spiritual growth (18%) and development of professional expertise (18%). This shows the high value that the respondents put on rendering legal services to the disadvantaged.

All lawyers in the Philippines are members of the Integrated Bar of the Philippines. The organization is involved both in traditional legal aid and developmental legal aid. It has set up a National Center for Legal Aid that assists in the legal requirements of indigents. Its local chapters are also actively involved in providing legal assistance to the poor and marginalized sectors of society.

B. DATA ABOUT THE DISADVANTAGED

The term “disadvantaged” captures the plight of poor clients since many aspects of the legal system as well as the other pillars of justice work to their disadvantage. Most poor clients have no regular income and only earn enough money to provide for their basic needs. The biggest sectors of the disadvantaged that are provided legal representation by the lawyer respondents are the urban poor and labor (formal and informal). This could be because a large number of the respondents are based in urban areas. This reflects an urban bias for the practice of law in general, as there are very few lawyers in the rural areas. However, it is noteworthy that members of ALG Inc. identified farmer groups and indigenous peoples as their top basic sector clients, an indication that some lawyers’ groups are giving priority to rural concerns.

Most of the private lawyers provided more than one of the following legal services: representation of one of the parties in trials (29%), legal counseling (29%), documentation (27%), mediation (11%), corporate law (3%), and research/education (1%). This shows the range of services that lawyers provide their clients. The lawyers who were interviewed claimed that they exerted the same effort and enthusiasm to work on cases of *pro bono* and paying clients. Some lawyers said they welcome the opportunity to be assigned *counsel de oficio* by the courts as they see it as an opportunity for professional improvement and to develop good relations with the judge.

How do the poor clients gain access to lawyers? The local IBP chapter may supply the court with a list of available lawyers who become counsel *de oficio* of indigent cases. There are also walk-in clients as many IBP offices together with the Public Attorney’s Office are located within the Halls of Justice premises. Poor clients may

approach the Public Attorney's Office or the local IBP chapter for legal assistance. Sometimes, they also approach lawyers with radio programs or lawyers referred by their relatives and friends. From the survey data, the client himself/herself (28%) and his/her family (23%) asked for legal representation. In a good number of pro bono cases (17%), the court appointed a *counsel de officio*.

Most ALGs work with specific communities or organized sectors and the arrangement facilitates legal assistance. Among affiliated organizations of ALG Inc., the basic sectors (farmers, laborers, women, children, indigenous peoples, etc.) address their sectoral concerns with lawyers identified with their organizations. Lawyers are not only involved in litigation but are involved in community activities related to legal education and paralegal training to empower communities and organized groups to work for their rights.

C. DATA ABOUT THE JUDICIAL SYSTEM

The lawyers were asked to specify the stage in criminal litigation when they are usually summoned for legal representation, and to identify the party who requests it. Representation of clients occurred at different stages of the case, with 39% represented before trial, 42% during trial and 19% during appeal. The data showed that lawyers stood for their clients during inquest but majority of *pro bono* clients were represented only during arraignment. That the lawyers often represent their clients at the trial court level (whether paying or *pro-bono*) show that lawyers are usually called on after the case has been filed in court. Ideally access to legal representation should be before the case goes to court, e.g., custodial investigation, inquest or preliminary investigation in criminal cases.

It was noted that in *pro bono* cases the lawyer often talks to the client only during the hearing itself (14% if the client is not detained and 30% if the client is detained), despite the answer that lawyers can talk freely with detained clients (95%) and that there is a private place in the jail where they can talk (73%). Ideally, the lawyers should have talked with the client before the hearing of the case. This affects the quality of the legal services provided. It also is a cause for delay, as one reason for a postponement is that the lawyer needs more time to "study the case." It was also noted also that in pro bono cases, it is the lawyer who often pays for copies of the documents (45%).

The cost of litigation varied for different items. Bail, transcript and filing fees were the highest cost items, while serving notices and pleadings was lowest. Transcripts had become very expensive since the lawyer respondents said the range varied from P100 to P150,000. The median cost cited is P500, which is still expensive for indigent clients. Lawyers during interviews observed that the reproduction of transcripts has become commercialized. Lawyers reported that payments for transcripts of stenographic notes are overpriced. The sale of stenographic notes has become a business for court stenographers.

The incidence of detention for inability to post bail has become quite common. Poor defendants languish in jail for inability to post bail. The amount of bail is left to the discretion of the court upon the recommendation of the prosecutor. Lawyers of poor clients cannot haggle too much to reduce bail. Lawyers also observed that the provision of surety for bail has become a profitable industry and in some places the arresting officer is given commission for referral.

Lawyers were made to identify the average period of time spent for case events. No significant differences were found in the duration of events between paying and *pro bono* cases. The duration of court proceedings is very long. The average duration from filing of information to judgment is around two years. Note also that the other stages have an unduly long duration. As the adage goes, justice delayed is justice denied and there is a long way to go towards the implementation of the Speedy Trial Act. While the law provides for a time frame whereby a case may be resolved, the delay takes place in calendaring a case. The rules of court that liberally allows postponement is another cause of delay.

From the perception of lawyers, the impediments to access to justice by the disadvantaged are the costs of litigation, corruption in the justice system, particularly in quasi-judicial agencies and at the prosecutor's office. Other contributory factors include the lack of court facilities for speedy decision-making, lack of access to judicial information, and the slow pace of judicial processes.

There are enough laws to protect the poor like the Civil Code, which provides that the courts should decide in favor of labor in cases where all things are equal. The Constitution also contains social justice provision and there is also a speedy trial law. But in terms of implementation, the poor become disadvantaged as the law, as well as the rules of court is used against them. In many cases, it takes time for cases of the poor to be calendared while they are languishing in jail. At other times, there is "speedy calendaring" particularly in drug cases involving the poor. The rich can readily post bail while the poor need guarantors to be able to get a surety bond. The amount of bail is subject to the discretion of the fiscal and it is suggested that the rates should be socialized.

D. SOCIAL INFLUENCES

Lawyers perceive the justice system as affected by political, geographic and economic factors as rich people have the political and economic clout to help their cases. The court system may be manipulated to the advantage of people with the financial resources to assist them win their case. The justice system is also prone to political influences particularly in the matter of appointment to various positions. While the Constitution recognizes separation of powers, the executive branch makes appointments to the judiciary and political connections often become the primary consideration. The executive branch may also choose to highlight its own judicial agenda in terms of increased budget allocation to its priority programs. Congress that passes laws affecting

the judiciary based on its members' appreciation of what is important may also set a different agenda and push for its own priority programs.

Various lawyers perceive media influence differently. Media exposure is sometimes helpful but at other times can be an obstacle to justice. It depends which side is able to use media to its advantage. Media can work to the advantage or disadvantage of the poor. Sensationalism can affect cases in such a way that some defendants have been perceived to be guilty even before court trial. Furthermore, it was observed that media is not careful about the rules of confidentiality in child cases. Media too needs training in child sensitivity.

E. AWARENESS OF JUDICIAL REFORM

A little less than half of the lawyer (47%) maintained awareness of the Judicial Reform Agenda (JRA) of the Supreme Court. Of those who knew about the JRA, 38% were of the opinion that the reforms are inadequate. The lawyers who were knowledgeable about the JRA cited the Integrated Bar of the Philippines (37%), media (32%), and professional lawyer groups (20%) as main sources of information.

F. GOOD PRACTICES AMONG LAWYER ORGANIZATIONS

The Integrated Bar of the Philippines

The IBP is involved both in traditional and developmental legal aid. As the IBP has the distinction of being the only organization of all lawyers in the Philippines, it is capable of wielding sufficient influence to improve access to justice by the disadvantaged. It has institutionalized the practice of officially providing assistance to poor litigants through the practice of making its vice president officially in charge of the legal assistance program. As IBP chapters have put offices near or within the court premises, they have physically complied with the principle of improving access to justice by poor clients who need legal assistance.

To the extent that IBP chapters are able to provide legal assistance to poor individuals, they are able to fulfill the traditional role of lawyers towards achieving justice in society. As IBP officers are also perceived to be respectable members of their respective communities, they are able to wield considerable influence to help the disadvantaged groups. Some IBP chapters have taken a pro-active stance of making representation with the police and the other pillars of justice to make suggestions to improve the justice system. As some of them have access to media, they have used it to educate the general public about their legal rights. As the IBP is also able to maintain a national presence through its local chapters in various parts of the country, it should be able to assume the position of vanguard of judicial reform and protector of the legal rights of the disadvantaged.

Alternative Law Groups Inc.

ALGs identified with the basic sectors and affiliated with ALG Inc. have adopted legal mechanisms advantageous to poor clients. They use an integrated approach that includes research, education and exhaust alternative means to win a case like writing letters to the editor, holding rallies and trying to win public opinion. It makes it easier for an ALG lawyer since he/she is not doing the work alone. In traditional lawyer-client relationships, the lawyer does all the work. Among ALGs, the work usually involves communities and there is more evidence of client involvement as they share in the work to win their case.

ALGs are also known to be cause oriented and working for public causes and their reputation can bolster the chance of the disadvantaged for fair treatment of their case. In terms of final outcome, getting a favorable court decision is not the only measure of victory. Sometimes, even if the poor lose their case, it may be good enough that they are paid compensation. Working through ALGs makes the work of achieving justice for the poor more sustainable.

G. LAWYERS' RECOMMENDATIONS FOR REFORMS

:

Based on the answers given by the respondents, the following are the major recommendations towards improving access to justice by the disadvantaged:

A. On Lawyering for the Disadvantaged:

1. Require new lawyers to render legal services for the disadvantaged, and the time spent could be credited to the Mandatory Continuing Legal Education.
2. Encourage lawyers to accept cases for the disadvantaged by providing them with some compensation or an allowance to cover costs.
3. Require law students to serve the disadvantaged sectors.

B. On the Judicial System

1. Eliminate corruption in the judiciary.
2. Strictly implement the Speedy Trial Act.
3. Strengthen of the *Katarungang Pambarangay* so that minor cases will not be brought to court.
4. Provide for regional access for the appeal courts.
5. Create special courts for disadvantaged groups.
6. Initiate moral reform among the officers of court.

C. On Court Procedures and Administration

1. Recruit more judges, prosecutors and PAO lawyers and increase their salaries to attract the best and the brightest.
2. Lower the cost of litigation, especially the cost of transcripts. For the disadvantaged, the exemption from payment of fees for transcripts should be implemented.
3. Enforce punctuality in courts.
4. Improve the rules of court to speed up the proceedings.
5. Give priority to cases of the disadvantaged in the court calendar or designate special courts for them. There should be better management of court calendars.
6. Implement a better information campaign on newly issued rules of procedure, court circulars, etc.

H. CONCLUSION

Lawyers generally are able to maintain their idealism while practicing the profession. They have the heart for the disadvantaged and lawyer organizations as duty bearers in improving access to justice have vital roles to play in a democratic society. They should continue to partner with disadvantaged groups and make use of empowering strategies in lawyering for the disadvantaged.

I. STUDY RECOMMENDATIONS

1. The strengths and weaknesses of lawyers and their organizations should be further analyzed to be able to define their institutional role as duty bearers in improving access to justice for the disadvantaged. It is suggested that further studies be conducted on the impact of the IBP and ALGs and other legal aid centers in improving access to justice and related issues to be able to assess mechanisms adopted by lawyer groups to help the disadvantaged.
2. Lawyers' organizations should take a proactive role to analyze the strengths and weaknesses of the basic sectors they work with as starting point of initiatives to improve access to justice. They should use a community/peoples' empowerment framework as basic tool in legal aid and developmental legal assistance work. The ultimate objective is to enable communities to help themselves. The reflexivity approach should be used where study respondents and victims may use the developmental legal aid initiative to reflect and understand their conditions better to be able to address them beyond the judicial parameters.
3. Lawyers' organizations should extend its reach to basic sectors in rural and geographically isolated areas. Outreach activities in these areas should be able to address the imbalance in the availability of lawyers whose practice is mostly concentrated in urban areas.

4. Lawyers involved with the basic communities should intensify their advocacy to minimize discriminatory behavior and biases against various groups in the basic sectors. Advocacy initiatives may take the form of training, organizing and media activities.
5. Lawyers should be able to make use of modern technology to be able to develop data bases about disadvantaged groups and to be able to communicate with strategic partners about urgent issues related to access to justice.

I. INTRODUCTION

Background of the Study

Access to justice, on the one hand, is a constitutive element of democracy and development, at the same time that it is a normative prescription for democratic governance and the rule of law. As such, its means, requirements and ends are all consensually agreed upon to be located beyond the exclusive confines of the judicial system:

To obtain access to justice one must have access to resources and access to skills. This suggests that even if there are NGOs or state-funded mechanisms to facilitate access to justice these are meaningless without knowledge. This presupposes also that the justice system as well as the legal system is also fully operational even if inaccessible to the poor and marginalized.¹

Within the judicial system, especially one that has consistently sought to reform itself, it is always desirable that the crucial participation of lawyers should at least be understood. In the Philippines, historical problems of court “congestion and delay” have almost always been blamed on lawyers. Additionally, what lawyers do or fail to do in the process of litigation and appeal for and in behalf of their poor clients are usually taken as the manifestation of injustice, one that has been associated with poverty, and has caused the continuing social tensions, conflicts and instabilities.² As Chief Justice Hilario Davide, Jr. has pointed out:

When persons in the fringes of national life have access to judicial process, and when their attempts to seek redress from the courts are not peremptorily barred by archaic concepts of standing, the very hospitality and accessibility of our judicial system would be the strongest condemnation of any recourse to violence and anarchy.³

The linkage between lawyers, access to justice by the disadvantaged, democracy and development is the overarching theme of this research undertaking by the Philippine

¹Rajesh Choudree (UNDP Governance Center, Oslo, Access to Justice Adviser), “Poverty and Access to Justice: An Overview,” 18 March 2002.

²Crime volume has increased by about 15 % as of the third quarter last year 2002, while the police’s crime solving efficiency has rating of -2.2%. See Philippine National Police, “Crime Trends” at http://www.pnp.gov.ph/highlights/Crime%20Trends_Oct2002.htm Other useful court case and crime trends statistics are available at <http://www.virtual-asia.com/ph/>. Some ideologically-inspired attempts to link poverty to crime include, for example, the statement that the “increasing number of petty crimes (is) induced by poverty.” Ibon Foundation, “2002: A tough year for the poor,” January 17, 2003. At http://www.cyberdyaryo.com/press_release/pr2003_0117_01.htm.

³Hilario G. Davide, Jr. “The Judicial Response to Terrorism: National Venue,” Speech at Strasburg conference, 2002

Supreme Court, the UNDP, the Integrated Bar of the Philippines, the alternative law groups, and the Arts and Sciences Interdisciplinary Network, Inc.

The UNDP and Philippine Supreme Court

The United Nations Development Programme Administrator Mark Mallock Brown has remarked that the Philippines, being among the “more than 60 countries (that) are poorer than they were a decade ago” and also among the southeast Asian countries that grew tremendously at the close of the last century, continues to be beset with problems of jobless youths and “frustration at the lack of opportunities and political freedoms.” He has also warned that

unless governments are able to demonstrate to their citizens that they are taking successful action on bread and butter issues from jobs to crime to schools -- and by doing so make serious inroads on poverty – the dramatic expansion of democracy risks going in reverse.

Already there have been serious setbacks in some countries. And nearly half of the new wave of nominally elected governments cannot yet be described as full democracies.⁴

He concluded that giving the poor access to justice, among others, could be the key to solving the real predicament of similarly situated peoples in the developing world:

...(T)o promote human development successfully we need to put the politics back into poverty eradication.

That means ensuring that the poor have a real political voice and access to strong, transparent institutions capable of providing them with the kind of personal security, access to justice, and services from health to education they so desperately need.

The UNDP access to justice initiative unequivocally proclaims:

We should all be equal before the law. This is an essential part of democratic governance and a part of the core foundation of any accountable and democratic society. But in far too many countries, this is not yet the case. The law is not equal to all - and all are not equal before the law.

⁴Mark Mallock Brown. “Power of democracy and its critical importance to development,” Address by UNDP Administrator at the Launch of the Human Development Report 2002, Manila, Philippines, 24 July 2002. At <http://hdr.undp.org/reports/global/2002/en/statements/administrator.cfm>.

UNDP has a two-fold mission in this area. That is to secure that the law, irrespective of wealth, race or creed, treats all men and women equally and (ii) to secure that all, including the poorest and those without skills, knowledge or resources of their own, have access to and trust in law and the legal system.

UNDP should take a leading role, to investigate, monitor and advocate a legal system accessible to all, especially to poor people.⁵

The United Nations Development Programme, in seeking to help realize genuine human development for countries like the Philippines has seen that the judicial system can be an effective instrumentality for popular welfare that ensures social and political stability. As the court is said to be the remedial forum for legislative and executive weaknesses and wrongs, the Supreme Court is the ultimate inspirational institution for this study in line with its objective of strengthening the foundations for a just society. From March until writing time (early June 2003) the Supreme Court Project Management Office overseeing the overall foreign-assisted judicial reform efforts has given more than sufficient and efficient guidance to this undertaking through periodic consultations, advice and comment. Its able leadership has also helped ensure a clear understanding of the three component projects under the general heading of “Enhancing Access to Justice.”

The Integrated Bar of the Philippines

The 40,461 lawyer members of the Integrated Bar of the Philippines have been continuously reminded of the three-point mission of the organization:

1. To elevate the standards of the legal profession;
2. To improve the administration of justice;
3. To enable the Bar to discharge its public responsibility more effectively.

The IBP national leaders and nine regional chapters have in particular been keen on developing and expanding legal aid services to poor litigants nationwide. Recently, with assistance from the United Nations Children’s Educational Fund⁶ and with increased subsidy from the Supreme Court and the Houses of Congress, the IBP has consistently been an able partner of government in extending a helping hand to the needy and the destitute. The IBP outgoing president Teofilo S. Pilando, Jr. has emphasized the role IBP members perform in social reform:

⁵“Access to Justice- An Overview.” At <http://www.undp.org/governance/cd/html/access.html>

⁶Teofilo S. Pilando, Jr., “IBP Eastern Visayas Regional Convention,” Remarks on the occasion of the IBP Eastern Visayas Regional Convention, held at the Sabin Resort Hotel, Ormoc City on September 12-14, 2002. At <http://www.ibp.org.ph/mainframe/prespage/prespage006.htm>.

(I)t is important to underscore that lawyers can, if they wish, participate in the social and economic transformation of the country. We lawyers engage in a profession that can be fine-tuned to meet the demands of a changing society. Our task as lawyers is not only to uphold the supremacy of the law but more significantly to help change the system that spawns laws that further prejudice the already prejudiced sectors of society.⁷

On the IBP legal aid advocacy, Atty. Pilando has said the IBP shall “pay premium to economic and social rights. Without relegating matters related to traditional civil and political rights, legal issues concerning economic deprivation, social exclusion, environment and technology shall receive special attention”⁸

The IBP National Committee on Legal Aid, is guided by the words of its first chairman, former Chief Justice Roberto Concepcion: “Adequate free legal aid to the indigent and the needy is essential to the Primacy of the Law.” As such, the former chief justice defined legal aid as seeking to “render equality before the law a reality in actual practice, to generate the people’s faith in the law and in courts of justice, as well as in other agencies performing similar functions, as instrumentalities of their welfare, and to promote adherence to the Rule of Law and, hence, peace and order.” Furthermore, the IBP “developmental legal aid” seeks to benefit not just an “individual and his personal interests but a class or a group of persons who face a common problem arising out of social conflicts in society.”⁹

In connection with this project, the IBP national office permitted the use of its resources, participated in the refinement of design and content of the main instrument, endorsed this study to its members, and gave valuable insights into the workings of the IBP in relation to access to justice. On their own account, the IBP local chapters in Baguio, Cebu and Davao cities likewise mobilized resources at their command in pursuit of the particular requirements of on-site visits and meetings.

Alternative Law Groups

Philippine alternative law groups (ALGs) seek to “participate in the empowerment of the marginalized sectors through advancing a critique of law and engaging in developmental law practice or assistance.” Moving away from “traditional” law practice, ALGs “opt for a multidisciplinary approach” via the engagement of other professions and fields of study.¹⁰ ALG stalwart Marlon Manuel believes that the

⁷Teofilo S. Pilando, Jr. “The Role of Lawyers in Our Country’s Socio-Economic Development,” Message of IBP National President for the IBP Central Luzon Region Convention held on February 22-24, 2002 at the Subic Bay Freeport. At <http://www.ibp.org.ph/mainframe/prespage/prespage004.htm>.

⁸Ibid.

⁹IBP, “Brief History of the Integrated Bar of the Philippines” At <http://www.ibp.org.ph/mainframe/history001.htm>

developmental legal practitioners see an opening in Supreme Court's reform program for improving access for the poor via "legal and judicial education." More educated judges, suggests Manuel, will "have a better understanding of the issues concerning the marginalized groups."¹¹

More than twenty ALGs all over the country, under the umbrella of the ten year old ALG, Inc., have provided various forms of support in finalizing the direction and assessment tools for their brand of lawyering by giving concrete details and latest information on the legal defense of marginalized persons, groups and sectors. With their youth, vitality and unflinching commitment to their clientele, the ALGs seek to "demystify" the law by bringing it closer to the marginalized sectors and empowering them with the basic legal skills and knowledge to engage the law, and use it as part of their strategy to advance their issues."¹²

A good number of ALGs in the National Capital Region, the Cordillera, Central Visayas and Eastern Mindanao have helped this undertaking from the onset by taking part in the refinements on the instruments used, referrals to regional organizations, and participating in an exclusive focus group discussion in the NCR.

Significance of the Study

The importance of this study derives from two related considerations:

1. The need to describe and quantify lawyers' perceptions on the access to justice by the disadvantaged

Lawyers have always been on the receiving end of the blame for judicial failure in the country. However, there has not been enough opportunity for lawyers to explain from their vantage point the reasons behind the delay and congestion in the litigation process and for lawyers to analyze and describe the problems and their causes based on first hand experience of judicial processes. Fairness demands that they be allowed to speak their minds on the important aspects and practices in the judicial system that impinges on the overall outcome of justice administration.

¹⁰ Alternative Law Groups, Inc. "Institutional Framework for Judicial Reform." Written by Carolina Ruiz-Austria, 2003. Photocopy.

¹¹ Marlon Manuel, "The Alternative Law Groups' Advocacy and the Supreme Court's Judicial Reform Program: Necessary Complementation Towards Justice System Reform." 2003. Draft. Photocopy.

¹² Alfred Araya, Jr, "Alternative lawyers: Empowering the grassroots by demystifying the law." December 2001, at http://www.cyberdyaryo.com/features/f2001_1206_02.htm

2. The need to relate access to justice problems to the judicial reforms

No less than the Chief Justice Hilario Davide, Jr. has said that prioritizing access to justice in the Philippines has meant “not only multiplying courts and increasing the number of judges, but bringing procedural rules up to date and equipping judges and court officers, principally through judicial education, with the competencies that attend to the demands of vulnerable sectors.”¹³

In the attempt to identify the deep-rooted causes of court inefficiency and ineffectiveness, case delays caused by lawyers’ frequent request for postponements have been pointed out as one significant reason for so-called “lawyer-related” problems.¹⁴ The conduct of lawyers specified in the rules of court and in the ethical guidelines is too often overlooked until the most recent comprehensive Action Program for Judicial Reform 2001-2006 (APJR) that presented a more comprehensive analysis of issues involved. It is therefore in the context of the judicial reform effort and in the interest of overall justice that the ability to cull and sift lawyers’ opinions regarding areas of possible intervention is a desired outcome of this study. In specifying lawyers’ concrete recommendations, the judicial reform effort might be helped in the robustness, substance and transparency it desires.

Objectives

To determine the knowledge, attitudes and practices of private legal practitioners regarding access to justice by the disadvantaged.

Specific:

1. To describe the knowledge, attitudes and practices of lawyers disaggregated according to the following variables:
 - a. sex
 - b. age
 - c. indigenous/ethnic grouping
 - d. income
 - e. residence
 - f. place of practice (urban or rural).

¹³Hilario G. Davide, Jr. “The Judicial Response to Terrorism: National Venue.” 2002

¹⁴See for example, Jan Willem Bakker, *The Philippine Justice System*, Leiden: Leiden University, 1997, pp. 162-164; Myrna Feliciano and Alberto Muyot, *The Philippine Criminal Justice System*, Manila: Supreme Court of the Philippines, 2001, pp. 13-14. Cf. Vicente Mendoza, “Legal Delays: Cost and Causes,” *Solidarity* No. 112:60 (1987), pp. 60-63; Andres Narvasa, *Handbook on the Courts, and the Criminal Justice System*, Manila: 1996, pp. 35-36; Dematee Jesus, Raval, et.al.. “Summary of Issues, Causes of Delay in Courts and Proposed Solutions Discussed in Previous Seminars on the Speedy Administration of Justice.” *Journal of the Integrated Bar of the Philippines* 13:1 and 2 (1985), pp. 21-31.

2. To describe the perception and assessment of private legal practitioners related to:
 - a. Adequacy of judicial policies to protect the poor
 - b. Attention and fair treatment of the poor
 - c. Acceleration of judicial practices
3. To describe conditions related to the following indicators of access to justice:
 - a. Availability of adequate legal aid, particularly between arrest and arraignment;
 - b. Access to clients and availability of legal records to lawyers in advance for court appearances;
 - c. Affordability of the costs of litigation; costs and charges incurred (official and unofficial) by case, as compared to average costs to cover basic needs and average income;
 - d. Discrimination in access to bail.
4. To identify and describe barriers to access to speedy justice by disadvantaged groups as perceived and experienced by lawyers
5. To identify sustainable mechanisms for monitoring access to justice
6. To identify measures to improve capability building in civil society to monitor judicial reforms
7. To solicit suggestions from lawyers regarding innovative ways to improve access to justice by disadvantaged groups.

Theoretical Framework

This study is informed by the recent knowledge and wisdom on the nature of justice:

1. Justice serves to assure and advance democracy and its institutions.

The nature of justice has been qualified by Felipe Miranda as the “quality of human relations which works towards the moral, intellectual and material development of men in society.”¹⁵ The “developmental end” and “democratic bias” of justice therefore flow from the political desire and necessity to realize a stable, rational, and sustainable environment that not only permits but also assures peaceful social interactions.

2. Justice, to be meaningful and relevant, must institutionalize access by the disadvantaged.

¹⁵Felipe Miranda, “A Concept of Justice,” in Institute of Judicial Administration, *Administration of Justice: Focus on the Poor*, Diliman: UP Law Center, 1981, p.10. *et. seq.*

Normatively, the ends of justice maybe served well if none gets undue advantages over another, if access is attained on account of merit, if needs are provided well beyond token gestures and ritual implementations, if the principle of equity (“those who have less in life should have more in law”) is constantly observed.¹⁶

3. Justice administration must be constantly reformed, but especially with the participation of the society at large.

In the Philippines and in similar contexts, the rule of law and the role of lawyers following this notion of justice have become programmatic calls for social and national transformation. Jose W. Diokno’s “Filipino concept of justice” calls for democratic institutions and patriotic and pro-poor reform of the structural weaknesses and defects.¹⁷ Alfredo Tadiar harks back to the significance of the principles of impartiality and objectivity in decision-making and equality of treatment, to affirm justice efforts that remain valid and useful indices of justice administration.¹⁸

In theory, therefore, accessibility is the main operational qualification of justice, in terms of social justice, that governs and realizes its developmental, democratic, institutional, and practical tenability. The supply side of this qualification is borne mainly by the judicial system, while its demand side is made up of people clients, mainly comprised by the disadvantaged.

Conceptual Framework

Access to justice means the “ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy, through the justice system, for grievances in accordance with human rights principles and standards.”¹⁹ Vessela Terzieva writes that two important considerations (namely, problem and resolution) of access to justice, include: (a) procedural obstacles to filing a complaint in court, ineffective enforcement mechanisms, corruption, and other impediments to

¹⁶Cf. Comments by Jose Abueva, in Belinda Aquino, editor, *Administration of Justice in the Philippines: UP Assessment Project on the State of the Nation*, Diliman: UP-CIDS, 1994, pp. 26-30.

¹⁷Jose W. Diokno, “A Filipino Concept of Justice,” Institute of Judicial Administration, *Administration of Justice: Focus on the Poor*, Diliman: UP Law Center, 1981, p. 3-9.

¹⁸“Alfredo Tadiar, “Shortfalls in the Institutional Administration of Justice,” Insitute of Judicial Administration, *Administration of Justice: Focus on the Poor*, Diliman: UP Law Center, 1981, p. 37-46. See also, comments by Marcelo Fernan and Myrna Feliciano, in Belinda Aquino, editor, *Administration of Justice in the Philippines*, pp. 39-40.

¹⁹United Nations Development Program, “Asia-Pacific Rights and Justice Initiative—Operationalizing the Practice Concept: Visioning” Workshop Report,” Kathmandu, 28 – 29 April 2003, May 2003

judicial protection of rights and (b) right to legal aid that may encompass all procedural guarantees associated with the right to fair trial and access to justice in a broad sense.²⁰

The recent UNDP Kathmandu Workshop has proposed to look at the imperatives of access to justice with respect to the following principles that by themselves constitute the related broad and specific concepts in justice administration that may be applicable in the Philippine setting:

Major areas in practice development (immediate causes of deficient access):	
1) Normative Protection (<i>Existence of remedy</i>):	a. By international and constitutional law b. By legal and regulatory frameworks c. By customary norms and jurisprudence
2) Capacity to seek a remedy (<i>legal empowerment</i>):	a. Legal awareness b. Legal counsel c. Capacity to access formal and informal justice services
3) Capacity to provide a effective remedy (<i>adjudication, enforcement and oversight</i>)	a. Effective adjudication and due process: judicial, quasi-judicial, informal and traditional systems. b. Enforcement: Police and Prisons c. Civil society oversight.

Definition of Terms

Some of the terms used in this study are used with the following corresponding meanings:

Alternative law groups – private group organized for the purpose of mainly, but not exclusively, providing legal aid/pro bono services, seeking judicial and legal reforms and legal empowerment, conducting legal education and training, etc.

They are deemed alternative in the sense that: 1) they are not in government employ; 2) they are involved in other areas of justice administration apart from litigation; 3) they have a different manner of sharing in the accomplishment of the vision and mission of social justice, especially for the disadvantaged.

In the survey results presented in the next part of the study, lawyers who identified themselves as belonging to alternative law groups in the returned mailed questionnaire use ALG in its generic sense and constitute the group referred to by the general definition.

²⁰Public Interest Law Initiative, “Access to Justice in Central and Eastern Europe: Comparative Report,” November 2002.

Some types of alternative law groups are:

Academe-based – groups of students and faculty members and legal consultants providing legal counsel and aid chiefly to indigent clients. Examples are the Ateneo de Manila University, University of San Carlos, and Ateneo de Davao groups.

Non-affiliated groups – although these groups are organized along the same principles, methods and objectives as the affiliated groups (e.g. ALG, Inc.), they work independently of the umbrella organization. Examples are fraternity alumni based organizations, especially among those who have had activist participation during their college days.

Affiliated groups – groups such as those belonging to the ALG, Inc. who have agreed on a common framework for the undertaking of developmental legal aid and “alternative lawyering” for the poor.

Alternative Law Groups, Inc. (ALG, Inc.) – the loose coalition of 22 groups that seek to “participate in the empowerment of the marginalized sectors through advancing a critique of law and engaging in developmental law practice or assistance” and have formally declared so in their registration papers as ALG, Inc. For a listing of the members of ALG, Inc. see Appendix E.

Disadvantaged – persons, groups, classes and sectors of people, communities and the like who have been unable to access justice (due to under representation, lack of protection, unequal treatment and the like) and have generally become victims of the justice system. The poor and the marginalized women, children, indigenous populations, handicapped are far too often the victims of the structural and procedural advantages gained by others.

Integrated Bar of the Philippines (IBP)– the national professional organization of Filipino lawyers whose names appear in the Roll of Attorneys of the Supreme Court.” Historically, the Supreme Court’s October 5, 1970 Commission on Bar Integration and the September 17, 1971 confirmation by RA 6397 affirmed the Supreme Court’s power to “adopt rules of court to effect the integration of the Philippine Bar” constitute the legal bases for the foundation of the integrated bar or IBP. On January 9, 1973, the Supreme Court ordained the integration of the Bar in accordance with its Rule 139-A, effective January 16, 1973.

Lawyer – person admitted to the bar and practicing the law profession

Legal aid – assistance by lawyers and lawyers’ groups, chiefly in the form of advice and counsel for identified indigent clientele for client-based, issue-based, etc. purposes.²¹

²¹See Mary Concepcion. Bautista, Responsibility of Lawyers to Render Free Legal Aid,” *Journal of the Integrated Bar of the Philippines* 13:1 and 2 (1985), 95-97. The beginning of legal aid and its modern application are discussed in Jesus Elbinias, “Legal Aid: Delivery of Justice to All,” *Journal of the Integrated Bar of the Philippines* 13:1 and 2 (1985), pp. 80-88,136. For a nuanced discussion of its

Marginalized – persons, groups, communities, and the like who have been, because of certain attributes and constraints, unable to access the benefits of growth and development.

Poor - economically deprived groups as a consequence of low income, unemployment, absence of opportunities (due to educational, and other qualifications). It generally includes persons and their families who live below the poverty threshold.²²

Pro bono /pro bono client – Person or group of persons who do cannot afford to pay attorney's fees chiefly, but not exclusively, during litigation.

Public interest litigation – In the words Helen Hershkoff: "Public interest litigation (PIL) is not only a form of legal practice; it also constitutes a political practice that affords marginalized groups and interests an entry point into contested issues. To carry out the work, lawyers must marshal institutional structures, organizational techniques, and resources, such as funds and personnel." In this sense, PIL is in many respects synonymous with what Lags calls developmental/alternative lawyering.

Supreme Court- the highest court of the land.

Methodology

This study is principally a descriptive assessment of private lawyers' perceptions of the significant aspects of the judicial system involving—and as they impact upon—the disadvantaged. It makes use of descriptive statistics and qualitative analysis.

definition and mechanics, see Ponciano Mortera, "The Mechanics and Administration of Legal Aid," *Journal of the Integrated Bar of the Philippines* 13:1 and 2 (1985), pp. 98-103.

²²According to the National Statistical Coordinating Board (2002): "Poverty incidence in the country or the proportion of families with per capita incomes below the poverty threshold was placed at 28.1 percent in 1997 and 28.4 percent in 2000. This means that in 2000, 4.3 million families or 26.5 million Filipinos; more than one-third (34.0%) of the country's population was living below the poverty line. These figures indicate an increase over the 1997 levels of 40 million families or 24.0 million Filipinos striving to make ends meet. The annual per capita poverty threshold or the amount required to satisfy food and non-food basic needs reached P11, 605 in 2000, an 18 percent increase over the 1997 threshold of P9,843. Thus, a family of five (5) members should have a monthly income of P4,835 to meet their food and non-food basic needs. In urban areas, poverty incidence stood still at 15.0 percent in 1997 and 2000. In rural areas, poverty worsened by 1.5 percentage points from 39.9 percent to 41.4 percent." See also Maria Glenda Lopez, "The Poor on Trial in the Philippine Justice System," *Kasarinlan* 14: 3 and 4 (1999), pp. 69-90.

Population and Sampling Technique

This study used the simple random sampling, described thus:

- The IBP membership roster with 41,430 entries with data on alphabetically listed lawyers' names and their respective work addresses, telephone numbers, and years of admission to the bar were used as the population and sampling frame for this study.
- Cleaned from the list were: a) names without addresses or with incomplete addresses were excluded; b) names whose work addresses are government agencies (based on entries indicated by ministry, department, bureau, commission, city hall and other similar government entities); 3) names whose year of admission to the bar are earlier than 1969 were likewise deleted, on the assumption that they are already too old to practice.
- The cleaning up narrowed down the list to 10,000 alphabetically listed names, which were then numbered accordingly. To systematically select the samples at random, the total number (10,000) was divided by the required number of original respondents (1,500). The result was an interval of 6. Thus, every 6th name in the list was picked out as a sample unit. The first or the start of the sampling was also picked at random. In the event that the original samples do not return the questionnaires, another set of 1,000 names were chosen randomly as replacement. Using the same interval of 6, the replacement samples were picked out from the remaining 8,500. The questionnaires were then prepared for the total 2,500 lawyers randomly selected from the list.

Around 75% of mailed questionnaires were sent to lawyers with NCR addresses, giving Metro Manila respondents the greater majority distribution.

Area Distribution of Mailed Questionnaire

Area	% of mailed questionnaire from systematic random sample	% of lawyers who responded
NCR	75.2	65
Luzon	8.1	10
Visayas	10.0	17
Mindanao	6.7	08
Total	100.0	100

Only 141 questionnaires were accomplished and sent back for processing, about 676 bore the markings "Return to Sender" for incorrect addresses or unknown

addresses. The survey's very low response rate may be attributable to three things, (1) the nature of the survey, (2) the reliability of the IBP database from which the sample was taken, and (3) the motivation of respondents to answer and send back the questionnaire. In spite of all efforts to increase the survey yield, such as, the use of personalized cover letters, text reminders, phone calls, and some incentives, the response rate obtained is low. Despite its limitations, this study may still offer valuable insights about private lawyers' perception and role for the disadvantaged.

Tabulated responses from 141 returned questionnaires constitute Data set A of this study. Another group, Data Set B was likewise tabulated from a purposive sample of about 170 respondents from the cities that were visited. But for purposes of analysis, only Data set A has been extensively used since this set comes from the random nationwide sample.

Instruments Used

Mailed Questionnaire

On each questionnaire, the recipient respondent was given ASIN contact information (email addresses, cell phone numbers, fax and regular telephone lines) for queries and the like to ensure questionnaire understanding and speedy return. Some respondents requested for electronic copies of questionnaire and returned accomplished forms by e-mail.

An eight-page research survey questionnaire was developed, presented, pre-tested at the IBP national office with 10 participating lawyers who also critiqued the draft. All comments were used in the final version of the questionnaire duly commented and approved by the Supreme Court PMO.

The questionnaire consists of the following important parts, namely:

1. Socio-demographic data – age, sex, religion, law school attended, year of bar admission
2. Clientele and legal practice- years of practice in particular offices/agencies, legal services provided, types of cases handled, membership in alternative law group, sectors represented.
3. Availability of legal aid between arrest and arraignment – stage involved in cases handled
4. Access to clients and availability of legal records –how case records are accessed
5. Affordability of the costs of litigation- payments demanded and litigation costs shouldered
6. Access to bail- access to bail of clients
7. Acceleration of judicial processes/speedy trial- length of time for following case events, factors for delay in proceedings

8. Perception on the judicial system and procedure – Likert scale of various perceptions
9. Attendant risks and gains – perceived and experienced gains and risks
10. Recommendations- suggested reforms in the judicial process

Statistical Analysis

Means (for quantitative variables) and percentages (for categorical variables) were determined to describe the characteristics of private lawyers, their clientele and practice, availability of legal aid between arrest and arraignment, access to clients and availability of legal records, affordability of costs of litigation, access to bail, acceleration of judicial processes, perception on the judicial system and procedure and attendant risks and gains. Medians were used to describe highly skewed variables. Where applicable, the t-test or the Mann-Whitney test was employed to compare the means or distributions of any two groups, respectively. To test the association between two categorical variables, the chi-square test was used. Two sided tests were used and p values of .05 or less were taken to be statistically significant.

Focus Group Discussion Guide

The FGD guide focused on the following: the circumstances behind the choice of lawyering, especially lawyering for the poor; description of pro bono clients; qualities of lawyer-poor client relationship; perceptions on pro-poor laws; problems faced by disadvantaged; measures undertaken to protect the disadvantaged; recommendation to improve justice system; and attendant risks and gains.

FGD Participants

From April to May, four FGDs were conducted in the NCR, Baguio, Davao and Cebu, in this order. Three of these were coordinated with the IBP chapters in Baguio, Davao City and Cebu City. The fourth FGD was conducted in the NCR for the ALGs whose participants were also asked to accomplish the survey questionnaire. The tabulated responses from these questionnaires comprise data set B.

The FGDs utilized a guide for discussion that solicited qualitative and/or validated answers on the lawyers' preferential option for the poor, problems encountered and recommendations. They generally lasted one-and-a half to two hours.

Literature Survey

The study culled primary and secondary data from the Supreme Court, IBP and UP Diliman libraries. Books, reports, monographs, journals and other on-line sources were used in the study.

Limitations of the Study

The main research tool, the questionnaire, was confined to the measures of an effective access to justice, namely the concepts of availability, affordability, access, and speed. But seeking to detail these concepts in the concrete circumstances of lawyers produced a rather long questionnaire that may have proven to be cumbersome for some to sit down and reply to. In the long run, the experience of low return rate of questionnaires weighed upon—no matter the endorsement from the IBP and Supreme Court—the hoped-for definitiveness and generalizability of the study results. The brief period (30 days) between receipt and requested return date may also account for the low turnover. Likewise, the outdated IBP database proved unreliable as about 600 questionnaires were returned to ASIN due to incorrect or unknown addressees. It may be surmised that requests for on-line updating on contact information of IBP members seem to remain unheeded.

The FGDs have given hope for the qualitative responses needed in the study, but more of these would certainly have been more costly and tedious to conduct in more regions/IBP chapters.

Ethical Considerations

This study sought to comply with all generally accepted ethical considerations in social science research such as respect for anonymity/identity, adherence to confidentiality, and the general and specific cultural/gender sensitivities built into the questionnaire and FGD guide. Although FGD discussions were recorded and duly marked on audiotapes, requests for non-inclusion in citations in this study have been duly noted and respected. The facilitator also made it explicit that respect for lawyer-client confidentiality agreement may be enhanced if their cases and/or identities were not mentioned, or hints at client or case identity be avoided.

II. PRESENTATION OF DATA AND ANALYSIS

The data presented here are taken from the survey results that made use of the mailed questionnaire. Proceedings of the FGD are also presented to lend support to the survey and findings of previous studies were noted to confirm conclusions made.

The practice of the legal profession in the Philippines is largely done in urban centers and the concentration of lawyers is in the Metro Manila in the National Capital Region. Drawing a list of respondents through systematic random sampling yielded an area distribution shown in Table 1 below. From the systematic random sample list, 75% of lawyers come from the NCR and the rest come from the other regions. This may be explained by the fact that the courts are basically located in urban centers and this reality makes it essential for lawyers to establish an urban practice even if they choose to reside in rural areas. Also, appellate courts are located in the NCR although there are plans to establish regional appellate courts. This implies that the rural population need to access lawyers in the urban centers to get court representation and may result in access difficulties among the disadvantaged sectors in the rural areas.

The lawyers that are being analyzed in this study are those who responded to the mailed questionnaire and the corresponding area distribution of respondents is shown in the last column of the Table 1 below. While the sample size of respondents (141) may be small but its area distribution does not differ much from the systematic random sample. In terms of regional representation, 75% of the systematic random sample comes from the NCR as compared to 65% among lawyer respondents. The rest come from Luzon, Visayas and Mindanao. In terms of sex breakdown, 71.8% are male and 27.2% are female in the random sample list as compared to 70% male and 30% female in the lawyer respondent group.

Table 1. Comparison of distribution of populations of systematic random sample and lawyer respondents

Area	Systematic random sample (N=2194)	Lawyer respondents to the survey (N=141)
NCR	1649 (75%)	92 (65%)
Luzon	178 (8%)	14 (10%)
Visayas	220 (10%)	24 (17%)
Mindanao	147 (7%)	11 (8%)

Total	2194 (100%)	141 (100%)
Male	1820 (71.8%)	98 (70%)
Female	680 (27.2%)	42 (30%)

Some assumptions may be made regarding lawyer respondents to the mailed questionnaire. While many lawyers found the questionnaire too long, those who have litigation experience and had done lawyering for the disadvantaged were motivated enough to answer the survey questionnaire. Some lawyers called the research investigators to inform them that the questions were not relevant to their practice since they were corporate lawyers. From the comments given by some of those who received the questionnaire, it may be concluded that lawyering for the disadvantaged is not a universal experience among those in the legal profession. Some were honest enough to say that their experience with poor litigants dated back to their student days.

DATA ABOUT LAWYERS

Demographic profile of respondents

The demographic profile of the respondents may very well represent the profile of litigation lawyers as the lawyer respondents had ages ranging from 25 to 72 years (median age = 37.5 years). Majority were male (70%) Catholic (91%), married (61%) and graduated from the University of the Philippines (26%). Other socio-demographic details of the respondents are shown in Table 2.

It was mainly the younger lawyers who responded to the survey. Note that some lawyers did not answer the survey questionnaire because, according to them, it was “not applicable.” It could be that many of the lawyers who render legal services for the disadvantaged are the younger lawyers. The preponderance of male respondents in the sample reflects the predominance of male lawyers in private law practice, especially litigation. From the systematic random sample drawn from the roster of the Integrated Bar of the Philippines (IBP), 73% were male and only 27% were female.

Table 2. Socio-demographic Characteristics of Respondents

Mean Age in years (SD)	40.5 (11.34)
Sex	
Male	98/140 (70%)
Female	42/140 (30%)
Religion	
Catholic	105/115 (91%)
Protestant	10/115 (9%)

Civil status	
Single	47/136 (35%)
Married	83/136 (61%)
Widowed/Separated	6/136 (4%)

Majority (39%) of the lawyer respondents reported a monthly income range of P20,001 to P40,000 while 19% reported a P40,001 to P60,000 range and 13% reported income above P100,000. Assuming that the lawyers did not underreport their income, it may be observed that most respondents do not come from the high-income bracket lawyers who presumably would be too busy to answer a mailed questionnaire. It is noteworthy that 51% of the respondents do not earn more than P50,000 per month. This shows that majority of those who render legal services for the disadvantaged earn less than the junior associates in leading Makati law firms. (Table 3)

Table 3. Income Bracket of Lawyer Respondents

Monthly income	No. of respondents	Rank
Below P20,000	16/129 (12%)	4
P20,001 – P40,000	50/129 (39%)	1
P40,001 – P60,000	25/129 (19%)	2
P60,001 – P80,000	13/129 (10%)	5
P80,001 – P100,000	8/129 (6%)n	6
Above P100,000	17/129 (13%)	3

Most of the respondents come from the University of the Philippines (26%) and the Ateneo Law School (19%), two schools known for providing opportunities for free legal aid for the poor.

Table 4. Law Schools Attended

Law school attended	
University of the Philippines	36/137 (26%)
Ateneo	26/137 (19%)
San Beda College	19/137 (14%)
Other schools	56/137 (41%)

The private legal practitioners were asked to describe the nature of their practice. Of the total 224 responses, 44% were in laws firms and 24% in solo practices. Other

lawyers held positions in business firms (7%), the academe (9%), non-government organizations (7%) and other sectors (9%).

Comparison of Profiles of Male and Female Lawyers

The female lawyer respondents are generally younger than their male counterpart with a median age of 35 as compared to 39.5 among the men. In terms of age, there is significant difference between the men (42) and the women (36.9) respondents. More than one half of the women lawyers (54%) are single as compared to men (27%). This may be attributed to their younger age or due to the practice of a demanding profession where women may have less time to devote to family matters. In terms of monthly income, there is more even distribution of respondents in various income categories among women than men with the highest concentration (40%) of male lawyers at the P20,001 – P40,000 level. Note however that there are more men (16%) than women (8%) who reported an income above P100,000.

Table 5 – Comparison of Demographic Profiles of Men and Women Lawyers

	Male	Female	p
N	98	42	
Age			
Mean	42.0	36.9	0.021
SD	11.67	9.86	
Range	25-72	25-63	
Median	39.5	35	
Civil status			---
Single	27%	54%	
Married	69%	41%	
Sep/Wid	4%	5%	
Monthly income			---
below P20,000	11%	16%	
P20001-	40%	37%	
P40001-	14%	32%	
P60001-	12%	3%	
P80001-	7%	5%	
above P100000	16%	8%	
School			---
UP	28%	22%	
Ateneo	21%	12%	
San Beda	11%	20%	
Others	40%	45%	

There is no significant difference between the practice of male and female lawyers as shown in Table 6 below but some features are worth noting. There is a higher percentage of men lawyers in law firms and solo practice but a higher percentage of female lawyers in the academe and NGOs. One lady lawyer in the FGD explained that some big law offices in Manila are male dominated as lady lawyers are recruited and given negotiation jobs while the men do the litigation. This type of role delineation is further confirmed by a description of legal services lawyers performed. When lawyers were made to describe the legal services they rendered, the highest number of lawyers (30%) made representation in court while the highest percentage of women reported legal counseling (31%). In terms of types of cases handled, there is even and similar distribution of various types among men and women.

In terms of fees charged, a higher percentage of male lawyers would accept payment in kind (M=49%: F=28%) and charge additional fees when the case is appealed (M=84%: F=65%). Also, a higher percentage of male lawyers declined a case (M=89%: F=72%) than female lawyers.

Table 6 Comparison of Practice of Male and Female Lawyers

	Male	Female
Nature of practice		
N	155	68
Law firm	46%	41%
Solo practice	25%	19%
Business	7%	7%
Academe	7%	15%
NGO	6%	9%
Others	9%	9%
Legal services		
N	281	96
Represent in court	30%	28%
Documentation	27%	25%
Legal counseling	27%	31%
Mediation	11%	11%
Others	5%	4%
Type of cases		
N	350	131
Criminal	25%	26%
Civil	25%	26%
Labor	23%	26%
Administrative	20%	15%
Others	7%	7%

	Male	Female	p
For non pro bono cases			
Accept payment in kind			
N	84	32	
Yes	49%	38%	0.274
Charge additional fee if appealed			
N	85	31	
Yes	84%	65%	0.028
Ever declined a case			
N	87	36	
Yes	89%	72%	0.026

Professional Values

Lawyers who participated in the regional focus group discussions were asked to share why they chose the law profession. There were different reasons given that ranged from parent lawyers to national historical figures like Manuel Luzon and Sergio Omen as role models. Some were student activists and members of human rights groups during the Marcos era that saw an opportunity in the law profession to continue with their socio-political advocacy. Some wanted to help the poor and looked at the law profession as a means to obtain justice for the poor. Some cited religious reasons as being a lawyer and helping the poor was a fulfillment of the dictum of being “a person for others.” Provision of legal aid for the poor was considered as a means to thank God for helping a lawyer pass the bar. One lawyer became involved in free legal assistance to complement the alternative practice of the wife who did work for women and children. The practice of lawyering for the poor is perceived as a means of service to society and a lawyer feels better fulfilled as a result of the experience. Based on the interviews conducted, the lawyer respondents have maintained their idealism and see the law profession as a golden opportunity not only to excel professionally but as a means to restore justice to Philippine society. In a previous perception survey of lawyers conducted by the Social Weather Station (SWS Survey of Lawyers, 1994-1995) lawyers who were interviewed expressed satisfaction with their work since they perceived people to have a high regard for the law profession.

The lawyers were also able to share their experience in free legal assistance in law schools. Some FGD participants were in charge of the office for free legal assistance in schools where they were affiliated. Lawyers from Ateneo de Davao, Ateneo de Manila, the University of the Philippines explained their programs and how they are able to develop a core of dedicated volunteers who provide free legal assistance to disadvantaged groups. Law students on practicum in various sites who attended the FGD confirmed the important role of law schools and legal education in molding lawyers who would have the heart for the poor and the disadvantaged. University based legal aid centers allow law

students to immerse and gain experience in lawyering for the poor by giving them the opportunity to work with basic sector communities (peasants, laborers, indigenous peoples, etc.) The University of the Philippines has introduced an elective about Law and Society but not all students are required to take the elective. Work with alternative law groups is not limited to taking up cases in court as paralegal assistance is very much part of the experience. Students are thus introduced to alternative forms of settling disputes outside of the litigation process. They have conducted researches to help get an injunction order or they join picket lines to help poor communities gain public attention. One of the most important lessons law students learn is that communities should be empowered to help themselves. Community immersion and integration work with the basic sectors has become an important factor in the formation of democratic values among lawyers. Lawyers' perception of the importance of practicum confirms earlier findings where lawyers expressed the view that legal education should stress more practicum and less detailed memorization. (SWS, 1994 -1995)

Lawyer Organizations Involved in Legal Assistance Programs

The Integrated Bar of the Philippines is the official organization of lawyers established by Republic Act No. 6397 that confirmed the power of the Supreme Court to effect the integration of the Philippine Bar. Presidential Decree. No. 181 promulgated on May 4, 1973 constituting the IBP into a corporate body and provided government assistance to enable the organization to accomplish its purposes. The National Committee on Legal Aid (NCLA) implements the IBP Legal Aid Program through coordination of 83 legal aid committees nationwide. Its activities are generally classified into traditional legal aid and developmental legal aid. Traditional legal aid is defined as "extending legal assistance to qualified clients by way of legal advice or opinion, counseling, and legal representation before courts of justice or quasi-judicial and similar bodies," while developmental legal aid is lawyering for public interest causes and involves "a class or a group of persons who face a common problem arising out of social conflicts in society." Traditional legal aid generally involves personal interests of individual clients whereas developmental legal aid involves class interests of particular groups as clients. (www.ibp.org.ph)

Traditional legal aid has also been provided for by civic and professional organizations like FLAG and women lawyer organizations like FIDA, WILOCI. During the martial law years, human rights lawyers formed MABINI and similar groups to assist victims of human rights abuses. But most of these organizations have also branched out into developmental legal aid. As a consequence of the evolution of developmental legal aid, alternative law groups (ALGs) have emerged with each organization specializing in the legal requirements of a basic social sector.

An interview of alternative law groups associated with SALIGAN provided information about the nature of ALGs and the scope of the work that they do. They explained that ALGs in the Philippines might be compared to public interest law office (PILO) in the West that takes up public interest issues for court litigation. While ALGs may also pursue public interest issues, their work is unique to developing countries where

presumably they become champions of the disadvantaged sectors of society. ALG work in the Philippines is more advanced when compared to other developing countries. They are usually identified with some basic social sectors or they are organic to single cause advocacy groups (i.e. environment, etc.) They may be involved in the following activities:

- Case handling
- Legislative advocacy (to change wrong law, judicial advocacy - reform of court rules, etc.)
- Para-legal training and education
- Research and publication
- Networking and capability building

Alternative Lawyering for the Disadvantaged

One item in the questionnaire asked a lawyer if he/she is a member of an alternative law group that was generally defined as involved in “rendering free legal aid, developmental legal assistance or similar public interest lawyering.” The general definition was given to segregate and be able to describe the characteristics of lawyers involved in lawyering for the disadvantaged as different from lawyers who are not involved in similar types of activities. The term ALG in this section is used within the context of its generic definition as different from organization affiliated with ALG Inc.

About one-fourth of the respondents (34/141 or 24%) claimed to be a member of an Alternative Law Group (ALG). The term Alternative Law Group (ALG) was commonly understood and interpreted within its generic context. The Free Legal Assistance Group was the most common ALG mentioned as it represents the traditional legal assistance together with professional lawyers groups like WILOCI and FIDA as classified by the respondents under the ALG definition. Free legal assistance provided by the Integrated Bar of the Philippines was also categorized as part of ALG work. For purposes of analysis, the respondents were categorized as ALG or non-ALG members.

The characteristics of ALG and non-ALG members were compared. The distribution of respondents by sex, income group and law school did not vary much between the ALG and non-ALG members. However, it was found that, on the average, ALG members were significantly older than their non-ALG counterparts ($p=.050$). (Table 7)

The apparent older mean age of ALG members is explained by the fact that the founders of the ALG are those who graduated from law school during the last days of the Marcos regime (the 80's) and hence would now be in their 40's.

That 50% of ALG come from UP and Ateneo may be attributed to the fact that many of the ALGs were spun off from organizations from these schools, i.e., UP Paralegal Volunteers Organization (PVO) and Ateneo Human Rights Center, etc. There is a higher percentage of women (38%) in ALGs than in non-ALGs (27%) in contrast to a

higher percentage of men lawyers (73%) in non-ALGs as compared to ALGs (62%). There are also a higher percentage of ALG members in the academe (14% vs.7%) and NGO work (14% vs. 4%) when compared to non-ALGs.

Table 7. Socio-demographic characteristics by ALG affiliation

	ALG (34)	Non-ALG (107)	p
Sex			.228
Male	62%	73%	
Female	38%	27%	
Age (Mean, SD)			
Mean, SD	44.3, 12.54	39.3, 10.72	.050
Median	44	37	
Range	26-68	25-72	
Law school			--
UP	29%	25%	
Ateneo	21%	18%	
San Beda College	9%	16%	
Other schools	41%	41%	
Civil status			.338
Single	35%	33%	
Married	59%	67%	
Widowed/Separated	6%	0%	
Nature of practice	ALG (63)	Non-ALG (161)	---
Law firm	40%	46%	
Solo practice	22%	24%	
Business	5%	8%	
Academe	14%	7%	
NGO	14%	4%	
Others	5%	11%	

From the table below, those in ALG category earn more than non-ALG group. The reason may be that those who claimed to do ALG work also do private law practice on the side. Or it may be because the ALG affiliated lawyers are older than the non-ALG respondents.

Table 8. Comparison of Lawyers' Income

Monthly income	ALG	Non ALG	--
Below P20,000	12%	12%	

P20,001 P40,000	–	27%	43%	
P40,001 P60,000	–	30%	16%	
P60,001 P80,000	–	9%	10%	
Above P80,000		21%	19%	

Lawyers charge different types of fees. In cases that are not *pro bono*, the usual modes of payment required are lump sum (13%), appearance fee plus installment according to the stages of the case (54%), contingent (16%), and time charges (16%). More than three-fourths of acceptance fees are charged more than P10,000 and over, while nearly half of appearance, time charges and termination fees are priced at P1,000 and below (Table 9). While contingent fees are prohibited by the code of ethics, they have become common practice, particularly in cases associated with property or labor cases involving back wages and other forms of settlement. Charging fees based on time spent is a common practice among law firms.

Table 9 shows that the prevalent practice is to charge an acceptance fee and an appearance fee for attending hearings. Acceptance fees are usually above P10,000 (76%) while acceptance fees are not too much (P1,000 and below: 48%).

Table 9. Minimum charges by type of fees

<i>Lawyer's fee</i>	Acceptance (114)	Appearance (187)	Time charges (65)	Termination (61)	Others (59)
<i>P1,000 & below</i>	18%	48%	42%	44%	90%
<i>P1,001- P10,000</i>	4%	21%	17%	0%	5%
<i>P10,001- P20,000</i>	32%	30%	40%	16%	2%
<i>P20,001- P30,000</i>	25%	2%	2%	25%	0%
<i>>P30,000</i>	19%	0%	0%	15%	3%

Almost half of the lawyers (46%) stated that they accept payment in kind. If the case is appealed, 79% (92/117) of them charged an additional lawyer's fee. More than eight-tenths (104/124 or 84%) of the lawyers admitted to have declined cases. Reasons for refusing cases include too much caseload (62/104 or 60%) and inability of client to

pay lawyer's fees (17/104 or 16%). Too much caseload may imply refusal for other reasons such as conflict of interest or lack of willingness to defend a particular client.

Regarding litigation fees, most of legal aid cases are free. For some ALG lawyers a socialized fee structure has been adopted to ensure sustainability. Most lawyers are able to assess how much a client can afford to pay during the interview. Cases are normally referred by other NGOs and government agencies like the DSWD, DAR, etc.

Attendant Risks and Gains

Lawyering for the disadvantaged has corresponding losses and rewards. Note that providing legal services for the disadvantages results in loss of income for the lawyers (30%), which is compensated by personal fulfillment (36%), psychological reward (18%), spiritual growth (18%) and development of professional expertise. This shows the high value that the respondents put on rendering legal services to the disadvantaged.

The scores of ALG members were compared with non-ALG members and an examination of attendant risks shows that loss of income was identified as the most common risk among ALG members (23%) and non-ALG members (34%). Non-ALG lawyers rated loss of income (34%), emotional stress (18%), security (14%) and psychological reasons (12%) as top risks in lawyering for the poor. These are probably the reasons why this group of lawyers are not involved in groups that lawyer for the poor. They probably think that membership with alternative lawyer groups would have corresponding costs. Note that loss of income is higher (34%) among non-ALG members, and this may be an indication that income concerns constitute the strongest deterrent to engaging in lawyering for the poor especially among young/new lawyers. There was no significant difference in the response of male and female lawyers when their responses were disaggregated as they ranked the factors in the same order.

Among ALG lawyers, the same risks were cited but with a different ranking. The highest concern was still loss of income but the item had a lower rating of 24% when compared with non-ALGs. The next top concern is security (20%) that merits a higher concern among ALGs. Lawyers active in alternative lawyering have narrated personal experiences of risks to life when representing laborers, farmers and human rights activists. Emotional and psychological risks are next in rank as working with victims can exact emotional risks. There was also a difference noted in the ranking given by men and women. Male lawyers cited gains in the following order: 1. Personal fulfillment (35%); 2.5. professional advancement (19%); 2.5. spiritual growth (19%); 4. psychological reward (18%) while female lawyers ranked the factors in the following order: 1. personal fulfillment (37%); 2. psychological reward (19%); 3. spiritual growth (17%); 4. professional advancement (16%). Professional growth is ranked higher by the men while the women gave higher value to psychological rewards.

During focus group discussions (FGDs) with ALGs, their members affirmed that loss of income is attendant to ALG work and constitutes the greatest deterrent for lawyers

to continue the work. Especially with lawyers with families to support, the issue has to be discussed and addressed between husband and wife to arrive at an agreement.

But sometimes lawyers unknowingly absorb the experiences of their abused clients and tend to feel abused themselves. One lady lawyer experienced depression after defending women victims. Sometimes, the opposite effect happens as they become eventually become desensitized to abusive acts. They feel the need to distance themselves from cases they take up and in one instance husband and wife had to undergo psychological counseling to overcome feeling of depression and victimization.

In terms of personal gains non-ALG members identified: a. personal fulfillment (38%); b. professional advancement (19%); c. psychological reward (18%); d. spiritual growth (17%) as top rewards for lawyering for the poor. ALG members likewise identified the same factors but gave a different ranking as follows: a. personal fulfillment (30%); b. spiritual growth (20%); c. psychological reward (18%); d. professional advancement (16%) as top rewards for lawyering for the poor. Based on the ranking, non-ALGs gave higher value to personal and professional factors over psychological and spiritual factors as compared to ALGs where spiritual growth may be closely associated with personal fulfillment and psychological reward leaving professional concerns in fourth rank. Note that non-material concerns outrank material issues like political and media mileage, travel and grants in the hierarchy of values of lawyer respondents.

Lawyers gain personal fulfillment in proportion to the significance they associate with the experience of lawyering for the poor and the feeling is influenced by a lawyer's world-view and personal experience. Former activists see lawyering for the disadvantaged as part of the continuum of their advocacy and political beliefs in the elusive search towards a just society. Those who are spiritually inclined see the work as the fulfillment of becoming a "person for others." Lawyers generally feel empowered by the capabilities endowed by the profession and they now see themselves in a position to become change agents or to help persons or groups that need assistance.

Table 10. Attendant risks and gains for lawyering for the poor

I. Risks	ALG (87)	Non-ALG (197)	Total (284)
Emotional	17%	18%	18%
Psychological	11%	12%	12%
Health	10%	6%	7%
Family pressure	9%	9%	9%
Loss of opportunity for professional advancement	9%	8%	8%
Security	20%	14%	15%
Loss of income	23%	34%	30%

II. Gains	ALG (92)	Non-ALG (195)	Total (287)
Political mileage	4%	2%	2%
Media mileage	2%	2%	2%
Psychological reward	18%	18%	18%
Personal fulfillment	30%	38%	36%
Professional advancement/expertise	16%	19%	18%
Travel	9%	3%	5%
Spiritual growth	20%	17%	18%
Funding support	0%	1%	0%

DATA ABOUT THE DISADVANTAGED

Basic Sectors

The term “disadvantaged” captures better the plight of poor clients since many aspects of the legal system as well as the other pillars of justice work to their disadvantage. They are underrepresented and as a consequence are deprived of due process. Most poor clients have no regular income and only earn enough money to provide for their basic needs. They are usually the victims of anti poor laws. The term “basic sectors” was used in the survey questionnaire to refer to social groups that are frequently associated with the poor. Poverty is used as the point of reference in the use of “basic sectors.”

Table 11 shows the distribution of cases handled by type of sector and by type of clients (whether paying or *pro bono*). The lawyers across categories (ALGs vs. non-ALGs; paying and *pro bono*) are shown to commonly represent workers in the formal sector and the urban poor as the two basic sectors merited top rank in all the columns in the table below. Among ALGs, workers in the informal sector (10%) rank third among paying clients while farmers (11%) and the youth (11%) are given the 3.5 ranks. Among non-ALGs, the youth sector (11%) is third in rank among paying clients while farmers (11%) rank third and workers in the informal sector (10%) rank fourth among non-paying clients.

Interestingly, the proportions of *pro bono* cases handled by non-ALG members for the urban poor and women were higher than the proportions of *pro bono* cases by ALG members (19% versus 16% and 7% versus 2%, respectively).

Note that the biggest sectors of the disadvantaged that are provided legal representation by the respondents are the urban poor and labor (formal and informal). This could be because a large number of the respondents are based in urban areas. This

reflects the urban bias of lawyers in general. There are very few lawyers in the rural areas.

Lawyers noted an increasing societal concern for youth offenders and abused children since the rights of children are now protected. Specialized ALGs working for children have surfaced and have taken up cases to defend them.

Table 11. Sectors represented in the last 5 years by type of client

<i>Basic sectors</i>	ALG (141)		Non-ALG (339)	
	Paying (52)	Pro bono (89)	Paying (127)	Pro bono (212)
Farmer	8%	11%	9%	11%
Fisherfolk	6%	4%	4%	6%
Indigenous people	2%	4%	0%	3%
Urban poor	15%	16%	13%	19%
Workers in the formal sector	19%	15%	28%	15%
Workers in the informal sector	10%	9%	9%	10%
Women	8%	2%	8%	7%
Children	8%	8%	2%	5%
Youth	8%	11%	11%	9%
Persons with disabilities	4%	2%	2%	2%
Senior citizens	8%	6%	7%	8%
Victims of disasters and calamities	4%	4%	2%	1%
Others	2%	7%	6%	3%
All sectors	37%	63%	37%	63%

Most of the private lawyers provided more than one of the following legal services, namely, representation of one of the parties in trials (111/374 or 29%), legal counseling (29%), documentation (27%), mediation (11%), corporate law (3%), and research/education (1%). This shows the range of services that lawyers now provide to their clients.

Of the cases they handled (n=483), 25% were criminal, 26% civil, 24% administrative and 6% others. Civil cases usually refer to money claims and include ejectment cases while administrative claims refer to labor cases in the NLRC or agrarian reform cases in the DARAB.

Access to lawyers

Individuals or groups may gain access to lawyers through various lawyer organizations and institutions that provide legal assistance. The IBP website explains how to access free legal assistance from the IBP. Applicants for free legal assistance may go to the NCLA offices in the IBP Building in Doña Julia Vargas Avenue, Ortigas Center Pasig City during office hours from Monday to Friday. In the different provinces, they may go directly to any of the 83 local legal aid committees. Beneficiaries coming from the NCLA offices are normally referred to the local legal aid committee of the province or city where the cases have their strongest nexus or connection. The NCLA, however, have the option to directly handle cases of national importance or significant social impact. The various IBP units provide legal counseling and legal representation.

The NCLA screens clients to determine if they are qualified for free legal assistance. The double "M" tests are used to determine when a person or group of persons is qualified to be a beneficiary. The first "M" is MEANS and refers to a client's income. An applicant is qualified if he/she earns less than P14,000 annually if residing in Metro Manila or less than P10,000 if residing outside Metro Manila. The second "M" stands for MERIT since the cause of action of the applicant must be meritorious or have legal basis.

IBP regional chapters have adopted similar mechanisms. The former president of the Baguio IBP chapter explained how local IBP lawyers are assigned to handle *pro bono* cases. The local IBP chapter supplies the court with a list of available lawyers who become *counsel de oficio* of indigent cases. There are also walk-in clients as the Baguio IBP office is located within the Halls of Justice premises. The office of the Public Attorney's Office is likewise situated within the same premises. The lawyers who were interviewed claimed that they exerted the same effort and enthusiasm to work on both cases of *pro bono* and paying clients. Many local lawyers welcome the opportunity to be assigned by the courts as they see it as an opportunity to develop good relations with the judge. In a relatively small community as Baguio, developing a good reputation with the judges is perceived as a good professional move at the same time that one is able to provide service to the community through free legal assistance.

Poor clients may approach the Public Attorney's Office or the local IBP chapter for legal assistance. Sometimes, they also approach lawyers with radio programs or lawyers referred by their relatives and friends. From the survey data, the client himself/herself (28%) and his/her family (23%) asked for legal representation. In a good number of *pro bono* cases (17%), the Court appointed a *Counsel de Officio*.

But among ALGs regularly lawyering for a specific basic sector, groups of persons or communities have access to lawyers that work with their organization. Most ALGs work with communities or organized sectors and the arrangement makes possible close and regular interaction that facilitates legal assistance. Lawyers are not only involved in litigation but in education and paralegal training to empower communities and organized groups to work for their rights.

Types of cases handled in behalf of disadvantaged clients

Traditionally, *pro bono* cases involve poor individuals charged with the commission of crime. Under such circumstances, the court assigns lawyers to poor individuals who do not have access to lawyers. Lawyers reported different types of individual criminal offenses that they have handled for the poor, ranging from *Batas Pambansa Bilang 22* cases involving vendors who are made to open checking accounts to be able to issue postdated checks as guarantee for loans given by loan sharks to political offenders charged with heinous crimes. Some lawyers think that the creation of special courts like courts specifically for drug cases has worked to the disadvantage of poor individuals since they are readily charged with crime and they are not in a position to defend themselves. Some lawyers observe a trend where poor individuals become victims of injustice in the haste to convict individuals to create a good public impression related to peace and order. Only wealthy individuals accused of similar crimes can afford to use the remedies available in the justice system to defend themselves.

Among ALGs with basic sector affiliation, the types of cases they get to handle are dependent on their organizational links. ALG lawyers are active in cases related to the environment, women and children's rights, indigenous peoples, farmers and laborers.

DATA ABOUT THE JUDICIAL SYSTEM

Provision of legal representation

The legal practitioners were asked to indicate at what stage and what type of court they have appeared before when representing their clients. There was no difference between the reply of ALG and non-ALGs where the highest percentage of cases were heard at the: 1. Regional Trial Court, 2. Municipal/Metropolitan Trial Court, 3. Preliminary/ Custodial Investigation. The ranking shows that many clients go through preliminary and custodial investigation without the benefit of lawyer representation.

A greater proportion of cases by ALG members were pursued at the Court of Appeals and Supreme Court, in comparison with cases by non-ALG members ($p=.011$). (Table 12) This may indicate the more organized and sustainable nature of ALGs as compared to non-ALGs who may not have the will power and the tenacity to pursue cases up to the appeals stage.

Table 12. Appearance in courts

	ALG (284)	Non- ALG (647)
Preliminary/Custodial Investigation	17%	20%

Municipal/Metropolitan Trial Court	21%	22%
Regional Trial Court	27%	31%
Court of Appeals	14%	8%
Supreme Court	8%	5%
Other Courts	2%	2%
Quasi-judicial Agencies	11%	12%

The lawyers were also asked to specify the stage in criminal litigation they are usually summoned for legal representation, and the party who requests it. Representation of clients occurred at different stages of the case, with 39% represented before trial 42% during trial and 19% during appeal.

Table 13 discloses that the lawyers stood for most of their clients during inquest (16%). The highest percentage (17%) of *pro bono* clients was represented during arraignment. That the lawyer respondents often represent their clients at the trial court level (whether paying or pro-bono) show that lawyers are usually called on after the case has been filed in court. Ideally access to legal representation should be before the case goes to court, e.g., custodial investigation, inquest or preliminary investigation in criminal cases.

The client himself/herself (28%) and his/her family (23%) asked for legal representation. Among paying clients, the client (37%) as the requesting party is given the top rank, followed by a members of the family (24%). Among *pro bono* cases, the family member (22%) is the most common answer for the party that requested for representation. In a good number of *pro bono* cases (17%), the Court appointed a *counsel de officio*. (Table 13) That requests from clients themselves account for only 18% in *pro bono* cases is because most *pro bono* clients in criminal cases are already detained. Thus, 40% of requests in *pro bono* cases have to come from family/friends and 24% from IBP assignment or appointment as *counsel de officio* by the court.

Table 13. Stages of and party requesting legal representation

Stages	Paying (566)	Pro bono (397)	Total (963)
Custodial investigation	8%	10%	9%
Inquest/Preliminary investigation	16%	16%	16%
Petition for review with the DOJ	11%	9%	10%
Petition for bail (COURT)	10%	10%	10%
Arraignment	13%	17%	15%

Pre-trial	13%	12%	13%
Trial	13%	13%	13%
Promulgation of judgment	8%	7%	7%
Appeal	8%	6%	7%
Requesting party	Paying (254)	Pro bono (276)	Total (530)
Client	37%	18%	28%
Family of client	24%	22%	23%
Friend of client	15%	18%	16%
Assigned by IBP	1%	7%	4%
Assigned by law office	15%	5%	10%
Appointed by the Court as Counsel de Officio	4%	17%	11%
NGOs/Cause-oriented groups	3%	9%	6%
Others	2%	3%	2%

Table 14 compares access to clients and availability of legal records between paying and *pro bono* clients. There are significant differences in proportions between the two groups, with regard to the time a client is seen or talked to and the party who pays for copies of legal documents. Whether or not a client is detained, the percentage of clients given access to their lawyers before the date of the hearing is significantly lower in the *pro bono* group than that in the paying group. Among *pro bono* clients, 14% saw their lawyer only during the hearing as compared to a mere 3% among paying clients under similar circumstances. Furthermore, it is the lawyer who pays for legal documents in a greater percentage (45%) of *pro bono* cases as compared to 11% among paying clients. As expected, paying clients obtain (55%) and pay (87%) for the legal records in majority of cases.

Note that in *pro bono* cases the lawyer often talks to the client only during the hearing itself (14% if the client is not detained and 30% if the client is detained). This, despite the answer that lawyers can talk freely with detained clients (95%) and that there is a private place in jail where they can talk (73%). Ideally, the lawyers should have talked with the client before the hearing of the case. This affects the quality of the legal services provided. It also is a cause for delay, as one reason for a postponement is that the lawyer needs more time to “study the case.”

Table 14. Access to clients and availability of legal records

Time client is seen or talked to if not detained/not involved in a criminal case	Paying (122)	Pro bono (112)	Total (234)	P
				.003
Before the date of the hearing	97%	86%	91%	

Only during the hearing	3%	14%	9%	
Manner of obtaining copy of records	Paying (166)	Pro bono (138)	Total (304)	.106
Provided by client	55%	47%	52%	
Secured by lawyer/paralegal staff	41%	44%	42%	
Others	4%	9%	6%	
Party paying copies of documents	Paying (131)	Pro bono (129)	Total (260)	<.001
Client	87%	40%	64%	
Lawyer	11%	45%	28%	
Others	2%	15%	8%	
Time client is seen or talked to if detained	Paying (93)	Pro bono (100)	Total (193)	<.001
Before the date of the hearing	90%	70%	80%	
Only during the hearing	10%	30%	20%	
If client is in detention	Paying (86)	Pro bono (91)	Total (177)	
Opportunity to freely talk with client	99%	92%	95%	.065
Provision of a private place to talk with client	79%	68%	73%	.090

Cost of litigation, bail, etc.

Of the 123 pro bono cases, 76 or 62% of clients can afford to pay for cost of copies of transcripts and documents. The lawyers alleged that they had handled cases when they were obliged to pay the cost of copies (82%) because the client cannot afford them. When inquired further about the frequency of such occasions, 57% said sometimes, 36% many times and 7% all the time.

The lawyers were also asked to describe other costs of litigation they have shouldered. The cost of litigation varied for different items. Bail, transcript and filing fees were the highest cost items, while serving notices and pleadings was lowest. (Table 12) Transcripts had become very expensive (mean of P5,042.50) since the lawyer respondents said the range varied from P100 to P150,000 with one respondent quoting P10,000. But the median cost cited is P500 that is still expensive for indigent clients. Again lawyers during FGD sessions observed that the reproduction of transcripts has become commercialized. Lawyers reported that payments for the transcriptions of the

stenographic notes are overpriced. They said that one page is only made up of one paragraph, typed double-spaced with the margins so big and that the page containing little text. The clerk of court is not doing anything to adjust it or to lessen the cost. The sale of stenographic notes has become a business for court stenographers.

Table 15. Cost of litigation in pesos

	N	Mean	Median
Transportation	60	1350.82	500
Documents	41	1492.20	500
Transcript	40	5042.50	500
Filing fees	9	1872.22	1000
Serving notices AND pleadings	37	825.95	200
Bail	6	8000.00	5000
Food	33	1831.67	500

The cost of litigation has become very expensive, especially if we consider the prevailing income levels in the country. The cost of litigation becomes more expensive when one considers the hidden costs, e.g., lost income for time spent in jail, for attending court hearings, for following up cases. Then there are also the non-monetary costs, e.g., emotional trauma, etc.

The proportion of paying clients who were able to post bail was found to be significantly higher than that of *pro bono* cases (96% versus 22%, $p < .001$). The reasons mentioned for not being able to post bail were: crime not bailable (24%), amount too high for client (25%), client has no money or property (40%), and client refuses to post bail (1%).

The incidence of detention for inability to post bail has become quite common. Poor defendants languish in jail for inability to post bail. The amount of bail is left to the discretion of the court upon the recommendation of the prosecutor. Lawyers of poor clients cannot haggle too much to reduce bail. Lawyers also observed that the provision of surety for bail has become a profitable industry and in some places the arresting officer is given commission for referral.

Delay in court trial

Table 16 presents the average period of time spent for case events. No significant differences were found in the duration of events between paying and *pro bono* cases. However, it may be observed that generally, it takes longer for a *pro bono* case to

progress in the court system as shown in table below where additional days/months are involved as compared to paying clients. It is only in the item “from one hearing date to another” where it takes more days among paying clients than *pro bono* cases. Lawyers of paying clients possibly resort to postponement of hearing more often and use time to their favor. The duration of court proceedings is very long for both types of clients. The average duration from filing of information to judgment is around two years. Note that the various stages have an unduly long duration. As the adage goes, justice delayed is justice denied and there is a long way to go towards the implementation of the Speedy Trial Act. While the law provides for a time frame whereby a case may be resolved, the delay takes place in calendaring a case. The rules of court that liberally allows postponement is another cause of delay.

Table 16. Duration of different stages in a case

	Paying		Pro bono		p
	n	Mean, SD	n	Mean, SD	
Filing of complaint to referral to prosecutor for inquest (days)	80	13.7, 15.98	70	15.9, 19.82	.459
Filing with prosecutor’s office to filing of information with the court (days)	95	59.6, 50.01	79	64.9, 62.90	.551
Filing of information in court to date of arraignment (days)	100	45.7, 34.89	82	48.7, 38.98	.594
From one hearing date to another (days)	97	62.9, 165.24	80	42.0, 24.76	.223
Filing of information to the promulgation of judgment (months)	92	24.3, 14.63	79	25.0, 15.62	.750
Filing of appeal to issuance of decision (days)	77	468.8, 529.65	65	497.1, 568.61	.762

There are factors inherent within the court system that cause delay in judicial proceedings involving the disadvantaged. The most common causes of delays pointed out were congestion of court calendar, lack of judge and motions for extension or postponement. The proportions for pay and *pro bono* cases were also found to be comparable. (Table 17)

Table 17. Causes of delay

	Pay (813)	Pro bono (761)	Total (1574)
Lack of courts	8%	8%	8%
Budget limit of judiciary	4%	4%	4%
Lack of judge	11%	10%	10%
Complexity of rules	3%	3%	3%
Medium of communication	1%	2%	2%
Lack of prosecutors	7%	6%	6%
Low priority given to pending cases of disadvantaged	3%	3%	3%
Prohibitive cost of litigation	5%	5%	5%
Lack of legal knowledge	2%	3%	3%
Language difficulties	1%	1%	1%
Corruption among judges and/or judicial personnel	7%	6%	6%
Corruption among lawyers and/or clients	4%	3%	4%
Motions for extension/postponement	11%	9%	10%
Court calendar is congested	12%	12%	12%
Lack of PAO lawyers	5%	7%	6%
Absence of judges, prosecutors, PAO lawyers or private lawyers	8%	7%	8%
Absence of witnesses	8%	9%	8%
Others	1%	1%	1%

There are causes of delay that are beyond the control of the courts, i.e., lack of courts (8%), lack of judges (10%), lack of prosecutors (6%), lack of PAO lawyers (6%). But note that some of the major causes of delay are within the control of the courts, i.e., corruption in the courts (6%), motions for extension/postponement (10%), congestion of court calendars (12%), absence of judges, prosecutors, PAO or lawyers (8%), absence of witnesses (8%).

Perceptions about the judicial system

Statements reflecting perceptions of the judicial system and procedures were formulated. The lawyer respondents were asked to indicate their agreement with these statements by affixing a score of 1 for strongly agree, 2 for agree, 3 for no opinion, 4 for disagree and 5 for strongly disagree. The top scores are highlighted in the table below.

Table 18. Distribution of responses for perception survey

<i>Statements (n)</i>	Agree	Neutral	Disagree
The judicial system and rules are adequate to protect the disadvantaged. (138)	44%	7%	49%
The recent judicial reforms (e.g. Speedy Trial Act) are adequate to protect the disadvantaged. (133)	39%	17%	44%
The disadvantaged are given priority attention in the judicial processes (136)	14%	24%	62%
Present laws are adequate to protect the disadvantaged in the justice system (136)	35%	12%	53%
Justice practitioners have the sensitivity to protect the rights of the disadvantaged (134)	26%	31%	44%
Justice structures are accessible to the disadvantaged. (134)	30%	14%	56%
Justice personnel are sensitive to the needs of the disadvantaged. (134)	17%	27%	56%
Justice information is available to the disadvantaged. (135)	16%	17%	67%
Cost of litigation is affordable to the disadvantaged. (136)	7%	5%	88%
Judicial processes accelerate decision-making. (134)	13%	22%	65%
There is adequacy of modern equipment/court facilities to accelerate decision-making. (136)	7%	7%	86%
Court decisions are generally impartial and uninfluenced by other concealed factors. (136)	25%	16%	59%
Court decisions are generally socially acceptable. (135)	44%	26%	30%
Court decisions reinforce public trust in the judicial system. (134)	39%	30%	31%
Court processes are gender-sensitive (e.g. rape cases). (136)	36%	37%	27%
Court decisions are gender-sensitive. (136)	31%	47%	22%
The IBP Legal Aid Program provides adequate assistance to the disadvantaged. (133)	31%	34%	35%
Corruption is widespread in quasi-judicial agencies. (137)	63%	22%	15%
Corruption is widespread at the following levels of the justice system			
a. Prosecutor's Office (133)	63%	26%	11%
b. Municipal/Regional Trial Courts (134)	56%	28%	17%
c. Appellate Courts (130)	39%	45%	16%
d. Supreme Court (128)	20%	54%	26%
Corruption in the justice system impedes access to justice by the disadvantaged. (131)	85%	8%	7%

From the perception of lawyers, the impediments to access to justice by the disadvantaged are the costs of litigation, corruption in the justice system, particularly in quasi-judicial agencies and at the prosecutor's office. Other contributory factors include the lack of court facilities for speedy decision-making, lack of access to judicial information, and the slow pace of judicial processes.

The statements that were found significantly different between ALG and non-ALG members, and between male and female are shown in Table 19. The scores given by ALG members are significantly higher than those given by non-ALG members regarding some statements. ALG members feel more strongly about the inaccessibility of justice structures and the unaffordable costs of litigation as barriers to access to justice by the disadvantaged. Women also agreed more strongly than men about the lack of sensitivity of justice personnel to the disadvantaged and the lack of court facilities. They also disagreed more strongly to the statement that court decisions reinforce public trust in the judicial system.

Table 19. Mean scores of ALG and non-ALG members

<i>Statements</i>	ALG (32)	Non ALG (102)	p
Justice structures are accessible to the disadvantaged.	3.7	3.3	.044
Cost of litigation is affordable to the disadvantaged	4.5	4.1	.024
	Male (93)	Female (38)	
Justice personnel are sensitive to the needs of the disadvantaged.	3.4	3.8	.019
There is adequacy of modern equipment/court facilities to accelerate decision-making.	4.1	4.5	.006
Court decisions reinforce public trust in the judicial system.	2.9	3.3	.018

Some lawyers claimed that people generally complain about the services of government lawyers, which includes the fiscal and the Public Attorney's Office since they are perceived to be un prepared for the cases that they take up. Some are said to be guilty of not even reading their case histories despite the fact that they get a percentage of the compensation.

Regarding the legal system, the lawyers involved with children suggested that all court personnel should be women and child sensitive. It is said that only the family courts are trained to be family sensitive. Children offenders whose penalty is less than 6

months should instead be endorsed to their barangay for rehabilitation. In the province of Cebu, it is only in Cebu City where there are family courts. In other parts of Cebu, child offenders are arraigned in regional trial courts and treated like adult offenders while cases where children are victims get dismissed. Even in law school, not all of them take children's rights.

There are enough laws to protect the poor like the Civil Code that provides that the courts should decide in favor of labor in cases where all things are equal. The Constitution also contains social justice provision and there is also a speedy trial law. But in terms of implementation, the poor become disadvantaged as the law as well as the rules of court is used against them. In many cases, it takes time for cases of the poor to be calendared while they are languishing in jail. At other times, there is "speedy calendaring" particularly in drug cases involving the poor. The rich can readily post bail while the poor need guarantors to be able to get a surety bond. The amount of bail is subject to the discretion of the fiscal and it is suggested that the rates should be socialized.

SOCIAL MILIEU OF LAWYERING

Regional characteristics and concerns

Baguio

In Baguio, officers and active members of the IBP are also members of ALGs associated with advocacy groups for the indigenous peoples, women and environment. They lawyer for the poor and also handle labor, women and political cases, including ancestral domain claims. They have also handled estafa cases the incidence of which has increased with the entry of money lending individuals and organizations who lure poor vendors, for example, to contract loans and issue postdated checks to their amortize loans. In cases of default, criminal cases are filed against these vendors as provided for by *Batas Pambansa Bilang 22*. From the perception of some lawyers, BP 22 has made the courts the collection agents of banks and individuals and is partly responsible for clogging the court dockets.

Political cases handled by Baguio lawyers usually involved human rights cases of apprehended activists and NPAs in the Cordillera. Some ancestral domain claims usually cover watershed areas that eventually develop into environmental issues. The new law on dangerous drugs has filled the prisons with poor people caught on flimsy charges and the drug courts have been slow to prosecute them even with IBP lawyers' representations. Students wanting to challenge tuition increases have tried court injunctions but have realized that the process in the court is slow, expensive and oftentimes to their disfavor. The main disadvantage of lawyers working in rural and geographically difficult areas is difficulty of access, particularly when working for indigenous peoples.

Baguio IBP lawyers are seeking a dialogue with the Supreme Court to make suggestions for the improvement of legal procedures and other matters particularly those affecting lawyers working in the Cordilleras where forms indigenous justice system still persist and still govern common tribal relations. It has helped Cordillera lawyers that the Supreme Court is in Baguio during summer to facilitate appeal for certain cases.

Cebu

Poor clients of the IBP office in Cebu City include poor walk-in clients and clients whose cases were assigned to the IBP lawyers by judges. Many local IBP members welcome the opportunity to be assigned to a *pro bono* case because it is a means of developing good relationship with the judge. In general, Cebu lawyers like to handle *pro-bono* cases because they see that many litigants are poor and if they win the case it can add to their merits as litigators. It was also mentioned that a lawyer who takes up *pro bono* cases should have the heart, the commitment and the money to assist the poor. If a *pro-bono* case is not accepted whole-heartedly, then it may not be given enough attention by the lawyer. A lawyer handling pro-bono cases usually spend for food, transportation and gathering of evidences needed for the case. The Cebu City IBP has always been given recognition for its pro-active programs and social involvement. This they attribute to the good relationship and leadership of the IBP Cebu City chapter.

One issue raised during the discussion is that PAO lawyers are continuously decreasing. Inversely, PAO cases are increasing and there is real need to assist poor litigants so that the burden is passed on to the local IBP chapter. To answer such need, it was suggested that every one of the 400 active lawyers in Cebu should be made to handle three to five pro-bono cases. The local IBP should also assign 10 core lawyers who should serve in litigation cases for the poor.

Another issue is the bad habit of many members of the PNP and other law enforcers who detain poor people without the benefit of legal counsel, or worse without even informing them that they have the right to a counsel. It was suggested that police officers that deliberately and habitually do this should be penalized. The IBP suggested that the arresting officers should report arrested persons to the local IBP especially when the accused cannot afford a private counsel.

Another problem that was observed was that prosecutors oftentimes investigate and file cases against the poor even if the latter has no counsel to defend him. Or even if he does have a lawyer, prosecutors often do not furnish the defense with a copy of the charges. To answer this problem, it was suggested that the Rules of Court be amended to make it mandatory for the accused to have a counsel during inquest and preliminary investigation. If the accused cannot afford a private counsel, it should be made the duty of the prosecutor to get him a lawyer during inquest. Similarly, the Rules of Court should penalize police officers and prosecutors who prevent the accused from getting counsel on time.

The lack of judges is also a problem in the judicial system. This is due to the small salary of judges. Another reason is that the council that selects possible judges, the Judicial and Bar Council is perceived to be very politicized. If an applicant judge has no connection with the JBC members he will have a hard time to pass the JBC. Clearly, political considerations play a role in the appointment of judges. It was suggested that the local IBP should be allowed to nominate judges. In addition, the Supreme Court may appoint judges “de officio” for arraignment purposes only. Retired judges may be appointed for such purpose.

On the adequacy of laws to protect the poor, the lawyers commented that there are many laws to protect the rights of people but they are not properly implemented. One such law is RA 7438 known as the Rights During Custodial Investigation wherein the poor has the right to get a free transcript of stenographic notes. In the same manner, the participants agree that what is wrong in the judicial system is not the laws or policies but rather the implementation. The continuing legal education of the court personnel should be able to contribute much towards its improvement.

Court appeals take long and it was suggested that there should be regional appellate courts. Sometimes an appeal case is dismissed and the lawyer concerned does not even know about it. The appeal courts should also make use of alternative means of communication like email in making notifications. The matter of language is also an obstacle to speedy justice. Cebuano documents have to be translated into English to make the document acceptable. The process of mediation should likewise be strengthened to settle cases outside of the courts.

There are active ALGs in Cebu and among the groups that attended the FGD were Free Lava, an ALG for children, women and the poor. It is a volunteer association of lawyers who render free legal aid to children in conflict with the law, sexually abused, etc. and to women (prostitutes, sexually abused, etc.) and other similar cases for the poor. The Children’s Legal Bureau is an ALG for children that accepts volunteer lawyers and paralegals to assist juvenile justice cases. The Environment Legal Assistance Center (ELAC) that takes up cases related to the environment is active in Cebu and has taken up cases to protect fisherfolk, the natural environment and other related cases. Very prominent in Cebu is the role of San Carlos University that has established a Legal Aid Center that attracts law student practicumers from other provinces and regions in Visayas and Mindanao to work for disadvantaged groups.

Work with ALGs is not limited to taking up cases in court as paralegal assistance is very much part of the experience. Students are thus introduced to alternative forms of settling disputes outside of the litigation process. They do research to get an injunction order or they join picket lines to help the cause of communities. One of the most important lessons that students learn is that communities should be assisted to help themselves. The FGD participants expressed the view that the integration of work with the basic sectors is an important part of formation of the values of lawyers. One specific example that was cited was the use of the law students to simulate the flow of water in

one area to prove the flooding that would result from an industrial project. As getting expert opinion can be expensive, the student volunteers did the water simulation to help the community prove their point regarding the flooding effects of a project. The participants have come to believe that justice is the true arbiter of conflict.

Davao

Davao lawyers who were interviewed take up cases for women, children, laborers, farmers, civil servants, indigenous peoples, rebels, etc. There were lawyers who came from environment NGOs, human rights and legal aid groups of Ateneo de Davao and the IBP. Most of them were immersed with the poor and defended their rights within and outside of the court system. They think that lawyering for the poor is a moral and social responsibility and is perceived as a means of paying back their debts to society. As Ateneo de Davao is a leading law school in the region, lawyering for the poor becomes a concrete manifestation of becoming a 'person for others.' But nobility of purpose is not limited to Ateneo graduates since most of them believe that the law should compensate for what a person lacks in material possession. Almost all of them have taken up *pro bono* cases for the poor.

It is perceived that the justice system as well as the rules of court generally works against the poor. Lawyers think that many times the policemen are too harsh and arrest people to be able to show effective performance. They cited drug cases when policemen plant evidence to be able to arrest people and bring up cases that are tried in special drug courts. The court system is neither helpful to the poor nor ready to implement laws to protect and help the disadvantaged. The court system imposes a lot of requirements that poor people would find difficult to comply with. The matter of posting bail has also become profitable business for insurance companies. Some lawyers said that some policemen were paid commissions by bonding companies for referrals and for making it appear that arrests made were voluntary surrender cases. While the prosecution makes a recommendation for bail, it is the prerogative of the judge to determine the final amount. It is also the lawyers' perception that prosecutors file cases indiscriminately and in Davao it is common practice that they file cases even before the end of the waiting period. The so-called Davao death squads commit human rights violations against the poor who find it difficult to defend themselves. The matter of appeal has also proven difficult for poor clients since they have prohibitive costs that include filing fees, transportation expenses to be able to travel to Manila and very strict administrative requirements.

Their recommendations include educating communities about the law and the legal system, training paralegals to help do the work, substituting community service instead of imprisonment for certain types of offenses, increasing the salaries of judges to be able to fill up the vacancies and organizing communities for empowerment.

National Capital Region

Metro Manila serves as the national center of ALGs. Some of the ALG members who were interviewed were members of SALIGAN, WOMENLEAD, KAISAHAN, Women's Legal Bureau, Ateneo Human Rights Center and ALTERLAW. Metro Manila ALG members had a more national orientation than their regional counterparts. Points of discussion included the developmental law, the role of law schools, motivation for lawyering for the poor, gender sensitivity, etc.

The respondents consider alternative lawyering as lawyering for social justice. It is concerned more with the structures and relationship in society. When the law is used to perpetuate social injustice, alternative lawyering makes use of the law to work for social change. For this reason, alternative law groups focus more on social impact rather than individual cases.

Talking about the role that law schools play in molding lawyers who are pro-poor, the participants said that schools could indeed inspire aspiring lawyers to have a heart for the disadvantaged through the curriculum. Elective courses that provide law students to hold their practicum with ALGs and immerse with depressed communities should be encouraged to involve students in lawyering for the poor. An elective course like Law and Society is being currently being offered in the UP College of Law. Meanwhile in Ateneo Law School, the Ateneo Human Rights Center continue to encourage and support law students to volunteer their services for the underprivileged. Ultimately, however, the decision lies with the individual lawyer if he/she will pursue alternative law practice.

Alternative law practice was discussed and the participants were asked if alternative lawyering is not a way to get rich. They said that although they don't earn as much as mainstream lawyers do, some of their organizations allow them to earn additional income by accepting private clients provided that the case does not run in conflict with the thrust of the organization. On the average, lawyers stay in ALGs for four years. However, some concerns in terms of finances are expected to be encountered once they raise their own families. For this reason the ALGs are exploring means to provide additional perks like retirement benefits to lawyers in alternative practice.

Alternative lawyering requires being child sensitive, gender sensitive, case sensitive and being sympathetic to clients. It involves providing legal education to empower people. More often than not, it also entails shouldering the expenses when clients are unable to pay on their own. These include documentation fees, transcripts, food, transportation etc. In relation to their clients, it was said that it is imperative that a community is organized before an ALG handles its case/s. Otherwise, the lawyers will not get the kind of cooperation and involvement they need from the community.

When asked about how they view the justice system, the lawyers said that the judiciary is not efficient in terms of time. One possible reason is that there is too much case congestion in courts. A sharing from one of the participants, who once worked for a justice revealed that in many instances, case dismissals due to technicalities are done only

to reduce caseloads in courts without considering the merits of the case. Similarly, the Speedy Trial Act is perceived to be ineffective because it is not implemented properly. In addition, the court environment is not conducive for hearings. Courts in the country are poorly maintained and are very depressing to see.

In order to improve the justice system, the participants gave the following recommendations. First, they said that judges should work full time and review cases immediately to avoid piling up cases. Judges and clerks of court should be good managers to facilitate the speedy disposition of cases. Justice staff should also be more conscious that “justice delayed is justice denied”. Everyone should be justice sensitive. Second, technology should be enhanced and utilized accordingly also to speed up the disposition of cases.

SOCIAL INFLUENCES

Lawyers perceive the justice system as affected by political, geographic and economic factors as rich people have the political and economic clout to help their cases. The court system may be manipulated to the advantage of people with the financial resources to assist their case. The justice system is also prone to political influences particularly in the matter of appointment to various positions. While the Constitution recognizes separation of powers, appointments to the judiciary are still made by the Malacanang. Congress that passes laws affecting the judiciary based on its members’ appreciation of what is important also does priority setting. The executive branch may also choose to highlight its own judicial agenda in terms of increased budget allocation to its priority programs. In a previous SWS survey (1994-1995), the lawyers considered fraternity/sorority connections, pressure of politicians, public attention due to media coverage, and pressure from relatives and friends as “somewhat important” factors that influence a judge’s decision.

Various lawyers perceive media influence differently. Media exposure is sometimes helpful but at other times can be an obstacle to justice. It depends which side is able to use media to its advantage. In Davao, some of the factors that helped their cases for disadvantaged groups include media coverage, initiatives like *Bantay Bata*, a project of ABS-CBN. Media can work to the advantage or disadvantage of the poor. Sensationalism can affect cases in such a way that some of their defendants have been perceived to be guilty even before court trial. However, it was observed that media is not careful about the rules of confidentiality in child cases. Media too needs training in child sensitivity.

However, some members of the IBP with radio programs said that they use media to advocate for the disadvantaged. They also get their *pro-bono* clients from poor people who listen to their radio programs. But media hardly affects decision-making of the courts especially the Supreme Court. It is only used to catch the attention of the courts that a certain case needs to be resolved fast.

AWARENESS OF JUDICIAL REFORM

A little less than half of the lawyer (47%) reported awareness of the Judicial Reform Agenda (JRA) of the Supreme Court. Of those who knew about the JRA, 38% were of the opinion that the reforms are inadequate. The lawyers who were knowledgeable about the JRA cited the Integrated Bar of the Philippines (37%), media (32%), and professional lawyer groups (20%) as sources of information, among others. Moreover, there were no significant differences between the lawyers who were aware and unaware of the JRA, with respect to membership in ALG, age, sex, and law school graduated. (Table 20)

Table 20. Awareness of the Judicial Reform Agenda

	Aware (63)	Not aware (72)	p
ALG			.255
Member	20%	29%	
Non member	80%	71%	
Sex			.151
Male	75%	64%	
Female	25%	36%	
Age in years			.358
Mean, SD	41.7, 1.50	39.9, 1.38	
Law school			.162
UP	23%	29%	
Ateneo	16%	19%	
San Beda	10%	19%	
Others	52%	33%	

GOOD PRACTICES OF LAWYERS' ORGANIZATIONS

The Integrated Bar of the Philippines

The IBP has the distinct privilege of being the official organization of all lawyers in the Philippines and is capable of wielding sufficient influence to improve access to justice by the disadvantaged. It also has the distinction of being both a private and public institution. Its membership is essentially made up of private individuals since lawyers become members after joining the bar and its funding comes from membership dues. But it becomes a semi public institution since it enjoys government funding support and it is expected “to perform certain vital public functions and to assist the Government particularly in the improvement of the administration of justice, the upgrading of the

standards of the legal profession, and its proper regulation “ Its very mission situates it in the core of discussions related to improvement of access to justice.

In line with its mandate to improve the quality of the law profession it has formulated a Code of Professional Responsibility and regularly conducts a mandatory continuing education program (MCEP) and has used its annual convention and regional meetings for the purpose of dissemination of information among its lawyer members. It has initiated a system of accrediting law schools to ensure quality legal education through a system of incentives to law schools that meet certain established criteria.

It has institutionalized and expanded its legal assistance program available through its Chief Justice Roberto Concepcion Legal Assistance Center. It has raised funds to expand its services for poor litigants with meritorious cases. It has adopted a jail decongestion project to provide for “the expeditious release of overstaying detainees pursuant to applicable rules and procedure.” For the purpose, it has established linkages with concerned government agencies, NGOs, religious and civic organizations and has provided paralegal training to their partners. It is active in developmental legal aid as it actively partners with organizations in the basic sectors such as women, children, human rights victims, indigenous peoples and overseas Filipino workers to improve their legal capacities to address the needs of their sectors. They have provided paralegal training, have represented poor litigants, have engaged in media advocacy and have initiated computerization of NCLA cases to improve access to justice among the basic sectors.

Among its local chapters nationwide, it has institutionalized the practice of officially providing assistance to poor litigants in coordination with its national arm, the National Legal Aid Center and it has adopted the practice of making the vice president of every chapter officially in charge of the legal assistance program. As various IBP local chapters have set up offices near or within the court premises, they have physically complied with the principle of improving access to justice by poor clients by making their office as a contact point between IBP lawyers and persons or organizations in need of legal assistance and representation.

As IBP chapters are able to provide legal assistance to poor individuals, they are able to fulfill the traditional role of lawyers towards achieving justice in society. As IBP officers are also perceived to be respectable members of their respective communities, they are able to wield considerable influence to help the disadvantaged groups. The Cebu chapter has taken a pro-active stance of making representation with the police and the other pillars of justice to make suggestions to improve the justice system. As some of them have access to media, they have used it to educate the general public about their legal rights. As the IBP is also able to maintain a national presence through its local chapters in various parts of the country, it should be able to assume the position of vanguard of judicial reform and protector of the legal rights of the disadvantaged.

Alternative Law Groups Inc.

An alternative law group (ALG) is a specialized group of lawyers who takes care of lawyering for a particular cause or for a specific basic sector or a group of basic sectors with similar concerns. It is usually part of a network of other ALGs (ALG Inc.) who are members of advocacy and/or civil society groups. The term Alternative Law Groups Inc. as used in this section refers to the network of ALGs with specialized law practice with various basic sectors. Regular ALG lawyers have established and maintained partnerships with communities. They have established standard guidelines in rendering developmental legal assistance to their regular clients and they usually sign a memorandum of agreement with them for representation purposes. Despite their poverty, lawyers feel that the disadvantaged should share in the responsibility of pursuing the case. Communities should be able to define their stakes and contribute time effort and money to pursue cases involving them for them to feel ownership and remain committed to what they are fighting for. Individual clients are generally asked how much they can contribute while NGOs and communities generate contribution or use outside funding to pursue their case. While a lawyer is expected to shoulder most of the work in *pro bono* cases, members of ALG Inc. because they work for specific groups or communities require community participation. Together with the other members of NGOs and the community, they provide paralegal assistance and are involved in research, education, fund raising, etc.

The alternative lawyering approach is perceived to be advantageous to clients from the basic sectors as organizations affiliated with ALG Inc. are expected to make use of an integrated approach that includes research and education and exhaust alternative means to win a case like writing letters to the editor, holding rallies and trying to win public opinion. It makes it easier for an ALG lawyer since he/she is not doing the work alone. In the traditional legal aid assistance set-up, the lawyer is expected to do much of the preparatory legal work especially when the client is detained and only the immediate family members can be relied upon to assist in the case. In contrast, among ALGs, the lawyer merely acts as facilitator and coordinator of the preparatory and support work that involves paralegal and metalegal activities where other members of the NGO or the community are actively involved. There is more evidence of community and sectoral involvement as they share in the work to pursue a collective or the case of a member. In the process, members of the NGO and/or the community learn about their rights and remedies available to them and the experience may contribute to sectoral/community empowerment.

ALGs are also known to be cause oriented and working for public causes and their reputation can bolster the chance of the disadvantaged for fair treatment of their case. In terms of final outcome, getting a favorable court decision is not the only measure of victory. Sometimes, even when poor litigants lose a case, it may be good enough that they were paid compensation. Working through organized ALGs makes the work of achieving justice for the poor more sustainable.

Cause oriented lawyers are attracted to join ALGs as they are given sufficient opportunities to do advocacy for their favorite sector or organized group. When asked why they joined the alternative law groups, some lawyers said it their way of sharing God’s blessings to others. Some women lawyers got fed up with the dirty practices in mainstream lawyering where women are often discriminated and used to corrupt judges.

A typical ALG is SALIGAN, which is a Filipino term for “basic and fundamental.” Note the emphasis on legal self reliance and the deprofessionalization of the practice of law. Simply put, it wants to dissociate the administration of law away from its traditional locus (lawyers, the courts and the judicial system) to bring them to the level of communities who should be vigilant about the protection of their rights, knowledgeable and legally self-reliant in seeking remedies. The SALIGAN concept is to move away from a litigation and lawyer centered law practice towards community self reliance and empowerment. The organization has five major programs to address concerns related to a) women, b) labor (including local and overseas labor, formal and informal), c) urban poor, d) peasant (including farmers, farm workers and fisherfolk) and e) local governance.

Another ALG is the Women’s Legal Bureau, Inc. (WLB). As its name implies it is only intended to promote the interests of women. It is a feminist legal non-government organization working to empower women through the use of and engagement with the law and institutions. Its mission is provide feminist legal services and actively engage in advocacy together with other women’s groups in order to transform the law and the legal system in furtherance of the right of women to self-determination and the advancement of their dignity, rights and leadership, in concert with national and global movements for alternative development.

Table 21. Examples of ALG Inc.

<p>I. SALIGAN</p> <p>Guiding principles and objectives:</p> <ol style="list-style-type: none"> 1) genuine base participation and legal self-reliance; 2) advocacy through legal resources; 3) deprofessionalization of the law and its administration; 4) organizational/internal sustainability <p>To advance the interests of these sectors, SALIGAN undertakes major activities that involve:</p> <ol style="list-style-type: none"> 1) legal literacy or alternative legal education; 2) paralegal formation; 3) litigation support; 4) organizational cases; 5) test or precedent cases; 6) sectoral and multi-sectoral cases; 7) policy work; 8) research and publication; 9) internship.

II. Women's Legal Bureau

WLB has five core programs namely:

- a) Feminist Legal and Developmental Service Program
- b) Feminist Legal and Policy Research and Publication
- c) Feminist Legal Education and Training
- d) Public Information and Advocacy
- e) Institutional Support Program

These programs require the following major activities:

- 1) representation of women in judicial tribunals and extra-judicial proceedings for the protection and redress of their rights;
- 2) court advocacy for judicial interpretation of laws and challenges of laws on human rights and constitutional grounds;
- 3) advocacy for legal reforms in Congress;
- 4) organizing women lawyers nationwide to engage in legal advocacy for women's rights;
- 5) sensitizing members of the legal profession and the law enforcement agencies;
- 6) contributing to the enhancement of developmental legal scholarship;

PROFILE OF MEMBERS OF ALG INC.

A total of 17 ALG lawyers participated in the FGDs conducted in this study and their age ranges from 27 to 56, with a median age of 34 and a mean age of 36.1 and a standard deviation of 8.07 years. Among them, 10 (49%) are married and 7 (41%) are single. The nature of their practice is concentrated in NGO work (39%) with some of them still active in law firms (21%) and solo practice (14%). Their monthly income ranges from below P20,000 (41%) to P20,000 – 40,000 (47%) with only 2 individuals quoting income above P40,000. One ALG executive director shared the information that he only receives a monthly salary of P24,000 much less than the monthly salary of his wife. Both husband and wife have previously come to an agreement about income and expense sharing to enable the husband to engage in ALG work. Extra income from

related activities like research often was also channeled to the ALG to defray operating costs.

It is interesting to note that among lawyers in this group, the most represented basic sector were farmers (15%) with children (12%) next in rank, followed by indigenous peoples, the urban poor and workers in the formal sector with 11% for each. Such data indicate that members of ALG Inc. attend to the legal requirements of the rural population as represented by the farmers and indigenous peoples. This will help address the lack of access to lawyers in rural areas and emphasizes the need for lawyers' groups to extend their reach to rural areas and geographically difficult areas including those populated by indigenous peoples.

There is also almost equal representation in preliminary / custodial investigation (22%) and in regional trial courts (23%) suggesting that ALG Inc. lawyers are actively involved in various stages: before trial (40%), during trial (39%), and during appeal (21%). There is also very high awareness of judicial reforms (94%) among them and their sources of information are the IBP (25%), media (25%) and professional lawyer groups (38%).

There was no significant difference to the representation they provided their paying and *pro bono* clients as both groups were similarly represented in various stages of the court case. They have met with their paying clients (87%) and their *pro bono* clients (89%) before the date of the hearing with only a few cases (12%) of meeting clients during the hearing. The records of the case were provided by the client (51%) with clients (48%) paying for the cost of the documents. Most of them usually charge appearance fees (61%) below P1,000 or contingent fees (26%) and they accept payment in kind (81%).

LAWYERS' RECOMMENDATIONS FOR REFORMS

Based on the answers given by the respondents, the following are the major recommendations towards improving access to justice by the disadvantaged:

A. On Lawyering for the Disadvantaged:

1. Require new lawyers to render legal services for the disadvantaged, and the time spent could be credited to the Mandatory Continuing Legal Education.
2. Encourage lawyers to accept cases for the disadvantaged by providing them with some compensation or an allowance to cover costs.
3. Require law students to serve the disadvantaged sectors.

B. On the Judicial System

1. Eliminate corruption in the judiciary.
2. Strictly implement the Speedy Trial Act.

3. Strengthen of the *Katarungang Pambarangay* so that minor cases will not be brought to court.
4. Provide for regional access for the appeal courts.
5. Create special courts for disadvantaged groups.
6. Initiate moral reform among the officers of court.

C. On Court Procedures and Administration

1. Recruit more judges, prosecutors and PAO lawyers and increase their salaries to attract the best and the brightest.
2. Lower the cost of litigation, especially the cost of transcripts. For the disadvantaged, the exemption from payment of fees for transcripts should be implemented.
3. Enforce punctuality in courts.
4. Improve the Rules of Court to speed up the proceedings.
5. Give priority to cases of the disadvantaged in the court calendar or designate special courts for them. There should be better management of court calendars.
6. Implement a better information campaign on newly issued rules of procedure, court circulars, etc.

CONCLUSIONS

Conditions of poverty define the circumstances that result in lack of access to justice. A structural analysis of access to justice issues identifies a complimentary set of stakeholders: the poor and the disadvantaged as the “claim holders” and the institutions (ministries, local governments, etc.) groups (bar associations, alternative law groups, etc.) and individuals (lawyers, prosecutors, etc.) as the “duty holders.” The present study as part of baseline data for judicial reform attempted to dissect the structures (individuals and organizations) and processes that constitute access to justice. The lawyers’ perception as duty bearers were used to examine “normative protection (existence of remedy), capacity to seek a remedy (legal empowerment), and the capacity to provide an effective remedy (adjudication, enforcement and oversight)” for disadvantaged groups “for grievances in accordance with human rights principles and standards.” (UNDP Asia-Pacific Rights and Justice Initiative, 2003)¹ Hopefully, the lawyers’ perspectives and experiences should help define the impediments and obstacles that disadvantaged groups have to face to gain access to justice and together with baseline data about other stakeholders provide the starting point for judicial reform initiatives.

The disadvantaged groups are the poor and marginalized who constitute the underrepresented groups who are deprived of due process and become the victims of the poor implementation of legal safeguards. Generally the poor are really at a disadvantage given the prevailing practices and structure in the present judicial system. Their lack of

¹ UNDP Asia-Pacific Rights and Justice Initiative, “Visioning” Workshop Report, Kathmandu, April 28-29, 2003.

financial resources has made it difficult for them to obtain justice. Some unscrupulous and corrupt bureaucrats who implement the justice system can make life difficult for poor individuals who are charged with commission of crime or for poor victims of injustice. In contrast, wealthy individuals and persons of means and connections are capable of maneuvering through the justice system to delay or hasten their case to get favorable judgment.

Under unjust circumstances, lawyers have a vital role to play to help the poor gain access to justice. Many lawyers have the heart for the poor and have remained idealistic as they do not only aspire for material and financial rewards but find personal, emotional, psychological and spiritual as well as professional fulfillment in lawyering for the poor. The disadvantaged groups as the “claim holders” need committed lawyers as dedicated “duty bearers” to assist them to gain access to judicial remedies and support them in the protection of their rights. Lawyers by virtue of their professional training and means are capable of helping the poor to muddle through the judicial processes to win their case. The lawyers constitute the first defense line to protect the weak against the overwhelming odds that are stacked against them. Lawyer organizations are important to develop mechanisms to enable the poor to gain access to legal assistance, the most basic form of professional aid lawyers are capable of provision. The Integrated Bar of the Philippines, professional lawyer groups and alternative law groups as well as law schools have initiated different modalities of legal aid available to assist the underrepresented and marginalized sectors. The government has likewise created the Public Attorney’s Office to provide free legal assistance to indigents who cannot afford to hire lawyers. The courts have also taken the responsibility of appointing *de officio* counsel for such clients.

But more important than provision of legal aid is the empowerment of the disadvantaged. The practice of developmental legal aid and alternative law groups of providing comprehensive assistance from legal counseling to litigation within and beyond the court system has contributed towards the evolution of integrated and sustainable approaches towards capability building of the basic sectors to empower themselves. In the final analysis, there is need for a multisectoral approach towards judicial reform. The state, civil society, lawyers and the basic sectors should move towards strengthening basic communities to ensure political and economic stability that serves as the foundation of a just and democratic society.

STUDY RECOMMENDATIONS

1. The strengths and weaknesses of lawyers and their organizations should be further analyzed to be able to define their institutional role as duty bearers in improving access to justice for the disadvantaged. It is suggested that further studies be conducted on the impact of the IBP and ALGs and other legal aid centers in improving access to justice and related issues to be able to assess mechanisms adopted by lawyer groups to help the disadvantaged.

2. Lawyers' organizations should take a proactive role to analyze the strengths and weaknesses of the basic sectors they work with as starting point of initiatives to improve access to justice. They should use a community/peoples' empowerment framework as basic tool in legal aid and developmental legal assistance work. The ultimate objective is to enable communities to help themselves. The reflexivity approach should be used where study respondents and victims may use the developmental legal aid initiative to reflect and understand their conditions better to be able to address them beyond the judicial parameters.
3. Lawyers' organizations should extend its reach to basic sectors in rural and geographically isolated areas. Outreach activities in these areas should be able to address the imbalance in the availability of lawyers whose practice is mostly concentrated in urban areas.
4. Lawyers involved with the basic communities should intensify their advocacy to minimize discriminatory behavior and biases against various groups in the basic sectors. Advocacy initiatives may take the form of training, organizing and media activities.
5. Lawyers should be able to make use of modern technology to be able to develop data bases about disadvantaged groups and to be able to communicate with strategic partners about urgent issues related to access to justice.

BIBLIOGRAPHY

- Aguilar, Irish. (2003) "The Alternative Law Groups." Draft. Photocopy.
- Aportadera, Abelardo. (1987). "Justice in the Philippines: A Case of Two Parallel Judicial Systems." *Solidarity* No. 112: 71-74
- Aquino, Belinda. (1990). *Administration of Justice in the Philippines*. U.P. Assesment Project on the State of the Nation. Diliman: UP Center for Integrative and Development Studies.
- Araya, Alfred. (2001). "Alternative lawyers: Empowering the Grassroots by Demystifying the Law." http://www.cyberdyaryo.com/features/f2001_1206_02.htm
- Bakker, Jan Willem. (1997). *The Philippine Justice System*. Leiden: University of Leiden
- Bautista, Mary Concepcion. (1985). "Responsibility of Lawyers to Render Free Legal Aid." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 95-97.
- Brown, Mark Mallock. (2002). "Power of democracy and its critical importance to development," Address by UNDP Administrator at the Launch of the Human Development Report 2002, Manila, Philippines. At <http://hdr.undp.org/reports/global/2002/en/statements/administrator.cfm>.
- Buendia, Emmanuel. (n.d.). Enhancing Access of the Basic Sectors to the Judiciary. Manila: Supreme Court of the Philippines-UNDP.
- Candu, Muarip. (1987) "Mindanao Poverty and Land Ownership." *Solidarity* No. 110,: 136-137.
- Delos Angeles, Eduardo. (1987) "Misadministration of Justice." *Solidarity* No. 112: 56-60.
- Dias, Clarence and James C.N. Paul. (1986) "Developing Legal Resources for Participatory Organizations of the Rural Poor. *Alternative* 1:1, 22-27.
- Drilon, Franklin. (1993). "Helping the Marginalized Sector." *Fookien Times*, 132+.
- Elbinias, Jesus. (1985) "Legal Aid: Delivery of Justice to All." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 80-88, 136.
- Fajardo, Reynold. (1985) "Government Legal Aid." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 89-94.
- Feliciano, Myrna and Alberto Muyot. (2000). *The Criminal Justice System*. Manila: Supreme Court of the Philippines.
- Gupit, Fortunato, Jr. (1987). "Injustices in the Justice System: The Imperatives Involved." *Solidarity* No. 112: 51-55.
- Hershkoff, Helen. (n.d.) "Public Interest Litigation: Selected Issues and Examples." At <http://www1.worldbank.org/publicsector/legal/PublicInterestLitigation.doc>
- Ibon Foundation. (2003) "2002: A tough year for the poor." At http://www.cyberdyaryo.com/press_release/pr2003_0117_01.htm.
- Legada, Eric Tan and Rodolfo Sabio. (1988). "Profile And Perceptions of Judges of Pilot Courts on the Continuous Trial System," *Judges Journal* 3:4, 27-39.
- Lopez, Maria Glenda. (1999). "The Poor on Trial in the Philippine Justice System." *Kasarinlan* 14: 3-4.
- Lozada, Arcadio. (1987). "Diversion from the Criminal Justice System." *Solidarity* No. 112: 64-70.
- Macerenn, Maximo (1985). "Problems of Litigation: Delay in the Courts." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 12-17

- Mangahas, Mahar et al. "Monitoring the State of the Judiciary and the Legal Profession." Social Weather Station. October 1996.
- "Making Justice Accessible to Women through the Shari'a Court Watch Project." (n.d.) Photocopy.
- Manuel, Marlon. (n.d.). "The Alternative Law Groups' Advocacy and the Supreme Court's Judicial Reform Program: Necessary Complementation Towards Justice System Reform." Draft. Photocopy.
- Mendoza: Vicente. (1987). "Legal Delays: Cost and Causes." *Solidarity* No. 112:60-63.
- Mortera, Ponciano. (1985). "The Mechanics and Administration of Legal Aid." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 98-103.
- National Statistics Coordinating Board. (2002). "1997 and 2000 Provincial Poverty Statistics." At: <http://www.nscb.gov.ph/poverty/2000/default.htm>.
- _____. (2002). "Annual Per Capita Poverty Thresholds And Incidences Of Poor Families, By Province 1997 And 2000." At http://www.nscb.gov.ph/secstat/d_price.htm.
- Narvasa, Andres. (1996). Handbook on the Courts and the Criminal Justice System. Manila: Supreme Court of the Philippines.
- Philippine National Police. (2002) "Crime Trends". At http://www.pnp.gov.ph/highlights/Crime%20Trends_Oct2002.htm.
- Pilando, Jr., Teofilo. (2002). "IBP Eastern Visayas Regional Convention," Remarks on the occasion of the IBP Eastern Visayas Regional Convention, held at the Sabin Resort Hotel, Ormoc City on September 12-14, 2002. At <http://www.ibp.org.ph/mainframe/prespage/prespage006.htm>.
- _____. "The Role of Lawyers in Our Country's Socio-Economic Development," Message of IBP National President for the IBP Central Luzon Region Convention held on February 22-24, 2002 at the Subic Bay Freeport. At <http://www.ibp.org.ph/mainframe/prespage/prespage004.htm>.
- Puno, Ricardo Jr. "Speedy and Credible Dispensation of Justice." *Solidarity* No. 112: 79-85.
- Quisumbing, Purificacion. "Educating for Justice in a Democratic Society." *Solidarity* No. 112: 86-89.
- Raval, Dematee Jesus, et.al. (1985). "Summary of Issues, Causes of Delay in Courts and Proposed Solutions Discussed in Previous Seminars on the Speedy Administration of Justice." *Journal of the Integrated Bar of the Philippines* 13:1 and 2, 21-31.
- Republic of the Philippines. Supreme Court. (2001). *Action Program for Judicial Reform, 2001-2006*. Manila
- Ruiz-Austria, Carolina. (2002) "The Proposed ALG Framework for Judicial Reform." MS Powerpoint Presentation Handout based on the ALJG Workshop Discussion. Photocopy.
- _____. (2003). "Institutional Framework for Judicial Reform." Alternative Law Groups, Inc.
- United Nations Development Programme. (n.d.) "Access to Justice- An Overview." At <http://www.undp.org/governance/cd/html/access.html>
- University of the Philippines-Institute of Judicial Administration (1988). *Administration on of Justice: Focus on the Poor* (Papers and Proceedings of the Seminar

- Workshop). Quezon City: College of Law and UP Law Center. Mimeograph original 1981.
- United Nations Development Program, Asia-Pacific Rights and Justice Initiative.
Operationalizing the Practice Concept, "Visioning" Workshop Report.
Kathmandu, April 28-29, 2003.
- World Bank, Poverty Reduction and Economic Management Sector Unit. (2002).
Philippines Development Policy Review: An Opportunity For Renewed Poverty Reduction. Washington, DC. At <http://www.worldbank.org>

NATIONAL SURVEY OF PRIVATE LEGAL PRACTITIONERS TO MONITOR ACCESS TO JUSTICE BY THE DISADVANTAGED

A. SOCIO-DEMOGRAPHIC DATA

A.1 Name: _____ A.2 Age: _____
A.3 Address: _____ A.4 Sex: () Male () Female
A.5 Religion: _____ A.6 Civil Status: () Single () Married
A.7 Regional/Ethnic Group: _____ A.8 Monthly Income: _____
A.9 Law School Attended: _____
A.10 Year of admission to the Bar _____
A.11 Place of Practice: _____

B. CLIENTELE AND LEGAL PRACTICE

B.1 Nature of Practice

(You may check more than one)

a. Law Firm	_____
b. Solo Practitioner	_____
c. Business	_____
d. Academe	_____
e. Non-government Organization	_____
f. Others (Pls. Specify)	_____

Number of Years

B.2 Are you involved full time or part time in an organization that renders developmental legal assistance, public interest lawyering and the like? a. Yes () b. No ()

B.2.1 If yes, what organization/s are you a member of? _____

B.3 What kind of cases have you handled? (You may check more than one)

a. Criminal _____
b. Civil _____
c. Labor _____
d. Administrative cases _____
e. Others, please specify _____

B.4 What kind of legal services do you provide? (You may check more than one)

a. Represent complainants/defendants in court
b. Documentation
c. Legal Counseling
d. Mediation
e. Others, please specify _____

B.5 In the last 5 years, how many of the following have you represented?

(Please approximate number of cases)

BASIC SECTORS	PAYING CLIENTS		PRO BONO CLIENTS	
	Number of Individuals	Number of Groups	Number of Individuals	Number of Groups
a. Farmers				

b. Fisherfolk				
c. Indigenous People				
d. Urban Poor				
e. Workers in the Formal Sector				
f. Workers in the Informal Sector (e.g. vendors)				
g. Women (e.g. rape cases)				
h. Children (e.g. child labor, child abuse)				
i. Youth				
j. Persons with Disabilities				
k. Senior Citizens				
l. Victims of Disaster and Calamities				
m. Others (Pls. Specify)				

B.6 At what bodies have you represented the following groups? (Pls. check)

GROUPS	PRELIMINARY/ CUSTODIAL INVESTIGATION	MUNICIPAL /METROPOLITAN TRIAL COURT	REGIONAL TRIAL COURT	COURT OF APPEALS	SUPREME COURT	OTHER COURTS (SANDIGAN BAYAN, ETC.)	QUASI JUDICIAL AGENCIES (PLS. SPECIFY)
a. Farmers							
b. Fisherfolk							
c. Indigenous People							
d. Urban Poor							
e. Workers in the Formal Sector							
f. Workers in the Informal Sector							
g. Women							
h. Children							
i. Youth							
j. Persons with Disabilities							
k. Senior Citizens							
l. Victims of Disaster and Calamities							
m. Others							

B.7 At what point have you represented the following groups? Please check.

GROUPS	BEFORE TRIAL	DURING TRIAL	APPEAL
a. Farmers			
b. Fisherfolk			
c. Indigenous People			
d. Urban Poor			
e. Workers in the Formal Sector			
f. Workers in the Informal Sector			
g. Women			
h. Children			
i. Youth			
j. Persons with Disabilities			
k. Senior Citizens			
l. Victims of Disaster and Calamities			
m. Others			

B.8.1 Are you aware of the Judicial Reform Agenda? a. Yes () b. No ()

B.8.2 Do you think the reforms in the Judicial Reform Agenda are adequate?

a. Yes () b. No ()

B.8.3 From where did you get the information on the Judicial Reform Agenda?

C. AVAILABILITY OF LEGAL AID PARTICULARLY BETWEEN ARREST AND ARRAIGNMENT

Please check the appropriate spaces.

C.1 In criminal cases, at what stage in the proceedings are you usually called upon to provide legal representation?

STAGES	PAYING CLIENT	PRO BONO CLIENT
a. Custodial Investigation		
b. Inquest/Preliminary Investigation		
c. Petition for Review with the Department of Justice		
d. Petition for Bail		
e. Arraignment		
f. Pre-trial		
g. Trial		

h. Promulgation of Judgment		
i. Appeal		

C.2 Who usually asks you to provide legal representation to the client?

REQUESTING PARTY	PAYING CLIENT	PRO BONO CLIENT
a. Client		
b. Family of Client		
c. Friends of Client		
d. Assigned by IBP		
e. Appointed by the Court as Counsel de Officio		
f. NGOs/Cause-oriented Groups		
g. Others (Pls.specify)		

D. ACCESS TO CLIENTS AND AVAILABILITY OF LEGAL RECORDS TO LAWYERS IN ADVANCE OF COURT APPEARANCES

D.1 If your client is **not detained/not involved in a criminal case**, when do you usually see or talk to the client?

TIME	PAYING CLIENT	PRO BONO CLIENT
a. Before the date of the hearing		
b. Only during the hearing		

D.2 How do you usually obtain a copy of the records of the case?

PROCESS OF OBTAINING	PAYING CLIENT	PRO BONO CLIENT
a. Provided by client		
b. Secured by lawyer/ paralegal/ legal staff		
c. Others (Pls. specify)		

D.3 Who usually pays for copies of transcripts and documents?

PERSON/PARTIES PAYING	PAYING CLIENT	PRO BONO CLIENT
a. Client		
b. Lawyer		
c. Others e.g. NGOs, Unions (Pls. specify)		

D.4 If your client is **detained**, when do you usually see or talk to the client?

TIME	PAYING CLIENT	PRO BONO CLIENT
a. Before the date of the hearing		
b. Only during the hearing		

D.5 If your client is **in detention**, are you usually given the opportunity to freely talk with him or her?

ANSWER	PAYING CLIENT	PRO BONO CLIENT
a. Yes		
b. No		

D.5.1 If not, why not? _____

D.6 If your client is **in detention**, are you usually provided with a place where you can talk with him or her privately?

ANSWER	PAYING CLIENT	PRO BONO CLIENT
a. Yes		
b. No		

E. AFFORDABILITY OF THE COSTS OF LITIGATION

In cases which are not pro bono:

E.1.1 What is the usual mode of payment that you require?

- _____ a. Lump sum
 _____ b. Appearance Fee + Installment According to the Stages of the Case
 _____ c. Contingent
 _____ d. Others

E.1.2 Do you accept payment in kind? a. Yes () b. No ()

E.2 What is the minimum amount that you charge as lawyer's fee?

	ACCEPTANCE FEE	APPEARANCE FEE	TERMINATION FEE
a. P1,000 – P10,000			
b. P10,001 – P20,000			
c. P20,001 – P30,000			
d. Higher than P30,000			

E.3.1 If the case is appealed, do you charge an additional lawyer's fee?
a. Yes () b. No ()

E.3.2 How much? _____

E.4.1 Have you ever declined a case? a. Yes () b. No ()

E.4.2 Reasons for declining (Pls. check):

- _____ a. client cannot afford required lawyer's fee
_____ b. too much case load
_____ c. others (Pls. specify)

In pro bono cases:

E.5 If your client is the one paying for the cost of copies of transcripts and documents, is he or she usually able to afford it? a. Yes () b. No ()

E.6.1 Have there been occasions when you had to pay for the cost of copies and documents because your client cannot afford it? a. Yes () b. None ()

E.6.2 How often? a. Sometimes () b. Many times ()

E.7 What other costs of litigation have you shouldered?

EXPENSES	PLEASE CHECK	AVERAGE COST PER CASE
a. Transportation		
b. Documents		
c. Transcript		
d. Filing fees		
e. Serving notices of pleadings		
f. Bail		
g. Food		
h. Others (specify)		

F. ACCESS TO BAIL

F.1 Are your clients usually able to post bail?

ANSWER	PAYING CLIENT	PRO BONO CLIENT
a. Yes		
b. No		

- F.1.1 If not, why? _____ a. crime not bailable
_____ b. amount too high for client
_____ c. client has no money or property
_____ d. client refuses to post bail

G. ACCELERATION OF JUDICIAL PROCESSES/SPEEDY TRIAL

QUESTIONS	CATEGORIES	
	Paying Client	Pro Bono Client
G.1 When the case is under investigation with the police, how long is the average period of time between the filing of the complaint with the police and the referral to the prosecutor for inquest? (In calendar days)		
G.2. When the case has been filed in court, how long is the average period of time between the filing of the information in court and the date of the arraignment? (In calendar days)		
G.3. When the case is already in court, how long is the average period of time between hearing dates? (In calendar days)		
G.4. How long is the average period of time between the filing of the information in and the promulgation of judgment? (In months)		
G.5. If the case is appealed, how long is the average period of time between the filing of the appeal and the issuance of the decision? (In calendar days)		
G.6. To which factors inherent within the court system do you attribute the delays you have experienced in the judicial proceedings involving the disadvantaged? (Pls. check the appropriate spaces)		
a. Lack of courts		
b. Budget limit of judiciary		
c. Lack of judge		
d. Complexity of rules		
e. Medium of communication		
f. Lack of prosecutors		
g. Low priority given to pending cases of disadvantaged		
h. Prohibitive cost of litigation		
i. Lack of legal knowledge		
j. Language difficulties		

k. Corruption among judges and/or judicial personnel		
l. Corruption among lawyers and/or clients		
m. Motions for extension/postponement		
n. Court calendar not strictly followed		

H. PERCEPTION ON THE JUDICIAL SYSTEM AND PROCEDURE

Please indicate the degree of your agreement to the following statements. Check the appropriate spaces. **1 – Strongly agree; 2 – Agree; 3 – No Opinion; 4 – Disagree; 5 – Strongly Disagree**

	1	2	3	4	5
H.1. The judicial system and rules are adequate to protect the disadvantaged.					
H.2. The recent judicial reforms are adequate to protect the disadvantaged.					
H.3. The disadvantaged are given priority attention in the judicial processes.					
H.4. Present laws are adequate to protect the disadvantaged in the justice system.					
H.5. Justice practitioners have the sensitivity to protect the rights of the disadvantaged.					
H.6. Justice structures are accessible to the disadvantaged.					
H.7. Justice personnel are sensitive to the needs of the disadvantaged.					
H.8. Justice information is available to the disadvantaged.					
H.9. Cost of litigation is affordable to the disadvantaged.					
H.10. Judicial processes accelerate decision-making.					
H.11. There is adequacy of modern equipment/court facilities to accelerate decision-making.					
H.12. Court decisions are not influenced by other concealed factors (e.g. politicians, fraternity, relatives, media, etc.)					
H.13. Court decisions are generally socially acceptable.					
H.14. Court decisions reinforce public trust in the judicial system					
H.15. Court processes are gender-sensitive (e.g. in rape cases)					
H.16. Court decisions are gender-sensitive.					
H.17. The IBP Legal Aid Program provides adequate assistance to the disadvantaged.					

H.18. Corruption is widespread in quasi judiciary					
H.19. Corruption is widespread at the following levels of the judiciary:					
a. Prosecutor's Office					
b. Municipal/Regional Trial Courts					
c. Appellate Courts					
d. Supreme Court					
H.20. Corruption in the judiciary impedes access to justice by the disadvantaged.					

I. ATTENDANT RISKS AND GAINS

I.1. What risks have you encountered in lawyering for the disadvantaged?

- | | |
|--------------------------|---|
| _____ a. Emotional | _____ f. Loss of opportunity for professional advancement |
| _____ b. Psychological | _____ g. Security |
| _____ c. Health | |
| _____ d. Loss of income | |
| _____ e. Family pressure | |

I.2. What gains have you achieved in lawyering for the disadvantaged?

- | | |
|----------------------------|---|
| _____ a. Political mileage | _____ e. Professional advancement/expertise |
| _____ b. Media mileage | _____ f. Travel |
| _____ c. Psychological | _____ g. Spiritual growth |
| _____ d. Psychic income | |

J. RECOMMENDATIONS

J.1. What reforms in the judicial processes do you suggest/recommend to improve access to justice by the disadvantaged?

1. _____
2. _____
3. _____

Thank you.

Appendix B

Focus Group Discussion Guide

1. Please give us the circumstances of your choosing a legal education/profession. Did you choose to be a lawyer to service the needs of the disadvantaged/basic sector?
2. How poor are your clients? What do you mean by poor in your locality? Do lawyers have a particular set of definitions to take a pro bono case? How far do you go to establish the inability to pay of your client? How did/do you come to know your poor clients? Are poor clients always accepted on pro bono basis?
3. What are the particular qualities/characteristics/features of a lawyer-poor client relationship? What is the particular role of lawyer for the poor? What is your attitude towards a poor client? On what bases does a lawyer-poor client relationship start, prosper, and conclude? What are the first things that you tell a poor client?
4. What rules governing the legal system do you see as being on the side of poor clients? Are there pro-poor laws you have invoked in your experience as a lawyer? How do you determine a class suit in favor of a pauper litigant?
5. What are the factors going against serving justice to disadvantaged sectors? As far as your experience goes, how much justice has been served/denied the poor because of a) rules of court, b) particular laws invoked, c) court personnel, d) political considerations, e) economic status and other qualities of your poor client, f) media, communication, g) other reasons (e.g., climatic/geographical/physical)
6. What have you done in your capacity as a) individual lawyer b) member of a law firm c) member of the IBP d) member of ALG to help serve justice to the poor? How have your moves fared? Does an ALG have a particular advantage/disadvantage over a lone practitioner or an IBP/law firm in securing justice for the poor?
7. Tell us about your appeal in behalf of your poor clients. Do poor clients always seek to appeal decisions on their cases? Are there new terms of relationship that you tell a poor client in case of an appeal? Do you have faith in the appellate court system that can serve the poor? What is your success rate in your appeals? To what factors do you attribute success/failure in an appeal for the poor clients?
8. How do you propose to: a) speed up cases for the poor, b) improve lawyer-client relationship, c) remove disadvantageous court rules/procedures, d) improve legal services for disadvantaged, e) etc.
9. Please cite risks, losses, gains attendant to your lawyering for the members of disadvantaged sector.
10. Please cite your recommendations to improve access to justice to disadvantaged.

Appendix C

Summary of Tabulated Data

A. SOCIO-DEMOGRAPHIC DATA

A.2 Age

Number	Mean	SD	Median	Range
132	40.5	11.34	37.5	25-72

A.4 Sex

Male	98
Female	42
No response	1

A.5 Religion

Catholic	105
Protestant	10
No response	26

A7 Civil status

Single	47
Married	83
Widowed	2
Separated	4
No response	5

A8 Monthly income

Below P20,000	16
P20,001 – P40,000	50
P40,001 – P60,000	25
P60,001 – P80,000	13
P80,001 – P100,000	8
Above P100,000	17
No response	12

A9 Law school attended

University of the Philippines	36
Ateneo Law School	26
San Beda College	19
Other schools	56
No response	4

A10 Year of admission to the Bar

1953-1969	4
1970-1979	19
1980-1989	16
1990-1999	53
2000-2003	49

B. CLIENTELE AND LEGAL PRACTICE

B.1 Nature of practice (multiple response)

Law firm	99
Solo practice	53
Business	16
Academe	21
NGO	15
Others	20

B.2. Are you a member of an Alternative Law Group

Yes	34	No	107
-----	----	----	-----

B.2.1 If yes, what organizations are you a member of?

Alliance of Retired Employees	1
Ateneo Law Alumni Foundation, Inc	1
Ateneo Legal Services Office	1
Child Justice League	1
DEPSci	1
Drug Rehabilitation Center	1
FIDA	1

FLAG	7
FLAG Anti-Death Penalty Task Force	2
Friends of the Lumads	1
IBP	4
IBP Legal Aid	2
Iloilo Chapter Legal Aid Clinic	2
IPAP	1
TELEBAP	1
Kalantiao Legal Aid Clinic	1
Law School-based Developmental Law Center	1
LAWNET	1
Legal Aid Office	1
NCLA	1
Panlipi	2
PLLP	1
Public Interest Law Center	1
PVO	1
Senior Citizens Sectoral Council	1
Sentro ng Agapay Legal Sa Quezon	1
St. Thomas More & Association	1
Trial Lawyer's Association of Cagayan de Oro	1
Trial Lawyer's Association of the Philippines	1
University of San Carlos Center for Legal Aid Works	1
UP Office of Legal Aid (2000-2001)	1
Women Lawyer's Association of the Philippines	1
Women's Legal Bureau	2
XUCLA	1

B.3 What kind of legal services do you provide? (multiple response)

Represent complainants/defendants in court	111
Documentation	101
Legal counseling	108
Mediation	42
Others	18

B.4 What kind of cases have you handled? (multiple response)

Criminal	122
Civil	124
Labor	114
Administrative	91
Others	34

B.5 In the last 5 years, how many of the following have you represented?

	PAYING CLIENTS		PRO BONO CLIENTS	
	Individuals	Groups	Individuals	Groups
Farmer	15	1	27	8
Fisherfolk	8	1	11	6
Indigenous people	1	0	6	8
Urban poor	18	9	49	14
Workers in the formal sector	39	14	43	11
Workers in the informal sector	15	4	25	5
Women	14	0	26	1
Children	7	0	14	4
Youth	18	0	28	1
Persons with disabilities	4	0	6	1
Senior citizens	11	2	21	2
Victims of disasters and calamities	4	1	4	3
Others	7	4	10	3

B.6 What bodies have you represented the following groups?

- a- Preliminary/Custodial Investigation
- b- Municipal/Metropolitan Trial Court
- c- Regional Trial Court
- d- Court of Appeals
- e- Supreme Court
- f- Other Courts (Sandiganbayan, etc.)
- g- Quasi-judicial Agencies

	a	b	c	d	e	f	g
Farmer	19	20	22	9	5	2	13
Fisherfolk	10	17	16	6	5	3	5
Indigenous people	6	4	8	0	0	1	3
Urban poor	27	39	45	15	8	2	13
Workers in the formal sector	22	30	38	28	16	8	42
Workers in the informal sector	15	23	24	6	4	3	14
Women	19	15	33	6	4	0	3
Children	14	12	21	2	0	0	2
Youth	18	14	26	4	0	0	0
Persons with disabilities	5	4	5	0	1	0	0
Senior citizens	11	17	23	6	3	2	2
Victims of disasters and calamities	2	2	5	2	1	0	2
Others	8	7	11	6	6	2	9

B.7 At what point have you represented the following groups?

	Before trial	During trial	Appeal
Farmer	29	33	10
Fisherfolk	16	21	37
Indigenous people	9	9	2
Urban poor	48	51	19
Workers in the formal sector	56	59	34
Workers in the informal sector	28	33	9
Women	26	34	6
Children	23	22	4
Persons with disabilities	7	6	3
Senior citizens	20	24	5
Victims of disasters and calamities	9	5	4
Others	11	12	15

B.8.1 Are you aware of the Judicial Reform Agenda of the Supreme Court?

Yes	63
No	72
No response	6

B.8.2 If yes, do you think the reforms in the Judicial Reform Agenda are adequate?

Yes	24
No	36
No response	3

B.8.3 From where did you get the information on the Judicial Reform Agenda? (multiple response)

IBP	39
Media	34
Professional lawyer groups	21
Others	12

C. AVAILABILITY OF LEGAL AID BETWEEN ARREST AND ARRAIGNMENT

C.1 In criminal cases, at what stage in the proceedings are you usually called upon to provide legal representation? (multiple response)

	Paying client	Pro bono client
Custodial investigation	46	39
Inquest/Preliminary investigation	90	65
Petition for review with the DOJ	60	34
Petition for bail	59	41
Arraignment	75	66
Pre-trial	72	49
Trial	75	53
Promulgation of judgment	43	26
Appeal	46	24

C.2 Who usually asks you to provide legal representation to the client?

	Paying client	Pro bono client
Client	95	51
Family of client	61	61
Friend of client	37	49
Assigned by IBP	3	19
Assigned by law office	37	15
Appointed by the Court as Counsel de Officio	9	48
NGOs/Cause-oriented groups	8	26
Others	4	7

D. ACCESS TO CLIENTS AND AVAILABILITY OF LEGAL RECORDS

D.1 If your client is not detained/not involved in a criminal case, when do you usually see or talk to the client?

	Paying client	Pro bono client
a. Before the date of the hearing	118	96
b. Only during the hearing	4	16

D.2 How do you usually obtain a copy of the records of the case?

	Paying client	Pro bono client
a. Provided by client	92	65
b. Secured by lawyer/paralegal/legal staff	68	61
c. Others	6	12

D.3 Who usually pays for copies of transcripts and documents?

	Paying client	Pro bono client
a. Client	114	52
b. Lawyer	14	58
c. Others e.g. NGOs, Unions	3	19

D.4 If your client is detained, when do you usually see or talk to the client?

	Paying client	Pro bono client
a. Before the date of the hearing	84	70
b. Only during the hearing	9	30

D.5 If your client is in detention, are you usually given the opportunity to freely talk with him/her?

	Paying client	Pro bono client
a. Yes	85	84
b. No	1	7

D.6 If your client is in detention, are you usually provided with a place where you can talk with him or her privately?

	Paying client	Pro bono client
a. Yes	68	61
b. No	18	29

E. AFFORDABILITY OF THE COSTS OF LITIGATION

In cases which are not pro bono:

E.1.1 What is the usual mode of payment that you require? (multiple response)

a. Lump sum	21
b. Appearance fee + installment according to the stages of the case	89
c. Contingent	27
d. Time charges	27
e. Others	14

E.1.2 Do you accept payment in kind?

Yes	53	No	63
-----	----	----	----

E.2 What is the minimum amount that you charge as lawyer's fee?

	Acceptance fee	Appearance fee	Time charges	Termination fee	Others
a. P1,000 and below	5	39	11	0	4
b. P1,001 – P10,000	37	56	26	10	1
c. P10,001 – P20,000	29	3	1	15	0
d. P20,001 – P30,000	22	0	0	9	1
e. Higher than P30,000	19	1	2	16	2

E.3.1 If the case is appealed, do you charge an additional lawyer's fee?

Yes	92	No	25
-----	----	----	----

E.3.2 How much? [Answers obtained were variable.]

E.4.1 Have you ever declined a case?

Yes	104	No	20
-----	-----	----	----

E.4.2 Reasons for declining

a. client cannot afford required lawyer's fee	62
b. too much case load	17
c. others	71

In pro bono cases:

E.5 If your client is the one paying for the cost of copies of transcripts and documents, is he/she usually able to afford it?

Yes	76	No	47
-----	----	----	----

E.6.1 Have there been occasions when you had to pay for the cost of copies and documents because your client cannot afford it?

Yes	102	No	23
-----	-----	----	----

E.6.2 How often?

a. Sometimes	58
b. Many times	37
c. All the time	7

E.7 What other costs of litigation have you shouldered?

	Number	Mean	SD	Median	Range
Transportation	60	1350.82	1834.26	500	20-10000
Documents	41	1492.20	3954.94	500	25-25000
Transcript	40	5042.50	23600.16	500	100-150000
Filing fees	9	1872.22	1688.03	1000	50-5000
Serving notices of pleadings	37	825.95	1694.11	200	20-10000
Bail	6	8000.00	4000.00	5000	5000-15000
PRO BONO CLIENT					
Food	33	1831.67	4556.12	500	20-25000

F. ACCESS TO BAIL

F.1 Are your clients usually able to post bail?

	Paying client	Pro bono client
a. Yes	108	21
b. No	4	73

F.1.1 If not, why?

a. crime not bailable	34
b. amount too high for client	35
c. client has no money or property	56
d. client refuses to post bail	1

G. ACCELERATION OF JUDICIAL PROCESSES/SPEEDY TRIAL

How long is the average period of time for the following case events?

PAYING CLIENT	Number	Mean	SD	Median	Range
G.1 From filing of complaint to referral to prosecutor for inquest (days)	80	13.7	15.98	7	1-90
G.2 From filing with prosecutor's office to filing of information with the court (days)	95	59.6	50.01	52.5	3-285
G.3 From filing of information in court to date of arraignment (days)	100	45.7	34.89	30	7-200
G.4 From one hearing date to another (days)	97	62.9	165.24	30	10-1460
G.5 From filing of information to the promulgation of judgment (months)	92	24.3	14.63	24	1-70
G.6 From filing of appeal to issuance of decision (days)	77	468.8	529.65	360	5-2738

PRO BONO CLIENT	Number	Mean	SD	Median	Range
G.1 From filing of complaint to referral to prosecutor for inquest (days)	70	15.9	19.82	7	1-90
G.2 From filing with prosecutor's office to filing of information with the court (days)	79	64.9	62.90	60	1-365
G.3 From filing of information in court to date of arraignment (days)	82	48.7	38.98	30	7-200
G.4 From one hearing date to another (days)	80	42.0	24.76	30	10-180
G.5 From filing of information to the promulgation of judgment (months)	79	25.0	15.62	24	1-70
G.6 From filing of appeal to issuance of decision (days)	65	497.1	568.61	360	5-2738
G.7 To which factors inherent within the court system do you attribute the delays you have experienced in the judicial proceedings involving the disadvantaged?					

Causes of delay		Paying client	Pro bono client
A.	<i>a. Lack of courts</i>	67	59
B.	<i>b. Budget limit of judiciary</i>	34	31
C.	<i>c. Lack of judge</i>	86	74
D.	<i>d. Complexity of rules</i>	27	22
E.	<i>e. Medium of communication</i>	10	17
F.	<i>f. Lack of prosecutors</i>	55	46
G.	<i>g. Low priority given to pending cases of disadvantaged</i>	21	25
H.	<i>h. Prohibitive cost litigation</i>	41	41

I.	<i>i. Lack of legal knowledge</i>	19	23
J.	<i>j. Language difficulties</i>	7	10
K.	<i>k. Corruption among judges and/or judicial personnel</i>	53	44
L.	<i>l. Corruption among lawyers and/or clients</i>	32	26
M.	<i>m. Motions for extension/postponement</i>	88	72
N.	<i>n. Court calendar is congested</i>	98	90
O.	<i>o. Lack of PAO lawyers</i>	38	52
P.	<i>p. Absence of judges, prosecutors, PAO lawyers or private lawyers</i>	63	57
Q.	<i>q. Absence of witnesses</i>	67	65
R.	<i>r. Others</i>	7	7

H. PERCEPTION ON THE JUDICIAL SYSTEM AND PROCEDURE

	Strongly agree	Agree	No opinion	Disagree	Strongly disagree
H.1 The judicial system and rules are adequate to protect the disadvantaged.	4	40	7	35	14
H.2 The recent judicial reforms (e.g. Speedy Trial Act) are adequate to protect the disadvantaged.	6	33	17	36	8
H.3 The disadvantaged are given priority attention in the judicial processes	1	13	24	40	22

H.4 Present laws are qdequate to protect the disadvantaged in the justice system	3	32	12	41	12
H.5 Justice practitioners have the sensitivity to protect the rights of the disadvantaged	1	25	31	33	11
H.6 Justice structures are accessible to the disadvantaged	2	28	14	42	14
H.7 Justice personnel are sensitive to the needs of the disadvantaged	1	16	27	39	17
H.8 Justice information is available to the disadvantaged	0	16	17	47	20
H.9 Cost of litigation is affordable to the disadvantaged	0	7	5	48	40
H.10 Judicial processes accelerate decision-making	0	13	22	49	16
H.11 There is adequacy of modern equipment/court facilities to accelerate decision-making	0	7	7	45	41
H.12 Court decisions are generally impartial and uninfluenced by other concealed factors	2	23	16	29	30
H.13 Court decisions are generally socially acceptable	1	43	26	22	8
H.14 Court decisions reinforce public trust in the judicial system	2	37	30	22	9
H.15 Court processes are gender-sensitive (e.g., in rape cases)	1	35	37	20	7
H.16 Court decisions are gender-sensitive	2	29	47	16	6
H.17 The IBP Legal Aid Program provides adequate assistance to the disadvantaged.	3	28	34	27	8
H.18 Corruption is widespread in quasi-judicial agencies.	31	32	22	14	1
H.19 Corruption is widespread at the following levels of the justice system:	31	32	26	10	1
a. Prosecutor's Office					
b. Municipal/Regional Trial Courts	19	37	28	16	1
c. Appellate Courts	12	27	45	15	1

d. Supreme Court	8	12	54	21	5
H.20 Corruption in the justice system impedes access to justice by the disadvantaged	42	43	8	5	2

I. ATTENDANT RISKS AND GAINS

I.1 What risks have you encountered in lawyering for the disadvantaged?

Emotional	50
Psychological	34
Health	21
Family pressure	25
Loss of opportunity for professional advancement	24
Security	44
Loss of income	86

I.2 What gains have you achieved in lawyering for the disadvantaged?

Political mileage	7
Media mileage	6
Psychological reward	52
Personal fulfillment	103
Professional advancement/expertise	53
Travel	13
Spiritual growth	52
Funding support	1
Others	

J. RECOMMENDATIONS

- Give practitioners a quota of pro bono cases referred by the IBP/NGOs as continuing requirement for license to practice.
- New members of the bar should be made to practice for disadvantaged for a given period of time. Include in MCLE programs to help the disadvantaged.
- Improve the PAO by providing competitive salaries to the lawyer. Improve the penal system/improve our jail.
- Remove the corrupt justice from the Supreme Court and the Court of Appeals. There is so much graft in the judiciary because those in the lower levels are fully aware of the graft on-going in the higher courts. Do not be misled by the posture of those justices.
- Eliminate Corruption. Better Judges.
- Speedy trial for the poor to as implemented effectively and sincerely.

- Considerable increase in budgets-SC, DOJ. More judges. Higher compensation for trial judges, prosecutors.
- Justice information on their basic rights. Improved free legal assistance program. Equal protection of the law.
- More information and access to court, legal prosecutors, TSN, records. Preference in trial or schedule of hearings. Passage of laws for the above suggestions or at least by the Supreme Court.
- Establish and strengthen Barangay Courts/People's Courts. Convert MTC's to RTC's. Create more RTC's. Decentralize the Court of Appeals and Supreme Court. Subsidize lawyers for the poor. Competitive and qualifying examinations for judges and prosecutors, including justices of CA and SC.
- Appoint competent judges/judges with integrity. Appoint reasonable judges.
- Give more competent PAO lawyers. PAO lawyers and public prosecutors should be educated to be sensitive to the needs of the disadvantaged.
- Cleanse the system.
- Better pay and funding for the PAO so that system can attract better lawyers. Mandatory PAO work for all lawyers; specially new ones: 1st 3 years- 3 months/year for 3 years; succeeding 5 - 2 months/year for 2 years; next 5- 1 month/year for 2 years; 13 years and up - 1 month/year for 2 years. Thereafter, at least 1 month/year every 2 years.
- Give priority to their cases in the court's calendar. Appoint Counsel de Oficio from the rank of the practitioner. Give them free transcript of stenographic notes.
- Get rid of corruption. Increase salaries of Judiciary so that there will be enough working courts. Increase the number of courts so that overloaded courts will be eliminated. Increase salaries of prosecutors and Public Attorneys. Once salaries and benefits have been increased, the qualifying process can be more stringent. You will be able to attract the best and the brightest, and hopefully, these people will be more idealistic ones.
- Lower cost of litigations. Engage in information campaigns to inform disadvantaged of their rights, possible causes of actions and legal remedies.
- Improve implementation measures of laws. Improve hiring system in courts and other quasi-judicial agencies. Modernize judicial system. Make information and records easily accessible.
- Judges should be punctual. Judges should not talk too much. NLRC Commissioners and Labor Arbiters should be punctual in hearings and fast in rendering decisions.
- Release or recognizance should be encouraged. More competent and dedicated prosecutors and PAO lawyers. Discourage unreasonable postponements.
- The IBP should actively participate by assigning lawyers on a weekly or case to case basis to handle. Case assignment shall be mandatory. The lawyer handling shall be credited in points tantamount to the requirements in the "seminar" under our "MLCE" & mandatory continuing Legal Education. The handling lawyer must study his case exhaustively. We help the disadvantaged in their plights. The handling lawyer earn points equal to his MCLE. The handling lawyer knowledge will be broaden as he/she has to carefully study his/her case.
- New administrative orders, revisions, circulars and other forms of communication should be provided. Furnish copies to law practitioners including new laws if not for free be sold or accessed by practitioners.
- Reform Rules of Court to speed up proceedings.
- Strict implementation of disciplinary sanctions on PAO lawyers who unjustly refuse to assist clients.
- Increase number of qualified judges and prosecutors. Increase their salaries. Discipline erring judiciary personnel.
- Special Court for them. Competent and principled people to help them. Pay the volunteer lawyer.
- Special Courts must be designated. Their cases must be prioritized i.e. scheduling. Judicial/police records and service of summons must be made available to them.
- Massive information dissemination. More budget allocation.
- Frequent monitoring of pending cases thru unannounced lists/inspections of the courts.
- A special be created for them. Court personnel must be considerate and accommodating to them. The prosecutor and the judge must accord them the same treatment to the well-to-do litigants.
- Give incentives to private lawyers who handle these types of cases. Pro bono, like MCLE credits etc.
- Create more courts, improve salaries of judges and support paralegal and or free legal aid groups.
- Set aside funds for the poor. Government must compensate pro bono lawyers. Increase in filing fees/docket fees for the rich.
- Additional courts and quasi-judicial agencies.
- Strengthen Public Attorney's Office awareness program for those in Judiciary as to the needs of the disadvantaged. Give more teeth and implement graft and corruption laws both at administrative and court levels.
- Truly emphasize Legal and Judicial ethics.
- Special Courts must be established for litigants who may be classified as disadvantaged.
- Improvement of Legal Education Seminars to the disadvantaged.
- Continuous training for prosecutors and judges in order to upgrade legal knowledge/skills. Spiritual formation for prosecutors and judges. As the primary instruments for dispensing justice, prosecutors and judges can dictate or exemplify acceptable conduct within their respective spheres of influence.
- Employ competent prosecutors and public defenders/PAO. Provide free copies of records (e.g. TSNs)
- Remove corrupt judges and justices. Revise some rules, some proceedings can be shortened by merely filling up pro-forma legal forms like in the USA. Establish more courts. TRO in RTC's are for sale at 100,000 php, CA at 200,000 php and SC at 500,000.
- Erase bias for rich and powerful. Special court for disadvantaged. Special public defenders for disadvantaged. Impose heavy penalties/large damages against rich/powerful parties who use their advantages in bad faith. Speed up judicious adjuration of cases involving the disadvantaged.
- Provide more legal aid access in order that their cases are handled properly. Cases handled by free legal aid organizations and PAO are congested they could not be studied properly by the handling lawyers.
- Reform the moral values of some justices/prosecutors to be impartial and upright.

- Strengthen Barangay Courts/training in procedures and substantive law. Creation of mediation bodies. Accountability of judges and personnel....creation of investigative boards, more responsive to the public
- Adequate government support to PAO in order to improve lawyering capabilities.
- Decentralize pre-judicature program by establishing training centers in Visayas and Mindanao. In doing so, more applicants are enticed to take the program resulting in filling-up of several vacancies both in MCT's and RTC's. Raise the salaries of judges, prosecutors, and public attorneys in order to boost their morale and the practitioners may be interested to join the judiciary, prosecution and the PAO. Applicants for judges and prosecutors with endorsements from politicians must be rejected outright. These positions being reposed with discretion must be free from political bias "utang na loob" being inherent in the Filipino values.
- A special court for the disadvantaged.
- Encouraged acceptance of pro-bono cases thru mandatory minimum number of case handled per year as condition for renewal of licenses equivalent to MCLE scheme.
- Fill up the vacant positions in the judiciary, prosecution and minimize, if not totally eradicate, corruption in the justice system. Appoint only those competent even without the recommendations of politicians.
- End of corruption in the public prosecution office. Make litigation costs more affordable to the disadvantaged. More private practitioners to handle pro bono cases.
- More PAO lawyers. More judges. Implement strict discipline to judges, prosecution and PAO.
- Imposition of ethical standards of judges/justices; standard of living some are lavish. Promotions strictly on merits.
- Lower filing fees/court expenses. More judges. Higher benefits for government lawyers.
- Priority must be given. Minimize, if not avoid, corruption. Timetable provided by law must be followed.
- Basic education; "what-to-do" informational material on various legal problems. Help desks in MTCs/RTCs/NLRC. More openness from judiciary employees to disadvantaged persons seeking access to court records.
- Procedural rules are too complicated. Corrupt judges/prosecutors should be weeded out!!! Education/proper information dissemination on what their rights are. Steps to take in filing a complaint.
- Remove corruption. Provide legal aid clinics through local government agencies/units. Give the disadvantaged discount in filing fees and/or if not free them from expenses of documentation at a lesser requirement.
- Lower costs (National government should shoulder more). Info drive (funds for Law Center of UP should be utilized).
- To employ more PAO lawyers to attend to their cases. To create a special court to attend to cases involving them. To set aside an appropriate budget in support of the programs towards the improvement of the services to the disadvantaged litigants.
- New lawyers must be required to handle pro bono cases at least a year after passing the bar.
- Close monitoring how proceedings are conducted in courts such as physical observation. Sanctions on deviation on established rules of procedure. Improvement of PAO.
- Exemption in payment of filing fees. Appointment of law firms as counsel for the disadvantaged.
- Court proceedings should be in Filipino so the client will understand what is happening during the trial. Simplify the rules such that ordinary people can understand and follow them. Be strict on re-settings/postponements especially during the trial proper. Parties should be ready with their witnesses otherwise the presentation of such witness is waived. "If we wait for witnesses to appear, the system will grind to a halt." (from a movie). There should be a law penalizing a person's failure to appear when subpoenaed-being in contempt of court does not strike fear in the hearts of men.
- Expedite court proceedings. Special Courts for the disadvantaged. Attractive compensation for PAO lawyers for motivation.
- More courts and judges. Better PAO-facilities and personnel.
- Strengthening of IBP legal aid program in terms of manpower and increase in the wage of its personnel. Special consideration to the disadvantaged as regards amount of bail.
- Liberality on court fees. Provide more lawyers for their legal assistance. Fill up the vacancies on judges.
- Provide cost-free, easy access to courts, court records; to provide more courts, judges, prosecutors and PAO lawyers who are serious and diligent to their work.
- Strict enforcement. Non-interference of politicians. More upright dispense of justice.
- Designate additional public attorneys/IBP lawyers to exclusively handle case for the disadvantaged sector. Require fourth year student, as part of practicum subject, to educate and serve disadvantaged sector. Government Agencies serving the disadvantaged sector must hire lawyers to serve the disadvantaged sector.
- The PAO should not be considered inferior to the prosecutors. Exhaust all mediation. Computerization.
- Provide more pro bono lawyers for them. Give them knowledge as to the laws affecting them.
- Accused should be brought to court immediately before being detained. Prosecutors should be allowed to move for dismissal if evidence, so warrants at the trial. Presiding judge should be authorized to dismiss the case without need of a long-winding decision.
- Create a legal support fund (LSF) similar to an HMO where lawyers/private practitioners who handle pro bono cases can claim fair and competitive and quick compensation. Credit handling of pro bono cases with MCCE credits. Provide an incentive scheme based on performance in pro bono cases. Easier process in pro bono cases for exemption in filing fees, transcripts, etc. Since court personnel make it too hard for disadvantaged to avail of the benefits that it is not resorted to as it should be. Remove corrupt sheriffs, clerks and judges.
- Continuous trial for even civil cases, similar to the US system. Make more use of modes of discovery, e.g. judges should encourage the same.
- Lowering or eliminating court fees for disadvantaged (the criteria for pauper litigants should be amended). Initiate amendment to eliminate unnecessary delay in the hearing of cases. Provide more agencies to handle legal aid (not only IBP and PAO).
- Filing fees should be reduced. JBC screening should be made public open to the public- it seems that the choice of judges/justices are along the tayo-tayo system. There's guideline in the selection of judges. Some are appointed for the job of it, an not for the service. the Supreme Court has so many rules that are anti-poor. e.g. 60 days to file certiorari (tell me

one PAO lawyer who can prepare a petition (19 copies all with certified true copies from the lower courts at that)).

- Empower law school-based NGO for litigation under student practice rule. Spread information to disadvantaged about their rights and judicial processes.
- Only the best lawyers should be appointed in the judiciary. No 'palakasan' system.
- Require every lawyer to render mandatory legal aid works to the disadvantaged.
- Faster administration of justice, less pleadings, less hearing, faster decision-making. Mediation or arbitration may be made compulsory as alternative to court proceedings which can be time-consuming & cumbersome. Allow non-lawyers to argue case for indigent clients and make rules not as technical but rather concentrate on the merits of the case.
- National scope of concern for the disadvantaged, society itself, judicial processes is part of it.
- Speedy disposition of cases would help a lot. Relax the rules on procedures to the disadvantaged.
- Direct all Barangay Councils to monitor and report to the Chief Justice in a resolution all forms of corruption/abuses in the judicial system.
- Screen candidates for judiciary especially Supreme Court based on track record not on recommendations. Retire/remove sickly/incompetent judges/justices.
- Mandatory rendition of legal services to be required from all practitioners (i.e. minimum number of hours or cases handled). Improved/empowered Public Attorney's Office (i.e. greater budget). The courts should prioritize cases of disadvantaged from scheduling hearings and rendition of decision.
- Provide competent lawyers to the disadvantaged. Make courts/justice system accessible to disadvantaged in financial terms.
- The disadvantaged should be made aware of their rights.
- In the judicial process, one thing sure is, the disadvantaged will lose their cases because they have no access and influence. Parties may undergo mediation process, this way they can see that parties face to face and the mediator will have first hand information on the true facts of the case. Whereas, if this process is waived, and so to the judicial process, there is a tendency for corruption.
- Higher qualification of judges and prosecutors; higher salaries of court personnel; eliminate graft-corruption in the judiciary
- Justice practitioners should be those who are sensitive to the plight of the disadvantaged. Nobody else.
- Add more courts or at least assisting courts to existing one. Computerize.
- Add more court rooms and judges. Add more prosecutors. Add more PAO lawyers. Improve court facilities like adequate and spacious salas. Rooms adequately ventilated. Improve equipment like computers.
- Processes should be hastened; unnecessary postponement disallowed
- Change of language/acceptability of testimony given in native language. Simpler rules/lessen grounds for objection to testimony offered. Swifter proceedings-more judges and courts. Creation of small claims court with different set of rules.
- Disallow postponements (not even 1 postponement to be allowed). The ultimate in judicial or legal ethics and values. Revamp the judiciary staff and judges and justices and

lawyers etc. Efficient/effective free legal aid to the disadvantaged. Increase to 4 or 5 units, subject on ethics and values. Less materialistic judicial system in all aspects. Safeguard that lawyers and judicial staff and justices and judges don't take advantage of the disadvantaged. The SC should no dismiss good judges who work hard for impartial justice system. Repeal obsolete procedure that cause of delay processes.

- There should be strict monitoring of pending cases where the disadvantaged are involved.
- Monitor lifestyles of judges and provide mechanism for ready access to justice.
- Review the rules.
- Appointment of sufficient and competent judges. Dissemination of said rules/processes to court personnel, police and others. The strict implementation of the requisite that arresting officers should inform accused that he has a right to counsel of his choice and if he has none one will be afforded him besides his right to remain silent.
- Establishment of more courts. Appointment of competent judges (ASAP).

Appendix D

Profile of the IBP and Its Legal Aid Programs



Under the Integrated Bar of the Philippines's By-Laws, its fundamental objectives are as follows:

1. To elevate the standards of the legal profession;
2. To improve the administration of justice;
3. To enable the Bar to discharge its public responsibility more effectively.

Brief History of the Integrated Bar of the Philippines

The Integrated Bar of the Philippines (the "IBP") is the official organization of all Philippine lawyers whose names appear in the Roll of Attorneys of the Supreme Court. The IBP came into being when the Supreme Court created on October 5, 1970 the Commission on Bar Integration which was tasked "not only to ascertain the advisability of integration of the Bar, but even more, to serve as a common vehicle of the Court and the Bar in fashioning a blueprint for integration and putting same into actual operation." Republic Act No. 6397, which became effective September 17, 1971, confirmed the power of the Supreme Court to adopt rules of court to effect the integration of the Philippine Bar. Then on January 9, 1973, the Supreme Court, by a per curiam resolution, pursuant to its constitutional mandate, ordained the integration of the Bar in accordance with its Rule 139-A, effective January 16, 1973. Within the next succeeding months, the IBP was organized. On February 17, 1973, local chapters all over the country were finally formed and elections for chapter officers were held. Then on March 17, 1973, the first batch of representatives to the IBP House of Delegates composed of 104 delegates representing the IBP Chapters nationwide convened in Manila and elected its first set of IBP Governors.

Official Organization of Lawyers

It is an official organization - and by "official" we mean that it is established by the State. Republic Act No. 6397 confirmed the power of the Supreme Court to adopt rules of court to effect the integration of the Philippine Bar. Presidential Decree. No. 181 was promulgated on May 4, 1973 constituting the IBP into a body corporate and providing government assistance thereto for the accomplishment of its purposes.

All Attorneys

The IBP is composed of all Philippine attorneys now numbering about 40,000. All persons whose names appear in the Roll of Attorneys of the Supreme Court (having qualified for and passed the Bar examinations and taken their attorney's oath, unless otherwise disbarred) are members of the IBP. If any such person does not agree to join the organization and regulations (such as payments of annual membership dues, now fixed at P1,000), he does not become, or he ceases to be, an IBP member, and at the same time his name is removed from the Roll of Attorneys. The effect of the removal is that he ceases to be an attorney. He loses the privilege to practice law in the Philippines.

Semi-governmental

Some people ask whether the IBP is a governmental (public) or non-governmental (private) entity. The answer is that it is an essentially private (or non-governmental) organization. It is not an agency of the Government. For one thing, the lawyers, who are its members, are private individuals. For another, the funding is derived essentially from their membership dues. We cannot of course deny that the IBP exists to perform certain vital public functions and to assist the Government particularly in the improvement of the administration of justice, the upgrading of the standards of the legal profession, and its proper regulation. Moreover, financial assistance is extended to it by the Government itself. Lawyers are officers of the court, and it is this common aspect of their varied personalities that provides the IBP with its bond of unity. Putting it more precisely, therefore, the IBP is a semi-governmental entity; a private organization endowed with certain governmental attributes.

Professional Regulation and Upliftment

To effectively implement the above-captioned objective of the IBP, this premier lawyers' group endeavored to codify all rules of professional conduct for attorneys. It had earlier drafted a carefully prepared Code of Professional Responsibility which was submitted to the Supreme Court.

But while a well-prepared code of ethics for Philippine lawyers exists, its effective enforcement is a primary concern, thus the need for practicable program of sanctions through a Grievance Procedure. The Supreme Court has approved the Grievance Procedure proposed by the IBP. Known as Rule 139-B, this Grievance Procedure gives the IBP the right to police its own ranks by empowering it to initiate and prosecute proper charges against erring attorneys, including those in the government service. Approved by the Supreme Court en Banc on April 12, 1988, the Rule took effect June 1, 1988.

The IBP's effort to make effective the discipline process has been complemented by a well formulated plan to improve professional competence and skills. Through its continuing legal education program, lawyers all over the country attend regular seminars and symposia on various legal subjects and are thus honed to better serve their clients in particular and the public in general. Part of this program is the publication of the IBP Journal and Newsletter formerly, the Bar Briefs (for a while merged under the heading "IBP Law Journal and Magazine") in compliance with the purpose of keeping the members, as well as the public, aware of current legal issues and significant news in the legal profession.

The IBP conducts the regular monthly IBP Forum wherein prominent government officials and personalities are invited to address current and relevant issues for the purpose of enabling the IBP to take a well-informed and well-founded stand on such issues.

The IBP has put up several legal libraries in various Chapters with funding assistance from The Asia Foundation. Its current program now is to equip its Chapters with computers and legal research softwares such as Phil Juris and Lex Libris.

Mandatory Continuing Legal Education (MCLE)

Sometime in 1997, during the National Convention of Lawyers in Cebu City, then Associate Justice (now Chief Justice) Hilario G. Davide, Jr. broached the idea of requiring mandatory continuing legal education for lawyers. While the idea had always been discussed and propounded in the past, no concrete action for its adoption was ever taken until 1999 when the IBP Board of Governors, then headed by President José Aguila Grapilon, passed a

The IBP forwarded the draft to the Supreme Court which referred it to the Philippine Judicial Academy (PHILJA) for study and comment. The PHILJA recommendations were referred to the Supreme Court Committee on Legal Education which further studied them. Finally, they were submitted to the Supreme Court and on August 22, 2000, the Supreme Court adopted the MCLE Rules under Bar Matter No. 850.

Under the Rules, members of the Bar are required to undergo continuing legal education to ensure that throughout their career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law. Members of the Bar, except those exempted under the Rules, are required to complete every three (3) years at least thirty-six (36) hours of continuing legal education activities.

Legal Aid

High on the list of the IBP's priority projects is its Legal Aid Program.

The Program extends free and competent legal services to indigent and deserving members of the community. The National Committee on Legal Aid runs the program which it implements through the IBP Chapters scattered nationwide.

The Program has been named "Chief Justice Roberto Concepcion Legal Aid Program" in honor of the late Chief Justice, its long-time Chairman, under whose inspired guidance and leadership hundreds of thousands of poor litigants all over the country have been served for free.

As observed by former Chief Justice Roberto Concepcion, first Chairman of the IBP National Committee on Legal Aid: "Adequate free legal aid to the indigent and the needy is essential to the Primacy of the Law.... To be effective, it must be provided by a non-political organization independent of the Government. As much as possible, the funds necessary therefor should be raised through voluntary contributions from the people, aside from being partly subsidized by the State, to the extent necessary to achieve the main purpose of the aid to render equality before the law a reality in actual practice, to generate the people's faith in the law and in courts of justice, as well as in other agencies performing similar functions, as instrumentalities of their welfare, and to promote adherence to the Rule of Law and, hence, peace and order."

To expand the scope of its legal assistance program, the IBP must raise funds. Hence its ongoing Legal Aid Fund Campaign. To encourage donations and contributions, Presidential Decree No. 181 exempts the same from income and gift taxes, and makes them fully deductible for income tax purposes.

Developmental Legal Aid

The IBP has taken up lawyering for public interest causes as an integral part of its legal aid program. As distinguished from traditional legal aid, the beneficiary of developmental legal aid is not an individual and his personal interests but a class or a group of persons who face a common problem arising out of social conflicts in society.

Human Rights and Due Process Projects

IBP members have long been involved in human rights violation cases. To render more effective assistance in these endeavors, a Committee on Human Rights and Due Process was created under the Chairmanship of then IBP President Emeritus Justice J.B.L. Reyes. The Committee was specifically established for the purpose of monitoring cases of violation of human rights and the constitutional right to due process. Fact finding missions and formal

investigations were undertaken, and favorable results were achieved in a number of such cases. The more popular ones handled by the Committee were the “hamletization cases” in Davao and other parts of Mindanao, the “ASSO and PDA cases,” the “Escalante massacre case,” and other slaying and “salvaging cases.”

The Committee has since looked into the problems of migrant workers, comfort women and other special sectors of society.

The IBP’s presence is recognized in the wide spectrum of government and society. Its stand is sought in matters of legislation and in important issues affecting the citizenry. Among the issues it took a stand on were the rollback of oil prices, the constitutionality of the VAT Law, the illegal arrest and detention of Filipina domestic helpers in Malaysia, and the military bases issue. The IBP is given key roles in government projects and programs such as the amnesty process, judicial administration, and the BIR project to give recognition to outstanding revenue districts.

As before, the IBP tirelessly works in concert with all well-meaning sectors of society who believe that our country can regain its stature as a respected and recognized member of the world community.

Administration of Justice

Toward the objective of improving the administration of justice, the IBP has, since its inception, been given important involvement in the selection of officers to man the various courts in the country. The IBP in this regard has always recommended for appointment to the judiciary IBP members of proven competence, integrity, probity and independence.

A most significant relief in the pursuit of this objective was the acceptance of the IBP’s idea for an independent screening body in the selection of individuals for the judiciary. Originally proposed as the Commission on Justice, the Judicial and Bar Council now enshrined in the present Constitution has the principal function of recommending appointees to the judiciary. The IBP is the only lawyers’ group permanently represented in this Constitutional body.

Country-wide Involvement

The IBP undertakes a wide range of activities geared towards the attainment of its lofty goals, foremost among which is to generate and maintain pervasive and meaningful country-wide involvement of the lawyer population in the solution of the multifarious problems that afflict the nation.

Accreditation of Law Schools

The IBP seeks to implement a program of accreditation of law schools. Under a system of accreditation, only those law schools that measure up to prescribed standards or criteria shall be entitled to certain prized benefits, privileges, support and assistance from the authorities. The expectation is that the low-quality schools being denied such favorable treatment will be compelled by force of circumstances to improve their performance or run the risk of being phased out.

The membership dues went up from 75.00 to 300.00 pesos effective FY 1992-1993; and from 300.00 to 500.00 pesos effective Calendar Year 1995.

The 500.00 pesos annual fee is one of the lowest membership dues for lawyers in the world.

Effective January 1, 2000, the annual membership due has been raised to one thousand (1,000.00) pesos.

The welfare benefits were increased to five thousand pesos (5,000.00) pesos by a resolution of the Board of Governors on August 17, 1992.

Integrated Bar of the Philippines



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THE IBP LEGAL AID PROGRAM

One of the three objectives of the IBP is to "enable the Bar to discharge its responsibility more effectively." It is largely through the National Committee on Legal Aid (the "NCLA") that the IBP carries out this objective. The NCLA operates and manages the IBP Legal Aid Program which is also known as the "Chief Justice Roberto Concepcion Legal Aid Program" in honor of the first NCLA Chairman.

Currently headed by Atty. Rogelio N. Velarde, the present NCLA Chairman and Governor for the IBP Southern Luzon the NCLA administers and coordinates the 83 local aid committees all over the Philippines. (Each of the 83 IBP Chapters has its own local or chapter legal aid committee.) The National Director of the Nationwide network of local legal aid committees is Atty. Pura Angelica Y. Santiago.

Basically, the IBP Legal Aid Program is divided into the Traditional Legal Aid and the Developmental Legal Aid Programs. The projects and activities of the NCLA under the Traditional Legal Aid Program include the following:

1. Legal Counseling

The NCLA provides free counsel and advice to the poor -- the less fortunate members of our society -- the less fortunate members of our society -- who cannot afford to consult or hire the services of a lawyer and who qualify as recipient of free legal assistance (the "Beneficiaries"). It also drafts the necessary documentation required by or from the Beneficiaries.

2. Legal Representation

A lawyer from the NCLA or a local legal aid committee represents Beneficiaries before courts, quasi-judicial or administrative bodies, free of charge.

The NCLA uses the double "M" tests in determining whether or not an applicant for free legal assistance is qualified to be a Beneficiary. The first "M" is MEANS. For an applicant to qualify, he/she must earn less than P14,000.00 annually if residing in Metro Manila or less than P10,000.0, if residing outside Metro Manila. The second "M" stands for MERIT. The cause of action of the applicant must be meritorious or have legal basis.

Applicants for free legal assistance can come to the NCLA offices in the fourth floor of the IBP Building in Doña Julia Vargas Avenue, Ortigas Center Pasig City during office hours from Monday to Friday. They can also go directly to any of the 83 local legal aid committees. Beneficiaries coming from the NCLA offices are normally referred to the local legal aid committee of the province or city where the cases have their strongest nexus or connection. The NCLA, however, have the option to directly handle cases of national importance or significant social impact.

Under the Developmental Legal Aid Program, the NCLA has taken upon itself the task of protecting and depending the interest of certain classes, groups and sectors of our citizenry. Among the NCLA projects and activities under this Program are as follows:

1. UNICEF - IBP Project for the Protection and Welfare of Children

1.1 Conducting Seminar-Workshop on (i) Strengthening the Barangay Justice System and (ii) Barangay Intervention in Cases involving Children. The NCLA, either on its own or in cooperation with the United Nations Children's Fund ("UNICEF"), goes to IBP Chapter to hold back-to-back seminar-workshops on these two topics. The first aims to equip Barangay officials in amicably settling cases so they do not reach the municipal courts or contribute to clogging their dockets. The pertinent provision of the Local Government Code are explained to them in layman's language and they are trained to be creative, resourceful and, above all, persistent in bringing parties to a mutually satisfactory and equitable settlement of disputes. The second seminar-workshop is focused in protecting the rights of children, be they be victims or offenders. The IBP entered into a Project Cooperation Agreement with UNICEF in July 2000. The Agreement has enabled the NCLA to go to more Chapters utilizing funds and resource persons from UNICEF. The seminar-workshops are very well received and more and more Chapters request that they be conducted in their provinces or cities.

1.2 Conducting Regional Trainors' Training to the legal aid volunteer lawyers in the region on the "Laws on the Rights of Children" using popular methodologies.

2. Paralegal Training

Since 1999, the NCLA has been conducting trainings for volunteers who want to serve as paralegals in the NGO's, churches or other groups they belong to. It is now giving paralegal training to the police officers, as well as Crime Prevention Units (CPUs) and Junior Graftwatch Units (JGUs) which are involved in the operation of NATIONWATCH. The module of training varies depending on the special legal needs the nonlawyers have to address or attend to.

3. Free Legal Aid Clinic

The NCLA conducts free legal aid clinics on its own or in cooperation with other agencies or NGOs. During the anniversary celebration of ABS-CBN, the NCLA actively participated in the legal aid clinics it held in various depressed areas in and around Metro Manila, including the drug rehabilitation center in Bicutan, Taguig. Upon the request of the Department of Social Welfare and Development ("DSWD"), the NCLA conducted legal aid clinics at (i) the National Training School for Boys in Tanay, Rizal for the male youthful offenders being rehabilitated there, (ii) Marilac Hills for the girls and young ladies under protective custody there, in cooperation with the Philippines Bar Association, and (iii) quite recently , the medium security compound (Camp Sampaguia) at the New Bilibid Prison for inmates who were minors at the time of the commission of the offense for which they are now incarcerated.

4. Consultation on Pending Comprehensive Bill on Juvenile Justice.

The NCLA has been called upon to study, analyze and critique the Bill pending in Congress. A consultation workshop was held recently and another one is scheduled soon for the purpose of coming up with comments, suggestions and recommendations on the Bill. The consultation workshops are sponsored by UNICEF.

5. Preparing and Publishing Manuals.

The NCLA is being funded by UNICEF to prepare and publish three manuals or handbooks. The first is on the Barangay Justice System which will be distributed to all the barangays in the Philippines. The second and the third,

which are for volunteer lawyers, are on handling abused children and handling children conflict with the law, respectively. The NCLA is now in the process of compiling, collating and translating materials to be included in the manuals.

6. Legal Assistance to OFWs.

Pursuant to a Memorandum of Agreement with the Department of Foreign Affairs ("DFA") and the Overseas Workers Welfare Administration ("OWWA") of the Department of Labor and Employment, the IBP, through the NCLA, visited Overseas Filipino Workers in Hongkong, Macau, Bahrain, Greece and France to give them and their families, both here and abroad, free legal assistance with respect to the problems in their host countries (if feasible) and problems in the Philippines. Funding for the foreign trips was provided by private corporations and individuals.

7. Miscellaneous

The IBP has also a Memorandum of Agreement with- The Philippine Overseas Employment Administration ("POEA") under which the NCLA will give legal assistance to victims of illegal recruitment.

The NCLA, pursuant to another MOA with ABS-CBN, fields at least two lawyers twice a week to give legal advice on the air over DZMM.

By all indications, demands for IBP assistance, cooperation or involvement, through the NCLA, is at an all-time high. Government agencies vie with each other for the IBP's attention. It is as though all of a sudden, they have belatedly discovered a hidden resource which they have needed all along, but have gone without till now.

A. TRADITIONAL LEGAL AID

Traditional Legal Aid is extending legal assistance to qualified clients by way of legal advice or opinion, counseling, and legal representation before courts of justice or quasi-judicial and similar bodies.

Under our traditional legal aid service, one of the serious problems we encounter in our campaign for the orderly administration of justice is the matter of congestion of jails nationwide. Our role is to assist in the expeditious release of overstaying detainees pursuant to applicable rules and procedure.

Every law week celebration almost all chapters have adopted a Jail Decongestion Project as one of its regular projects. We in the NCLA have obtained the release of 34 detainees in the Manila City Jail invoking the provisions of Article 97 of the Revised Civil Code.

To be more effective in our Jail Decongestion project, we have established a link with NGO's like the CARITAS, VACC, DSWD, and paralegals from different law schools. We have trained them on the basic principles of criminal laws and procedure so that they can be more effective and efficient partners of the IBP in its jail decongestion projects.

I. Specific Activities to implement the Jail Decongestion Projects:

1. Conduct jail visitations regularly at least once a month - to be done by 4 or 5 lawyers from the NCLA and the Chapter concerned.

2. NGO's like the CARITAS and law students may be contacted to assist in the gathering of data regarding detained prisoners.

3. To conduct more intensive paralegal training for the NGO's so they can prepare simple pleadings and they would know what to do in their follow up of cases. This is an on-going projects of the NCLA. We already conducted a paralegal training for jail decongestion projects.

It consists of two parts; the Theoretical training wherein they are trained on the relevant procedural and substantive laws involving detainees and on legal forms and procedures on jail decongestion.

The second part is a six (6) months hands-on training. Legal aid lawyers together with the paralegals will visit the designated jails to interview with problems involving their detention. And the trainees will prepare motions, manifestations and/or letters under the guidance of the lawyers to address the problems of the detainees.

II. Continue to provide legal advice legal and assistance via our airlines. Every Wednesday evening, from 7:00 - 8:30 P.M., IBP lawyers join Daniel Razon and Atty. Danny Concepcion in "Abogado de Campanilla", formerly "Gel Relos Reports". Chapter Presidents are encouraged to check in your respective areas if there is a DZMM or ABS-CBN radio station and if there is one, we can adopt the same program for the chapter's legal aid on the air project.

III. Organize a pool of volunteer lawyers who are experts in their respective fields to handle IBP cases of paramount importance. These volunteer lawyers must be deeply committed to providing adequate and competent legal services to indigent clients.

IV. Database Computerization of all cases of the NCLA and the chapters to enable the NCLA to have easy access to the status and progress of said cases. The database will be updated on a monthly basis.

V. Manual Preparation

1. Rights of a Child
2. Rights of Women
3. Basic Constitutional Rights of an accused
4. Human Rights of OFW's in foreign countries
5. Indigenous People's Right under the IPRA

B. DEVELOPMENTAL LEGAL AID

The IBP has recently taken up lawyering for public interest causes. As distinguish from traditional legal aid, the beneficiary of developmental legal aid is not an individual and his personal interest but a class or a group of persons who face a common problem arising out of social conflicts in society.

As part of our developmental legal aid, we have existing Memoranda of Agreement with the different Regions of the DSWD to insure availability of legal assistance to abused women and children whenever needed through our Chapter Legal Aid Committees.

We also have an existing Memorandum of Agreement with the DFA and OWWA for OFW's.

I. SPECIFIC PROJECTS UNDER THE DEVELOPMENTAL LEGAL AID:

1. Continue to implement the UNICEF -funded projects:

(1) Regional trainers' training of legal aid lawyers on the rights of the child using popular methodologies.

(2) Training of barangay officials on cases involving children, on a juvenile justice system, and on child sensitivity.

(3) Training of paralegals who will form a task force for the protection of children, which task force will assist legal aid lawyers in handling, interviewing, and preparing children to be complainants, respondents, or witnesses in courts or administrative agencies.

2. Provide necessary legal assistance and expertise to ABS-CBN Foundation Inc. in the implementation of its project known as the "BANTAY BATA HOTLINE 163".

3. Continue to implement the MOA among DFA, IBP, and OWWA, dated July 14,2000 whereby DFA-OLAMWA has tapped the IBP to complement government services and resources and resources to provide legal assistance to Filipino migrants and other overseas Filipino workers.

Under the MOA, the IBP and OLAMWA (now "OUMWA") will specifically discuss with migrant workers who are detained abroad, or those who wish to prosecute their cases abroad the facts and circumstances surrounding their cases, give them the needed legal advice and assist them in the gathering of evidence in the Philippines, if available here.

4. Finalize the guidelines with the POEA to implement our MOA with said agency whereby IBP will give free legal service to victims of illegal recruitment and related cases as well as recruitment violations and money claims referred by the POEA.

* The above article was taken from the IBP website at www.ibp.org.ph

Appendix E
Profile of ALG, Inc. Member Organizations
and Survey Data from ALG, Inc. Members

**1. The Alternative Law Research and
Development Center, Inc. (ALTERLAW)**

ALTERLAW is a non-government organization (NGO) committed to the protection and promotion of human rights. For its framework, it perceives the law and its practice as an “on-going struggle to make the legal system responsive and relevant to the impoverished majority.” It serves to empower the marginalized sectors like the migrant workers, urban poor, children, informal sectors, and others using creative, non-traditional legal means.

ALTERLAW has four major programs, namely:

- a) Legal Assistance Program- which directly responds to issues and collective legal concerns of the poor, and is carried out in partnership with other NGOs and people’s organizations (POs);
- b) Paralegal Development, Internship and Training Program – a program focused on developing new alternative lawyers from the ranks of law students. It likewise involves working with paralegals and existing law school-based paralegal;
- c) Research and Publications Program- which is an integral part in their advocacy for legal and policy reforms; and
- d) Special Projects Development – examples of which are special projects on Children in Conflict with the Law, on HIV-AIDs and Human Rights, and on Steven Johnson Syndrome (SJS) Cases

2. The Ateneo Human Rights Center (AHRC)

Established in 1986, AHRC is a university-based institution engaged in the promotion and protection of human rights. Its objectives are: 1) to form human rights lawyers and advocates; 2) to make justice more accessible to victims of human rights violations; 3) to monitor government compliance with human rights instruments; and 4) to educate the public on laws and human rights. In accordance to its mandate, the AHRC engages in providing legal assistance, research and publication, law and policy reform advocacy, education and training, institution building, law school curriculum development and values formation.

The following are the programs and desks of the AHRC:

- a) Internship Program – which provides law students and graduates with exposure to human rights work and advocacy by assigning them to work with human rights groups around the country;
- b) Legal Aid Program – which is essentially the Legal Aid Program of the Ateneo Law School. Giving priority to human rights violations and violations of rights of women, children and migrant workers, the program integrates human rights education and advocacy to into the cases. Metalegal and developmental strategies are employed to address the immediate problems of the clients.
- c) Child Rights Desk (Adhikain para sa Karapatang Pambata or AKAP) – which conducts six major activities such as litigation, education seminars on children’s rights and concerns, legislative and policy advocacy on various children’s issues, research, publication and networking.

- d) Katutubo Desk – which evolved from the AHRC’s advocacy for the Indigenous People’s Rights Acts of 1997. The program is presently involved in developing an curriculum on indigenous peoples in the law school.
- e) Women’s Rights and Migrant Worker’s Desk – the migrants desk focuses on legal protection of migrant workers through the national laws and international instruments protecting migrant workers. It conducts researches and organizes conferences on issues involving women migrant workers like trafficking in women, gender discrimination and violence against women migrant workers. The Women’s desk, meanwhile, introduced Gender and the Law as an elective in the law school.
- f) Special Projects Desk – which conducts projects and activities outside of the AHRC’s existing programs, with the view of advancing and promoting developmental law practice and human rights advocacy.

3. The Children’s Legal Bureau (CLB)

The CLB envisions a “just world for children.” As its mission, it is committed to “empower communities in promoting justice for children through developmental legal aid.” In order to achieve this vision-mission, CLB aims to: 1) stop sexual and physical abuse of children through child’s rights legal aid; 2) promote justice for juveniles by initiating the establishment of a comprehensive juvenile justice system; and 3) provide assistance to partners and networks on other issues and concerns of children and environment aside from those covered under its main programs.

The CLB believes that the law could be used for social and economic justice. However, at present many barriers such as inadequate fund support for litigants, language barriers, child and gender discrimination, inappropriate and incorrect laws and policies relating to children, graft and corruption in government, and incompetent members of the judiciary and bar hinder the pursuit of justice for children. Developmental legal aid is used by CLB in the following manner:

- 1. In a limited way, it provides legal services to individual cases for free in accordance to a given set of criteria for beneficiaries.
- 2. It also files test cases and class suits in an effort to change policy through public debate. In some instances, CLB advocates together with communities for the enactment, amendment or repeal of laws.
- 3. Through trainings on rights, skills and organizing, as well as, litigation and policy advocacy, CLB works for the empowerment of communities in its relationship with the State.

4. The Environmental Legal Assistance Center (ELAC)

ELAC is a non-government organization committed to help communities uphold their Constitutional right to a healthful and balanced ecology. With six offices in central Philippines, it addresses environmental degradation issues brought about by illegal practices, unsound policies, poor resource management and lack of awareness. ELAC envisions “a Philippine society governed by laws that address the root causes of environmental degradation and social injustice.” It likewise envisions “communities that are empowered and self-determining stewards of natural resources.” Such communities are vigilant and assertive of their environmental and human rights.

For its mission, ELAC aims “to protect and assert environmental rights and equitable access to and control of natural resource use by communities in Palawan and in the Visayas, through effective developmental legal assistance and community-based resource management.”

The following are the organizational goals of ELAC: 1) to empower marginalized communities as resource managers; 2) to oppose environmentally destructive development programs and activities and advocate for alternatives; 3) to advocate for just and responsive environmental laws and policies; and 4) to build ELAC as a self-sustaining, competent and cohesive team of area-based female and male lawyers, paralegals, scientists, community organizers and staff.

To carry out these goals, ELAC has the following programs:

- a) Advocacy Program – which aims to promote reforms in administrative and legislative bodies that will open up avenues for citizen participation in environmental protection. Specifically, ELAC’s advocacy seeks to foster better and responsible environmental laws and policies, especially in the local level, and sustain the lines of cooperation with local, national, and international organizations, government agencies, and local government units.
- b) Scientific Advisory Program (SAP) – which aims to make available technical information and advice for litigation and metalegal actions, and make available technical information and skills to the community with the help of scientists and other technical professionals.

5. Free Rehabilitation, Economic, Education and Legal Assistance Volunteers Association, Inc. (FREELAVA, Inc.)

FREELAVA is an umbrella organization of community-based organizations, government organizations, academe and civic-minded individuals who pool their resources together to achieve a common mission. Its target sectors are children and youth, street children, prisoners, ex-offenders, women and urban poor.

FREELAVA envisions “a just and humane society in which the oppressed and the underprivileged individuals, families and communities have maximum access to justice and social services in order to invoke their rights and meet their basic needs and attain their own development as human beings and institutions, ultimately leading towards an improved quality of life for all segments in the community.” Its mission is to help the oppressed, the underprivileged and the victims of discrimination.

The specific objectives of the organization include: 1) to help assist indigent litigants, accused, detainees and to represent them and their cases in courts; 2) to conduct rehabilitation programs of detainees simultaneous with free legal aid; 3) to provide legal education and trainings for paralegal works in the grassroots level; 4) to carry-out crime prevention activities in the communities; 5) to provide self-help opportunities for poor families; 6) to provide educational assistance to out-of-school children and youth in depressed communities; 7) to provide education, information and trainings regarding issues affecting the lives of poor uneducated citizens living in depressed communities; and 8) to network and link with other government organizations and NGOs to pursue the above objectives.

FREELAVA has the following programs/major activities:

- a) Free Legal Assistance – including litigation, case follow-up, documentation, legal counseling, paralegal training, fact-finding and policy advocacy

- b) Rehabilitation of Offenders – which includes socio-cultural activities, value formation seminars, skills training, livelihood program, post release care program and rehabilitation center
- c) Crime Prevention Program – which involves community organizing, skills training, livelihood programs, educational assistance, value formation seminars, STD and HIV/AIDS education and policy advocacy.

6. KAISAHAN

Kaisahan is a social development organization that promotes a sustainable and humane society through the empowerment of marginalized groups in rural areas especially farmers and farmworkers. Its vision is an “empowered and sustainable local communities of women and men; building a Philippines with an activist state that is civil society-based; a people-led economy which sustainably provides for its growing needs based on sound agricultural development and industry; of citizens constantly vigilant of their rights and freedom, nurturing spirituality, caring for each other and the earth and enhancing our nation’s rich yet diverse cultural heritage; towards building a world free from inequity, injustice and prejudices, with global cooperation among co-equal sovereign striving for peace and environmental soundness for future generations.”

Kaisahan’s mission is to facilitate agrarian reform implementation and sustainable rural development toward the formation of sustainable integrated area development (SIAD) communities wherein people have COCO (C- creative, collective and critical consciousness-raising; O – organizational development; C – coalition building and advocacy work; O – overcoming gender and other biases. These are, in turn, expected to lead to sustainable development marked by BREAD (B- basic services delivery; R – resource tenure and improvement; E – economic self-reliance and strengthening; A – agricultural development and ecological nurturance; and D – democratic participation in governance).

The goals of Kaisahan include: 1) faster, fairer and more meaningful land tenure improvement in area specific barangays and municipalities; 2) building SIAD communities in partnership with POs, NGOS, and other stakeholders; 3) promoting the SIAD approach as a development approach; 4) active people’s policy engagement, advocacy and lobby in order to create a political and policy environment favorable to agrarian reform and rural development (ARRD); 5) integrating governance and agrarian reform within the structures, programs and budgets of local government units (LGUs); and 6) democratization of local politics and governance.

The following are Kaisahan’s major programs:

- a) Legal Affairs Program – which develops and pursues a community-based legal resource center; promotes and institutionalize a paralegal formation program for farmers and farmworkers; provides legal assistance and consultancy services for small farmers, farmworkers and marginalized rural poor; and networks with other alternative law groups for concerted advocacy efforts at the legislative, executive and judicial branches of the government
- b) Policy Research and Advocacy – which aims to create public awareness on ARRD and local governance issues; pursues public and media advocacy, networking and claim-making together with other POs-NGOs; works with reform-oriented government officials; and provides analysis of issues and policies and proposes policy changes when necessary.
- c) Area-specific Development Assistance – which works with other like-minded POs-NGOs organizing communities for SIAD; helps establish a

network of SIAD practitioners among NGOs-POs and other stakeholders; organizes for a and workshops promoting SIAD; assists in mobilizing resources for SIAD model communities; and documents and publishes SIAD success stories.

- d) Administrative and Finance – which provides effective and efficient administrative support to other Kaisahan programs, and performs other administrative functions.

7. Paglilingkod Batas Pangkapatiran Foundation, Inc. (PBPF)

The PBPF is a center for law and development sensitive to the legal needs of women, children and basic sectors. It upholds the principles of equity-led development as it works with organizations and communities in their environmental concerns and their pursuit of equity and participation in governance.

PBPF envisions a peaceful society where women, children, and family are part of total human development in an atmosphere of equity, genuine democracy and respect for the environment through the creative use of law.

Its missions are: 1) to build peoples organizations, which are able to effect legal changes to serve the community's interest for genuine empowerment and equity-led development; 2) to enjoin people's organizations and other agencies or institutions into active participation in the formation of the law and implementation for children, women, family and environment; 3) to establish active partnerships with government, and non-government organizations at the local, regional, national and international level on issues and concerns to bring about legal and environmental changes.

To pursue its vision, PBPF endeavors to: 1) conduct basic legal education through lectures, paralegal seminars and other forms of legal education; 2) train members of people's organizations and barangay leaders to serve the legal needs of their community; 3) support the formation of people's organizations through legal and technical assistance; 4) make available legal services and assistance to women victims of violence, to street children, abandoned and abused children, as well as, children in extremely difficult circumstances; 5) raise community consciousness in the importance of preserving and protecting the environment through information on environmental law; 6) extend legal assistance to communities and organizations on environmental issues; and 7) promote participation in governance to achieve community-based social services that will strengthen the family and develop self-reliance among the basic sectors in the barangay.

The following are the program components of PBPF:

- a) Education Program – which includes the conduct of projects that educate and organize the different sectors of the community for empowerment, self reliance, and genuine democracy
- b) Research and Documentation Program – which seeks to provide research and documentation support for communities to advance their entitlements
- c) Networking and Resource Exchange Program – which are linkages with various NGOs, social development agencies, POs and government organizations, among others
- d) Legal Assistance – which includes consultation, representation, litigation, mediation and advocacy support

8. Sentro ng Alternatibong Lingap Panligal (SALIGAN)

SALIGAN is a legal resource non-governmental organization involved in developmental legal work with women, farmers, workers, urban poor and local communities. SALIGAN means “that which is fundamental and basic”.

SALIGAN’s visions include; 1) “a Philippine society that is just, peaceful, compassionate and liberating; 2) a state that is sovereign, progressive and democratic; 3) a national economy that is sustainable, self-reliant and inclusive...where wealth is distributed to ensure the innate dignity of all families; 4) a legal system that is reflective, dynamic and accessible...where laws are employed as instruments of justice and development; and 5) a people who live in hope, who in the face of sufferings around and inside them, trust in their power to transcend.”

As its mission, SALIGAN seeks to effect societal change by working towards the empowerment of women, the basic sectors and local communities through the creative use of the law and legal resources.

The following are SALIGAN’s guiding principles and objectives: 1) genuine base participation and legal self-reliance; 2) advocacy through legal resources; 3) deprofessionalization of the law and its administration; 4) organizational/internal sustainability.

The organization has five major programs namely:

- a) Women
- b) Labor (including local and overseas labor, formal and informal)
- c) Urban Poor
- d) Peasant (including farmers, farm workers and fisherfolk)
- e) Local Governance.

Through these programs SALIGAN undertakes major activities involving:

- 1) legal literacy or alternative legal education;
- 2) paralegal formation;
- 3) litigation support;
- 4) organizational cases;
- 5) test or precedent cases;
- 6) sectoral and multi-sectoral cases;
- 7) policy work;
- 8) research and publication; and
- 9) internship.

9. Women’s Legal Bureau, Inc. (WLB)

WLB is a feminist legal non-government organization working to empower women through the use of and engagement with the law and institutions. Its mission is provide feminist legal services and actively engage in advocacy together with other women’s groups in order to transform the law and the legal system in furtherance of the right of women to self-determination and the advancement of their dignity, rights and leadership, in concert with national and global movements for alternative development.

WLB has five core programs namely:

- a) Feminist Legal and Developmental Service Program
- b) Feminist Legal and Policy Research and Publication

- c) Feminist Legal Education and Training
- d) Public Information and Advocacy
- e) Institutional Support Program

The above programs carry out major activities such as:

- 1) representation of women in judicial tribunals and extra-judicial proceedings for the protection and redress of their rights;
- 2) court advocacy for judicial interpretation of laws and challenges of laws on human rights and constitutional grounds;
- 3) advocacy for legal reforms in Congress;
- 4) organizing women lawyers nationwide to engage in legal advocacy for women's rights;
- 5) sensitizing members of the legal profession and the law enforcement agencies;
- 6) contributing to the enhancement of developmental legal scholarship;
- 7) helping in strengthening community capabilities to respond to women's problems especially violence against women (VAW);
- 8) promoting awareness on rights and women's issues among women, the general public, the legal profession and NGO communities; and
- 9) supporting women's organizations and their initiatives.

10. Womenlead

Womenlead is a feminist legal resource institution for women committed to advancing women's human rights through feminist methodologies in the critique and analysis of law and the legal system.

The following are the major programs of Womenlead:

- a) Feminist Counseling and Legal Services Program – in which Womenlead's lawyers and paralegals engage in litigation to challenge laws, and the legal culture that reinforces biases against women
- b) Training and Legal Education Program – which develops modules for paralegal and legal advocacy training for its partner networks, partner communities and other requesting organizations.
- c) Campaigns and External Linkages – which conducts campaigns on women's issues.
- d) Research, Publications and Library Program – which publishes the bi-annual Womenlead Journal on Law and Culture, and conducts researches on other related issues.
- e) Administrative Support and Finance Program – which provides overall support for the institution and other programs and performs other administrative functions.

*The above information were lifted from the brochures and website of the organizations.

Survey Data from ALG, Inc. Members

Total = 17

Alterlaw (2)
 PANLIPI-CAR
 Environmental Legal Assistance Center (ELAC)
 WOMENLEAD
 BALAOD-Mindanao
 SALIGAN
 Women's Legal Bureau
 PANLIPI, DINTEG
 Children's Legal Bureau, Inc. (3)
 PLRC/SALIGAN
 Paglilingkod Batas Pangkapatiran Foundation
 PLRC
 ELAC, PLLP
 Ateneo Human Rights Center

A. Socio-demographic data

Sex		
N	15	
Male	5	69%
Female	10	31%
Age		
N	15	
Mean	36.1	
SD	8.07	
Median	34	
Range	27-56	
Religion		
Catholic	12	86%
Protestant	2	14%
Civil status		
Single	7	41%
Married	10	49%
Monthly income		
below P20,000	7	41%
P20001-	8	47%
P40001-	2	12%
School		
UP	3	18%
Ateneo	6	35%
Baguio Coll Fdn	1	6%
Univ of San Carlos	3	18%

SLU	2	12%
Others	2	12%
Year of admission to bar		
1971	1	6%
1981	1	6%
1987	1	6%
1991	2	12%
1994	2	12%
1995	3	18%
1996	1	6%
1997	1	6%
2001	2	12%
2002	2	12%
2003	1	6%

B. Clientele & legal practice

Nature of practice		
N	28	
Law firm	6	21%
Solo practice	4	14%
Business	1	4%
Academe	1	4%
NGO	11	39%
Others	5	18%
Legal services		
N	62	
Represent in court	17	27%
Documentation	11	18%
Legal counseling	16	26%
Mediation	10	16%
Others	8	13%
Type of cases		
N	61	
Criminal	17	28%
Civil	15	25%
Labor	15	25%
Administrative	12	20%
Others	2	3%

B5 Basic sectors represented	Paying	Probono	Total
N	22	99	121
Farmer	14%	15%	15%
Fisherfolk	5%	8%	7%
IP	18%	9%	11%
Urban poor	9%	11%	11%
Workers in the formal sector	32%	6%	11%
Workers in the informal sector	5%	11%	10%
Women	9%	9%	9%
Children	0%	14%	12%
Youth	0%	3%	2%
Persons with disabilities	5%	2%	2%
Senior citizens	0%	4%	3%
Victims of disaster	0%	2%	2%
Others	5%	5%	5%

B6 Bodies where groups were represented		
N	222	
Preliminary/Custodial	49	22%
Mun/Metro Trial	36	16%
Regional Trial	50	23%
CA	25	11%
SC	16	7%
Other courts	7	3%
QJA	39	18%

B7 When groups were represented		
N	164	
Before trial	66	40%
During trial	64	39%
Appeal	34	21%
B8 JRA		
Aware	16	94%
Not aware	1	6%
If aware of JRA		
N	14	
Reforms are adequate	1	7%

Source of info		
N	16	
IBP	4	25%
media	4	25%
professional lawyer groups	6	38%

C1	Paying	Probono	Total
N	73	106	179
Custodial	8%	8%	8%
Inquest	14%	12%	13%
Petition for review with DOJ	8%	10%	9%
Petition for bail	10%	9%	9%
Arraignment	15%	14%	15%
Pre-trial	12%	12%	12%
Trial	14%	12%	13%
Promulgation of judgment	10%	10%	10%
Appeal	10%	10%	10%
C2			
N	33	66	99
Client	33%	20%	24%
Family of client	27%	18%	21%
Friend of client	24%	14%	17%
Assigned by IBP	0%	9%	6%
Assigned by law office	6%	6%	6%
Appointed by the Court	0%	8%	5%
NGO	9%	23%	18%
Others	0%	3%	2%

D1	Paying	Pro bono	Total
N	15	19	34
Before date of hearing	87%	89%	88%
Only during the hearing	13%	11%	12%
D2			
N	21	30	51
Provided by client	52%	50%	51%
Secured by lawyer,etc	43%	43%	43%
Others	5%	7%	6%

D3	Paying	Pro bono	Total
n	20	26	46
Client	70%	31%	48%
Lawyer	15%	27%	22%
Others	15%	42%	30%
D4			
n	11	15	26
Before date of hearing	82%	73%	77%
Only during hearing	18%	27%	23%
D5			
N	11	15	26
Yes	27%	87%	62%

If no, why not

- sometimes, not allowed depending on the arresting offices like CIDG they limit your time
- policemen are not very cooperative
- sometimes/under the watchful eye of prison guard
- police obstruction

D6	Paying	Pro bono	Total
n	11	15	26
Yes	64%	67%	65%

For non pro bono cases		
E11		
n	23	
Lump sum	1	4%
Appearance + installment	14	61%
Contingent	6	26%
Time changes	1	4%
Others	1	4%
E12 Accept payment in kind		
n	16	
Yes	13	81%

E2	Accept	Appearance	Time	Termination	Others
n	17	16	1	2	3
<P1000	6%	75%	(1)	(1)	(1)
P1001-	71%	19%			(2)
P10001-	6%	6%			
P20001-	18%	0%		(1)	
>P30000	0%	0%			

E31 Charge additional fee if appealed		
n	15	
Yes	8	53%

E32 How much?

- P3000 1
- P5000 1
- same as trial level 1
- depends 3

E41 Ever declined a case		
n	17	
Yes	14	82%
E42 Reasons for declining		
n	14	
Client cannot afford	1	7%
Too much caseload	10	71%
Others	10	71%
For pro bono cases		
E5 Client usually can afford cost of transcripts		
N	17	
Yes	9	53%
E61 Had to pay because client cannot afford		
N	17	
Yes	13	76%
E62 Frequency		
N	13	

Sometimes	5	38%
Many times	8	62%
All the time	0	0%

E7 Cost of litigation shouldered (median)	n	Media n	Min	Max
Transpo	6	300	100	5000
Documents	5	500	500	1000
Transcript	4	1000	500	2000
Filing fees	1		1000	1000
Serving notices	5	500	20	1000
Bail	1		10000	10000
Food	3	1000	75	2000

F1 Are your clients usually able to post bail	Pay	Pro bono	Total
n	12	15	27
Yes	50%	13%	30%

F11 If not, why		
n	27	
Crime not bailable	6	22%
Amount too high for client	10	37%
Client has no money or property	11	41%
Client refuses to post bail	0	0%

Average period of time						
Paying	n	Mean	SD	Median	Min	Max
G1	8	60.8	123.43	14	2	365
G2	9	91.9	98.14	75	5	273
G3	10	56.9	62.57	30	10	212
G4	10	43.5	25.93	30	30	105
G5	9	176.6	202.36	36	12	548
G6	7	1149.3	408.39	1095	730	1840
Average period of time						
Pro bono	n	Mean	SD	Median	Min	Max
G1	11	51.2	104.64	20	2	365
G2	11	57.7	37.64	60	10	120
G3	13	129.8	294.47	30	10	1095
G4	13	45.0	22.08	30	30	105

G5	13	272.6	339.31	66	12	1095
G6	9	1051.2	643.20	1095	48	1840
Average period of time						
Total	n	Mean	SD	Median	Min	Max
G1	19	55.3	109.69	14	2	365
G2	20	73.1	71.46	68	5	273
G3	22	100.0	228.88	30	10	1095
G4	23	44.3	23.27	30	30	105
G5	22	233.3	289.35	57	12	1095
G6	16	1094.1	538.41	1095	48	1840

Causes of delay	Paying	Pro bono	Total
n	93	171	264
a	3%	5%	4%
b	5%	5%	5%
c	8%	8%	8%
d	5%	5%	5%
e	3%	4%	3%
f	8%	7%	7%
g	3%	4%	4%
h	4%	6%	6%
i	4%	5%	5%
j	2%	3%	3%
k	9%	7%	8%
l	3%	4%	3%
m	10%	8%	9%
n	11%	9%	9%
o	4%	6%	5%
p	10%	8%	9%
q	8%	8%	8%

H. Perception	n	Agree	Neutral	Disagree
H1	16	19%	13%	69%
H2	17	18%	12%	71%
H3	17	0%	0%	100%
H4	17	0%	12%	88%
H5	16	6%	19%	75%
H6	17	6%	6%	88%
H7	17	0%	6%	94%
H8	17	0%	0%	100%
H9	17	0%	6%	94%
H10	16	6%	19%	75%
H11	17	0%	18%	82%
H12	17	12%	6%	82%

H13	17	12%	24%	65%
H14	17	12%	12%	76%
H15	17	12%	12%	76%
H16	17	0%	18%	82%
H17	17	29%	18%	53%
H18	16	88%	0%	13%
H19A	16	75%	6%	19%
H19B	16	81%	6%	13%
H19C	15	80%	13%	7%
H19D	15	47%	33%	20%
H20	15	87%	0%	13%

Risks		
n	66	
Emotional	13	20%
Psycho	10	15%
Health	9	14%
Fam pressure	7	11%
Loss of opp	5	8%
Security	10	15%
Loss of income	12	18%
Gains		
n	59	
Political mileage	1	2%
Media mileage	2	3%
Psycho reward	8	14%
Personal fulfillment	16	27%
Prof advancement	13	22%
Travel	7	12%
Spiritual growth	9	15%
Funding support	3	5%

Appendix G

Focus Group Discussion with Baguio City IBP Chapter

IBP Lounge, Baguio City

April 25, 2003

(Codes: Mod- moderator; Pax- participant)

Mod: Good morning po. We have to ask you some basic questions about your practice, your lawyering for the disadvantaged. Maybe you can tell us about your own experience, how did you define clients here?

Pax: I was the chairman of the IBP Legal Aid here for three years. Then I If you are the Vice President of the IBP, automatically you are the chairman of the IBP legal Aid. Basically, the referral that sent to us are indigent people who cannot afford lawyers. I assign cases to several lawyers. Probably there are 75 pro bono cases at that time. People who come to our office are referred by their relatives, community, mga ganun.

Mod: Sa IBP, automatic na you have a may lawyering for the poor?

Pax: IBP community legal Aid.

Mod: Sa IBP, there's a mechanism na you lawyer for the poor?

Pax: Yes. Somehow, we handle a case referred by the courts. Sila nagsasabi na you represent this litigant. Ini-interview namin sila kung ano gusto nila mangyari....

Mod: Mayroon ba kayong subsidy sa national government?

Pax: Meron, we receive lang 50,000 whole chapter. The subsidy, we reimburse the travel expense of the lawyers.

Mod: But not to subsidize the pro-bono cases?

Pax: Fare of the lawyers... Sometimes the lawyers use their own funds.

Mod: How about political considerations?

Pax: Wala naman. Walang nakikialam.

Mod: How about ethnic origin of the clients?

Pax: We don't find any discrimination of ethnic origin.

Mod: Gusto namin tingnan kung may pagkakaiba.

Pax: Almost fifty-fifty naman e. Iba yung judicial at iba ang administrative. Pag sa law, judicial pa rin ang basis, walang regional affinity of what...

Mod: Pano ang set-up o ang representation?

Pax: Ang mga courts namin dito sa Cordillera, divided into two judicial reform. Some are part of the first and some are part of the second lane. Kalinga Apayao and Ifugao... yung Mountain Province another division.

Mod: Does media or other sectors may have any bearing for the poor clients?

Pax: Yes but it depends. Yung media, pro-poor naman generally.

Mod: How about the poor litigants?

Mod: Kumbaga, advocacy lang?

Pax: The use of media.

Mod: But not going directly to the IBP, sa mga lawyers?

Mod: How about NGOs, pumupunta sila sa IBP?

Pax: They go more on the NGOs. Tulad ng mga political prisoners, women, labor, Aetas mga ganun.

Mod: Yung aeta anong mga kaso yun?

Pax: Ancestral lands. They have a lot of problems right now.

Mod: Are you representing a group in one particular area.

Pax: It composed of a clan... about 8 children with a family of their own. Nagkaroon ng mga irregularities kaya may mga titles sila na declared null and void by the Supreme Court.

Mod: Hindi ito pro-bono?

Pax: Some of them promised a certain land or whatever.

Mod: Allowed na ganun bibigyan kayo ng a quarter of land ng court?

Pax: Allowed naman, ito ang practice dito sa Baguio. Minsan meron, minsan wala.

Mod: How about local government/

Pax: Most of the poor people, ang number one reklamo namin, sometimes nag-hahandle kami ng case for a registered owner is the one to go to this court to have it release. Kulang sa resources...

Mod: What rules are in favor of the poor clients?

Pax: Pag sa criminal case, there's a possibility na yung client ay makukulong. Kaya mapipilitan ka na ilalaban mo.

Mod: Are there instances na yung client spent some time in jail?

Pax: Andami na-dedetaing na babae right now.

Mod: Madali lang ba if they need a lawyer, madali naman ba ma-process?

Pax: In our small communities, media plays a role in informing the people where to go.

Mod: So may referral?

Pax: People here know what to do when something is... when they need legal assistance. Lawyers here are very accessible.

Mod: Normal din daw sa lawyer na kapag marami daw siyang load, magtatago daw muna dahil baka ikaw na naman ma-aassign ng court na maglalawyer.

Pax: Not in Baguio City. We already have a list of available lawyers whom they want to appoint as counsel

de officio. Even if the lawyer will not go to court they are given notices na sila ang na-aassign na maglalawyer sa isang certain client.

Mod: A, so hindi yan random?

Pax: Yes. Except for arraignment purposes probably.

Mod: O, dun sa arraignment?

Pax: In the representation purposes, the judge has the discretion to determine whom they want to assign even when they are in courtroom or not?

Mod: But if they are out of town?

Pax: You can beg off if you want. But I don't think IBP lawyers back out on this kind.

Mod: So ano, may listahan ang IBP dito?

Pax: Yes ma'am. Kasi ang IBP Legal Aid here have a list of available lawyers whom they passed to the court whom they know are fit to be appointed as counsel de officio. Among the list, it is the judge who appoints.

Mod: Sa arraignment, pag inarraign yan may abogado na yan?

Pax: No. If they go to court, and they are arraigned and they don't have a lawyer that is the time the judge will appoint a counsel de officio on the spot.

Mod: That's right. Kung sino ang nandiyan o yung IBP ang iaappoint.

Pax: Kung sino na ang nandun. But you can make clear to the judge that you are appearing only for the purposes of the arraignment. You can make a deal with a judge, that you will consent with the arraignment. Of course, this will not be taken against you because there are six public attorneys who can be assigned in a particular case.

Mod: May mga pro-bono cases na na-dedecline?

Pax: I don't think a pro-bono cases has been declined here in Baguio City, siguro kung meron, conflict of interest....

Pax: Meron din gumawa nga niyan, pero isinumbong sa media.

Mod: Yung law profession dito, where would a lawyer derive his income?

Pax: Sa land...

Mod: Mas mataas ang bayad sa land...?

Pax: Sa criminal... drugs. Mga na-aarest na mga anak ng mga mayayaman.....

Mod: In your practice, mas maganda na maging lawyer ka ng mayayaman, ganun ba?

Pax: Hindi naman. Kasi mayroong mayayaman marurunong magbarat.

Mod: So may lawyer shopping ganun po ba?

Pax: Yes.

Mod: Ilang lawyers na dito sa Baguio. Over populated na ba?

Pax: Something around 300 na.

Mod: Among the active lawyers...

Pax: Sa legal aid na lang, kinukulang kami.

Mod: Ilan sa IBP members niyo ang naging legal aid?

Pax: Mahigit thirty...

Mod: Are there technicalities in using evidence?

Pax: DNA testing, but it is very expensive. In rape cases, we want to experiment in DNA testing but kulang kami ng resources.

Pax: Handwriting. We don't have an expert here so we get somebody there in CIDG and NBI . They don't come here voluntarily.

Mod: This is a study of the Supreme Court. They need data for judicial reform to improve access to justice for the poor. After these they will organize the judicial reform

program. Tatlo yung component ng study, one is about lawyers, then another group is about the prisoners and the other is the public attorney's office.

Pax: Wala ng injunction, karamihan sa kanila denied.

Mod: Ibig sabihin, yung mga environmentalist may be anti-poor?

Pax: Maganda ang concept nila, pero ang tinitingnan nila yung mga poor people na nakakapasok.

Mod: So, may conflict of interest din?_____

Pax: Mahirap lalo na dun sa baba, you will find them to be very honest. They want to admit na ginawa even lawyer will tell them not to. Sa pulis pa lang, itatanong ka na agad.

Mod: Nahihirapan kayo to coach them what to say in court?

Pax: Ang pinakasimple, _____, usapan na.... Sometimes, through consensus...

Pax : Sa criminal justice system natin, andami requirements.

Mod: Yung sa barangay court, nakakatulong din?

Pax: Oo, kung meron sila.

Pax: Kung magkakaroon ng settlement para di na makakaabot sa taas, nakakatulong iyon kasi ma-se-settle na sa community level.

Pax: The law on drugs nakakatakot yun. Kahit walang ebidensiya, ilalabas na buy bust operation... ang nakakatakot diyan, yung ginagawa ng mga pulis, pano yung mga inosente? Yung bagong law ngayon, yung cut-off na quantity na 100 grams before, ngayon kahit .0001grams, napakadaling ilagay yan sa iyo...

Mod: Yung mga pulis, may quota sila na dapat mahuli...?

Pax: Yes, lalo na during Erap's time.... Dapat 40 ang mahuli in one month. Lalo na ngayon, kung ang policy ng presidente ay drugs. Kung ikaw ay judge, yung affiant

kahit walang ebidensiya natatakot ka i-dismiss kasi baka matanggal ka. Walang judicial independence. Gaya ng mga kababayan namin dito, sa Kalinga nahuli sila without a warrant, natatakot ang court na i-release sila. Dapat independent ang SC sa executive.

Mod: Paano ang appointment of judges?

Pax: Dapat may sharing ang IBP and Supreme Court will recommend judges. Yung Court of Appeals siguro, kahit na yung presidente. At mas madali ang proseso. Para may gana ang isang lawyer na maging judge. At least we can expect something from others. Pag kasi presidente, walang magagawa ang judge e. Halimbawa ito ang aming recommendation pero iba ang kinuha ng Supreme Court.

Mod: Maganda ba ang recommendation ng IBP at SC.

Pax: I think minsan lang nangyari. Sa ngayon, okay naman na.

Mod: Ano ba yung maganda sa judicial reform agenda?

Pax: Dinagdag lang nila yung access to justice for the poor. Even the judges ang interes nila is to increase their salary.

Mod: Bakit sinasabi niyo na kakumpitensiya nyo ay PAO?

Pax: Ang nangyayari kasi, kami ang nag-hahandle ng mga talagang libre, sa kanila yung may pera. Napupunta sa kanila. Yung ibang judge, ayaw nila ng PAO, pinahihirapan nila yung paborito nilang Legal Aid.

Mod: So ang nag-lelegal aid, yung mga IBP ngayon?

Pax: Ang ginawa namin ngayon, we expanded the legal aid. Ito kasi ang goal ng legal aid is to help the basic sectors cope with that kind of... Ngayon developmental legal aid na. Participation pa rin is as a group, hindi na individual. So if we try to help the poor is to lobby the city governor to provide housing, ito ang developmental legal aid. Ang component ng dev't legal aid is organizing, education, documentation.

Appendix H

Focus Group Discussion with Davao City Lawyers

DAVAO FGD, Grand Men Seng Hotel

May 6, 2003

(Codes: Mod- means moderator; Pax- means participant)

Mod: We would like to thank you for honoring our invitation to this talk and discussion. We would like to explain why we invited you to this discussion and study we are doing. Actually, this is a study about improving the access to justice by the poor. This is a study of the Supreme Court of the Philippines and funded by the United Nations Development Program. Our research organization, which is the ASIN has been commissioned to do this particular study. Now the study about improving access to justice by the poor is made up of 3 three components. One component is the study of the Public Attorney's Office and the role that it plays in improving access to justice. The other component is a study of the clients, people who have been imprisoned. One of our colleagues here, Arnel De Guzman was here last week and accompanied the team in going to the prison in Davao City in order to interview the inmates and find out what is their perception about their own access to justice. The third component is what we are doing. This is a national survey of lawyers. We are looking at the 3rd element of access to justice by the poor by trying to study the perception of lawyers about the topic. We will find out lawyers' knowledge, attitudes and practices about lawyering for the poor. Now there are two components to this project. We are basically using two types of approaches. One approach is quantitative and that is represented by the survey questionnaires that you are accomplishing this evening. And these will be analyzed by our statistician to find out what is the trend. Actually, we have two types of sample one sample is randomly drawn from the list of the IBP. So we took a look at the 42000 members of the Integrated Bar of the Philippines and we chose at random 2500 names. Maybe a few of you received our mailed questionnaire. But in addition to that we are trying to generate samples. Meaning, the lawyers that we are meeting, we are asking you to accomplish the form in order to enrich the data that we will be able

to gather from the national survey. The second component of the study is qualitative. We would like to go deeper into the issues that have been raised in the questionnaire and this evening we are going to interview you, ask you to express your opinions regarding lawyering for the poor. That should give us an in-depth knowledge of what lawyers think about lawyering for the poor. We are going to hold focus group discussions in four areas. One is in Luzon, another in Visayas and another in Mindanao and the fourth the National Capital Region. We are finished with Baguio. Now we are in Davao. We chose Davao for the Mindanao component. And two days from now we are going to Cebu. And lastly we are holding focus group discussion for lawyers in Manila. So that's how the study is going to proceed. Now, before we start with the discussion, we would like to introduce the members of our team after which we would ask you to introduce yourselves. The ASIN is basically a research group of faculty members from the University of the Philippines. Professor Roli Talampas is going to be our facilitator for tonight. And myself, I'm Cristina Torres, we are faculty members of the Department of Social Sciences of the UP Manila. And our research assistant sitting at the administration table is our own alumna, Ms. Elai Longalong. Also with us tonight, is the program officer of the UNDP for this three types of studies, we have Mr. Arnel De Guzman. We took the 5 o'clock flight from Manila this morning. And we always would like to go to Davao. We enjoy Davao very much.

Mod: So, we would like to start with the discussion if you could please introduce yourself and give us a little background about your experience in lawyering for the poor if there is any. But even if you don't have any experience, this is a national survey, we are interested in the opinions of all types of lawyers. So may we request Attorney Pratt to start the introduction. We are recording the proceedings so please speak loud enough in introducing yourself and expressing your opinions so that our tape will be able to pick-up the things you are saying.

Pax: I'm Cynthia Adao Pratt. I am from the Adao Pratt Law Office. I helped the Women's Group like the Pilipina Legal Resource Center and the SALIGAN in their free

legal aid and aside from that I give legal counseling for those who just come to the office and ask for counseling on what to do with their problems and that's for free. That is all.

Pax: I'm Graciana Fuentes. I think I'm the oldest one who had been admitted to the bar last 1971. That's what is good with practicing you never get to retire. My first two decades in practice was into labor. It was I think the time, the realization that the labor groups were the disadvantaged sectors for me. But I veered into administrative practice for civil servants who also need assistance and it's not because its popular. But now I'm into some women issues and women problems. Meaning, annulment cases which I would like to avoid. It's really very difficult. I think that is one kind of case where the client is disadvantaged. It's not because they cannot pay but achieving what they want is really very difficult. Because of my exposure to labor, I have a lot of free counseling. Who also are able to give me clients. That's what they say to be able to practice virtue you must have something. I have been with Cynthia in the PLRC and we like to get invited because we get to learn a lot from these new things.

Pax: Maayong hapon ay gabii na diay! I am Attorney Erlinda dela Torre Cardona. I am connected presently in the Paglilingkod Batas, over there is my bossing, our Executive Director Ana Balayon. We are working with communities that are usually mga protectors of the environment like in environmental cases. We also have other NGO partners that provide other services. Sa amin ang legal services. But legal services does not mean only representing them in court. We also do paralegal training and other capacity building activities and counseling. And sometimes we also dip our fingers in little organizing services if necessary. Aside from the environmental cases which was called "slash suits" (for instance a group of "IPs" who are living in an area already declared as "cadcy"). May ancestral domain claims na nabigay sa kanila. But may case na illegal occupation of public forest filed by the DENR or cases like that. Or agrarian reform beneficiaries that are charged in court for "arson." Those are the types of cases we handle. I joined the bar in 1997, the 3½ years of my life as a lawyer has been spent as a woman of the

"police." (That's supposed to be a joke) I have been with the National Police Commission for 31/2 years and I decided later that I would rather be where I am now. That's all.

Pax: I am Attorney Jonathan Marasigan. When I say I'm into private practice it would take us as far as time allows us to take it. That's all I can say.

Pax: I am Attorney Albert Aportadera. I'm also into private practice. I'm a member of the FLAG since 1986. And also part of community organizing double experience.

Pax: Good evening. I'm Manny Quibod. I'm with the Ateneo Legal Aid Office. I've been in the legal aid work for the past 17 years to present. At the same time, with the legal aid I'm working also in the private practice. For the past seventeen years, I have been handling cases involving labor, criminal, cases in environment, women, children and all other HR cases, which later on common crimes in political oppression. I'm also a member of FLAG. In this legal aid work I also handle cases involving commercial sex workers (prostitutes). Thank you!

Pax: Good evening I am Carlos Zarate. I'm involved in legal aid work with a legal assistance group since 1985. I already handled civil cases, criminal cases, environmental cases, cases involving fisherfolks and farmers. From time to time I also give counseling to prosecuted women, to juvenile swindlers. Presently, I am the Chapter President of IBP Davao.

Pax: Hi I am Chinchin Barrios-Talevera. Since I am very new in this profession, I have handled a very few cases, most of these pro-bono cases referred by the courts or by our office. In behalf of our association, we start handling Bantay Bata cases maybe next week because we already made a memorandum of agreement with Bantay Bata. There are 200 pro-bono cases mostly children .

Pax: Good evening. I'm Czarina Zarate. I'm a lawyer but I'm with Ateneo Research & Publication Office. Right now, we're engaged in packaging research for the population. I also handle pro-bono cases.

Pax: Good evening. I'm Sherwin Quilatan. We handled several cases for farmers. Also presently I'm a lawyer for IBP Legal Aid in Davao City and this began in 1999. Mostly the cases are general cases which the IBP Legal Aid handles, civil cases.... Thank you.

Pax: I am Joel Mahinay. Before I became a lawyer I was involved in a non-government organization. So that when I was admitted to the bar in 1996, it's just natural that most of my clients are from NGOs or endorsed by friends or individuals in the NGOs. I have been assisting human rights organizations on their causes. I am also a member of the Free Legal Assistance Group.

Pax: Good evening to everyone. I am Merlinda Buca. I was from environmental legal aid. I am not really into an active practice because my specialization is LTFRB cases. I also handle legal counseling for free. Thank you.

Pax: I am John Zamora of the Public Attorney's Office. As a lawyer, there are all kinds of cases, administrative, criminal, labor cases, civil cases...I handled these cases except for rape cases.

Pax: I am _____(male). I am also with PAO before. Of course I also handled all kinds of cases...I have my active participation during martial law here. After I resigned with the PAO, I engaged in private legal practice. I also handled cases on human rights violation cases with the FLAG lawyers. I am also involved with advocacy NGOs.

Mod: Ako si Rollie. Ako ang facilitator. I am just going to give you some general questions. You may react on this general questions according to your own experiences. I would like to reconfirm to you the confidentiality of the proceedings. What we are interested here is what are the particular problems that you have encountered and on how you deal with them in your own unique way. First, I would like to ask you about your basic attitude before you became a lawyer for the poor. Even before you decided to enter law school, can you give us your idea what it is a lawyer to the poor?

Pax: For me, I don't have a problem with the poor. During martial law here, I have been in the underground so I was immersed in the activities of the poor. I was

immersed in grassroots, organizing with the communities, but of course you have to survive. Even if you go into private legal practice you should offer free legal services at least 20%-30% for the poor.

Pax: During the martial law days also, I became an activist when I was a student. My reason to become a lawyer is because of my idealism that somehow the poor in this country must be given more in law. I have an experience during my college days, simply because I cannot afford to have a lawyer, I was suspended for 30 days without even due process. After passing the bar and I involved in a resistance group all the more yung conviction. Especially during our experiences natin sa korte iba kasi sa law school at sa real world, gagawin talagang utang ang access ng mga mahihirap sa judicial system. In fact wala na silang tiwala sa judicial system dahil sa tingin nila yung may mga kaya lang ang pwedeng manalo sa korte. Until now, this is my guide pag may mga pro-bono cases ay tanggapin lalung-lalo na pag naaapi na ang mga mahihirap.

Pax: As I have said earlier, before I became a lawyer, I worked with the NGOs. In desiring to work with this kind of organization is a personal conviction, commitment, you really think na makakatulong ka sa mga lower sectors ng society. So becoming a lawyer, hindi problema sa akin yung mga cases.

Pax: I remember I was a volunteer of a quasi missionary organization. After law school, the venue for itong alternative lawyering, wala e. And then the Legal Aid Office ng IBP was offered to me I did not anymore hesitate accepting it, since it is part of my conviction before I enter law school to seek public service.

Pax: In my case, before I became a lawyer, I was a journalist. So sa mga exposure coverings at ang connection ko sa media, we spent a lot of times in certain communities. So it's not strange for me to have grasps on the realities especially in the country sides. And there is this striking incident, there's a demolition of houses of poor farmers, and then I was covering. Later I found out, that somehow it is very difficult to live a life being a journalist and being an advocate. There's not really a pressure for me to engage

in advocacy lawyering. As our Chairman have said, there's a great opportunity here in Davao. Not so many NGOS are engaged in alternative lawyering. So in my case I resigned as the legal officer of the Office of the President, I handled pro-bono cases but it is very difficult to survive that's why I ended up with the Ateneo Research and Publication Office. I had time for advocacy lawyering.

Pax: In my case, honestly I never see any difference, from any other people, first of all I came from the province. It is only when I came here in the city that I see there's a difference, in our province it's not obvious. The one you see in movies and television the "landlord" is not that worse in our province. We can play with their children, so it does not affect me so much. Since I came from a poor family. When I entered law school, because it is only in the city that there is a big difference between the rich and poor. My perception, is that I don't look at people whether they are rich or poor.

Mod: Did you look up to somebody, like a popular figure here in your province for example, whom you thought was something to emulate?

Pax: No naman. Because when I finally became a lawyer, I just said I will practice my profession as I have promised on my own. Now that I am a private practitioner, if the client can afford, then he'll pay, when the case is pro-bono, then it is pro-bono. Whether you pay or not, it is the same time I stand for the case, the same effort I exerted, whether he pays or not, it does not make any difference.

Pax: My dad is a lawyer. He had an influence on me. He gives free services for the poor. Before I became a lawyer also I was involved in an NGO, Filipina Data Resource Center wherein we help battered women and we give them access to legal services and legal aid the lawyers in our NGO of course. Right now, I still give free legal services for the poor, most of them are clients of my father, the children of the clients of my father. They keep on coming back because of the reputation of my father has who gives free legal services to the poor.

Pax: I entered a law school in 1980s when I was working with a family business. Basically, I don't have any idea that in near future I will be ending up in legal aid. When I passed the Bar in 1985, when the Dean of the law school told me that the legal aid lawyer will resign so it was offered to me. So from 1985 to present I was involved in that office and a member of the faculty. Now, when I joined the legal aid, the office was funded by the Jesuit community where I draw my salary, I think my salary then was P2,000/month. I was also allowed to have my own clients for my private practice for as long it will not conflict with other cases, pro-bono. And then the legal aid expanded, we got a funding, maybe increase the number lawyers because I was the lawyer then, then we got three or four lawyers who really handle pro-bono with the legal aid program of the school. With the expansion of legal aid work, we are exposed to a lot of cases where law students are also involved in law practice that is needed in legal aid work. At present, we have interns, third year and fourth year law students who have been helping us on this program. And then, we have students who are deployed who handles legal aid cases. This is one thing that reduces our case load. So when a client would come in, it is not necessarily the lawyers who assist but the interns will be the one to review with the lawyer of course. With the legal aid work, my thinking, my concept with the situation of the poor, became an eye opener to me. Because I was living then with a secured life. But I am more, in case of clients, there are two clients who would come in, one is free and the other is not, my tendency is to meet first the disadvantaged and poor client.

Pax: It is more of, we do not consider them as really poor but something that they should also be consider as dignified. When they do not have any money, these people normally know how to give something in return. As far as the perception that people are poor, they also have the dignity. I have that kind of idea or sense of thinking because in one of organization I had, we conducted a lot of medical mission, many people say that they are disadvantaged oftentimes they give us one peso and they felt a sense of belonging that they are really grateful for the service no matter how small. That perception I am trying to invoke in people is for them to copy, because when we talk to them that they are really poor

where in fact some of them can afford to do some vices. No matter how much, so that they can say na it is not pro bono because they give you something. People who come to our office, we do that, that's why as I said lawyering for the poor or the disadvantaged is not new to us because we know how these people even though they don't have any money and if they see that you have that good service to them you and you helped them, they would just come one of these days and say I have improved myself, I am now returning the favor that you have given to me. They have that sense of respect. Give them service and a certain dignity and respect so that they will feel that they are co-equal even with the lawyer. In fact, that is how we treat them just like the paying clients so there is no distinction between them.

Pax: Before I become a lawyer, I have met some lawyers in the society and make some difference. So I was thinking I want to be like that so I studied. After I become a lawyer, I realized, not necessarily poor but disadvantaged, there are people who have no equal access to justice. I realized that lawyering for the poor, you give them sense of hope, sense of direction and at the same time use the law to their advantage.

Pax: I entered law school when I was already 39 years old, that was in 1992. So I became a lawyer in 1997 because there was no money. But then I decided to join the NGO community because I believed that lawyers help the poor, the disadvantaged and those that are deprived on justice. Because I had this friend who became later on my ninong. He was a lawyer but he is always with us when we march on the streets, when we went into the communities. I told myself that I want is the guy that I want to become. In almost 20 years that I worked as an NGO worker, I encountered all sorts of, lahat na yata ng klase ng kakulangan ng hustisya and I felt na this is something that I should have written. But in 1990, my husband was arrested, I have to become a lawyer. Also, the lawyer of my husband is Atty. Quibod. He's one of the people who inspire me to go to law school. Fortunately, somebody, a group in Holland decided to send me to school. I went to Ateneo Law School and stayed there for five years. After that it was just natural that I would go back to the NGO where I came from but I was delayed for three years because my husband then, was just sign in from turnover from the

detention, so it is difficult, so I have to get him out. I wanted to join other organization that would be of somehow directly help the people that I was working with. So I tried PAO, they will put me as an Assistant PAO lawyer. I will be only earning P9,000. I looked for other organizations it is only the National Police Commission. For the twenty years that I was involved in an NGO worked, the police are running for me and caught me several times and yet, it was only them who offered me more than P20,000. At that time it was a fortune. They tried me for 3 1/2 years also my heart bled during the time. Even when I was there, I did my best to see Reachout, providing legal assistance and trainings and other advocacy. I resigned from the Commission and joined an NGO. Half of me is fulfilled because I am doing what I really love to do. Half... kung pera ang pag-uusapan, it is so difficult. In my case, it is always been the NGO, they will come to me, they say wala silang pera, so they will not pay. I am really less... but I am happy with what I am doing. I would like to encourage our people to join public interest lawyering, it is such an enriching field, but wag lang sa pera.

Pax: Good evening. Aside from being poor. I belong to one of the indigenous culture community of Mindanao. Before I entered law school I was already exposed to community works with the indigenous people. My being a lawyer is something the indigenous people offered me first. Because of this, I consider my work as a vocation not only as a practice of my profession. In empowering the poor, who else would first take the role? Especially at this time where the rights and the opportunity of the disadvantaged to which the indigenous people is considered the poorest among the poor. I realized that in order to really serve one of these people, I would have to serve them first, without asking so much time, because I cannot really afford, so that I may not starve in the process so I entered the agency where I am into now. I don't have any regret despite the crisis our office is facing at this moment. The indigenous people and the poor deserves something from those who are really blessed.

Pax: The reason I became a lawyer was because since childhood, I was exposed to the individuals in the house, mostly laborers and workers. They sleep with us. My father is a labor leader and a high school graduate.

But I noticed that all of these are nothing unless somebody signs as a lawyer. I have seen him go to Manila just to see a lawyer to sign his pleadings for the Supreme Court and Court of Appeals. I have seen how the workers would cry in desperation. That was the time when the labor sector was not that empowered as now. That's why I shifted to another field. The labor sectors I think has enough assistance, organizing the federations to large groups. Now, I am into individual clients. Sometimes I have many cases in the Supreme Court where I cannot locate my client anymore but I cannot also get out, because you know the SC and the Court of Appeals will not accept the reason that you cannot file a brief because your client cannot pay you, but I did not mind it. We have to have our clients share in the responsibility of the cases going on. It is not good to give hand-outs to clients because I have seen many times that we have created monsters out of the so-called poor and the disadvantaged. But we must share in the cause they may be as proud as you are, because that is what we are there for. We should not create monsters. I have gone over the biases that was happened. I like the program, we use the word disadvantaged because it has a big coverage. That is the reason that I went to this. And in my case I will not turn down a case whether it is an advantaged or disadvantaged.

Mod: How poor or how resource challenged are your clients? Do you have a particular set of definitions in taking pro-bono cases? How far do you go in establishing the ability of your clients to pay or not to pay?

Pax: Sometimes referred by the NGOs, friends of the clients, agencies.

Pax: Others are referred by NGOs, accused referred by courts. Sa labor cases, they are referred by the LTRC, farmers, referred by DAR. They are referred to us.

Mod: Yung referral ba ng agency formal?

Pax: Yes. May formal and informal kami. May MOA with LTRC, MCMD, CODK.... We have a partnership with them.

Mod: Alin po ba ang marami referral ng agency o referral of formal social network?

Pax: Referral by agencies.

Mod: In the formal social network don't you expect the organization to take care of the bills?

Pax: Yes. Dependes sa budget nila. Like sa akin nagbibigay sila ng 500 appearance fee.

Mod: Ano ang interface between PAO and IBP in legal aid? Nagrererefer ang PAO sa IBP?

Pax: Yes.

Pax: There are instances na may complain sa PAO. When the case is filed, definitely the PAO can no longer represent this. Ito yung nirerefer this to IBP.

Mod: So the PAO only take cases to file the case and then is taken up by the IBP?

Pax: For the accused. The PAO can no longer represent complainants. Kasi in cases which are assisted by PAO, the purposes for the complaints is to provide the complaint.

Pax: Our group is an NGO, we provide assistance to groups na may environmental cases. We deal with communities that are usually referred to us by other NGOs also funded by the same funder, yung Foundations for Philippine Environment(FPE). Meron silang ibang programs sa communities kami ang nagpo-provide the legal portion of it. In the beginning libre lahat, from bail, etc., pagkain ng mga tao pupunta sa court, halos lahat yun libre...This people are serving for free to protect the environment, they are killed or imprisoned, yung mga kalaban nilang loggers mga ganun, so they need legal assistance, hindi na sila makapunta kasi wala silang pamasaha, so we provide it also. Lately, nakita din namin na it is very important that the communities own the case, for empowerment kailangan kanila yung kaso, kung ganon they have to contribute. So in some places we asked them to come up with something kahit man lang appearance fee na isang abogado, what they do in one community, they agreed to contribute one peso per family everyday. Pagdating ng hearing, may maibabayad. So ngayon ginagawa namin. Now, we have a formal relationship naming and so far, it's slowly working. It is difficult kasi, we also have to parang ipakita sa kanila na there is a difference between traditional law practice and public interest lawyering.

Mod: Anong difference dun?

Pax: Yung sa traditional law practice, yung abogado takes charge of everything. Sa alternative law, sa pagkuha ng ebidensiya, lahat-lahat, kasama sila dun. For instance, may nangyari na hulihan nakahuli sila ng illegal fisher. Sila ng gagawa ng documentation, affidavits, sila na pumupunta sa pulis., di na kailangan ng abogado. Even sa contribution sa pera, kahit maliit lang because they own the case.

Mod: Sa indigenous people pano yun?

Pax: Pro-bono yan lahat but at some time, tinatanong yung kliyente how far he can contribute sa litigation. Minsan kakayanin nila ang transport ng abogado to court, yung food, yung kanila mismong travelling expense. To some extent naka-contribute sila but not so much.

Mod: Yung mga women cases?

Pax: Unfortunately, sometimes aatras yung babae at makikipagkasundo na sa asawa. Sa rape case, we also have victims, after a while natatakot so they disappear di na namin mahagilap. Yung iba naman, administrative cases lang, hanggang dun lang, minsan counseling lang because they cannot stand going to court, having to go through all the process all over again.

Mod: Are there other things that can help poor and disadvantaged clients? In the legal, in the provisions of law, the court system, in the political environment, in the structure of the government?

Pax: The provision of law can help but the implementation.

Pax: The filing fee has been increased to 400%.

Mod: Are there specific rules of court which have proven unhelpful to the poor?

Pax: In some cases, there is. Where there a lot of departments where you process bailbond. There are a lot of requirements.

Mod: In some places this bailbond has proven to be an industry for the insurance company. Is it true here in Davao or Mindanao?

Pax: Yes. The police man. Always when the accused voluntarily surrenders the police gets commission of 15% of the company. Sometimes, I am surprised when a client posted bail and the funding company will call me and tell that I have 15% commission daw.

Pax: May experience ako, P100,000 yung bail ng client ko charged of arson, so I went to the court and asked the judge to lower it to P10,000. Everybody laugh, all the lawyers. I really insisted, 20 lang kaya ko.

Pax: Karamihan talaga 50%.Dapat sana below 50% yung bail.

Pax: It is more of an agreement between the judge and the prosecution office. If this is the bond recommended by the prosecution, the judge will reduce it to 50%. Is it more of the discretion of the judge.

Mod: Yung fiscal, yung abogado at kapwa abogado, nakakatulong ba sa kaso ng poor?

Pax: Mas makakatulong yung discretion ng judge yung bond dapat below 50% for the disadvantaged.

Pax: May mga judge din naman na tinitingnan kung ano ang kaso halimbawa sa drugs ire-reduce konti lang, halimbawa snatcher ng cellphone at galit na galit sa mga yun, mahirap yun. May mga situation na ganyan. May policy ang prosecution office they will really imposed the reduction of the bond.

Pax: Saka wala ng preliminary investigation.

Pax: Pag nag-file ka na motion for investigation sa prosecutor's office, hindi ka sasagutin.

Pax: In other regions, after the resolution you are given ten days na sasagot, you can file a motion for recall. Here in Davao, they don't wait for the 10 days, so naghahabol ka ngayon...

Mod: Yun bang ibang bagay like media, political environment dito, can you site particular cases that can help or not help your disadvantaged pro-bono clients?

Pax: Halimbawa yung human rights, di ba yung human rights sectors ng Davao, di ba? We are under oppression. They will just disappear...

Mod: Can you give some examples of media facilitated cases.

Pax: One is the Bantay- Bata.

Pax: More on news purposes only.

Mod: Yun bang ibang kaso niraralihan ba ng mga halimbawa workers? Meron bang mga industrial cases...

Pax: Yes.

Mod: In terms of law, na nakatulong sa mga disadvantaged clients, halimbawa sa indigenous...

Pax: R.A._____ passed in 1997 and its implementation was delayed due to challenges, how it is being accepted by other agencies, who are supposed to help in the implementation of the law. At least help indigenous people particularly their ancestral lines.

Pax: Sa women, battering law wala pa. Most women are battered, they don't have sufficient income, that's why they end up of not filing the case. Sometimes they file a case like physical injuries mga ganun.

Pax: Yung sa annulment case, usually for the rich lang.

Mod: Sino yung mas mahusay sa pagtulong sa poor, yung particular law firm, yung IBP legal aid program, yung alternative law group?

Pax: Yung sa ALG, focus sila sa isang sector, unlike in IBP, halo-halo diyan. Especially now, na mabuti rin magkaroon ng focus group na ganyan na ito lang ang sineserve nila. Here in Mindanao, hindi pa masyado access sa kanila mga grupo. Kahit yung mga legal aid group supposedly general yung nirerender nilang cases. Yung ibang cases na hinahandle ng special groups Handog Kalikasan, Paglilingkod Batas , medyo other legal groups naman can focus on other cases.

Mod: May mga complementary?

Pax: Yes Example sa amin, sa FLAG especialty namin yung mga political prisoners.

Mod: Yung sa appeal, yung mga disadvantaged clients nyo nag-aappeal?

Pax: Let's say sa labor cases, okay lang yun. Pag sa civil cases o criminal, lahat sa Manila. Kailangan ifollow-up mo pa doon.

Pax: Sa legal, you go to the Court of Appeal and give a copy to other parties, you pay a minimum of P1, 400 that is initial filing fee. But the preparation of the pleading itself, it is very costly. Computer typing, mailing, xeroxing, even the postage was increased. So your clients have to prepare at least P10,000-P15,000 excluding attorney's fees. In the Supreme Court you have to file 18 sets, judicial....

Mod: Would you have celebrated an important appeal case?

Pax: Agrarian cases.

Mod: Can you cite particular gains, losses if any because of your work?

Pax: Millions of threats dahil kalaban mo mga big time.

Mod: Is it part of lawyers education? Would you say that... I mean you will not graduate unless you do practicum, you take up cases for the poor?

Pax: None for all of that.

Pax: Even if you are a graduate of Ateneo, you would like to serve the poor, commitment na.

Pax: It is a personal decision.

Appendix I
Focus Group Discussion with Cebu City ALGs

Holiday Plaza Hotel

May 8, 2003

(Codes: Mod-moderator; Pax-participant; PO- project officer)

Mod: Good afternoon po. First of all we would like to thank you for honoring our invitation to a Focas Group Discussion. This is actually a part of the national survey of the legal practitioners. This survey is about improving access to justice by the marginalized as shown by the questionnaire that you are trying to answer. Basically, this is the project of the Supreme Court. Whatever data comes out of the study is going to be baseline data for judicial reform and this is funded by the UNDP. There are three components to improving access to justice by the marginalized. One component is a survey of lawyers, which the Supreme Court deems to be very important. The other component is the study of the public attorney's office so there is a separate study. Our study is about private lawyers who are members of the IBP and what is their perception, their knowledge, their attitudes and practices related to lawyering for the poor. The third component is interviewing prisoners, people who have been victims. The study is also trying to find out what is their perception, why is it they were in prison and was there denial of access to justice. Now there are separate groups doing this. But the lawyer component has been commissioned to us. Our organization which is the ASIN, we are a research group made up of faculty members of the UP-Manila. So, we are now conducting this particular study. Now there are two components or two approaches that we are using for this study. One is quantitative and that is where the survey questionnaire is going to come in. This is a national survey of lawyers and therefore we were given access to the roster of members of the IBP and we found out that there are 42,000 lawyers all over the Phils. We were targeting 2,500 we chose at random...then we sent them questionnaires but because the roster is not updated

we were having difficulties. We have much of returned mails. There are wrong addresses, since they have transferred residence or transferred offices. The IBP has not really updated its lists. So that in addition to the quantitative component of the study we are doing this qualitative part and this is the qualitative part. We are holding focus group discussion with different lawyer groups. Basically we are targeting the free legal law groups and alternative law group because we think these are the groups who have experienced of lawyering to the poor. We have identified four places, one in Luzon, another in NCR, another one in Visayas and the fourth one in Mindanao. We are finished with Baguio. We just came in today from Davao. This is now the Visayas component where we are holding a focus group discussion so that we would be able to probe in a more in-depth manner the questions that we have raised in the survey form... Again I'd like to thank you for coming so that we would be able to write something because it is very difficult to get in touch with lawyers. Lawyers are very busy people, but we also think this a very important study. This is why we are all here this afternoon. We would like to introduce the members of our team. I'm the principal investigator; I am Cristina Torres a faculty member of the Social Science Dept. of UP Manila. Our facilitator this afternoon is Prof. Rolando Talampas. He is also a fellow faculty member of the Social Science department at UP Manila. Our research Assistant is Elai Longalong. She was the one who makes arrangements and whose been calling up the different lawyers groups so that we will able to hold interviews with them. And then we have our practicumers. These are senior social science students and we are teaching them social science research. They are very excited to have the chance to come to Cebu from Luzon. People in Luzon are so insular they only know Luzon. This is a very good chance for them to visit the island of the Philippines. And then of course, we have our project officer from the Supreme Court and the UNDP. This is Mr. Arnel de Guzman from UNDP. He monitors how we are doing the study. Now we would like to go around the table for you to introduce yourselves and maybe tell us about your experiences of lawyering for the poor. Maybe if not experience, your perception. I

understand that you are the practicumers. If not experiences, your perception of lawyering for the poor. So may we start with Atty. Paredes.

Pax: Good afternoon. I'm Atty. Paredes My friends call me Joe. I am representing Free Lava, which is an alternative law group member. I'm the chairman of Free Lava although I am working with the government. I'm in the Commission of Human Rights. So I'd say my representation here would be dual. We are not allowed private practice in the government but with Free Lava I'm able to go before trial of the legal aspect of clientele, which is the children, women and the urban poor. Free Lava is involved mostly with children. We have center for children in conflict to the law. We call this the "Balai Pasilungan" We also also deal with sexually abused children and children in prostitution. With the children in prostitution we focus on health aspect. Because we found out that it is so hard to really get them away from the profession we started with livelihood. But then it is so hard to attract them out from that profession so we went into the health aspect of the children and women exploited in the prostitution. Free lava started with political prisoners in 1983 and then we expanded to rehabilitation and education of our beneficiaries. We usually are deal with community work. Actually we started free legal assistance. It is a volunteer's organization.

Pax: Joan Saniel of Childrens Legal Bureao. Since I became a lawyer I was involved with NGOs until now. I started with ELAC and then later on in the Children's Legal Bureau. This is an alternative law group. Before we used to also handle cases on women and labor cases. In Children's Legal Bureau we are concentrated with children. We handle cases whether victims of child abuse or juveniles in conflict with the law. Aside from the legal assistance we have legal education and trainings, facilitated development and advocacy. We also are involved in lobbying for a juvenile justice bill... Kung may tanong, tanong na lang.

Pax: Atty. Francisco Hamil, Jr. (husband of Atty. Saniel). I'm connected with the Children's Legal Bureau by affinity. I'm a fulltime lawyer. I don't have any

desolation pertaining to the judicial processes since this is my second month in legal practice. I cannot say something good or wrong in the judiciary. Before, I was the organizer and the paralegal officer of ELAC (Environmental Legal Assistance Center). We have a lot of cases for example in Balamban, the ship building and the ship breaking company of Balamban. In organizing, in order to protect the interest of the fisher folks and the farmers affected by the ship breaking and ship building company, we have to conduct rallies with the media, so that we can have a better chance in the legal battle because the cases were filed in court. And it is hard, no... since we are fighting with the big companies like the ABOITIZ, the K & E Because I study law at that time, in papers legally we are winning but the decision is quite different.. so that was inspiring. In spite of the fact that we are winning, we are losing the case. Unfortunately, the Case... I think ELAC is familiar with this... we are demanding for the disturbance compensation...the farmers and the fisher folks...in fact we protect the mangroves in spite of the fact that they established the shipping companies. The manufacturing of the shipbuilding we were able to protect the mangroves. New mangroves have been cut during the time that we filed the case. We had an injunction so as not to cut the mangroves.... They cut it even with injunction but still they were not able to cut all the mangroves... we are able to protect it.

Mod: Can you please give some details of the case? The date? How many people were involved? How much was involved? More or less?

Pax: I don't know. Well, I think my wife would better discuss this, because she was the lawyer at the time and I was her paralegal officer and organizer. If my wife cannot ... because it needs a lot of refresher (*laughs!*).

Pax: How many? It started in 1994. It involved around 200 hectares of land. Agricultural land... irrigated with rice fields...and then, the mangrove area, around 7 hectares in Balamban. Affected, more or less 100-250 families. The companies were Japanese companies.

Pax: Anong class ng municipality? 6th class? 4th class at that time 1996? 5th Class? Ok thank you.

Pax: Actually what happened there the Japanese companies who were involved in ship breaking because it the most matipid industry close to their operation. They have reopened to another industry, not anymore ship breaking...

Pax: What was the result of the case. Was there a formal injunction against the company?

Pax: It was an injunction against the cutting of the mangroves. Actually there were two areas. The first part, there is really the conversion order. The second conversion actually was denied.

Pax: Atty. Cheryll Kabutihan. I am the legal staff of the Children's Legal Union. I am also a fulltime lawyer. What I'm here to share now is: What led me to developmental work because way back in law school I was also selected and also active in community legal aid work. My involvement in that organization somehow moved me to engage in developmental work. My experience as a law student is very significant when I became an attorney. The usual curriculum of the law school, it is also important to have a practicum in working with the disadvantaged sectors so that when they graduate then, they have would have an the idea of alternative lawyering.

Mod: Well, incidentally, could you have some information on demographics of the legal profession or legal education here in Cebu? How many law students or legal schools?

Pax: Six law schools...San Carlos...San Jose.... Cebu City... 2 years pa ang QC.

Pax: USC has this program the community aid service program. Although this is not yet implemented in the curriculum of the USC College of Law. We have a former Dean who is forming a group of students, which led to the creation of this group. I am not aware of the other law schools.

Pax: They have also. San Jose has a legal aid program.

Pax: I don't know but San Carlos alone has 7,000 alumni.

Mod: Yung children, do you have children profile? Are we correct to say many child cases are handled by these group here in Cebu?

Pax: Unfortunately Sir, the statistics are very inaccurate and are not updated. Like for example we are asking about statistics about child labor, they gave us 1996 profile.

PO: Actually, yung Cebu ay medyo memorable sa akin. Kasi way back nung 1980s pa lang dito na kami for organizing work. And then the second visit nasa human rights na ako. Anyway, if you notice the questionnaire is basically oriented for general lawyers. That is why maybe there are other questions that are not covered in the questionnaire. We come up with the focus group discussion, para we can expound more data, more feedback from the ALG practitioners. For this afternoon session, we would like to learn more from your experiences on how to improve the access of the poor and the disadvantaged in the justice system. What is your day to day experience compared with traditional lawyers. That is one aspect that this particular study yields.

Pax: I'm Gerald Tan. I'm a law student of the UP College of Law, incoming fourth year student. Prof. Leones introduced the subject Law 166, Law and Society. This is an elective in College of Law, wherein we have lectures in class during the class and a summer internship. This is the third year that subject is being implemented in our college. We are 24 in class, we are sent to different ALGs. Unfortunately, Prof. Leones is leaving next year for his masteral degree, so we are the last batch of this internship program.

Pax: In terms of alternative lawyering as far as ELAC is concerned this is basically environmentally concerned organization. ELAC helps support environment division. We coordinate with local government units, barangay, municipal and sitios.

Pax: The objective of this elective of our course is to expose the students to the other law practice, and the

community legal practice. Because other students who did not take this elective will not have this kind of work in a community. Like after they graduate, they can go to big law offices or into community legal practice.

Pax: Is like an immersion program?

Pax: Yes it is like an immersion program.

Pax: But it is not requirement?

Pax: it is an elective, so we can take the subject or not?

Pax: It is not compulsory?

Pax: Yes it is not.

Mod: What is the percentage of students taking up the subject in your batch?

Pax: For the past two batches about 15-10 students enrolled in this subject.

Pax: It is a small percentage.

Pax: Yes. Anybody can enroll in that subject. It is only for summer internship.

Mod: Do you have a case study that you present in class? How is the processing done after your practicum?

Pax: During the semester we have readings and classroom discussion and during the summer internship, we are assigned to different ALGs around the country for three to four days. We go back to Manila we are going to have our integration and we have our reporting on our experiences.

Pax: Most of my classmates are already old. And then my school sent me to ELAC for my internship program. It will end until May 31. I am also happy to go these places where there are plenty of poor litigants. Just this morning we went to Talisay; they are filing a case against a developer, the Filinvest Corporation. Our lawyers filed a petition. They held a meeting there because the residents already picketed for

almost a week at the gate of the subdivision. They discussed plenty of things just in order to gather evidences and just to have their petition for injunction to be noted by the court. I observed that plenty of them have difficulties in acquiring good and strong evidences especially those, which are mentioned by them... When they asked for a counsel the previous days, if they do simulation work so that they can be used by them as an evidence, they asked for how much is the amount they will give, because most of the residents are indigent and the counsel said that you cannot afford to pay us. So they are hopeless now on how to get those evidences to support their injunction. That's why, most of the people especially the poor think that justice is always deprived to people who are less in life. I am very happy that the Supreme Court initiates this discussion, so that as a law student in the near future I will become a lawyer. And I can say and prove that justice is fair.

Mod: Are there circumstances in your legal profession that you began to be a lawyer for the disadvantaged? Is there professional, intellectual emotional or social reason?

PO: Why are you here, I mean why not into legal, I mean different from those who have chosen their path? What inspired you?

Mod: What we could learn from your past experiences which allow you to at least choose these kind of...religious, political, barkada system, emotional ba yan? Or some other advocacy?

Pax: I was involved in this kind of work because I was still in the undergrad. Another reason, I would like to render my service first to them. Another reason is that I believed that God helped me in passing the bar so sabi ko sa Kanya, I promised Him that I will give around two to three years of my service. Most of the lawyers I also know were also involved in developmental work.

Pax: My wife is committed to the cause of children. But I don't deny the fact, that there is no money sa pro-bono. As an arbiter, I have to be part of their cause... I handled pro-bono cases also.

Mod: So pag pro-bono walang kita yan, ilang percent sa practice mo at sa pro-bono.

Pax: 80% sa practice and 20% pro-bono.

Pax: Even in college I was already involved in activism ba. After I graduated from college, wala akong magawa. Kaya sabi ko continue ko na lang and I got involved in developmental legal work sa community.

Pax: When I took the bar, I resigned from my work in NEDA and applied to ELAC. So after nun, after nag-bar, I passed the bar, I continued to be an ELAC lawyer and then I transferred to another alternative law group, Protestant Lawyers League and then here in Cebu the PLM also organized the children's legal group.

Mod: Atty. Paredes.

Pax: I don't know.... I think it was the time when I became a lawyer, and then there was martial law. But in 1986, there was the EDSA Revolution and human rights issue was very in at that time. From there, I was then the clerk of court and there was a new office the Commission of Human Rights that was created by the Constitution. We are the pioneer member staff in Cebu. And for several years I was there with the Commission. Then I observed, there are so many people looking on what they are going to do. So I thought to join an NGO, just be part of it so that I really render my service there. I was invited by "*Free-Lava*". It started when I was invited by them to be a resource person in their paralegal seminar. They are very active. And I realized that working with NGO is more fulfilling than in a government. But of course in government, you have a monthly salary. Whatever we do which is voluntary, with no pay, at least the fulfillment, like you are able to help. But sometimes you have your disappointments and frustrations in legal aid because you get exposed with so many abuses... and problems that I never realized was happening. In fact the first time I saw a child abused, the toenails were really removed by the stepfather and he went to our office. I was not able to sleep the whole night. That's the drawback now. Sometimes you really get

burned out by the exposure to so many abuses you never imagine in your life is happening. When you are exposed to all these, you became immune or don't feel anymore by the whole thing. To those who are under the alternative law we should help ourselves not to come to that. It is a very nice combination when you are in government and with the NGO, you can use sometimes use the mandate of your office or the commission so you can use them to push things. But you will not do anything that may be against the government.

Mod: Gusto ko lang yung what you said yung you're getting insensitized? Sa caregiver issue yan di ba?

Pax: Your environment really, you cannot foresee any situation when you grow up and you realized that is going on somewhere. So the problem of getting insensitized is how do you deal with that.

Mod: So, still you don't have the answer to that question?

Pax: So just have to be not to get involved emotionally. You look at it as a case but not get involved emotionally to each case. Because then they will not survive.

Mod: I would just throw a general question about your clients. How poor they are, how do you determine, how you qualify the inability to pay you as lawyers? How far do they go to establish their ability to pay.

Pax: I think sa alternative law, it is always for free, di ba? I don't know, kasi kami we are not allowed to accept.

Pax: Actually, our policy is like socialized fees. We have to sustain the NGO. We usually asked for clients' counterparts. It depends on how much they can afford. We do have mga range of fees.

Mod: How do you know at least how much they can pay. You asked them? How?

Pax: Obvious naman sa interview pa lang, if they can afford or not. If they can afford, we ask for fees or we ask them to go to another lawyer.

Mod: Yung mga client, are they referred by organizations or by individuals? Are they walk-in or you seek them out in communities?

Pax: Sa amin sa children, usually referred by the Child Protection Unit, referred by the government, DSWD and then readers of the column of the newspaper.

Pax: I would like to raise an issue about free legal aid. Because that was always the contention. A group of lawyers in the human rights ...our commission were asking why can't lawyers give free legal aid for the poor and that case, it is very sensitive. Because when you give legal aid or when you handle a case, it is not like the doctors giving free medical assistance, you will just write the prescription... but when you handle the case... you handle it for three years. And that's the problem with free ... that's why here in Cebu City Chapter there was this discussion about each lawyer in a barangay is compelled to have at least 1-3 cases in a barangay they are staying.

Mod: A year?

Pax: No. At least he must handle one case at a time. But it could not be effective because of the fact that there are paying clients and if you handle a free legal aid, you have tolike in FIDA, we have to assist one case, rape cases a lawyer is assigned to that. That case extends up to three years because sometimes nadi-disregard because of the paying clients.

PO: So any complete suggestions? How do you address that? Lawyers are also human beings, they have to eat... The question of money is an integral part of the judicial reform

Pax: They also have obligations for themselves.

PO: Do you have a complete suggestion on how to?

Pax: We have this plan but we have to talk it out. Parang they put a center and then each lawyer... parang one stop shop na there is a research for all the legal assistance... we discussed this with Bantay Bata... That has been a problem for such a long time... there are paying clients...you have your obligation to your paying

client. Like when there is a conflict in schedule between the paying client and pro-bono. The pro-bono suffers.

Mod: Hindi ba nagsho-shopping yung mga poor clients?

Pax: We usually record. In our office, they go to our office we record that to IBP. They supposed to have a free legal committee. But I don't know they are...

Mod: How does clients or does lawyering to the poor define your kind of relationship?

Pax: Last week we went to Dagupan because the municipality of Dagupan filed a case against 16 illegal structure food owners along the beaches and then we examined those places with PAO. And then we visited these food owners and the cottages in which they make a livelihood, they also construct houses within the trace where the fisherman, because it was already used by these illegal structure owners for business. The municipality already sent a letter to the 16 illegal structure owners to voluntarily demolished all the structures and they gave an ultimatum until May 10. Despite all the talks, we found out that they said that "why we alone? Why those other there contracted by Atty Sino which is also found near our structures, why is it they did not give any notice to him? It is very unfair. We have to cut-off our business and to check all the structures...that's the fact here."

Pax: While we have the fiscal and PAO lawyers. They are supposed to provide free legal aid. Some poor clients, they sometimes come to us because they are not satisfied with the kind of legal services that was provided to them by fiscals and PAO lawyers. The sentiments are while they are able to represent them in court, it saddens them when these lawyers read only by the time they are already in court.

Pax: Sometimes it is only in court that they were introduced

Pax: Even though they are poor, they also deserve Most of our clients are dissatisfied so they seek free services from NGOs. That's why I said supposedly free because sometimes they asked some...like transportation.

Sometimes even winning the case, for example in labor case, they asked for their porsiyento pa.

Pax: Contingent fees.

PO: Does it mean that ALGs here in Cebu, do you accept individual clients? Kasi we have the idea that most of the ALGs are really concerned with community organizing. Does it happen, there are individual poor litigants who come to your office for assistance?

Pax: Yes, because of the nature of our NGOs. Our organization is for children. I think ELAC is community-based.

Pax: Free Lava, it is really alternative, we are not into litigation, more on advocacy and the center for children in conflict with the law and the sexually abused children. That is environment kasi, usually it involves advocacy.

Pax: These children are also referred by NGOs and inter-communities also.

Mod: But you have individuals and group, individuals who are referred to groups. So anyone can go to you and asked for legal assistance?

Mod: Yung sa class yung poor against poor like yung case like your poor child against poor parents, poor woman against poor rapist. How you reconcile work on such cases?

Pax: Poor child against poor rapist. Sa poor child kami, rapist is a rapist. Pag poor child against poor child yun mahirap.

Pax: That is the problem, poor child against poor child.

PO: How do go about poor child against poor child technique. Kasi it is incidental or even sexual assault.

Pax: Whoever comes to us. Before we have the policy not to accept. But we think we have to accept. If we are approached by a child, we accept it but we have the rights of the juvenile or the accused.

Mod: Do you take up cases only for the victim or you would also take up for somebody who is accused.

Pax: We do, but for children only. But if we accept the victim we cannot accept the accused.

Pax: Dapat isa lang, kasi conflict of interest na yun.

Mod: So you would not defend somebody who is accused of molesting a child and they say na hindi naman totoo, and approach you for legal assistance.

Pax: Our criteria in accepting a case is, the client is a child below 18 years old. And even those over 18 but incapable of taking care of themselves.

Pax: Sa aming Commission, human rights violation. Sa Free Lava, it's still children.

PO: You are also part in other sectors?

Pax: Ung sa urban poor...but it involves only the members of the community na part of Free Lava. Because we have community organizations in several barangays. ...disadvantaged or so long they are marginalized and they need our assistance.

Mod: ELAC?

Pax: As long as it concerns the environment.

Mod: Do you think there are some elements that could improve the legal system, which can help those clients?

Pax: At least for children, we have new rules that I see is very helpful. We also have the diversion program, which we are trying to... experiment. There is the diversion program where the child in the barangay level who commits a crime is not put into judicial system but the barangay is given the responsibility of looking after the child. We started a year ago and it is working.

Mod: New rules?

Pax: We have the new rules, the examination of children.

PO: Is there a republic act?

Pax: Yes, it is part of the rules of court. The Supreme Court is given the mandate. It has the authority to promulgate the rules of court.

Mod: What are other new rules?

Pax: Juvenile in conflict with the law. And that is the where the diversion is part. But in the new rules in diversion, it is already in court. But Free Lava, see to it, it does not really enter into the judicial system but in the barangay where the child is based.

PO: Is that mandatory? How come there are still children in jail or inside detention? Aren't they supposed to be taken care of by DSWD?

Pax: Actually the Supreme Court rules limit the diversion to those crimes, which has less than six months penalty. So according to the judges of the SC, just maybe less than 5% of cases.

Mod: What are these cases?

Pax: Petty theft...

PO: What is your proposal with that diversion policy.

Pax: Increase the coverage.

Pax: Both of your organization both concern on abused children a and was there any competition of whose organization is the best...

Pax: We deal with children in different aspect. Theirs is litigation and ours is education, advocacy and rehabilitation.

Mod: But could you find yourselves, is there's a possibility that there are two NGOs with children who would be inside of the court?

Pax: Yes it is possible.

Pax: One for the victim and one for the accused.

Mod: Other than children, what are barriers in the legal system that would prevent them from their justice?

Pax: Not just for poor children, even the rich children. The insensitivity of the judges. In Cebu City, the family court judges are only located here. There are no family courts in the provinces. Judges look at the child as if he or she is an adult. They will judge the child according to the standards of an adult. Example, if a child changed answers, parang di totoo.

Pax: We have to train lawyers to be sensitive.

Pax: It is compulsory...

PO: But that also, I mean...

Pax: Because if you are already a lawyer, you just forget

Mod: Have you ever been involved in some of pro-poor and pro-disadvantaged recent laws and perhaps several of you successfully persecute a case?

Pax: That will be going to be class legislation.

Mod: It's going to be class legislation?

Pax: Yes... it will be if you say if it's only just for the poor, di ba, it will be class legislation. Maybe if it's under the social justice provision of the Constitution.

Mod: So you think there are pro-poor law? At least procedurally ...

Pax: Well of course at least sa civil code there are provisions anybody classless or who are marginalized, the court should decide in favor. Just like in labor, it should decide in favor of the poor. Those who are let's say minors the provisions should be, or see to it that is equal....

PO: Is there a certain provision that supports that kind of...

Pax: Well, we have the social justice provision of the Constitution. That's it. At least the poor should be given that opportunity. Legislation, wala na no?

Mod: Sabi ng iba, halimbawa yung CARP, nakakatulong din...

Pax : Yeah, sa CARP.

Mod: Are there laws or provisions you think ...

PO: Or you think that all these laws or there are laws that are lacking in terms ...

Mod: Like the lawyers and judges...

PO: Are you satisfied with these laws? How do you assess these laws?

Pax: Uhmm.

Mod: Are there some laws that can be of help the disadvantaged? In children do you think there are missing laws, which will be changed?

Pax: Sa children side we are able to move the lobbying for anti-trafficking in children and also the juvenile justice system.

Mod: Yung giving speedy trial?

Pax: Because the problem with speedy trial is it will be calendared one year after than the speedy calendar, because of the full calendar.

Mod: Pag mukha naman guilty talaga kahit na siya disadvantaged you will handle the case?

Pax: If guilty yes, you cannot...

Mod: Pero as a member ng ALG do you have some kind of moral and professional distinction between what you feel and actual handling of these cases?

Pax: You can always help, they say you plead guilty.

Pax: Kahit guilty, kailangan pa rin ang due process.

PO: Does the lawyer presume the client's innocence than guilt?

Pax: Yes. Because the lawyer cannot stand in judgment over the accused. Supposed to be the judge is going to decide.

Pax: I would just like to add about the laws that we used. Sometimes kulang yung laws natin dito o di masyadong na-aadvocate. We also cite provisions stated in the International Convention of which the Philippines is also a signatory. More often than not we usually cite about the provision in the International Convention on the Rights of the Child, pero wala.

Pax: Pag poor litigants mo, hindi makapagpiyansa, yung may kaya, nakakapagpiyansa. Tapos pag mahirap, hindi makalabas kahit hindi malaki ang offense. Saka may client ako, na hindi makalabas, pinatay pa sa loob. Nag-file ako ng motion for reconsideration dahil malaki yung fee, di pa na-approve yung motion mo, pinatay na.

PO: So that boils down to the point na kahit bailship applies to all, in reality you cannot even pose bail?

Pax: Because of the capacity to pay by the poor.

PO: Is it possible or is it logical to say to ask for a separate fund for the poor? What documents can you provide, they can qualify for that?

Pax: BIR.

PO: But then the other party can say that the BIR can be easily doctored.

Pax: Well, property. BIR can certify that this is....

Mod: Do you find yourselves bargaining for lower bid? How much can you bargain? Forty percent or fifty percent?

Pax: Motion. Depende sa kanila. Pag may motion to adjust the bail, accused kasi e pag walang opposition, let's say 150T.

Mod: What is the common practice? Fifty talaga?

Pax :Mga thirty pwede na.

Pax: Depends on the gravity of the offense. Di ba, you can cite the poverty or the capacity of that person to pay and you asked for that sum.

Pax: Actually may isang client, he was caught for a possession of one stick of marijuana. The bail recommended was P200,000.

Mod: That is what we're trying to say that kind of law na nagtanggal na roon sa meaning of possession and minimum quantity. Di ba dati, it has to be some sizable quantity of drugs bago siya talagang... almost non-bailable, di ba? Now is practically taking the lower limit of that possession which actually does not help the poor, kasi kahit less than a gram lang basta meron, is enough for you to get that kind of bailship.

Pax: That is written in R.A. 9161 but in other cases you mentioned kanina, rules of court na yan.

Pax: Pero may mga factors to consider like for example rape, murder ganyan, crime that is unbailable. May fina-follow ang fiscal na recommended rates

PO: Are you aware of those recommended rates?

Pax: Halimbawa kahit malaki ang kaso minsan lower bail iyan. Nasa fiscal na yan, kung salbahe ang fiscal o may puso iyon....

PO: You think there should be a standard sa bail?

Pax: No, it should not be standard. Different bail according to the capacity to pay.

PO: Hindi ba iyan arbitrary?

Pax: Hindi naman arbitrary yun e, depende naman sa capacity nung tao e. Parang BIR ba?!

Pax: That is one of the factor, we should always consider the capacity of that person.

PO: These should be under the rules of court or there should be a law?

Pax: Siguro requisites na lang para maka-avail ka mababang bail.

Pax: Depende rin yan kasi if the evidence is strong, you can avail a small bail.

Mod: What about other considerations like political, media?

Pax: Yung pulitika, talamak yan.

Pax: In child cases, there are politicians who abuse a child. Sometimes client will not anymore file a case, binabayaran na sila.

Mod: May maidadagdag ba kayo dun sa political aspirations?

Pax: Before I came here in Cebu, I worked in the Assessor's Office. Nagbibigay ng title ng mga lots even if the lots are tribu lands. Kasi dun sa Municipal Assessor's Office, those landowners of those tribu lands along seashores are usually partisans and they acquire titles because of the bases that they are the constant payees of tax declaration for a long time. I conclude that it is not only in Samar, giving of false title to partisans are also happening. One of the participants, because we conducted trainings and seminar for three days at Del Pilar Office, his problem is that his title, bakit daw bigay sila ng title tapos babawiin na naman. So they do not trust those government officials and they find no need to get back those title. I adviced them that those lands which they acquire cannot be given and cannot be issued a title because those lands are not declared.

Mod: Media po? Are they helping?

Pax: Sometimes they are but sometimes they are also an instrument to injustice. Sometimes there is a failure of justice because of media. Somehow it is both ways.

Mod: Which is more often than not.

Pax: It depends on who will use the media.

Mod: Not who owns the media or who buys the media.

Pax: Actually, media can go anywhere ba..

Mod: As far as children's cases are concerned, have media been more helpful?

Pax: No. Supposedly for children there is confidentiality. Sometimes, the media they take the names of the child.

Mod: Well, you think an alternative law group has a particular advantage in helping.. your clients?

Pax: I think there is especially in terms of the relationship between the client and lawyers. Because the client really trust these lawyers.

Pax: We also have this presumption, that once you're in an alternative law group you have no basic interest. You will be having a decision in our favor.

Pax: We do not really lean ourselves to legal avenues. In cases of child cases, you will most likely be child sensitive.

Mod: What are the forms of your legal approaches.?

Pax: Rallies. It can also be negotiation, alternative dispute resolution.

Mod: What is really the purpose of your metalegal action?

Pax: To inform the community and not necessarily to win the case.

Pax: To form public opinion. Kasi kung nandiyan ang public opinion o nandiyan ang media, magiging sikat ang judge. Tapos kung nilabas mo sa media ang real issue, tapos the presiding judge is against your favor mahihirapan siya.

Mod: But do you have any such case that you exerted metalegal action to the point that the case became very popular but still the legal case was lose.

Pax: Actually, in the course of legal battle, yung kabila binayaran na sila para yung organization hindi na

siya... Yung nangyari nawala na ang difference nila kasi binigay na ang hinihingi nila. Tapos napanalo namin ang kaso. Actually may mga kaso na natalo, may mga nanalo.

Mod: What is the objective of metalegal action? How can politics be acceptable to this kind of reforms that you would like to be existent.

Pax: In our case in ELAC, the main objective of using metalegal action is to exhaust our skills that are really not involving the amount of money. Because if you go to traditional lawyers, first of all, they ask you of the acceptance fee and appearance fee of course. And then the last resort of those poor litigants is just to go the alternative lawyering, which are paralegal lawyers. So that the relationship between the lawyer and the litigants will be established more strongly. In traditional lawyering, the lawyer will just get all the facts and then, they say to client *"I'll be the one to work for you because you already gave me acceptance fee. All you have to do is to wait for my notice and when will be your briefing before going to court"*. While in alternative lawyering, the client is compelled to know the facts and personally know the process and the extent of the case in court, what is the status so that the client will participate personally and he will know really what is the standing of his case that is given to the ELAC lawyers.

Mod: That is the way of empowering your clients. How about empowering ALG?

Pax: We cannot empower them.

Mod: Because they are already empowered?

PO: Maybe you can empower in terms of the supremacy of your ideals and visions but is that enough source of empowering others? Are you not concerned about day-to-day basis, rent, and quota?

Pax: It's really from the ALGs. In terms of finances, our sustainability will be welfare every year by submitting proposals, etc. One way of sustainability also is training clients.

Pax: Because ALG work is not only for litigation. That is why we have training, education, and advocacy changing the laws...

Mod: In terms of being able to generate attention... like this... like this?

Pax: Hindi, kasi ayaw nila ng ganun. Sino namang agency magbibigay ng funds na masyadong controversial, sila yung... liability nila yun.

Pax: One is to give results. When you have a very good result of the project, they will be the one to extend their funding.

Mod: How do you measure the outcome of ALGs? Ano yung parameters nyo to say that you are a successful ALG?

Pax: Empowerment of the community.

Mod: So not the ALG itself but in terms of its impact in the community?

Pax: Yes.

Mod: So that established you, your reputation as lawyers and to run public office later.

Pax: Yes. It helps.

Mod: How about sa Appeal, do you think there are some other conflicts especially for the disadvantaged clients?

Pax: Matagal, minsan four years.

Pax: Sobrang tagal, documents na lang matatapos ka ng siyam-siyam.

Mod: How about the kind of relationship between client and lawyer?

Mod: It changed na ba in the course of the appeal?

Pax: Mas bored na ata ang lawyer kesa sa client.

Pax: Yung client nanganak na yung lawyer di pa.

PO: Do you have a recommendation to that procedure? Lahat ba ng Appeal sa national?

Pax: Yes, national. If there is a Court of Appeals here na division it will help a lot.

PO: What is the reason behind?

Pax: It is not attractive, because the mentality of imperial Manila. They want it to be concentrated there.

Pax: Justices want to have a home in Manila.

PO: So what you are proposing is to have a division here?

Pax: Yes. Because it is very expensive. Follow-up na lang is very expensive.

Pax: You go to Metro Manila to follow-up and then ma-dismiss pa ang kaso di mo agad malaman. Ang alam ko pag nag-file ka ng motion of appeal, marami yang requirements. Pagdating doon sa Manila, kung ikaw ang person na nag-file nun, i-che-check pa iyan kung anong kulang mo. Tayo dito sa province, i-mail mo siya yung mga documents. Tapos pagdating dun, baka nawala na yun, pagtsek nila kulang na ang mga documents.

Pax: May experience ako diyan. Ako yung nag-collate ng mga papers niya. Andaming requirements more than 3,000 pages ang xerox namin, pagdating dun sa Court of appeals, 2000 pages na lang... Tapos pagdating dun sasabihin na dismiss na ang kaso dahil sa kulang...

Mod: Yung sa language?

Pax: Cebuano ang affidavit tapos nung nag-appeal kami, may order na i-translate.

Mod: Sa regional trial court tinatanggap ba yung Cebuano?

Pax: Hindi. They usually ask for the translation even in the municipal court.

PO: Sa trial?

Pax: May interpreter.

PO: Ano medium of language?

Pax: English.

Mod: Is there any other suggestions to improve client-lawyer relationship, improve legal services? Do you have particular proposals?

Pax: Yung question and answer type in direct examination. Why don't they make a narrative so it's direct. In the States, you narrate whatever happened. You know, it takes a lot of time. That's why the hearing extends for so many hours, so many days because you have to say something. The lawyer asked the question and that's interpreted, the witness answers that's interpreted and then, the lawyer again asked another question and that's interpreted. So must make it in a narrative form. So you tell everything what happened, so there's no more.

Pax: There is an affidavit, di ba supposedly the narrative is there?

Pax: Yes, it is but when you do the examination, it's always in an answer and question form.

Mod: Last set na po, do you have risks, losses and gains, which you have experienced in your practice for the disadvantaged?

Pax: Of course there is. At the very start, I took very bravely going to mountains talked to the sergeants if there is a problem. We climbed mountains but now, no more, we were not allowed.

Pax: We do not have protection.

Pax: Sa children, dahil, against child trafficking, yung mga syndicates.

Pax: Yung nasa ELAC pa ako nag-file sila ng case against us.

Pax: Tinutukan ng baril.

Mod: What have you lose so far?

Pax: Insanity.

Mod: Don't you find necessary that sometimes you yourself to be debrief or seek counseling so that you get rid of all these burnt-out?

Pax: Yes, actually my wife. After caesarian, nadrepress siya. She thought she was child abused. Lahat ng sinasabi niya narinig ko na yun, nabasa ko na sa mga pleadings niya, naisip niya siya yung nabibiktama.

Mod: Is is true only for women lawyers?

Pax: Sa akin, nung hindi pa ako lawyer. Muntik na ako nabaril. Gabi-gabi naiisip ko na nabaril talaga ako. Pagkagising mo parang nanaginip ka.

Mod: I guess we tackled all what is initially planned to discuss in this FGD. Maraming salamat po in behalf of helping those who are helping us in this study. Maraming salamat.

Appendix J
Focus Group Discussion with Cebu City IBP Chapter

IBP Chapter Bldg-Cebu

May 9, 2003

(Codes: Mod- moderator; Pax- participant; PO- project officer)

Mod: The IBP should have some baseline data on judicial reform as you very well know today, on evidence based on policy-making. Therefore, this study is to provide the database on the perception of lawyers. We would like to know the knowledge, attitudes and practices of private legal practitioners regarding access to justice by the disadvantaged. There are three parts of this particular study, which the UNDP is funding. We are professors of the University of the Philippines and we have been commissioned to do the survey of lawyers because we are talking about access to justice and lawyers are very important on this system. There are two other components. One is a study being conducted on prisoners and find out what the clients have to say. Another component is study of the public attorney's office because they are the ones who are supposed to provide lawyers for the poor and the marginalized. So with these three groups, the lawyers, PAO and the prisoners, hopefully there will be a clear picture as to how access to justice will be improved. We are only doing the national survey for lawyers. As far as this particular study is concerned, we are using two types of methodology. One is quantitative and the quantitative portion is the survey. We asking to accomplish the survey questionnaire and then we do the analysis. We also have the qualitative part. We are conducting the focus group discussion similar to what we are doing this afternoon. The plan was to have a focus group discussion in Luzon, Visayas, Mindanao and NCR. We have finished Baguio and Davao and now we are doing the Visayas so we went to Cebu. The last one we are going to do is at NCR. Hopefully we get the regional idiosyncrasies... This is the methodology we are using and the discussions were very helpful to us in giving insights. We are the Arts and Sciences Interdisciplinary Network. Professor Talampas and I are faculty members of the Social Science Department of UP Manila. I'm Cristina Torres and the principal investigator of this particular project. We also

brought with us our practicumers. They are social science students going into their senior year. Of course the person who is monitoring what we are doing is Mr. Arnel de Guzman who comes from UNDP. We would like now to start the discussion.

Mod: We have here solicited questions. It will be a free-flowing discussion, narration. There'll be no wrong answers here. We would like to deal more with your past experiences and your suggestions and recommendations. My first question is your choice of profession. Why did you choose to be a lawyer and why do you choose to lawyer for disadvantaged clients?

Pax: Basically, all lawyers have the burning desire to help the oppressed but maybe it may have been changed. That's it.

Mod: Your choice of profession... example you came from a family of lawyers, environment, maybe you have lawyer friends, more or less influenced you to have that kind of choice.

Pax: Basically, that's correct. I came from family of lawyers. Secondly, I have observed that lawyers get a good income so I decided to join the law. Technically, I have the impression lawyers are influential in the community and they are easily recognized.

Pax: During Marcos time, I was still in my high school life when I see lawyers who are active in mass action; this is the main reason, maybe... I came from Mindanao and I usually saw these national figures in Manila like ... I think patay na...

Pax: My father was a lawyer and I wanted to help out with our family business during that time. And being in a legal profession is an advantage in a security agency.

Pax: My father is a frustrated lawyer. I wanted to redeem him. I come from the family of doctors. I am the only lawyer in the family. Even my nieces and nephews are in medical schools including my son, my only son whom I wanted to become a lawyer. Ever since, I have always wanted to become a lawyer because I am very vocal, I stand up for my rights even if I'm alone and speak out

what I feel and what I believe is right. And so I know, that if I would not become a lawyer, I would end up in jail because I could not protect my rights and I would not handle my desire and my enthusiasm in defending my right and the rights of the others. Even when I was my elementary grade, I usually stand up when I see someone was oppressed, someone is scolded.... So I said I should be a lawyer because if I will continue defending others without knowing what is right I will end up in jail.

Pax: I grew up in a slum area. My playmates are very poor and many of them became criminals. When I became a lawyer, I visited some friends in Muntinlupa and that is where the moment of truth. The problems of the poor are too many. It is not only financial but also moral. The environment is not conducive to a good future of our people. I thought that by becoming a lawyer I could help small people. I found out that even in the government, in many instances, not only incompetent, but many officials really would not think of the poor. Although there are some people who are sincere but the resources are not really used or maximized for the poor. That's why while I am growing old, the poor people are increasing in our country. Even our government is almost inutile in helping the poor who are behind our gains. That's why I am very happy, you're here and you can help us help these people.

Pax: I am the first lawyer in the family. Now, we have grown into three, my wife is a lawyer and in the last bar examinations, my son passed the bar so we are now three. Ever since I was a boy, I used to read newspapers and I was also a student of history. I was more impressed by lawyers than by scientists. Those people who are molded to historical concepts of Philippine society were lawyers starting from Quezon, Osmena then followed by Roxas, Quirino and Marcos until it was stopped with Aquino, Ramos who is a military man and Estrada. I was also fascinated by the leaders of the Senate were lawyers. Most members of the Senate before when I was in high school and college were brilliant lawyers. Unlike nowadays, the Senate is no longer dominated by lawyers but by journalists, actors, basketball players and the like. It is also because legal profession is very attractive in Philippine society, even in the media. Aside from the fact it has given us improvement in

our economic status, it has also given us the sense of service. You would not quantify the personal satisfaction and joy of serving the poor. But it is also good to serve the rich because they have money. Whether it is rich or poor, as long as you do your job in improving the rule of law and the administration of justice that is the reason why I took up law.

Mod: Maybe we can go to your clients. We would like to know how resource challenged or disadvantaged your clients are? To what extent do you go to determine their inability to pay legal fees or attorney's fees? How come?

Pax: Mostly, these clients are given by the courts, which we cannot also refuse especially the courts of heinous crimes. I think there are three or four heinous courts when the judges, after sentencing that this accused is facing heinous crimes and they are not out to bail.

Mod: You mean, the IBP legal aid?

Pax: Yes the IBP legal aid and sometimes your personal, the case is given to us. Because the judge may recognition diyan we have been defending clients.

Mod: Yung sa judge... they are given the list of available lawyers. Is this the way they provide legal aid?

Pax: Yes. Sometimes they assign certain cases to us and we distribute the assignments because there are volunteer lawyers. And the fact, they are volunteer lawyers, that's is our determining factor they are really poor and they require legal services.

Mod: Those who are detained are not poor, at least not able to pay bail.

Pax: Yes they cannot pay bail. Even for those out of bail they still require lawyers.

PO: Are you happy within the system that the court is appointing you as counsel officio or you think there is better way or a means of lawyers can serve the disadvantaged?

Pax: I am happy with that question. Because first, maybe I am among those active lawyers in the city of Cebu who appear before the court almost everyday from Monday to Friday. The general rule is that when judges found out that a party, plaintiffs or defendants need lawyer, the first choice is the public attorneys office. That is the general rule and it is always being practiced in all the courts, the municipal and regional trial court. It is true that if the PAO is very busy, that very morning, or even if the PAO lawyer is not very busy but at the moment he has an assignment to attend to, usually the judge appoints a practicing lawyer who is well-known in handling pro-bono cases. Then if the party needs a lawyer, sometimes the judge will look for them, sometimes the judge will do that. Sometimes those who are really prepared, who like to handle pro-bono cases, they raise their hand. Sometimes our practicing lawyers here in Cebu, will stand-up and get the copy.

PO: If your office volunteers, will that have a favorable influence in their decision?

Pax: That's very possible. In my case, I win some cases because I volunteer. But most important thing that I observed, there are so many people or parties who are very poor and really need the services of a good lawyers. Example, prisoners coming from the Bagong Buhay Rehab Center. There are now more than 1,000 detained prisoners there. Usually, they say 100 or 300. By and by, we would like to propose a certain system that is very effective.

PO: Are you saying then that it is good practice rather than come up with a system by means of a law firm or the IBP so that we also decrease the load of the PAO....all cases is just being handled by just one PAO lawyer?

Pax: The PAO lawyers are now diminishing because they are the most competent to be promoted for the position of a prosecutor for having handled so many criminal cases everyday. But really there are so many cases that we must organize not only the PAO but also the legal aid system of the IBP. I have been serving the legal aid services of the IBP for more than ten years. I found out that one of the best way of serving the poor through the IBP to have for example

mobilized permanent corps group of ten. As far as I know the legal aid lawyer were paid something like P5, 000 a month. If we have a source of P1 million for legal aid.

PO: How many lawyers are in the city?

Pax: Active practitioners are around 400.

PO: On the average how many pro-bono cases each lawyer handles?

Pax: I think 3 to 5.

PO: Minimum?

Pax: Minimum of 2 but others is handling more than 10 cases. They are so many of them. That's why I believed that a corps group of at least 10 lawyers to be assigned to the IBP more or less permanent capacity with a P5, 000 monthly allowance. I think the problem in the BBRC; can be solved within 1 to 3 years. That problem already existent for about 10 years already. And yet the number of prisoners there is still growing.

Mod: You think that P5,000 is sufficient that there will be enough volunteer lawyers who will take up the case

Pax: At least during my term, three terms ago, that was six years ago, my legal aid lawyers were requesting the IBP Legal Office for a P5, 000 monthly allowance.

Mod: Until the case is resolved?

Pax: That's monthly, any number of pro-bono cases.

Mod: Does that give them enough time to practice?

Pax: Yes. They can balance the pro-bono and private practice.

Mod: How is that balanced, how many hours for pro-bono, how many for private cases?

Pax: In the morning while they cannot do all the private cases they can also do a similar number of pro-bono cases. Our court begins at 8:30-12:00p.m.

Pax: Just like Atty. Rosito, I am also one of the busy practitioners in Cebu City. I handled many set of pro-bono cases but not one of them is given by the court, because I handled them in the office. I have 40 cases for one particular client. I was even asked by Atty. Rosito to report them so that at least it will be credited to my name. I have many cases. In fact, some of the cases I hold to everyday. My kumpañeros even believed that I have many money, because they see me everyday morning and afternoon... not knowing that most of them are pro-bono cases. They just go to our office and asked for free legal aid because I have a radio program. It is true that some of the practices of the judges to appoint lawyers in Court if there is no PAO lawyer or is busy, but that is good. But sometimes, the lawyer would only say yes because the judge asked him to do it, later on, the lawyer appointed will not have time really to handle the case. The free legal aid office that we have is also good, but paying P5, 000 to this, we can have relatively new lawyers attracted to handle these cases. How about criminal cases? That is our problem. I would like to suggest. We have good lawyers who could handle. I mean, giving them one pro-bono case to handle especially it is a big case; it will be a moral duty on the part of the lawyer to accept the case rather than giving that to a neophyte. What will happen to the ... I'm talking to the accused because the complainant already have the Public Prosecutor? The one who will be more in need of the legal services is the accused. If we have big cases, we can perhaps tap big law firm or prominent lawyers so that also they can handle this case.

Mod: Is it not feasible that the court will appoint big names to handle big cases? You think this will not be resented or you know that big names will resent it or maybe not work on the case?

Pax: No, there are big firms in the legal society, they are handling pro-bono cases. Atty. Rosito has big name in our profession, Atty Garcenas also...they are handling pro-bono cases. What I mean is this, the court to coordinate with the IBP asking through the IBP for a lawyer to handle a big case like parricide, kidnapping case... nobody would handle these...There are times that there are several client, there are

several cases...if the handling of PAO of one client would put to the interest in handling the second or third accused clients? I don't think another PAO lawyer would handle that? So the two other clients do not have a counsel because the first client is already handled by the PAO lawyer and his defense would be incorporate to the defense of the second and the third. The second and the third accused client cannot anymore obtain the services of PAO. They have to get another lawyer, they have no money. What I am suggesting is this, we have a very active free legal aid committee program in the IBP. I don't think that will be enough. Do you think big lawyers would really sit down and then asked for the P5, 000? We can ask the prominent law firms to handle this particular big case. And that can be done through the intercession of the IBP?

Mod: How will you described big cases?

Pax: Heinous crimes?!

Mod: Do clients also choose for lawyers?

Pax: Sometimes they choose, even if it is a pro-bono. They would say.. "I would like so and so to be my lawyer..." even in court.

Mod: Do they get it?

Pax: Sometimes.

Pax: We know how burdened PAO lawyers are. Even prosecutors are already a diminishing sector of our legal society. The Supreme Court has to adjust to this situation.

Pax: Under the rules of court the person authorized to appoint the counsel officio are the judges. But the very important is during the moment the lawyer has spent already 10 case proceedings.

PO: Can you give a concrete suggestion where there are instances when the poor and disadvantaged....

Pax: In fact although there we have this R.A. 7430, but the Public Attorneys Office has a rule does not send a lawyer in all the police station here in Cebu, how much more in the province? But if the person arrested

before the conduct of the investigation, needs a counsel....

Pax: But you know what. The practice of our police offices especially if they have the arrested person, they keep it on their laps. Instead of asking the arrested person to seek legal assistance, they don't do that. My suggestion is this, you know the PNP and AFP, that is one of the pillars in the criminal justice system, they should coordinate with our IBP Offices because we have our free legal assistance handled by able lawyers. What they do, I'm in private practice now, I used to be a prosecutor, but I found out now that there even times that it is very difficult for the lawyer to see the client. What the police officer does to the arrested person especially they are underprivileged or uneducated, they do not tell their right to hire a counsel to assist them. They do not do that.

Mod: What do they tell to these people?

Pax: Nothing.

Pax: Sometimes, they do not allow lawyers to visit a person arrested.

Pax: In my case, they don't say no.

Pax: An alternative to this the IBP would insist that the person arrested should be reported to the IBP, it might help. As a part of the judicial reform, the conduct of the interest of the prosecution is if he finds out that the person arrested or the respondent is not assisted by a counsel, it is the duty of the prosecutor to look for a counsel de officio. As you can see, person are arrested after the commission of the crime, but if the prosecution if there is no private lawyer, the prosecution would just notify the information before the Court. So the court is empowered by law and duty bound to provide a counsel de officio for the respondent.

Pax: You know that the prosecution office will be happier if there is no lawyer to assist. Because if you file that information before the court, because they are under pressure also to file a case also within a certain period. They won't be happy, a lawyer filing a

counter affidavit for the conduct of preliminary investigation for the accused. They won't. The first thing you will know the case has already been filed in court without even furnishing the counter-affidavit of the accused.

Mod: Why do they do that?

Pax: Because of the pressure as I've said. The time frame, very few prosecutors would conduct a preliminary investigation because they are under pressure to terminate the case. In a preliminary investigation, within the stage of the preliminary investigation vis-a-vis is a subpoena sent to the accused or to the respondent to file a counter-affidavit. If they will not file a counter-affidavit, the case will be resolved based on the evidence of the complainant.

PO: But that is as far as the normal proceedings. But if as far as the person arrested is without a warrant of arrest, the prosecution office is duty bound to look for a counsel to represent the person arrested. That is not the practice?

Pax: Wala na. The fiscal during the inquest proceedings do not anymore care to ask the accuse, because they cannot investigate the accused without any lawyer. If there is no lawyer, the basis is whatever is the evidence of the complainant. As I've said the police are within the Constitution. They won't be happy to see a lawyer, a lawyer for respondent who is under detention.

Pax: The scope of the RA 7430, a law enforcement officer is duty bound by law to provide a counsel for the respondent or the person arrested. But in the conduct of inquest proceedings, the prosecutor is not duty bound to provide a counsel to the person arrested.

Mod: What are the common features, qualities and characteristics of poor client-lawyer relationship? How was this start, what is the particular role of lawyers in these particular cases, what is the basic attitude towards a poor client or lawyering the poor?

Pax: When a lawyer handles a pro-bono case it's always from the heart. That is if he or she accepts the case, handles it for free, even handles the transportation,

the transcripts, food, stenographic notes, pictures and other evidence...it is because that lawyer has a plan for service to the client. But if the pro-bono case is just given a particular case who is in private practice, pressured, that is his/her duty, there is a lesser involvement; there is a lesser effort I believed on the part of the lawyer, because actually it is not accepted by him heartily. It should not be the court that should ask a particular lawyer to handle a particular case; I mean pressure from the court. There must be a voluntary act on the part of the lawyer to really assist there is this particular client who is in need of free legal services. Because it would spell the difference in the way the case is handled.

Mod: That means that a client will approach a particular lawyer and asked for assistance and not just a court assigning a lawyer to handle a particular case?

Pax: Very few poor clients would approach to a lawyer to handle a particular case. What I mean is this, if we have lawyers would know the seriousness of the gravity of the case, through the intercession of the IBP we can scout an expert lawyer to handle that particular case. If it is only for duty, most likely, that pro-bono case will just be the last priority in handling his case. I have an experience of several judges who would instead asked the IBP to take charged or asked a lawyer to handle a case.

Mod: I can sense that the IBP would not have problems that you welcome such moves, you will volunteer, what about the other IBP Chapters?

Pax: I don't know with other chapters. But here in Cebu, even big names in legal profession, they handle pro-bono cases. Even if the firm is very established here in Cebu you can see that many of them handles pro-bono cases.

Pax: For many years, the Cebu City Chapter was awarded one of the most outstanding in the Legal Aid program.

Mod: What about the province? The provincial IBP, would they have the same inclination towards the attitudes in helping the poor?

Pax: Not that much, concerning the distance... because provincial cases are handled in the province.

Pax: That is the problem; also the practicing lawyers and judges are based in the city.

PO: Is it possible that we can do the same in other areas? What is the secret of Cebu IBP lawyers that we can extract?

Pax: Our experience is that, generally we are expecting, all lawyers are made of the same materials. Their ambition, objectives and aspiration coming from the same Integrated Bar of the Philippines. We are molded in the same manner by the Supreme Court, by our respective schools. We passed the same Bar Examinations so practically, all the lawyers in the entire country have the same emotion, the same ambition and we aspire for excellence and we are driven by inspirations. But I think the camaraderie, the brotherhood, and the fraternal relationship in a particular Integrated Bar is a very important influence in the lawyers practicing. If a particular IBP Chapter has a very good leadership, the lawyer members are inspired to excel, to serve in the pro-bono cases.

Mod: I am happy to note that kind of goodwill coming from the IBP here. But we from the outside, we are not lawyers; our impression is that IBP is all about politicking and bringing seats in elections and fellowships. Maybe it is a divisive body. Given that impression from the outside, you think that your... what we cite as good practice here can be replicated in other IBP? Because, we are very much interested in finding out what is going to be role of the IBP in improving access to justice for the poor?

Pax: I think from the past year and until now can prove that the lawyers are being inspired by the nonetheless, MCLE. There are better judges who are appointed now, judges that are very strict, judges that are liberal. There are judges who have good rapport with the practitioners. It is also not always good to have a judges that are very liberal, sometimes it pays to have a very strict judge but not over the limit.

PO: Do you have a hand in the selection of judges?

Pax: That is what we would like to know. How much influence? How much weight has the say of the local IBP in the choice of judges.

Po: Technically speaking, do you have?

Pax: No.

Pax: Our resolutions or whatever actions that we have or comments on the candidates for judgeship are given weight

PO: Is that institutionalized?

Pax: Are they?

PO: Is it institutionalized that the process of asking the comments of the IBP?

Pax: It is part of the judicial process.

Pax: I think that's being practiced but the actual institution is that politics play a part. Even if a certain candidate for the judiciary is the favorite of the IBP still if the candidate has no connection with Malacañang, because the ultimate appointing power is the Malacañang, that candidate will never be appointed. I have one specific example, a judge _____ who is about to retire this June, is one of the favorites of lawyers here because of his integrity, his industry qualities. He was awarded for two times, Judicial Excellence Award.

PAX: May I add? He was the most outstanding city judge of the Philippines before. Then when he became an RTC judge, he was also awarded an outstanding RTC judge before he got the judicial excellence.

Pax: Because he has no connection with Malacañang, he was not appointed justice in the Court of Appeals.... so politics plays an important factor.

PO: Does that not make the IBP a good chapter field?

Pax: Yes.

Mod: What is your suggestion? Are you saying that the appointing power should no longer be the executive but let's say the Supreme Court? Should there be a transfer of appointing power as far as the judicial system is concern? Would you go to that the extent?

Pax: For an appointment of a certain judge in the RTC or the city, it must be the IBP Chapter for that area to which the judge will be appointed. Then, the name nominated by the IBP Chapter shall be the one nominated to the Judicial and Bar Council. Therefore the only function of the Judicial and Bar Council is to determine the qualification of the judges. Because the nominees from the JBC does not necessarily come from the list given by the IBP Chapters. So that the only power of the JBC will be only confined to this give and nominated by the IBP.

Pax: As far as the disadvantaged or the poor is concerned, a person is arrested by law enforcement officer before the filing of the particular case, before the conduct of inquest and before sending of the person before the prosecution office, it is the law enforcement officer that feeds him. It is only the BBRC and conventional jail that have budget. Example a person is arrested on a Saturday. The inquest proceeding is only conducted on the first working day of the week, that is on Monday. He stays on the jail before a police station, for example Police Station VII. He is poor. Even if the person has a relative, he is the breadwinner of the family. He is a tricycle driver; he has a wife and two or three children. He has no food because ha cannot work, he is in a detention cell. The inquest proceeding is conducted on Monday. Saturday and Sunday, it is the police officer that feeds him. During his transportation, and if the police station is located at Talamban Station, it is the police officer that pays for him.

Mod: What are you saying, sir, that there should be money to take care of the accused?

Pax: That the control of prisoners starts at the inspection... starts during the arrest of the person. Because the court only requires the jurisdiction of that person only if the case if filed before the court. Suggestion is that judicial reforms, the court takes the control of the person arrested even before

the filing of a case before the prosecutor's office. If the court has the control of this person, then the court may give them budget for transportation and for food.

Mod: The problem here is that it will boil down to the issue of money, there's not enough funds. So are you saying that because there are no funds to do all these things, the poor are doomed...?

Pax: Yes... basically it affects his rights. What will happen, the prosecutors will immediately file before the court because it is the police office who suggest to the prosecutor to file the information immediately to the court because they have no food.

Pax: That is not the problem of the judiciary. That is the problem of the local government. You have to consider that these municipal jails are under the jurisdiction of the local government unit. They have budget for that. It's just that the money is not properly spent. You know, my number one concern of this person arrested. It is the police officer because these persons have the rights. It is very difficult for them to use a phone in order to contact a lawyer. even those person arrested are educated. I have this experience...I could not even enter the compound but I insisted to talk to my client. But the officer sits right beside me. I was so angry with him. These people know what are the rights of the person arrested. They are not implementing that. Why? Because it is not justice on their minds...

Pax: I would like to contribute to that discussion. When a person is arrested. He is usually brought to the municipal jail that is where they will be under custodial investigation. I believe that the IBP, in every province either provincial or city chapters should extend its concern to those person. The IBP Chapters should discuss among themselves how they can check and double check the exercise and duties of the police officer and also to protect the rights of arrested persons because that involves human rights. So I think that is the duty of the IBP Chapters but then we should lose sight of the path that is also the duty of the Municipal Trial Court or the RTC that has jurisdiction overt certain area. The judges and the IBP Chapters should coordinate with each other...

That the duties are exercise by the police officer and the human rights of the persons arrested are protected.

Pax: That is very good, if we know. The problem is that we are not informed. I believed, it should boil down to one particular office and that is the arresting officers office. The arresting officers office should inform if we have arrested persons especially to those who are uneducated. They should make a report. But they don't. There were several arrested persons who have been one month or so many days, no case file.

Mod: So it all boils down to IBP being pro-active and trying to pressure different agencies?

Pax: With the assistance of the Supreme Court.

Pax: I would like to inform you that it is not only the IBP. You know why we have this very good system when it comes to criminal justice system. It is not only the IBP, which is active in protecting rights, but we have several organizations that are also working. Cebu Lady Lawyers, Inc., they are also active. As a member of this organization, we are very active and we are supporting the IBP. We put IBP as the core of these activities. Surrounding these are the organizations of lawyers. Mactan Island is also very active.

Mod: What about alternative law groups?

Pax: Yes, they are also active.

Pax: For the meantime, the Supreme Court may issue a circular directing the PNP Chief to issue a memorandum to all police stations to report immediately. Because the PNP has the administrative jurisdiction over the...

Pax: How come the SC binds this rule? We are outside the law. It is the duty of the Legislative and the Executive. We should have law on that.

Mod: What are the present laws that could improve access to justice by the poor? They say that we have enough laws but the problem is the implementation. Can you cite specific laws that will try to protect the

rights of the poor and improve the access for justice?

Pax: Republic Act 7438, the right against custodial investigation as a support to the Bill of Rights under Article III, under the 1987 Constitution. Though the Bill of Rights protects individuals does not carry any primitive sanction to any person, because the purpose of the Bill of Rights is merely to provide the concept of what our laws should be. Congress enacted RA 7438; it is the duty of the law enforcement officer to provide a counsel. Even on that law enumerates the amount of which the counsel de officio will be given by the Supreme Court. But I think it only in the paper than the...

Pax: That's why, it is the implementation....

Pax: So therefore we should make a revisit to that law for it to be applied.

Pax: Republic Act 7438 is applicable to all persons arrested. If there is a law for these poor litigants will be given preference in the trial and this is not being applied.

Mod: That seems to be a problem. We have enough laws to protect the poor and yet they are denied justice because they are not being implemented.

Pax: How could we come in to help? How could IBP come in? How could you come in to help these people arrested? When they do not record, when we don't know. We only know if they were already published in the newspaper. It should be a duty on the part of the law enforcers, whether the NBI, PNP or AFP to give a report to the IBP or whoever to the court.

Pax: Next week, we will visit Director Sandalo and give him the telephone number of the IBP and that of the officers so that every police station here in Cebu will have contact numbers.

Pax: We should have a conference or a meeting with lawyers, IBP officers and law enforcers so that discussion could be done on this problem.

Mod: What are other social forces that are against the poor? What about media? What is the role of media, are they very active to support the cause of the poor?

Pax: Not really. What I observed in Cebu media is that sometimes they are a very potent force help form a public opinion.

Mod: The IBP, what is your present relationship with media? Can you use them to advocate.

Pax: Yes... Because I am also a part of the media, a member of KBP, every night there are reporters always visits police station. We are always the first one to know a person arrested... The truth is that a rich person arrested always gets the assistance of counsel. The poor and the disadvantaged even though he's arrested, no lawyer comes to his aid. And that is the problem of the police.

Pax: That is right. As I've said it should be the duty of the police who makes the arrest to report so that the lawyer groups can help.

Mod: What are the common types of cases that are being brought against the poor? In your experience?

Pax: Theft, carrying shabu, snatcher...

Pax: these policemen cannot really catch...

Mod: But this is the thing that we should _____ the court. And in fact, Baguio IBP says that it should the criminalized ...

Pax: You know not here in Cebu. There are more drug users

PO: What is the difference between the services or cases being taken up by PAO and the IBP in legal aid? Pareho lang ba ang hi-nahandle? Halimbawa they go to the office here and there is no counsel, where do they go? Do they go to PAO or they go to IBP?

Pax: They should go to PAO, if they cannot accept he will come to IBP.

Mod: May lumalapit ba dito na nag-wa-walk-in sa IBP, instead of going to PAO, they go IBP?

Pax: Oo.

Mod: Because they think that IBP has better legal assistance?

Pax: Yes and sometimes the PAO refused to handle the case.

Pax: I have this daily program and that's the reason why there are so many who go to our office and ask for our assistance.

Mod: So the media will help you advertise the free legal aid assistance? Or will make you...

Pax: I did make the program so they visit the program...

Mod: Which is more accessible?

Pax: The more accessible is my daily program in my case. I anchor a program. That is for legal advice.

Mod: What about appeal, does a poor client has a chance to appeal?

Pax: That's why we have this suggestion to have a satellite office here in Cebu for Supreme Court and Court of Appeals for the purpose of appealing and filing for a certiorari. Because if it is really a poor litigant, we don't have access with the Supreme Court and Court of Appeals for filing a petition.

Pax: When we asked, you know the clerk of court that we have here in Cebu could at least have a record. If you see it incomplete, the case could be dismissed out rightly.

Mod: So there should be a satellite office for both the Supreme Court and Court of Appeals?

Pax: Yes...

Pax: Yes, it should be. As you can see, it could been the dismissal of the case.

Pax: Especially the labor cases. Nangyari ngayon, there's a Supreme Court and Court of Appeals procedure that anyone appealing a case of "certiorari" halimbawa, the petitioner must attached all the documents referred to in that petition. Ang proposal namin, if these voluminous documents are referred to in their petition, the labor arbiter should forward the records to the personnel the Supreme Court or Court of Appeals.

Mod: Is this their responsibility rather than the responsibility of the laborer?

Pax: Yes, na kick-out na nga sa trabaho.

Mod: What about the other personnel in the court, yung language for instance, or the courts stenographer, are they also responsible to the poor access of the poor to justice?

Pax: Let us first discuss the fees How much are the bills for the transcripts? There are some stenographers who make good money out of this even more than lawyers. You know what they do, they reproduce and then they asked for P500 for a ten-page transcript. Parang negosyo na...

Mod: The amount they charge is it arbitrary?

Pax: Yes. The margins are so wide... and the pages is only for one question...one answer...another page na naman... Imagine that, how can the poor can pay?

Mod: Who is the lawyer or person who have the responsibility over that?

Pax: The judge.

Mod: The judge?

Pax: The judge...

Pax: The clerk of court... And there are also stenographers who do not transcribed unless they are paid many times over than the fee in advance.

Mod: And then the language. What is the language of the courts?

Pax: English....

Mod: What about the poor litigant?

Pax: They assign a translator...

Mod: Who translates?

Pax: The interpreter ...

Mod: Is the courts interpreter good enough to be able to....

Pax: Yes, because the lawyer sometimes assist in the interpretation.

Pax: There is no problem if the language to be used is Cebuano. Now we have problem if the language to be used is not Cebuano, for example, those who speak Muslim. I have several clients who are Maranaos and Tausugs in Mindanao. So I ask a lawyer who is a Maranao to assist in the interpretation.

Mod: So it is the lawyer that takes the...

Pax: In my case, oo. I ask a particular lawyer to assist in the interpretation, because they have to understand also what is happening. Chinese, for example, I have a client who is a Chinese. We cannot understand each other. It does not matter if we face each other...so I need a lawyer who can assist me.

Mod: What are the risks, losses and gains of lawyering for the poor?

Pax: Personal satisfaction..

Pax: Personal fulfillment to be able to help the poor.

Pax: We are returning back to the underprivileged what we receive from the privileged. That's why I asked my rich clients "do not to question if you are charged higher because you know I have pro-bono cases...." I charged high in rich clients.

Mod: Lawyers are saying that clients go lawyer shopping... the rich and the poor go lawyer shopping especially the rich. They looked for cheap lawyers.

Pax: Cheap and good.

Mod: Do you experience that?

Pax: They do not even have to shop for a cheap lawyer. They can have for free because if my client will say they will just pay this much, I say they might as well not pay me at all. I say that to the poor not the rich...

Mod: The rich daw, they want good and cheap lawyers...

Pax: It is just like goods, the more expensive the better quality.

Pax: You know why, how come a lawyer give a quality service to the client who is not... if we don't spend...we spend for books... we spent for gathering of witnesses... we spend for pictures, videos...we spend transportation ...good quality of lawyering needs something to spend.

Mod: What about the risks...have you experienced being threatened. Was there a risk to life? Risk to security...

Pax: Atty Chan.

Pax: Yes in handling pro-bono cases.

Pax: Before the other party starts harassing me, I harass them first. Never in my life did I experienced being threatened.

Pax: Yes, during martial law they will say this is your last meal...

PO: By the military?

Pax: Yes.

PO: Perhaps you may have concrete suggestions on how to improve the system for the disadvantaged sectors....

Pax: The lack of judges. The Supreme Court suggested before appoint judges de officio for the poor and disadvantaged... In Cebu City alone, the RTC courts have many vacancies. Branch 9 has been vacant for less than a

year. So if the Supreme Court will permit the appointment of judges de officio in the handling of cases, because there are persons who have been arrested for three or four months without the benefit of an arraignment. He was not arraigned because there is no judge assigned in that court. But if the IBP for that certain city or province appoint among its class a lawyer practicing admitted to the bar for 25-30 years, the IBP or that chapter may nominate him. That nomination will be settled to the judicial council and forwarded to the President for his appointment. Then, there will be a temporary judge for that certain court mainly for the purpose of adapting an arraignment. Because the accused or the detainee may plead guilty.

Pax: I have read a book of _____. In that book, I think this is being practice. Just like what you said. But not from among the lawyers. Those who are retiring where appointed to hear a case but not to decide. What is done is this; a particular judge has already retired. The services of that particular retiree is still utilized by the judiciary appointed to a particular case that he could hear the case. I think this is adapted in the United States.

Pax: Not in the Philippines...

Mod: Up to what age ba that the judge...

Pax: Seventy.

Pax: Sixty lang.

Pax: With that problem of vacancies. We have now an information that the salaries of judges will be revisionalized. The position, function and duties of judges are very important. The truth is even one year before a judge will retire, everybody knows already even the Supreme Court knows about the vacancy. The best way to solve the vacancy is for the Supreme Court, judicial council and the President to be prepared.

Mod: Have already solicited the recommendation and endorsement.

Pax: We have the Law for Speedy Justice. It begins with the vacancy of the judges. Without a judge, how can we have a speedy justice?

Pax: New prosecutors. Not only judges but also prosecutors.

Mod: What accounts for this slow appointment, no one wants it?

Pax: In the Constitution, there should be 3 nominees, if there is only 1 nominee, no one can be appointed. Ikalawa, perhaps not so many are interested.

Pax: Actually, there are enough applicants.

Mod: Why are they not appointed?

Pax: Matagal kasi, masyadong mahaba...

Pax: Halimbawa sa Branch 9, alam na natin na magretire na. Naku one year before nakahanda na ang judicial seal background at Malacanang.

Mod: DOJ ba yan?

Pax: JBC... judicial body.

Mod: So ang matagal sa Malacanang? Hindi sa Supreme Court?

Pax: Matagal sa Malacanang. There are also more fiscal than prosecutors.

Pax: And sometimes the delay of the cases is caused by the absence of prosecutors. You cannot proceed especially on different cases without the presence of a public prosecutor.

Mod: How many are vacancies in the judges? Ilang branch?

Pax: Dalawa SA RTC. Sa MPC Branch 1, soon will retire?

Mod: In the prosecutor?

Pax: Naku napakarami niyan... In the city, supposed to be there are 44 prosecutors yet there are only fourteen.

Mod: Only fourteen? With the new revision if the salary standardization ba would help?

Mod: Magkano ba ang sweldo...

Pax: Newly hired, mga 14T-15T a month. Malaki na.

Pax: Ang municipal trial judges ma's mataas pa ang sweldo ng SP04... kaya it is better to be a police. Yung judge 18T lang ata e.

Mod: Are there any suggestions?

Pax: I would recommend a regular meetings of the criminal justice system.

Mod: I am very happy yung pagiging very pro-active. We would like to thank the IBP Cebu for the sincere suggestions to improve access to justice for the disadvantaged. Thank you very much for the very passionate discussion. Salamat po.

Pax: In behalf of the IBP Cebu we thank you for coming in. Thank you Dr. Torres, Prof. Talampas and Mr. Arnel and the rest of the group. Thank you very much.

Pax: Thank you, thank you. Sana maulit pa ito...

Mod: Maraming salamat.

Appendix K

Focus Group Discussion with Manila-based ALGs

Sulo Hotel

May 20, 2003

(Codes: Mod- moderator; Pax- participant; LC- Legal Consultant)

Mod: We are the faculty members of the University of the Phils. and we have been commissioned to do the National Survey of Lawyers. Our focus group discussion this morning will focus on what are the different issues related to equal access to justice by the disadvantaged. The study has two components. We have the quantitative portion where we sent the survey questionnaire to the members of the IBP who were chosen from the IBP list. But unfortunately, out of the 2100 questionnaires we sent, only 100 lawyers have replied or have sent back their questionnaires. That's our problem at this moment so we have asked the permission to attend the IBP Convention tomorrow so we could distribute. And we are trying to tap other law firms to be able to solicit more responses. So hindi na magiging random, magiging purposive sampling na lang. Imagine 2,100, 100 pa lang ang bumalik. Masama pa 500 bumalik din kasi mali na ang address so hindi na pala updated yung roster ng IBP membership. The other component is the qualitative portion. We are doing focus group discussions with different lawyer groups we have met with IBP Chapters and ALGs in Baguio, Davao and Cebu. So this is the NCR portion of the study. We would like to thank you and welcome you in this discussion. So we would like to introduce our team. I'm Cristina Torres, I am the principal investigator of the project and the co-investigator is Mr. Roli Talampas. He is a fellow faculty member of the Department of Social Sciences in UP Manila. Our consultant is Atty. Muyot, human rights lawyer. But the questionnaire was also consulted with other groups of lawyers... We would like everybody to introduce themselves. Maybe tell us about your background about ALGs, about lawyering for the disadvantaged. Mr. Roli Talampas will be the facilitator this morning.

Mod: Good morning. I am supposed to facilitate the focus group discussion of global standard, ethical notices, confidentiality, immunity, etc. I would like to ask you several questions na medyo specific pero kung ayaw nyo please indicate which information you have supplied of

this FGD should not be recorded. We respect every right of respondent to keep his/her own identity. Can we go around the table and introduce ourselves? I would like to take off with general question of the circumstances of lawyering. Or the kind of environment that shed you to go to legal education. Ano ba nag mga bagay na nagtulak sa inyo para maging abogado? And also as a follow-up to that question... why this kind of lawyering have you chosen to do?

Pax: Ako actually I'm very young in this profession. I was just admitted to the bar 2002. As much as ... ito yung ...alternative lawyering...yun naman ang una kong pasok. That is my first entry in my legal profession so far. I would want to feel the chance to do public service and I've started my legal career with the NGOs. I was involved with women issues and then, a few lang yung mga cases that I am handling personally. But I am also assisting the other lawyers from the institution, like sexual harassment, rape...

Mod: Your choice of that kind of lawyering, is it purely personal, political, gender?

Pax: Personal siguro. I wanted ,.. feeling ko it was with the NGOs I can possibly maximize my public service especially with my legal profession . Feeling ko I would want that my legal career ko that I have that sense of nga... ano ba yon... may pakinabang ang bayan... serbisyo ko iyon sa bayan.

Mod: Your legal education did not influence you to choose corporate law that is more rewarding in they say? With your kind of lawyering...rewarding ba?

Pax: I hope. Oo. Ibang fulfillment. Siguro it's because nandun pa yung idealism ko. I had my undergraduate, public administration in Diliman and then I had my College of Law in the province. Bumalik akong province. When I was in the province, nawala ako dun sa NGO world. Sa province namin, Cagayan sa north NGO thing is not sikat as compared to other provinces. And then bumalik ako sa Manila.

Mod: Di ba malakas ang environment ng NGOs sa Cagayan?

Pax: Hindi lang siguro ako aware sa legal profession.Tapos when I went looking for an opportunity, dati gusto ko sa

government but again I came across with alternative lawyering... tapos parang I wanted it there...

Mod: So, mga kaibigan mo din ask you to..? Is that be correct?

Pax: Oo. Yung friends ko sa _____.

Mod: This is a general question of why you chose legal profession. Why particularly alternative lawyering?

Pax: My father told me to take up law. And I didn't think that I can finish law. But luckily I finished law. Actually, yung alternative lawyering is a possible track for me because I'm a member of paralegal volunteer organization sa law school. Early in my law school life na-exposed na sa mga issues. Summer ng first year I was trained as a paralegal and then tuluy-tuloy na yun. Kasi yung batch ko has a largest number of paralegals. We were thirty-six, kaya siguro motivated ka to be really active during law school days.

Mod: Ang paralegal ba, is not for private?

Psx: No, it is a volunteer group talaga. During those days... Medyo okay pala yung... di pala okay... Medyo active dahil sa political climate at that time... matagal-tagal na. So medyo maraming arrest... exposed sa issue... But when I became a lawyer... I started in government. And then siguro malas lang first exposure ko sa government kasi my justice at that time was retiring. Wala akong masyadong trabaho kaya bored. When the chance of joining the Integrated Bar came along as a legal aid na- transfer ako.. so naexposed ulit ako, sa human rights. But after three years, nafrustrate ako sa human rights. Siguro hindi pa ako na-prepare for frustrations kasi medyo limited yung context ng magagalugad mo where you can be successful in terms of iba ang approach, and at that time di ko pa fully comprehended despite the fact that I was already active, or would like to believed that I was engaged already in the developmental legal assistance when I was a student. Yung realization na yun took me out of human rights lawyering and I entered another government institution. And then nabored na naman ako kasi I've realized na na-stagnate ang isip ko sa government. Anyway, I tried at private context, like in a corporation. Then I became a corporate lawyer, ibang kultura ulit. Di ko makita yung values na nakita ko sa human rights.

Mod: Anong klaseng values?

Pax: Dun, profit lang talaga. Sa human rights kasi, yung values na you feel for your client, you do something more than what they provide. Ewan ko if I can say this, yung tinatawag na intellectual orgasm. Wala kasi sa corporation, wala sa government. So I joined another organization. Nachallenge ulit ang mind and spirit. Fulltime exposure sa DLE, fulltime exposure sa communities. Dun ko fully-understand what for is alternative lawyering all about. And then dun I decided to stay.

Mod: Yung legal aid work mo do you have a formal training on that?

Pax: Legal aid?

Mod: Is there a structure that you need to follow?

Pax: So yun sa OLA. Sa Office of Legal Aid pala. In the same manner, pag nakapasa ka sa bar, sari-sarili na. Unless if you are a member.

Mod: Meron bang icon ?

Pax: It was Tadiar, siya yung nag-ga-guide.

Mod: Wala bang nag-iinspire?

Pax: Legal aid? During our time, wala. Si Tadiar, sa legal aid, not human rights. Actually yung nainspire nya sa sa amin yung alternative dispute resolution pero hindi namin maintindihan that time, kasi walang exposure to that. Kaya di mo talaga ma-grasp kung ano sinasabi niya.

Mod: Yung alternative dispute resolution, outside the legal framework?

Pax: Hindi naman outside the legal framework, it is still within the legal framework but outside the court.

Mod: Arbitration, negotiation?

Pax: If you talk about a person in law school that inspired us to be in human rights. During my time, ewan ko si Prof.

_____ talk to a different subjects altogether. Meron nun pero walang human rights.

Pax: I entered law school because of my father. My motivation to pursue further studies is the fact that I was a student activist. After graduating from St. Theresa College of Cebu, gusto ko ibang eskwelahan, I wanted to go into Psychology but my father would not support me financially so sige para makapag-organisa, sige yun na nga mag-law school ako. But I don't have the intention of finishing law kasi ang projection ko noon after two years of organizing aakyat na ako ng bundok. Kaso maarte ako e. Di ko kaya yung buhay ng isang kadre. Tatae ka ng walang tissue or tubig, kung saan -saan ka maliligo. In other words di ko talaga kakayanin yun. But nonetheless, wala akong plano na tapusin ang law school para lang mapagbigyan ko lang ang tatay ko. My father has a very strong character. Yung first 3 years, pumapasok ako sa law school, makikipag-away sa mga teacher na chauvinist. Ganun ako nakilala sa law school. Ito yung batang palaging nasa round table discussion, palaging nasa picket line, pumapasok lang sa klase para makipag-away sa teacher niya because of the general insensitivity of my teachers. So, seryoso na lang ako nung nag-fourth year ako. Dun ko na-realize na oops... mabuti fourth year na ako. Kaya ewan ko swertehan lang siguro na pumasok ako sa law school na walang binagsak na subject. Kaya nga lang nagkabagsak bagsak ako sa bar, it took me three times bago ko napasa ang bar exams. But while I was waiting for the bar results, I was working as a legal researcher at ___ Law Office in Manila. Dun ko na-realize na importante ang mga abogado hindi nagpapaka-abogado para ibenta ang serbisyo nila. It was very hurting on my part, everytime na may nag-wa-walk-in and they couldn't afford the acceptance fee of the partner. Bumagsak ulit ng bar, nag-take ulit ng bar, sabi ko I will not go into practice, I will not join a law office muna. So I went to Congress and worked as a bill drafter. Then I passed the bar exams, I resigned and joined a big firm in Makati. So akala ko okay na yun, nasa big firm ka, nasa Makati ka, taga Cebu ka lang. Whereas in Cebu bigtime yun. Sa mga kaklase ko, big-time yun because I was able to penetrate a firm at Makati the only female associate was the daughter of the owner. Meaning, puro lalaki lang sila, at ako lang ang babae nakapasok. Until now, after I resigned di pa daw sila kumukuha ng babae, siguro na-trauma sila sa akin. Anyway, when I was at ..., that was off the record, sinasabak, papagapang ka sa fiscal, papakausap ka sa judge. The final straw when I was

assigned to a case yun pala, hindi ko alam kailangan bayaran ko ang judge to be able to get the PR code. And I spent the entire day dito sa Quezon City Hall pinapa-amend sa akin yung aking position. Ang tanga tanga ko hinihintay lang ng judge na magpadulas ako. So, that's it hindi ako pwede dito, I resigned and went home to Cebu to marry my fiancée. I joined another firm but this time a very small firm. Akala ko may ipinagkaiba, big firm ka man o small private firm ganun din pala yun. The partners would use you kasi babae ka, ipapain ka sa fiscal, sasabihan ka you go to court, you wear a mini-skirt because we need that to win the case. I stayed there for two months only. I decided to go back to Manila and worked sa Congress. But before that I was asked by the Children's Legal Bureau, an NGO from Cebu to do volunteer work for them. When I was doing volunteer work for CLB sabi ko I think this is the kind of job that I'd like to be in. So yung volunteer work ko, naging fulltime at naging regular staff. But, it was at the CLB that I discovered that I was an incest victim. At that time I was in Davao with a friend to meet a client. Grabe yung effect ng realization. Grabe ang trauma ng bata. Binaon ko siya sa limot. And it took one client rape victim to make me discover that. Mahirap mag-handle ng children's cases knowing na ikaw din pala ganun din. So I resigned sabi ko I need to heal myself. I went back to Congress and worked as Chief of Staff. I stayed there for 10 months, di ko din pala kaya ang trabaho. Ang hirap yung gagawin mo lahat ng dirty work for the Congressman and be an ass-hole na iparamdam yung urge ng ibinabayad sa iyo. So I resigned and joined the Women's Legal Bureau.

Mod: Thank you.

LC: Marami ang nangyari. Lumabas ako sa Congress. My professor became judge at the Supreme Court. I went to study in the States and then I came back. I was encouraged to join big international firm but then I was suddenly given a load for that semester in UP. Of course in U.P. bago ka maswelduhan, one semester later muna. Sa UP nag-exist ang human rights, they asked if I wanted to handle a project for justice for children. So, basically it is human rights, tamang tama I was involved then. It is not lawyering or NGO work but it is something else, it is putting law into practice. It is not a choice but it just happened.

Mod: Wala ba kayong longing for something that you can be pin down?

LC: My longing, if there is longing, it is not in the field of law. Sa arts ako. Talagang para sa akin ang pagiging lawyer ko I guess it was destined. I did not want to enter law school. Pagdating ko sa law school, at least I saw something, it empowers you. I guess law is a means of empowerment. If you have good motives and have strong ideas you can really use law to empower not yourself but also other people.

Pax: I really want to study law. From high school, I would choose either medicine or law. Hindi naman ako masipag mag-aral, naisip ko mag-law school na lang ako. Naalala ko nung na-interview ko sa law school kung bakit gusto ko pumasok sa law school. I answered na gusto ko yumaman. First year na-exposed na ako sa mga iba-ibang sectors. After law school, ang first job ko is to the court, kasi ito lang yung una kong nakita kong trabaho. Pumasok ako for a year. Then pumasok ako sa NGO since may orientation ako sa mga sectoral concerns, for farmers' services. After two years, pumasok ako sa _____. Wala akong kaalam-alam, sinisira na ako ng kabilang kampo.

Mod: Okay lang ba sa financial side?

Pax: Kung sa NGO lang o isa lang ang organization, hindi.

Mod: Sa consultations?

Pax: Yes. But if you're a lawyer, you need to be sustainable. If you become a lawyer in the family, andami expectations. And then you're in human rights. In fact makaka-receive ka ng mga comments sa mga relatives or family mo na "huwag ka na diyan, walang pera diyan". Lalo na ako may pinsan na nakaka-receive ng early 6 figures every month, in pesos. Parang huwag nyo akong i-compare dun kasi, corporate yun, ako sa human rights. As far as I'm concerned, dun sa mga circumstances, single ako, di naman ako maluho, kung ano ang nare-receive ko sa law and a little practice will be enough for me. But, kung titingnan mo ang counterpart namin, sa corporation, kita nyo naman ang mga alahas, ang lalaki, siyempre they need more money, di ba?

Mod: Pero yung not getting rich is it a baggage?... Is not getting rich is not part of ALG?

Pax: As long as I am comfortable. Nag-iisa akong anak, pinalaki akong maluho. Wala na ang parents so nabago ang lifestyle ko. Kahit naging simple ang lifestyle ko, hindi pa rin naaalalis sa isip ko if I can earn more money why not, without comprising anything, my principles and my values. And siguro I can work with volunteerism. Meron din namang el gogo ang mga NGOs to pursue any decent endeavor is not all the way to what you are espousing, conflict of interest. For you to financially move up, kahit papano which di ko naman nakita dun sa law office ko kasi di ko naman na pursue ang alternative lawyering kasi nga I have to really work for my client ... in terms of that as long as may comfort level ka, okay lang sa akin.

Mod: Nagbago na pala ang NGOs. From my own personal experience especially NGOs, we would take it as sinful na iyong mga tao doon are trying to get extra income from somewhere. Full time ka doon, fulltime ka roon.

Pax: Ako mataray ako sa ganun. Ikaw kaya nawalan ng nanay at tatay.

Mod: Thank you...

Pax: My dad is a lawyer. But hindi niya ako na-influence whatsoever. He told me and his friends that hindi niya inexpect so it was really a personal choice. So when I entered law school, first year pa lang ako, looking back at my time sabi ko masyado akong nables. I felt na sobrang blessing ng Diyos sa akin na I want to share. So dito ako napasok sa alternative lawyering. Kasi first year pa lang ako active na ako sa Ateneo Human Rights Center and I volunteered my time for free for four years. Dun siguro ako na involved sa Information Program hangang ngayon kasi bahagi pa rin ako ng Ateneo Human Rights Center although nag-leave ako for two years for further study. For three and a half years before I went to finish my masters na-exposed ako sa developmental advocacy. Yung unang-unang trabaho ko, although it was litigating, I was a Program Officer in one of the local government projects, I was coordinating the project all over the Philippines in the pilot areas. Dun ako na-exposed sa communities talaga although nung law student ako pumupunta lang kami sa communities as part of our internship program, pero iyon ikaw na ang community organizer na rin, capability building, education, everything talaga. So mas naramdaman

mo, kasi buong Pilipinas yan kahit na isang municipality lang sa Luzon, Visayas, Mindanao, naramdaman yung ibat-ibang kalagayan ng mga tao. So I felt so fulfilled, two years and a half yung project and at the same time na-pursue ko yung gusto ko na maging litigator. More than that nandun yung pakikipagsalamuha sa communities. So nung nag-end yung project medyo nag-move-up ako in terms of my advocacy from the local to international.

Mod: Anon'g klaseng community yan?

Pax: Ay, ano siya e, iba't-iba. Halimbawa kasi sa Laguna, more on peasants. Pero nag-oorganize din kami ng mga NGO network. Kasi in cooperation with other national NGOs. May mga component ito like access to justice, economic empowerment, local governance. Dun kami sa access to justice pero kailangan na-integrate yun. Kaya we have three municipalities all over the Philippines to integrate the program. So nung nag-end ang project, nag move-up ako from local to international kasi nasa migration issue naman ako until I went to further study. Since migration iyon, malaki ang koneksiyon din niyan sa economic cultural rights and masters ako. I tried to focus on human rights and developmental, economic and cultural rights. Nag-work ako sa NGO dun sa kung saan ako nag-masters. And then I went to East Timor kaya medyo nag shift lang from basically mentoring on litigation naman iyon but at the same time I tried yung mga natutunan ko sa Ateneo Human Rights Center when I was a student and until my three and a half years na ipasok dun sa litigation or legal aid program nila. I tried the best way I can in empowering in the legal aid system. But of course 6 and a half months is not enough. But I hope somehow, mayroon akong naimpart pa rin dun. Pagbalik, balik sa Ateneo ulit ako. Migrant unit pa rin ako pero legal aid director. Sabi ko naman since ang exposure ko ay legal aid dun sa East Timor tinanggap ko yung legal aid proposal. Nakikita ko kasi siyang opportunity for network. Yung student hindi lang sa litigation, kasi given naman iyon e, kailangan talagang matutong mag-litigate and at the same time yung perspective na ang litigation is just one of the means na hindi siya primary object natin. At pangalawa, it's a means of empowering the client. Bawat encounter with the client should be an opportunity for educating. Kaya ito ang ginagawa ko ngayon at the same time setting up the system kasi nga bago pa lang itong sistema. At the same time nagtuturo ako sa law school kaya nagco-complement siya lahat. Hindi ko nakikita ang sarili ko na ... never kong

naisip... kasi siguro I started in 1996 sa Ateneo Human Rights Center until now nandun pa rin ako hindi ko naisip na magpunta sa law firm. Kasi feeling ko hindi ko talaga kaya yung ganoong klaseng practice. Of course, di ko rin ma-confirm because I never practice in a law firm. Siguro dahil ang practice ko ay dire-diretsong alternative group, hindi mawawala ang idealism ko. Kahit andami-dami mong frustations dahil feeling mo nadaya ka, hindi pa rin nawawala ang idealism ko.

Mod: When you say idealism basically ano ito?

Pax: When I say idealism kasi feeling ko maraming tao ang nawawalan ng pag-asa sa justice system. Yung mga client mo, andami reklamo. Sa practice ko, kasi hindi lang naman litigation nga e, educate the community, meron kang research, etc...

Mod: So you're looking at a certain model of an ideal community set-up? Social set-up?

Pax: Wala naman. Except that I tried lang the best I can to contribute to achieving justice.

Mod: In terms of legal environment, ano ang nakikita mong ideal community, anywhere o kung tama ang question ko?

Pax: Medyo malalim ang tanong mo.

Mod: Kumbaga, idealism, I will take mayroon kang ideal, ano kayang bansa o community na pwedeng i-approximate ng ating bansa?

Pax: Wala. Wala akong particular in mind. As long as ang sa akin lang kasi, yung mga injustices ngayon natutuwid, yung mga mahihirap ay maaaring mabuhay ng may dignity. Kung ma-attain siguro iyon, more or less okay na sa akin yun.

Mod: Balikan ko lang yung nabanggit niya na yung litigation as last resort. Yung last resort na ba iyon it means taking less time sa inyong trabaho or the last thing you ever think of ?

Pax: Sa akin kasi talagang nagli-litigate na kami from law school. Yun ang primary ko. Sa amin kasi, yung litigation ginagamit namin yan halimbawa for a research. So halimbawa yung mga kaso ng mga migrant workers ginagamit

namin yan for advocacy. Gagawa kami ng research, ng mga international conferences, etc. So complementary sila. May limitasyon din ang litigation, hindi siya ang primary means to achieving justice.

Mod: Thank you.

Pax: I did not come from a well-off family. Di naman mahirap, di rin mayaman, middle class. Ang choice ko na mag pursue ng law at dito nga ako sa alternative lawyering hanggang ngayon di naman naging issue sa parents ko. Sabi ko nga even yung desisyon to go to law school, sarili kong desisyon, sinuportahan lang ako ng parents ko. Now, ngayon ako na nagsu-support sa parents ko, medyo mahirap kasi nga nasa alternative ako and at the same time, na nagtuturo ako sa law school. Since middle class ka, expose ka sa environment.

Mod: Did you make political choice?

Pax: Malaki ang naitulong ng religion sa akin. Until now naman.

Pax: Eto pa rin ba and trend na kapag aktibista ka nung college, eto ba yung direksiyon na tatahakin mo pag naging abogabo, kasi I disagree? Talagang what happened to you, yun ang gusto kong tanungin. And I find people who like Gilbert, nakikita ko sa law school na those who have been active na naging consistent from law school onwards. More than people who have been espousing the so called ideals?

Mod: Surprisingly, as far as the study goes from Baguio, to Davao and Cebu, we have met a part of the political movement actually entered the law profession. More or less na may trend. We are not saying that correlated sila but they are still there and they are speaking the same thing. Abogado ang kanilang lengguwahe but their options is for the disadvantaged. Mostly... Tapusin mo muna natin ang round na ito, then we can take a short break... ?

Pax: Ako, hindi ako pinilit ng tatay ko. Late bloomer ako... Nagdesisyon akong mag-law school, pag pasok ko ng fourth year college. The point of entry. Pumasok ako ay Physics, one sem lang ako kasi nag-shift sa Management course pero wala akong planong mag-law school. Eventually, I decided na mukhang hindi ito ang katapusan ng gusto kong gawin, para bang hindi klaro yung... mukhang parang may gusto pa akong puntahan. I decided to pursue further study. Nag-law

school ko again, without even knowing what will happen after law school. Kasi ang alam ko lang wala naman kasing plano, walang long term planning. Alam ko ngayo ay kailangan kong mag-law school, after law school saka ko na malalaman yan. Umabot ako dun sa point na iyon. I decided na mag-law office. And in fact I worked for 1 and a half years sa isang law firm after taking the bar. At nag-enjoy ako. When I entered the law office, I was thinking of staying and I opted to stay. Pero yung 1 and a half years, learning period ko iyon. After a while, kahit na may feeling of satisfaction, kahit na nag-eeenjoy ka sa ginagawa mo. Somehow, may hinahanap ka pang iba. Okay ito pero parang hindi. Parang meron ka pang ibang gustong gawin. Eventually, I decided mukhang hindi ito ang buhay na gusto ko bilang isang abogado. Maraming pangyayari na nagbuo dun. I decided to resign after 5 months in the law office. But I stayed there for another year just to be sure about my decision. Kaya ako nag-stay ng 1 and a half years. Mahirap i-pinpoint the reason for what made you decide.

Mod: Yung 5th month, what triggered it? May nakita ka bang di maganda?

Pax: Not necessarily. May isang insidente, I was involved sa isang malaking case. May mag-asawa na nag-aaway sa kanilang kumpanya, it is a big company, family-owned. Ang kliyente namin is foreigner ang husband, yung wife niya ay Filipino. It is a corporate squabble. It came to a point na ang building nila ay ginagwardiyahan ng dalawang sets ng security guards, actually tatlo, one set for the husband, the other set is for the wife and the other is for the bank. May isang point na nagpunta ako dun with an officer ng corporation to get some documents. Nagkagulo, malakas ang tensiyon. Pag pasok namin, hinarang kami ng guwardiya ng kabilang kampo until nagkatutukan. May isang batang guwardiya na kinasa niya. Kung nagpumilit kami, talagang magkakagulo talaga. Di natin alam kung ano pa mangyayari. That incident, prompted something in me. Di naman ako takot mamatay until now, ang worry ko at that time and I was disturbed for several nights, I could have been killed in the line of duty, doing what? Parang acting as a lawyer in a corporate squabble between a husband a wife? Hindi ito ang gusto kong buhay. In a law office, they count the minutes. We count every six minutes of our time as 1 unit, for one hour you have 10 units. Mataas ang per unit. We bill by the hours. And for several days, for

a daily basis, at times I can log 12 hours, billable hours. As I said, I stayed for 1 more year. It is a process of deciding. Marami akong kilalang aktibista noon, sila ngayon ang nagpapahirap sa bayan. Somehow, I think as a student helps. Halimbawa, ako nakapagtrabaho ako sa SALIGAN when I was a law student. Naging intern ako ng SALIGAN. When I decided to leave the law office, I know I have this alternative option. Kaya malakas ang aking desire to expose students to this kind of work. With this kind of exposure, will tell you there is another world na puwede mong puntahan, others would not have that option because they would not know that that option exists. Mahalaga ang role nun dun sa desisyon eventually. Hindi naman ibig sabihin na it is a one-to-one correspondence na kapag na-expose ka dito, papasok ka na. But many of the alternative lawyers now na kilala ko they have that exposure. Halimbawa sa Ateneo Law School, marami ang nasa law school, marami ang nasa alternative law ay naging bahagi ng internship program ng Human Rights Center, di ba?

Mod: So yung bang mga may exposure programs na ganyan, mayroon ba silang mga feedback mechanism para sa mga experiences na sinasubmit?

Pax: Oo after the internship program pero yung after law school, walang ganung program.

Pax: Kami meron, Alumni Program. At least with regard to ALG naman, binibigay mo naman yung members in a particular area, more or less nabibilang mo siya. Pero in terms of the other areas, outside that area, mahirap, kasi hindi lahat ng alumni nagre-respond sa program.

Mod: Thank you,...

Pax: I'm from Cagayan. Ang pre-law ko kasi Philosophy pero sa Seminary. Wala talaga akong kabalak-balak na mag-law. Nag decide lang ako maglaw after *Postulancy*. Four years ka sa seminaryo, 1 year para sa exposure. Lumalabas ka. After graduation sa seminaryo, sabi ko mag-law school ako. Tuluy-tuloy nga ang pag-aaral ko ng law. Pero wala akong exposure sa internship program. Sa seminaryo kasi, yung Franciscan kasi ay nakalinya siya sa isang pastoral work. Na-influence ako sa ganoong set-up ng seminaryo hanggang sa nakita ko na pwede palang gamitin ang pagiging abogado sa ganitong set-up, yung pagtulong sa mga disadvantaged. Sa amin kasi sa seminaryo every year, may exposure kami sa mga iba't-ibang

sektor ng komunidad, halimbawa, farmers, fisherman. Doon ako naimpluwensiyahan hangang sa natapos ako sa law school at nakapasa sa bar, 1999. Nag-join ako sa KAISAHAN, bale ito ang first work ko. Nung nalaman na mayroong NGO na abogado ang kailangan nila dun na ako nag-apply, ni refer ako ng isang kaibigan ko. Although may mga nag-alok ng ibang trabaho, halimbawa sa Aparri,, PAO, di ko tinanggap mas dito ako sa alternative law.

Mod: What made you choose to enter law school when you were out after your Postulancy?

Pax: Yung exposure ko dun ang nagtulak na pumasok sa law.

Mod: Hindi mo ba pinangarap na magpari?

Pax: Bago ako pumasok sa seminaryo, ayaw ng tatay ko dahil wala daw mapapala sa pagpapari. Sabi ko yun ang gusto ko. After ng Postulancy sabi ko sa tatay ko gusto ko mag-abogado, sabi niya yehey.

Mod: Do you know a lawyer priest who is in alternative lawyering?

Pax: Meron pero hindi siya kasama sa ALG group kasi may trabaho sila within the religious order.

Mod: Itong mga propel although di naman sila nasa relihiyos like Protestant lawyers?

Pax: No, they are not priests, abogado sila.

Mod: It is just an organization.

Pax: Marami sa kanila Catholics. Pero ang alam ko nag-start yan mga Protestants ang nagsimula. Pero eventually nag-evolve ang word na Protestant. Tapos eventually, ang ibig sabihin ay radical

Mod: Thank you for that round.

Mod: Ang napansin ko ang lakas ng urban bias. In fact 70% are coming from Metro Manila. Because the Supreme Court and Court of Appeals are here. So you're saying clients ang hinahabol...

pax: Mas marami kasing law school dito sa Manila. Tingnan mo na lang ang chance ng isang magba-bar, ano ang chance mo makipagkumpitensiya dun sa mga graduates ng Ateneo saka U.P. most likely sino ang nauunang pumapasa. Mas marami ang pumapasa sa kanila kesa sa taga-probinsiya.

Mod: Yun yung mag-aaral ka. At this time during practice, it is concentrated here in Metro Manila and in the urban center.

Pax: Marami ang mga nag-law school dito. Di mo maaasahan na after graduation babalik pa sa kanila.

Mod: So wala ba kayong ganun kamukha ng sa doktor, yung doctor for the barrio program?

Pax: Ay wala. Dapat ang U.P. meron.

Mod: Nameet namin sa _____, meron silang Law and Society. Kinalat silang lahat. I think some of them are in the field. Nagpa-practicum with ALGs and NGOs.

Pax: Kami, meron din law interns. Nag-community muna sila. Kasi daw ang experience nila sa klase pag nasasabak sila kaagad dun sa institution ng mag-cocommunity sila nagugulat ang mga estudyante. Kaya nagkaroon ng arrangement dun sa klase before sila i-deploy sa mga kanya-kanyang institution, nagkakaroon muna sila ng community exposure sa kanya-kanyang institution.

Mod: Yang ganyang practice is that new in the law school?

Pax: Yang program na yan, 12 years na sa Ateneo. Yung Law and Society yung konsepto is in Alternative Law Program. Every summer naman yun e. At hindi lahat ng law school.

Pax: Only Ateneo. I think U.P. also?

Pax: Like in Cebu, San Carlos lang?

Mod: San Carlos and some other law school partners with them. Nagpapadala ang San Carlos sa iba-ibang community.

Pax: Without any offense meant sa mga taga U.P. Sa Manila, napansin ko kung titingnan mo iyong ALG membership andaming galing sa Ateneo. Ganun din sa Cebu, kung titingnan mo iyong nagvovolunteer sa NGOs and eventually nag-join sa NGOs marami ang nanggaling sa San Carlos. Di

ko alam kung dahil sa orientation ng eskwelahan, one factor yun. Another factor din yung orientation ng dean. At the same time, gusto ko rin siyang tingnan na siguro yung orientation ng internship program.

Mod: Is it a function of their exposure during their law schooling or it is a function of class or is it a function of their inspiration. In other words, how do you perceive going to law school, is it a social mobility or is it a piece of doing service to people. Ano bang mas malaking factor individual ba or exposure to school?

Pax: Meron talagang values na na-iinstill sa atin pag nag-law school ka.

Pax: Late bloomer kasi ako. Nung nasa Law Center ako, anyway graduates sila ng Ateneo, mayayaman sila makikita mo talaga it is possible na-ingrain na sa kanila yung pagiging Ateneo. Kasi sa U.P. parang very political, pero hindi pala lahat, kasi some of them came from other school before they go to law school.

Mod: Yung training niyo sa law school, di ba may mga terror na mga teachers, macho, may mga remarks, ganun ang pagtrato sa inyo? How does this affect the students? The choice of career yung the alternative jurisprudence. Nakakaapekto ba talaga? Like sa women, ganun ang pagtrato sa inyo.

Pax: Sa law school, mayroonna talaga. Sasabihin ng teacher, you will all become lawyers but not at the same time. But not all the women will become lawyers and to those who would become marami sa inyo, clerk of court lang or legal researcher. Ganun na kaagad. Even sa mga jurisprudence, sa case na ipapabasa, rape cases na agad ang ipinapabasa. Matindi ang reinforcement ng machismo, magdi-discuss ng tungkol sa panggagahasa ipapabasa sa inyo yung cases, maririnig mo yung giggling, nervous laughter ng mga estudyante even the women, dahil na rin siguro sa attitude nung teacher mo. So iyon din yung tina-try naming baguhin din, yung mga pleadings na ginagawa namin, yung mga sinacite naming mga cases na hindi na-rereinforce. Halimbawa probinsiyana ka, wala kang karapatan o yung mga babaeng pakawala yun ang mga nare-rape.

Mod: So dito na pumapasok yung gender sensitivity o cultural sensitivity? Pumapasok na ba yan sa law school o ano ba yan?

Pax: Matingkad, matingkad ang gender insensitivity sa law school.

Mod: Ngayon, wala pa rin? O slowly pa lang o papaano ba ang sitwasyon ngayon?

Pax: Since the profession itself kasi is chauvinistic.

Mod: Ayun... So you would say na the profession itself is chauvinistic...

Pax: Ngayon nga medyo nag-iimprove na in terms of percentage of women lawyers. During the past this is a profession reserved for males and I think even now... even if we have an increasing numbers of women lawyers tama yung sinabi ni Annie na may discrimination pa rin in terms of the job that will be given to you. Litigation, most partners will prefer males except, except yung sinasabi halimbawa ni Marla na kailangan kausapin ang fiscal. If you do a survey of a big law firms you will find out that the litigation department of the big law firm usually composed of male lawyers, bibihira kasi, kasi the whole partners still believe that litigation is a men's job. And going back to law school, tama yung sinasabi ni Prof. , somehow professors are imitated kahit gaano o kahit sabihin na ay ang terror niyan o ayaw ko yang professor na iyan.. Somehow may imprinting of the image at pagpasok mo ng first year ka at gustung-gusto mo maging abogado at unang-una mong nakitang abogado ay ...ang taas ng value ng seniority sa law school. Pag first year ka wala kang karapatan, pag fourth year ka mayabang ka na. Sa Ateneo nga dati meron kaming pinapansin na kultura, habang tumatanda ka ang tawag mo sa Professor first name basis na. Ngayon hindi na. Pero that in itself is a manifestation of the value of what you achieved after three years of law school. Iba ang kultura ng law school at kultura ng professional.

Mod: Given that kind of background tapos nasa aletrantive law group kayo ngayon. Papaano kayo ... Get rid of that kind of mindset...Papaano kayo pumapasok sa... kasi sa alternative law group di ba, walang ganyang kultura, iba ang kultura diyan. Ikaw pa nga ang natututo sa komunidad... Papaano kayo nag-a-adjust ngayong nasa ALG? Papaano iyong transition at papaano, ano ang real situation na yung transition from that kind of culture yung chauvinism in law school to ALG kung saan iba... iba ang relationship?

Pax: Feeling ko gradual yan. In my case, I spent my first 1 and a half year in practice in a law office. Iba yung kultura, may sarili kang room, may secretary. Pagdating ko sa SALIGAN ...

Pax: Sa amin kasi, nag-start as an institutional ano... pero depende na rin sa Dean. Kasi when Dean Sitio was there parang balewala rin kami e. Ngayon nga lang medyo established na talaga siya, na yung mga estudyante, all year long nag-vovolunteer at the same time, through the years na rin nagkaroon na rin kami ng somehow influence sa law school. Babalikan ko lang yung gender issue kanina. Like Ampil, I teach a gender course in school. Aside from a formal course na siya, yung nagkakaroon ng gender sensitivity, merong itong effect sa mga kaklase nila sa isang law school. Halimbawa final exams namin, reflection dito ng mga topics. If one of the students, halimbawa, ang reflection niya was yun nga "chauvinism sa law school". Si ganitong professor ganito remarks, ganito reaction ko. So ngayon, kinokonsider rin iyon, ipapakita namin yung reflection sa professor, of course, binura namin yung pangalan ng estudyante. Kinokonsider naman yun ng professor and at the same time, meron rin kaming Women's Week or Women's Month. It is like sensitizing community hindi lang ang law school, MBA din. Nag-iinvite din kami o meron din kaming Solidarity Night, outsiders are coming also. Sa Center itself part kasi ng information sa estudyante yung Women's Rights and Gender Sensitivity. So when they go communities also kasi very interesting parati ang issue na iyon e kasi siyempre galing sila sa isang patriarchal setting... halimbawa tapos binigyan sila ng information about ano ang gender sensitivity, mas mag-stick sa kanila yung issue na iyon.

Pax: May i-note lang ako kasi nabanggit kanina yung exposure... kasi ako ang awareness ko on this aspect is nung undergrad ako sa Diliman. Kumbaga dun ko nakita yun. When I went back to the province, nag-law school, parang feeling ko out of touch na ako sa ganoong mundo. I was longing na gusto yung ganun. Actually nung nasa Tuguegarao ako ang alam ko na parang NGO alternative on a legal aspect was FLAG. Shock na shock ako, andami palang ALG. Looking back sa law school namin sa Tuguegarao kasi walang exposure hindi naaabot ng internship program gaya ng AHRC. Sabi ko nga, yung mga graduates sa law school ko feeling ko ako lang ang nasa alternative kasi hindi nila alam

iyon. There was an opportunity nga for me to speak nung nagbakasyon ako lately... sa IBP. Nag-organize sila Cayosha... na nag-speak ang mga ... ang IBP-Cagayan nag-organize ng mga lawyers... nagspeak sa mga students... ng mga undergrad... yung mga who want to go to law school... So parang I spoke para sa alternative lawyer... I took the opportunity kasi hindi pa nila alam iyon. Ang alam nila ay private practice, sa government... ganun lang talaga ang alam. Kaya kahit feeling ko hindi ko pa talaga alam gaano ang ALG kumbaga it felt good na ma-impart ko iyon kasi feeling ko nung nasa college undergrad ako, nagkaroon ako ng opportunity na ma-expose sa ganon. Kaya nga lang di na-tap iyon. Meron din akong mga friends in law school na doon sila nag-aral ng undergrad nila pero sa mga conversation namin mapapakiramdaman mo na parang meron din silang inclination sa mga ganoong issue. Feeling ko na kapag na-tap mo sila, pwede siyang mag go sa alternative lawyering wala lang opportunity. Siguro maganda even hindi ma-institutionalized parang bigyan sila ng opportunity na makita nila o ma-exposed sila.

Mod: Di ba ina-advice ang faculty regarding gender sensitivity?

Pax: Iba kasi yung... gender sensitivity, it goes beyond yung mere compliance sa sexual harassment. There are so many risk ... of being in gender sensitivity issue... Merong rules sa law school? I think they can go around the rules... di naman pwedeng masakop lahat ng rules mo iyon...

Pax: Malaking factor talaga ang kultura... saka yung sinasabing preparing you for a bigger battle... kasi ang kultura talaga... litigation lang makikita yung courage... yung value na makikita mo na courage... sa harap talaga ng judge... tinatakot ka... macu-culture shock ka... May mga teachers na bawat sentence niya may mura. Kung galing ka siguro talaga sa... gaya ko galing pa naman ako... pero nagmumura na ako... di mo maintindihan kung bakit ganun... And then, until after sometime in law school at kung papano ka na makiharap sa isang lawyer. Second na kultura is yung bar orientation... so ano ba yung bar?... highly commercial law, highly procedural... yun litigation-oriented pa rin. Yung mga taong exposed sa bar and litigation at the same time... wala silang kai-idea sa other aspect which is public service. In fact in legal ethics hindi kasama ang alternative lawyering... hindi binabanggit ang values na dapat tumulong ka sa marginalized sector. Wala yun... ang legal ethics mo pa is

your relationship between lawyer and judges, di ba. Sa ganung kultura, papaano mo maipapasok ang human rights?

Mod: Kasi sa ibang profession kasi...halimbawa kami, may chance kaming magturo e. We can handle yung values ed...sa social science hindi lang siya nagtuturo lang, multi-disciplinary ang theme. Sa law school ba, walang ganun... na dapat lawyer... you cannot invite somebody who is not a lawyer?

Pax: No... Kasi nga ang kultura e... highly patriarchal, paternalistic... lahat ng pangit na hindi ginagawa sa NGO, nasa law school...Like sa U.P. di pa parang there's this observation na mas okay sa Ateneo. I would agree na mas okay ang internship e, kumbaga yung orientation ng Ateneo somehow may suporta... Unlike in U.P. wala e, just like any activity...sari-sarili lang yan...freedom lang talaga. Actually, sa law school naman noon, wala akong pakialam sa mga teachers basta kailangan lang mag-aral... kasi ang sinabi lang sa akin ay yung bar... Somehow, in my experience sa PDO, I crave for law school mainly because of PDO. Mainly kasi ang exposure ko ay research, magtuturo ka e, di ka naman magtuturo sa tao ng hindi mo pag-aaralan like ako labor law ako. So first year summer pinag-aaralan ko na siya, papasok pa lang ako bago ako papasok sa labor so madali yung proseso sa akin labor nung 2nd year kasi napag-aralan ko na sa PDO. There are advantages aside from the fact na exposure sa ano... Sa batch ko kasi, 36 kaming paralegals, ang nag-practice lang sa aleternative lawyering ay anim. Imagine 1:6. Ganun kaliit na percentage ang natitira. And then we asked some of our friends "bakit hindi ka nag-ano"? One is the opportunity...pangalawa yung economic...kasi ang thinking nila kung sasabak sila agad sa alternative lawyering wala na silang chance na yumaman, which is actually true.Kasi hindi ka na makakaalis dun... pero...

Mod: Somebody told me you should be a labor lawyer first... wala namang bibili ng managementr lawyer di ba, ang bibilhin yung labor lawyer?

Pax: On the other hand, sa business o corporate muna sila para saka na sila babalik. Actually di na sila makabalik...like most of the paralegals na classmate ko noon, hindi nila ma-imagine na to give this up... most of them are partners already.How do you go about this...dapat talaga at the first instance ma-expose and give them an option. Marami rin like sa alternative marami ding mga lawyers, nung nagkagipitan

na... tatlo na anak, kailangan na mag-asawa, bigla na lang sila nawala so ang natira kami mga single...

Mod: So you say mas lamang sa commitment yung mga unmarried?

Mod: O iyon, may correlation ba ang civil status ng lawyer?

Pax: Sa tingin namin hindi commitment but yung pressure sa iyo e.

Mod: Di ba pareho yun?

Pax: Hindi kasi yung commitment kasi ay isang chain na maaaring nasa iyo dahil may pamilya ka di mo talaga kaya e. Kahit nga yung mga ibang kasama ko, meron talagang mga ganun...lalo na pag nag-aral na iyong mga anak niya...mahirap talaga e.

Mod: Yung pressure na ba yan pareho sa babae at sa lalaki? O mas mabigat ang pressure sa lalaki dahil siya ang breadwinner?

Pax: Depende yun sa couple. Halimbawa ako in my case, I'm earning less than the tax that my wife is paying...but it is not a problem between us... klaro na sa amin yun e... sabi ko nga nung estudyante pako before I got married, sinigurado ko munang nasa alternative muna bago ako nagpakasal, para pag ikinasal na ako ganito na ako, di ba? Mukhang malabo yung magpapakasal ka muna bago ka mag-alternative.

Pax: Ako, NGO muna ako habang afford ko pa ang mag-NGO.

Mod: Pwede bang itanong sa inyo kung ano yung income range pag nasa alternative?

Pax: Depende. Ako yung Executive Director sa Saligan... So eto na yung highest position so more or less ako yung highest paid...I am earning about P24,000/month. Gross yun.

Mod: May mga iba ka pa bang opportunities or alternative practice?

Pax: In most cases, masyado ka ng maraming trabaho. Ang kaso ko lang na hawak yung mga sa kamag-anak na w/o pay. Ako kino-compare ko after 5-6 years in Saligan, I was still earning less than what I was earning when I was a first year associate. Associate pa lang ako, di pa ako abogado nun. And to think, Executive Director na ako sa Saligan. Now,

yung mga first year associate sa law office baka five times ang sweldo sa sweldo ko. If you compare with the mainstream right now ang laki talaga ng difference.

Mod: Wala ba kayong halimbawa if you handle a case of a particular NGO, di ba may extra income dun?

Pax: Wala...Di ganun... Kasi sa ALG iba-iba ang rates e.Nung na-interview kami. Ang nakita namin pinakamalaki ang AHRC, pumapangalawa ang Tanggol Kalikasan.Mga 30T something na sila. Yung rate na ni Manny na 24T, I think rate yan ng isang staff ng TK at AHRC. Pero sagad-sagad naman yun sa trabaho...Halimbawa like may pumasok na client, sa Womenlead, karamihan 80% ng client namin ay indigent. Ultimo yung pamasaha minsan kami ang nagpo-provide. Bibili kami ng transcript at stenographic notes, kami ang nagbabayad. Meron din kaming socialite clients, pag nagbabayad yun ng appearance fee, di iyon mapupunta sa abogado, mapupunta yung sa Legal Defense Fund. In the event na dumating ang panahon na walng pera ang Womenlead, meron kaming mabubunot para sa pang-sustain ng mga litigation ng mga cases namin. So hindi talaga mapupunta sa abogado. Itong question ko ng sustainability, gusto ko lang itong i-point -out especially kina Marlon at kina Glenda. Paano niyo masu-sustain yung mga members ng ALG na mag-stay sila sa alternative lawyering kasi while we are being compensated to the work that we are doing right now, futuristic, ewan ko kung may ALG member na mayroong retirement benefit? Kung gusto mo magtagal sa ALG hanggang 50 anyos ka by the time na magretire ka may makukuha ka?

Mod: Do you really intend to stay that long, wala bang burn-out period diyan?

Pax: Isa pa iyon, another practical issue is care for caregivers kasi ginagawa nating trabaho, hidi ito yung karaniwang 8 to 5 e.Although ang isang abogado sa law firm marami talaga sa kanila to the last drop pipigain ka talaga ng mga partners pero compensated naman sila. But in alternative law group, magkano lang ang kinikita mo, tapos executive director, di ka pwedeng mag-take-on ng private case... andami mong workload na... nandiyan yung networking... andami-dami pa. Good thing sa stockholders like sa Womenlead, walang prohibition na magtake-on ng private cases basta walang conflict of interest. Halimbawa, Womenlead is a feminist legal institution pero dahil member kami ng ALG at may environmental advocacy hindi

kami pwedeng magre-present ng isang Mining Corporation. Malaki ang kikitain mo dun kung tutuusin pero pinagbabawalan namin ang aming mga lawyers na mag-handle ng ganung mga klaseng cases. Like myself na Coordinator, sa dami trabaho mo, may program work ka na, may administrative work ka pa, mahirap mag-take on ng isang private case. So papaano mo ma-e-encourage ang isang ALG member to stay on?

Mod: Yung full-time na alternative lawyering, gaano katagal?

Pax: Yung sa akin dati, ang alam ko ay iyong turnover... kumbaga baka four years... pero ngayon tumataas na. Meron nga ngayon sa Saligan na more than five years na siya. Medyo nag-i-improve na din. Kasi ngayon halimbawa pinag-uusapan yung retirement benefits na rin. Malaking issue ngayon sa Saligan kasi mahirap mawalan ng tao na ang dahilan ay pera at iyon ang pinag-paplanuhan ngayon yung retirement benefit plan.

Mod: You mean you still in the process on building on that kind of fund?

Pax: Kasi sa amin ngayon... they are fighting for survival. Meaning, yung existence ng sustainability. Mayroon kaming mga member institutions ngayon na problema talaga ngayon sa funding at yung mismong sweldo ay na-stop...Ang problema kasi sa ami... sa mga ALG members yung funds kasi namin would not go into infrastructures halimbawa will not be dealing with community organizing... basta hindi mga ganung tipong funding e .. basta advocacy e... and because of that maliit ang window mo to explore any possibilities unlike yung economic NGOs. Like for example yung livelihood, may nakukuha ang instituion.. sa amin kasi hindi ganun ang nature ng funds namin.

Mod: Yung research funds... are you able access research funds?

Pax: Oo sa policies. Yung iba ay part of a legal project, yung iba naman yung

Mod: Balikan ko lang yung community...some engaged in community immersion before or during actual work. Yung community service organized o you have to organize communities?

Pax: Usually kasi pag nag-immersion ka, community should be organized otherwise, you might be getting an insurrection.

Dapat sa immersion handa na dapat sila... may karanasan kasi sa immersion na naiiba bigla yung trato o yung lifestyle nung pamilya na pingadadalhan mo na mag-imersion... kung hindi politically mature din yun pagdadalhan mo na community.. hindi nila ma-aappreciate yung halimbawa ay tinuturuan itong batang ito.

Mod: If you enter a community, ang aabutan mong receptive diyan, yung a little better-off like most of the members of the community. So sila ang magpapakain sa iyo...may mahihigaan ka sa bahay nila if you decide to stay there... chances are less in life talaga siguro yung last na mabibigyan mo ng atensiyon. Kasi those who are better means would be having more time talking with you, discussing with you, meeting with you di ba?

Pax: Totoo yan pero madalas kasi sa partner organization more ay organized na talaga. Di ka magdadala ng isang estudyante sa isang community na hindi mo kabisado.

Mod: Yung last point ano ba ang recommendations ninyo to improve access to justice for the disadvantaged?

Mod: Ano muna yung problema ninyo muna.. in general sa legal system.. are there problems with judges.. other courts.. with the law itself... particular provision of law durimng this time? Baka dun natin masisilip yung recommendations niyo e.

Pax: Ako binabaligtad ko lang yung vision ng Supreme Court na ang judiciary ay effective, efficient, fair... It is really a vision. Sa ngayon negative yung sa lahat na iyan... judiciary is not efficient. Inefficiency...

Mod: Can you give us more specific situation of its inefficiency?

Pax: Kahapon lang may ka-meeting kami... Manggagawa ang mga ito na tinanggal sa isang kumpanya. Nagkita-kita kami after a few years na hindi kami nagkita? 1997 pa na-i-file yung petition case nasa Court of Appeal pa rin at aakyat pa lang sa Supreme Court. From 1997 that is a measure of inefficiency... Tapos ang magiging desisyon, ibabalik yung mga manggagawa na nawalan ng trabaho for that long time.

Mod: How do you address that particular situation?

Pax: Maraming mga dahilan. Magbibigay lang ako ng maliliit na example...Pag nag-file ka ng petition sa Court of Appeal or Supreme Court, papasagutin yung kalaban.. Pag sumagot yung kalaban... sasagutin mo iyon...Pag nagsagutan na kayo...magpapa-submit kayo ng 2 tapos mag-i-issue ng one page order. Dinismiss yung petition. Hindi efficient yan e kasi inuulit-ulit mo lang yung sinasabi mo e.

Mod: Do you think that is a way of shortening the procedure.

Pax: Oo, kasi ang problema may underlying reason iyan e once na nagsubmit ka for court resolution, tumatakbo na metro ng justice. Kasi submitted na iyong case for decision pero hangga't pinapasubmit mo pa yung parties, hindi pa. Ibig sabihin hindi ka pa obliged na mag-decide.

Pax: Ako, naging staff ako ng justice. Pag alam ko agad yung issue, mabilis ang desisyon. Pag medyo difficult...may mga umaakyat na kaso kasi na ganyan kakapal... titingnan mo pa lang... patatagalin mo siya hoping ng hindi ikaw ang mag-decide nun. Meron ganung tendency dahil sa dami talaga... May times talaga na klaro... May ibang mga lawyers na nag-mumuddle up ng issue... na hindi matumbok until humingi ka pa ng further information. Yun talagang klaro na kaso, mabilis madesisyunan. Tapos sa Supreme Court malaking bagay para maging efficient ang Supreme Court ay iyong capacity rin ng mga staff nila. At yung consciuosness ng mga staff na justice delayed is justice denied. Once na maintindihan mo lahat ng issue, mabilis talaga madesisyunan.

Mod: May mga bulletin board na nandun yung mga back log cases.

Pax: I think they have right now. One more to look into is yung mga staff na nag-su-support sa mga justices natin.

Mod: Number or quality?

Pax: I think it is more of quantity. Kasi andami namin noon, pero we turned out na yung decision once a month tig-tatlo ata kami nun e. Depende lang talaga gaya ng in case of another justice na sinabi ng friend ko, naglalabas ng policy ang justice nila na dapat 8 decisions a month. Pero ang problema naman nakitaan ko yung friend ng desisyon na palpak... kita namin mali yung desisyon niya. Di mo tuloy malaman kung paano ma-balance. How do we go about it? Kasi kitang-kita mo anglaki ng implication pag galing sa Supreme Court bumaba na yung desisyon sa baba. How do you balance

yung quantity and quality kasi ang nangyayari ngayon para maget-rid yun...mas ano sila sa technicalities... marami ang nadi-dismiss.

Mod: Ano yung technicalities?

Pax: Mga annexes...kailangan mai-attach mo lahat ng ifi-nile mo sa baba. Mauubos mo lahat ng alphabet kaya dinodoble mo na lang gaya ng JJMinsan may bumalik sa akin dinis-miss kulang daw.. nung tiningnan ko nandun... kailangan ko mag-file ng motion for reconsideration para sabihin na tingnan nila ulit kasi nandiyan iyan e. Mabilis yan e... may checklist sila. Minsan nagiging paraan ang paghahanap ng technical defect to reduce the case load. Sandali lang yan e , ididismis mo lang yung case. And for us, medyo masakit yun na ang ganda ganda ng kaso, ididismis lang dahil sa mga ganoon situation. Tapos kailangan mong iakyat sa Supreme Court para i-reverse yung dismissal.

Mod: Do you consider political, media and other consideration in answering access to justice by the disadvantaged? Does it help kung ginamit ninyo yung media?

Pax: Sa karanasan namin Supreme Court pero sa lower court hindi effective ang media. Unang-una hindi naman kinakagat ng media ang kaso sa lower court. Sa dami ng nangyayari sa Pilipinas mahirap makipag-compete sa frontpage ng diyaryo at time. Ang karanasan namin sa Supreme Court, gagamitin ang media para mapansin ng Supreme Court para magdesisyon sila agad. Pero hindi ka makaka-influence ng desisyon. Para lang masabing urgent itong kaso ito. Pag may ganun, tawag kami sa media maglalabas kami ng press statement na mag-fa-file kami ng ganito pero hindi rin assurance yun e.Ang target na lang ay para malaman ng SC na meron palang kasong naka-file sa kanila na ganito kahalaga ang issue whether that will ensure speedy resolution or resolution in your favor or not.

Mod: How about existing laws or new legislation?

Pax: Tingin ko, hindi. Nagugulat nga ako na naglabas ng several Republic Acts on speedy trial, about access to justice ng mga workers, marami na talaga, di lang siya na-i-implement. Even the judges aminado sila na inutil yung speedy trial.

Pax: Sa tingin ko yung mga judges kailangan whole day silang magtrabaho. Either morning lang o hapon. Half-day lang. Bihirang-bihira talaga ng whole day.

Mod: Is there something to do with their age, sex, lifestyle or....?

Pax: Hindi e. Minsan sinasabi nila na nagsusulat sila ng desisyon sa hapon o sa umaga.

Pax: Ang totoo niyan yung legal reseacher talaga ang nagsusulat. Tapos dapat suportahan talaga yung judge. Dapat tutok siya sa trial... dapat suportahan siya ng legal researcher at clerk of court. Sa trial itself, nagte-take na siya ng time e. Sa postponement na nga lang. Tumutok na lang ang judge sa trial, tapusin niya and then kahit once a week, titingnan niya yung ginawang desisyon. Kasi dapat siya talaga ang mag-de-decide. Ang observation ko yung judge together with the clerk of court could be very good managers if they want to. Nasa case management din yan e. I've seen judges na they're using the computer, they can access something.

Mod: Technology is also a factor?

Pax: It can help. Basta dapat masipag yung judge. Ako nag-a-agree din ako na hindi lang sa judges depende na rin sa kanyang legal researcher, depende rin sa clerk of court. Nagbigay kami ng isang training, nag-invite kami ng mga judges, prosecutors, social workers other NGO lawyers and other governemnt agencies. After the training may isang judge na nag-express ng desire niya na tumulong in her own small way, knowing na judge siya at kami naman NGO. Mahirap pagsamahin ang pagiging judge niya at pagiging advocate. Kinukwento niya sa amin na minsan ang hirap mag-decide ng case kasi kahit gustuhin mo mang upuan ang isang case para madesisyunan, dissolved ka with different emotions with all other cases. Tapos judge ka pa ng isang court pag nagkasakit ang judge sa kabilang court uupuan mo yung hearing dun... idi-dissolve mo yung emotions mo dun. Ang isang nasilip namin sa training na yun while it could be very very good for us ALG members to train judges and prosecutors at pag naiwanan mo yung mga ibang court personnel at masyadong significant ang work nila like the clerk of court at legal researcher kasi sila yung nagdedecide kung minsan, dahil sila ang nagsusulat. Balewala ang na-invest mo sa mga judges kasi di alam ng

clerk of court at legal researcher kung ano yung nilalaman ng desisyon.

Mod: Mukhang di complete ang mga gamit sa Malolos. Is this a problem?

Pax: Hindi lahat ng court. May mga court na ang tindi ng technology nila. May mga court na nakakaawa talaga like dito sa Manila na malapit sa fire station...yun ang irony dun e.

Mod: Yung mga kliyente ba, are they in a way an obstacle or actually facilitating access to justice.

Pax: Case to case basis yan. Lawyer-client. Yun mga ALG lawyer members dapat na maging lawyer oriented. Dapat regularly ini-engage mo yung client, involve siya dun sa case management niya. Meron ding mga client na... siguro dahil na rin sa stigma. Magugulat ka na lang na pagpunta mo sa court, yung client mo pala may hindi dini-disclose.

Pax: Halimbawa may isa kaming kaso na yung client namin yung wife binugbog ng asawa niya pero ayaw niya mag-file ng annulment. Ang gusto niya separation of properties. Hiwalay sila in fact, pero walang legal separation. Nasa korte kami, bigla nagsalita yung abogado ng husband na pinapa-dismiss yung kaso kasi nagreconcile na yung mag-asawa at umuwi na yung wife nung Valentines Day. Nakatinginan kami ng asawa, alam mo ba iyon? Ang sagot... hindi... Minsan kasi hindi mo masisi especially for women na-experience ang violence, may explanation diyan e... sa cycle na di ka makaalis e...kami yung nasasalang.

Mod: For other cases, like labor case, workers against the company? Would you think there are instances when your worker clients would be an obstacle for speedy trial?

Pax: May isa akong kaso ngayon. We started with 30 complainant workers. Nagsara yung Max. The central office. The original Max sinara dahil nalulugi daw. May union diyan kasi. Nag-file kami ng case. Unti-unti binabayaran ng management and the management is delaying the case kasi unti-unting kinakausap. Ngayon 3 complainants.

Mod: That is a management tactic.

Pax: Oo, it is a management tactic especially labor cases. Mas bawas ang cost, pag wala na yan, pwede na iyan, madali ng pag-ipunan yan. Minsan kahit malakas ang kaso mo wala kang justice na nakukuha. Napilitan na ang mga client na magsettle. Yung president nag text sa akin kung matagal pa ba yung kaso kasi ginigipit na siya. Mahirap talaga. May mga bagay na di mo kayang solusyonan.

Mod: Sa experience nyo sa ALG, lahat ba yung whole legal cycle kasi sa inyo di ba madaming alternative to settle outside the court? Ilang percent ang masasabi mo you go to the whole process?

Pax: Ang sa akin 90%. All the way up to the Supreme Court.

Mod: Is that a kind of crowning glory when you make to represent your client up to the SC?

Pax: Hindi naman po.

Mod: Kayo ba you would rather na sana mas maaga pa masettle na?

Pax: Depende naman sa settlement. When you undertake litigation, you have a specific purpose for that litigation, either to settle kung yung right hindi klaro, and then pi-noromote mo yung right na yun. That is an opportunity for the lawyers to articulate kung anong right na iyon to this context, di ba? Pwede yun e. Like yung sa IFRA, before we were thinking of filing a case sa deregulation plan sa migrant workers na issue. Kasi yun yung opportunity mo to set your legal precedent. Another is advocacy. Pero kung ang reason mo talaga...kailangan may social impact yung litigation.

Mod: Yun ba talaga yung reason ng ALG... yung may social impact?

Pax: Hindi sa individual case itself. We do not look at it dun sa case, limited lang dun sa parties...Mas malawak in a particular sector.

Mod: How often did you utilize this particular cases to your other clients.

Pax: Depende yan sa sector.

Mod: Yung sa legal education program?

Pax: Yung tanong mo kung kailan namin gagamitin yung litigation?

Mod: Oo halimbawa, para magamit niyo iyun to do other case?

Pax: Depende talaga yan sa sector. Like sa amin, mayroon talagang problema with people living with HIV-AIDS, andaming violation ng human rights pero walang nakafile na kaso. Why is this so?Kasi it concerns access to justice ng PLHAs tawag namin sa kanila. Kasi walang security... hindi guaranteed ang privacy...hindi guaranteed ang confidentiality of judicial proceedings.Pag nalaman nila iyon na very public they will not rather file. Pero pag nag-file iyan di mo alam stigma at discrimination attached to it automatically. Andami kasing tao na hindi sensitistive sa rights nila. So ano'ng gagawin ng lawyer.. di mo talaga pwedeng i-push iyon.Ang gagawin mo talaga is advocacy. We talked to the Supreme Court para ma-guarantee ang confidentiality that's how we really help, assist and support this community. Na up to now, talagang mahirap. Mahirap ang advocacy. Kasi that entails legal education on the part of the lawyers and the justices.

Pax: Magkaiba ang advocacy sa judiciary at legislative, halimbawa sa Congress. Sa legislative, anytime pwede ka magsimula kasi may draft bill. Nagsisimula ka na sa advocacy mo. Sa judiciary kailangan maghanap ka ng tao na willing maging litigant, hindi ka pwedeng basta humingi ruling sa Supreme Court without an actual case. And looking for an actual case, is very difficult. May plano ka na, pero di na-materialize. Mahirap din maghanap ng test case. Mayroon kaming ina-identify na gusto namin itong doctrine na ito na mabaligtad, tong doctrine na ito para mabaligtad, hanap ka ng situation that will give you an actual case.

Mod: Papaano ang ano nun, I go back to lawyers fees, pag ka ganun, pro-bono yun kung kayo naghanap?

Pax: Yes. The organization also give us something.

Mod: Is is better na the case has been in Manila or it doesn't matter.

Pax: It doesn't matter.

Mod: Yung gains, losses, risk in your kind of lawyering? How much have you risked? How much have you lost?

Pax: Opportunity cost. If you look at the profile of the ALG lawyers, they are the best exposed and we can go to any law firm if we want to. Saka nag-invest kami sa pag-aaral, I think ang pinaka-gain namin is we did more in terms of pag-aaral kasi since alternative lawyering was not included in law school, walang course diyan e. Pag tinawag mo kasing alternative lawyering it is not only law or the substance of the law but pumapasok ang ethics.

Mod: What is exactly alternative lawyering, can you please define it for us?

Pax: The basic difference ... alternative lawyering is lawyering for social justice. Hindi siya yung palaging sinasabi ko na any lawyer can claim that he or she is working somehow for justice in a justice system... we at ALGs do not look at it that way simply, involve ka sa away ng magkapitbahay dahil sa bouncing check. Ang concern namin kasi is the structures and relationships between persons and between groups. The ultimate goal is to work for societal change to correct what we think or to adjust with social relations. Kaya mas ganoon ang framework. We use lawyering to do that but we do not simply practice a profession. That's why handling a case, we do not look at that case in isolation, but how that case can a tool for a change. We use the law as a tool. Lawyers kami kaya we use our skills and yet we also see it as a target for change kasi ang analysis namin ay yung batas ay nagagamit to preserve unjust relations.

Mod: Some lawyers are also part to blame in these social injustices?

Pax: Oo naman. There's this book sa office na sabi ng author that Lawyers rule the world. Sabi nila business persons... hindi.. kasi business persons will always rely on lawyers....they will not sign any contracts unless there is a lawyer giving a go-signal. Di ba, most politicians are lawyers or are advice by lawyers. Kasi law is a very good tool to institutionalize.

Mod: Yung sa women, is it possible to be included in the feminist paradigm?

Pax: Kung ang tinatanong mo ay yung paradigm or ano yung prototype na ina-apply ng mga women groups...dalawa lang yung feminist legal research institutions in the Philippines, that the Women's Legal Bureau and Women Lead Foundation. Both are members of the ALG, ang ipinagkaiba lang ng WomenLead sa WLB is that it has an institutional position in reproductive health in the issue of abortion. I'm not saying na anti-abortion ang WLB, it's just wala siyang clear-cut institutional position dahil iba-iba sa position yung mga members. ALG member siya e, pag sinasabing ALG you use human rights approach in case handling pero tina-try na pataasin ng WLB. Kasi feminist human rights framework ang kanyang ginagamit na approach. At kung dokumento ang hahanapin, WLB has this feminist legal advocacy framework. Meron silang protocol in case handling. Ang WomenLead is trying to come-up with a document ang tawag namin doon ay feminist human rights framework document. Ano ang pagkakaiba niya sa FLA (feminist legal advocacy), mas case-handling pero yung sa Women Lead tumatagos sa iba't ibang sector halimbawa ang isang babae na nasa peasant group ka papaano ia-apply yung human rights case approach dun sa kanya-kanyang advocacies. At papaano magagamit itong framework na ito ng iba't-ibang ALG members kahit iba't ibang sektor ang kanilang nire-represent.

Appendix L
Round Table Discussion
National Survey of Private Legal Practitioners
Diamond Hotel , June 23, 2003

I. Welcome Remarks

After the Invocation and the National Anthem led by two Program Management Office (PMO) staff, Director Evelyn Toledo-Dumdum, Program Director of PMO gave the following welcome remarks:

“Good afternoon distinguished participants and guests from the Integrated Bar of the Philippines, Department of Justice and its attached agencies, partners from other government agencies, from civil society organizations, especially the Alternative Law Groups.

It is my honor and pleasure to welcome you all to this Roundtable Discussion where the findings of the *National Survey of Private Legal Practitioners to Monitor Access to Justice by the Disadvantaged* will be **presented, critiqued and validated.**

The presentation of the findings of the study on members of the lawyers’ community under the aegis of the Integrated Bar of the Philippines is a culmination of three months research work by the U.P. Manila-based Arts and Sciences Interdisciplinary Network, Inc. or ASIN. The project is being supported by the United Nations Development Programme (UNDP) under its Portfolio on Enabling Environment: Poverty Reduction through Good Governance.

The UNDP Governance Portfolio is anchored on the principle that ‘Good Governance occurs when people in authority are transparent, accountable, responsive and efficient. Good Governance is likely to happen when policies promote the common good and with people’s participation is respected and institutionalized by the State.’ There are nine (9) shells in this Portfolio like electoral reform, anti-corruption, right to development and others.

One of the shells of the Governance Portfolio is Judicial Reform. In the Supreme Court today under Chief Justice Hilario Davide, Jr., this is crystallized through the Action Program for Judicial Reform (APJR). The APJR is guided by the Chief Justice’s vision of a responsive “**judiciary that is independent, effective and efficient, and worthy of public trust and confidence; and a legal profession that provides quality, ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call to public service.**” The reform program components of the APJR are: 1) Judicial Systems and Procedure, 2) Institutional Development Reforms, 3) Human

Resource Development, 4) Reform Support Systems, 5) Institutional Integrity Development, and 6) Access to Justice by the Poor.

The last component, but not necessarily the least, Access to Justice by the Poor, an aspect closest to the heart of the Chief Justice, is vital in nation building. As noted by NEDA and UNDP, “most internal and social conflicts arise from poverty, human rights abuses, and exclusion or marginalization of certain groups from participating in governance processes. Lack of access to justice increases the potential for conflict.”

Some people are asking, and I am sure they are not from this body, why the need for baseline studies such as this in Judicial Reform? *Isn't it common knowledge that lawyers and litigation are expensive? That the trial periods are quite lengthy?* And so on and so forth.

In the past, we have anecdotal evidences for these common perceptions. Now, with this study using scientific tools like self-administered and purposive surveys, focus group discussions, key informants interview, and review of relevant literature, we have empirical data coming from those in the forefront of the judicial system—the private lawyers—traditional and mainstream lawyers as well as those from the ALGs.

I am sure the findings of this Study are, to say the least, interesting. At best, they will provide the basis for policy formulations in areas such as bail, appointment of *counsel de oficio*, speedy but impartial trial, that are intended to give greater access to justice for the poor, especially those coming from the basic sectors.

Again, welcome and thank you for coming. The next two hours or so will be work for us. But I am sure it will be most enjoyable as this is an undertaking worthy of our precious time. Good afternoon. *Maraming salamat po.*

II. Presentation of Findings

Immediately following the welcome statement of Director Dumdum, the Principal Investigator, Dr. Cristina Torres and Prof. Roli Talampas, Co-coordinator, presented the the design and findings of the study. **(Pls. see attached Powerpoint Presentation)**

III. Critique from Panel of Reactors

Giving their critique to the presentation, Atty. Teofilo Pilando, IBP National President and Atty. Rowena Morales, Director of the Office of Legal Aid at the UP College of Law made several suggestions on how to further improve the study. **(Pls. see attached critique)**

IV. Open Forum

The following points were raised during the open forum:

1. There is a need to clarify what ALG means.
2. A question was raised on the more accurate meaning of disadvantaged; disadvantaged does not only refer to those who have low income; there are other indicators like gender, age, ethnicity and education.
3. A suggestion was made to use the term “low income” rather than “poor” to avoid negative reception
4. There was also a suggestion to mention the types of engagements of lawyers e.g. criminal law; corporate law, etc.
5. It was pointed that there is no sense of prioritization in the recommendation part.
6. It was noted that there is no complete definition/accurate picture given regarding the IBP Legal Aid; It was pointed out that the IBP Legal Aid also has advocacy programs, etc. much like the ALGs.
7. The representative from the PNP commented that lawyering has been limited to addressing issues related to the poor. He suggested that lawyers from the IBP help the law enforcers.
8. On the Corruption in the Prosecutor’s Office, the representative from the National Prosecution Service said that “85% of judges come from the prosecutors’ office. There is a need to have an in-depth study on why there is widespread corruption in the ranks.” On the Recommendation part, he emphasized that instead of attracting the best and the brightest to join the NPS, what is needed is to attract the best and dedicated to join public office. In addition, it was reaffirmed that there is indeed a need to recruit more prosecutors since the courts are increasing but the creation of position for fiscals does not.
9. There was a comment on the need to stress that the study is a perception study. Since the respondents are only 140, it should not give generalizations
10. Again on Recommendations, it was said that lawyers should also have their share in the reform. It was observed that the recommendations given include all other players in the justice system except for the lawyers.
11. There was also a suggestion to look into other forms of justice.
12. Finally, it was pointed out that the study should have a more balanced presentation of the two groups – the IBP and the ALGs.

V. Summing-Up

Atty. Albert Muyot, Legal Consultant for the study, gave a brief summary of all the points raised in relation to the study. He cited the next steps that the team will undertake and ensured that all comments will be taken into account in the formulation of the final report. He ended that as the participants learned new things from the study, so did the research team.

VI. Impressions from the UNDP

As the representative from the UNDP, Ms. Rosanne Wong, UNDP Program Officer for Social Justice, Human Rights and Gender shared her comments regarding the findings of the study. First, she noted that there is no gender disaggregation in the conclusion. She pointed out that there is gender disaggregation in some tables but none in other tables. Second, she observed that the data are not disaggregated according to urban and rural areas. She said it would be helpful to determine the difference in the access to justice by the disadvantaged in rural and urban areas. Lastly, she stressed the need to determine what are the institutional policies that should be looked into to improve access to justice by the poor.



IMPROVING ACCESS TO JUSTICE BY THE DISADVANTAGED A NATIONAL SURVEY OF PRIVATE LEGAL PRACTITIONERS

23 June 2003

Diamond Hotel, Manila



Arts & Sciences
Interdisciplinary Network
Inc.



Democracy

“We should all be equal before the law. This is an essential part of democratic governance and a part of the core foundation of any accountable and democratic society.”

Mark Mallock Brown

UNDP Administrator



Access to justice

“There is broad-based consensus in my country that *access to justice* ought to be high on our list of priorities. For us, this has meant not only multiplying courts and increasing the number of judges, but bringing procedural rules up to date and equipping judges and court officers, principally through judicial education, with the competencies that attend to the demands of vulnerable sectors...

Hilario Davide, Jr.

Chief Justice, Supreme Court



Role of Lawyers

“Judicial reform in the Philippines has reportedly centered on the twin problem of “case delay and corruption.” Even initiatives in line with “improving access (to justice) by poor” have not touched on the issue of lawyers.

World Bank, Poverty Reduction and Economic Management Sector Unit, *Philippines Development Policy Review: An Opportunity For Renewed Poverty Reduction*, February 22, 2002 p. 24.



Role of Lawyers

“Our task as lawyers is not only to uphold the supremacy of the law but more significantly to help change the system that spawns laws that further prejudice the already prejudiced sectors of society. “

Teofilo S. Pilando, Jr

IBP Outgoing President



Important to study lawyers perception

- ◆ Lawyers assist their clients in the court system to obtain due process and judicial remedies.
- ◆ Most lawyers handling *pro bono* cases have to hurdle social and personal obstacles to achieve justice for their clients.
- ◆ Lawyers' accounting of problems in the court room and elsewhere have been anecdotal in nature insufficient in making the case for reforms that would encourage more legal practitioners to devote more time and energy to legal aid, especially of the developmental type.



Lawyers take the witness stand

- ◆ to lay bare their side of the story hoping that their individual accounts would develop into a coherent narrative of their successes, shortcomings and failures in coming to the aid of the needy
- ◆ increasing number of lawyers joining the ranks of the IBP legal aid committees nationwide and rising count of ALGs taking on various tasks in the social justice reform project bolsters the argument for the need to study lawyers views



Why democracies do not necessarily deliver more effectively for the poor?

- ◆ Political manipulation – via state capture
- ◆ Democratic political process is necessarily cumbersome,
- ◆ Politicians keep the electorate happy with populist measures – frustrating best policies for achieving long-term growth or poverty reduction



Others Reasons

- Geographical dispersion and social heterogeneity in terms of religion, tribe, and language.
- Poor take little part in politics because participation seems futile or irrelevant to their primary concerns
- Poor lack information on the details and consequences of policy measures
- Poor lack the necessary personal contacts, money, and time to pursue broader political goals.
- Poor fear reprisal from landowners, etc.



Rule of Law

- ◆ Rule of Law – How
- ◆ Inequitable design or implementation- property rights and legal discrimination
- ◆ Ignorance of the Law- written law, literacy level, financial costs of legal procedures



Public Interest Litigation and the Poor

- ◆ PIL:- Chayes (1976), *Brown v. Board of Education* - substantive emphasis on the needs and interests of groups long excluded from conventional majoritarian politics -- those who, as Professor Robert Cover so aptly put it, are "not simply losers in the political arena, they are perpetual losers." Helen Hershkoff, "Public Interest Litigation: Selected Issues and Examples"



What is Access to Justice

Procedural obstacles to filing a complaint in court, ineffective enforcement mechanisms, corruption, and other impediments to judicial protection of rights.

Right to legal aid - may encompass all procedural guarantees associated with the right to fair trial and access to justice in a broad sense.



Criminal, Civil Case Problems

- ◆ ○ Criminal cases- the lack of effective protection of the right to legal aid may prevent the indigent from exercising their procedural rights and may reduce their opportunity to influence the outcome of the proceedings when their liberty is at stake. The lack of legal aid in criminal cases impedes civilian's control over law enforcement institutions, especially at procedural stages when judicial control is limited.
- ◆ ○ Civil cases- the lack of **accessible mechanisms for resolving legal disputes** prevents citizens from protecting their civil rights.



Impact of lack of access to justice

Reduced public confidence in the legal system.

Erosion of confidence in democratic state's principles of the rule of law, human rights and democracy.

- Vessela Terzieva Public Interest Law Initiative, "Access to Justice in Central and Eastern Europe: Comparative Report," November 2002



PGMA on Justice for the Poor

- ◆ *3. Poverty Focus. Those who have less in life must have more in service and development assistance. The poor, the disadvantaged and the marginalized in Filipino society are my key customers, whose right to a life of justice, peace and dignity I will actively promote and protect in my work.*
- ◆ Pres. Gloria Macapagal Arroyo, “Pledge To The Filipino People” (<http://www.Ops.Gov.Ph/100days/Pledge.Htm>)



Constraints & Effect

CONSTRAINTS TO ACCESS

- Lack of economic independence
- minimal understanding of law and the rights that it confers limited access to affordable legal services
- lack of knowledge, incentives, and resources among government officials
- limitations in the outreach and capacity of civil society organizations to provide legal services to the disadvantaged
- inconsistency between formal law and traditional values
- poorly drafted or contradictory laws and regulations
- failure to implement sound laws
- traditional use of law as an instrument of control (rule *by* law rather than rule *of* law)
- corruption

“LEARNED HELPLESSNESS”

among the disadvantaged
a feeling of powerlessness among those whose experience leads them to conclude that traditional power from asserting their rights or participating in public decision-making processes. relations will invariably prevent them



Ethical perspective

- ◆ Sorting out ethical behavior of lawyers handling cases of the disadvantaged will give a better idea to others on what constitutes proper, helpful and meaningful relationship with clients.
- ◆ Where lawyers initiate contact with client no matter how inconvenient, justice is helped tremendously in strengthening useful bonds that cement the common and shared resolve to pursue the case.



General Objective

- ◆ To determine the knowledge, attitudes and practices of private legal practitioners towards improving access to justice by the disadvantaged and marginalized groups



Specific Objectives

- ◆ To describe the knowledge, attitudes and practices of lawyers disaggregated according to certain variables (sex, income, ALG vs. non ALG)
- ◆ To compare the perception and assessment of ALG members vs. non ALG regarding judicial policies



Specific Objectives

To describe conditions related to the following indicators of access to justice:

- a. Availability of adequate legal aid
- b. Access to clients and availability of legal records
- c. Affordability of the costs of litigation as compared to average costs to average income
- d. Discrimination in access to bail.



Specific Objectives

- ◆ To identify and describe barriers to access to speedy justice by disadvantaged groups as perceived and experienced by lawyers
- ◆ To identify sustainable mechanisms for monitoring access to justice



Specific Objectives

- ◆ To identify measures to improve capability building in civil society to monitor judicial reforms
- ◆ To solicit suggestions from lawyers regarding innovative ways to improve access to justice by disadvantaged groups



Methodology

Data-gathering Methods

- ◆ Mailed Questionnaire
 - Nationwide survey of lawyers
 - Sampling Technique – systematic random sample from IBP roster
 - Eight page self administered questionnaire
- ◆ Literature review



Methodology

- ◆ Focus group discussions – IBP local chapters and ALGs
 - NCR
 - Baguio
 - Cebu
 - Davao



Statistical Analysis

- ◆ Means (for quantitative variables)
- ◆ Percentages (for categorical variables) to describe:
 - characteristics of private lawyers
 - their clientele and practice
 - availability of legal aid and records affordability of costs of litigation,
 - access to bail,
 - acceleration of judicial processes,
 - perception on the judicial system and procedure
 - attendant risks and gains.



Statistical Analysis

- ◆ Median - to describe highly skewed variables.
- ◆ T-test or the Mann-Whitney test - to compare the means or distributions of any two groups.
- ◆ Chi-square - to test the association between two categorical variables
- ◆ Two sided tests and p values of .05 or less – to determine statistical significance



Limitations of the study

- ◆ Outdated lawyer profile from IBP membership roster
- ◆ Lawyers' impatience with a long questionnaire
- ◆ Low return rate of questionnaires
- ◆ Brief period (2 weeks) between receipt and requested return date
- ◆ Limited FGD coverage
- ◆ Limited budget



Ethical Considerations

- ◆ Confidentiality – request for anonymity of identity and non inclusion of off the record remarks
- ◆ Cultural sensitivity
- ◆ Gender sensitivity



Data Presentation and Analysis



Area distribution of mailed questionnaire and % of corresponding response

Area	% of mailed questionnaire from systematic random sample	% of lawyers who responded
NCR	75.2	65
Luzon	8.1	10
Visayas	10	17
Mindanao	6.7	8
Total	100	100



Initial description of respondents

- ◆ Law practice is largely done in urban centers with 75% of lawyers in NCR
- ◆ The questionnaire is most relevant to litigation lawyers.
- ◆ Lawyering for the disadvantaged is not common to all lawyers.
- ◆ Lawyers are predominantly male (73%).



Demographic profile of lawyers

- ◆ Age - 25 to 72 years
- ◆ Mean age – 40.5
- ◆ Income - (39%) had monthly income of P20,001 to P40,000, 19% reported P40,001 to P60,000 and 13% reported income above P100,000
- ◆ Practice - 44% were in laws firms and 24% in solo practice



Socio-demographic Characteristics of Respondents

Mean Age in years (SD)	40.5 (11.34)
Sex	
Male	97/138 (70%)
Female	41/138 (30%)
Religion	
Catholic	105/115 (91%)
Protestant	10/115 (9%)
Civil status	
Single	47/136 (35%)
Married	83/136 (61%)
Widowed/Separated	6/136 (4%)



Socio-demographic characteristics by ALG affiliation (1)

	ALG (34)	Non-ALG (107)	p
Sex			0.21
Male	62%	73%	
Female	38%	27%	
Age (Mean, SD)	44.3, 12.54	39.3, 10.72	0.05
Law school			--
UP	29%	25%	
Ateneo	21%	18%	
San Beda College	9%	16%	
Other schools	41%	41%	

Socio-demographic characteristics by ALG affiliation

Civil status			0.338
Single	35%	33%	
Married	59%	67%	
Widowed/Separated	6%	0%	
Nature of practice	ALG	Non-ALG	---
	-63	-161	
Law firm	40%	46%	
Solo practice	22%	24%	
Business	5%	8%	
Academe	14%	7%	
NGO	14%	4%	
Others	5%	11%	



Groups who lawyer for the poor

- ◆ Legal assistance – done by traditional legal aid groups (FLAG, MABINI, law schools)
- ◆ ALGs – involved in
 - Case handling
 - Legislative advocacy (to change wrong law, Judicial advocacy - reform of court rules, etc.)
 - Para-legal training and education
 - Research and publication
 - Networking and capability building



Types of fees charged by lawyers

- ◆ Fees charged from paying clients
 - Lump sum (13%) - acceptance fees of P10,000 and over (for more than three-fourths of cases)
 - Appearance fee plus installment according to the stages of the case (54%)
 - Contingent (16%) – (prohibited by the code of ethics) - common practice in money settlement cases
 - Time charges (16%) - common among law firms
- ◆ Amount charged - P1,000 plus - for nearly half of appearance, time charges and termination fees



Lawyers' Fees

- ◆ Payment in kind (46%)
- ◆ Appeal cases (79%) - additional lawyer's fees
- ◆ Declining to take up a case – (84%)
- ◆ Reasons for refusing cases
 - too much caseload (60%)
 - inability of client to pay lawyer's fees (16%) - Too much caseload may imply refusal for other reasons such as conflict of interest or lack of willingness to defend a particular client



Risks and gains of lawyering for the disadvantaged

◆ Losses

- Loss of income
- Security risks
- Family pressure
- Feeling of victimization
- Desensitization to abuse
- Health
- Opportunity loss

◆ Personal fulfillment (36%)

◆ Psychological reward (18%)

◆ Spiritual growth (18%)

◆ Development of professional expertise (18%)

Indicates high value on rendering legal services to the disadvantaged.



Income Bracket of Lawyer Respondents

Monthly income	No. of respondents	Rank
Below P20,000	16/129 (12%)	4
P20,001 – P40,000	50/129 (39%)	1
P40,001 – P60,000	25/129 (19%)	2
P60,001 – P80,000	13/129 (10%)	5
P80,001 – P100,000	8/129 (6%)	6
Above P100,000	17/129 (13%)	3



Comparison of Lawyers' Income

Monthly income	ALG	Non ALG
Below P20,000	12%	12%
P20,001 – P40,000	27%	43%
P40,001 – P60,000	30%	16%
P60,001 – P80,000	9%	10%
Above P80,000	21%	19%



Basic sectors commonly represented

- ◆ Workers in the formal and informal sectors
- ◆ Urban poor
- ◆ Women
- ◆ Youth

Notes:

- Pro bono cases by non ALG members is higher (urban poor: 19% vs. 16%; women: 7% versus 2%)
- Urban clients show urban bias of the profession with few lawyers in rural areas.



Minimum charges by type of fees

	Acceptance (114)	Appearance (187)	Time charges (65)	Termination (61)	Others (59)
Lawyer's fee					
P1,000 & below	18%	48%	42%	44%	90%
P1,001-P10,000	4%	21%	17%	0%	5%
P10,001-P20,000	32%	30%	40%	16%	2%
P20,001-P30,000	25%	2%	2%	25%	0%
>P30,000	19%	0%	0%	15%	3%



Types of legal services

- ◆ Representation in litigation trials (29%)
- ◆ Legal counseling (29%)
- ◆ Documentation (27%)
- ◆ Mediation (11%)
- ◆ Corporate law (3%)
- ◆ Research/education (1%)



Types of cases for the disadvantaged

- ◆ Civil (26%) - usually refer to money claims and include ejectment cases
- ◆ Criminal (25%) – BP 22, drug, youth offenders, robbery, etc.
- ◆ Administrative (24%) - refer to labor cases in the NLRC or agrarian reform cases in the DARAB.
- ◆ Others (6%)



Access to lawyers

- ◆ Through IBP local chapters
 - The local IBP chapter supplies the court with a list of available lawyers who become counsel *de oficio* of indigent cases.
 - There are also walk-in clients as the IBP office is located within the Halls of Justice premises.
- ◆ Through Public Attorney's Office - situated within the court premises
- ◆ Through ALG associated with basic sectors



Client referral system

- ◆ Client himself/herself (28%)
- ◆ Referred by their relatives and friends (23%)
- ◆ Court appointment of a Counsel de Officio (17%) - in pro bono cases



Appearance in courts

	A LG (284)	Non-A LG (647)
Preliminary/Custodial Investigation	17%	20%
Municipal/Metropolitan Trial Court	21%	22%
Regional Trial Court	27%	31%
Court of Appeals	14%	8%
Supreme Court	8%	5%
Other Courts	2%	2%
Quasi-judicial Agencies	11%	12%



Representation for *pro bono* cases

- ◆ Percentage of clients given access to their lawyers before the date of the hearing is significantly lower in the *pro bono* group than that in the paying group
- ◆ Lawyers can talk freely with detained clients (95%)
- ◆ There is a private place in jail where they can talk (73%).
- ◆ Lawyer who paying legal documents in a greater percentage in *pro bono* cases (45%)



Quality of representation

- ◆ Often lawyer talks to the client only during the hearing itself (14% if the client is not detained and 30% if the client is detained).
- ◆ Inability to talk to client is a cause for delay and reason for a postponement as lawyer needs more time to “study the case.”



Cost of litigation in pesos

	N	Mean	Median
Transportation	60	1350.82	500
Documents	41	1492.2	500
Transcript	40	5042.5	500
Filing fees	9	1872.22	1000
Serving notices AND pleadings	37	825.95	200
Bail	6	8000	5000
Food	33	1831.67	500



Bail

- ◆ Ability to post bail significantly lower for *pro bono* cases (96% versus 22%, $p < .001$)
- ◆ Reasons for inability to post bail:
 - crime not bailable (24%)
 - amount too high for client (25%)
 - Client has no money or property (40%)
 - Client refuses to post bail (1%).
- ◆ Poor defendants languish in jail for inability to post bail



Bail

- ◆ Amount of bail is left to the discretion of the court upon the recommendation of the prosecutor.
- ◆ Lawyers of poor clients cannot haggle too much to reduce bail.
- ◆ Surety for bail has become a profitable industry
- ◆ In some places the arresting officer is given commission for referral.




Delay in court proceedings

- ◆ Two years - average duration of case
- ◆ Causes of delay beyond the control of the courts, i.e., lack of courts (8%), lack of judges (10%), lack of prosecutors (6%), lack of PAO lawyers (6%)
- ◆ Major causes of delay within the control of the courts, i.e., corruption in the courts (6%), motions for extension/postponement (10%), congestion of court calendars (12%), absence of judges, prosecutors, PAO or lawyers (8%), absence of witnesses (8%).



Distribution of responses for perception survey (1)

<i>Statements (n)</i>	Agree	Neutral	Disagree
The judicial system and rules are adequate to protect the disadvantaged. (138)	44%	7%	49%
The recent judicial reforms (e.g. Speedy Trial Act) are adequate to protect the disadvantaged. (133)	39%	17%	44%
The disadvantaged are given priority attention in the judicial processes (136)	14%	24%	62%
Present laws are adequate to protect the disadvantaged in the justice system (136)	35%	12%	53%
Justice practitioners have the sensitivity to protect the rights of the disadvantaged (134)	26%	31%	44%



Distribution of responses for perception survey (2)

<i>Statements (n)</i>	Agree	Neutral	Disagree
Justice structures are accessible to the disadvantaged. (134)	30%	14%	56%
Justice personnel are sensitive to the needs of the disadvantaged. (134)	17%	27%	56%
Justice information is available to the disadvantaged. (135)	16%	17%	67%
Cost of litigation is affordable to the disadvantaged. (136)	7%	5%	88%
Judicial processes accelerate decision-making. (134)	13%	22%	65%
There is adequacy of modern equipment/court facilities to accelerate decision-making. (136)	7%	7%	86%



Distribution of responses for perception survey (3)

<i>Statements (n)</i>	Agree	Neutral	Disagree
Court decisions are generally impartial and uninfluenced by other concealed factors. (136)	25%	16%	59%
Court decisions are generally socially acceptable. (135)	44%	26%	30%
Court decisions reinforce public trust in the judicial system. (134)	39%	30%	31%
Court processes are gender-sensitive (e.g. rape cases). (136)	36%	37%	27%
Court decisions are gender-sensitive. (136)	31%	47%	22%
The IBP Legal Aid Program provides adequate assistance to the disadvantaged. (133)	31%	34%	35%
Corruption is widespread in quasi-judicial agencies. (137)	63%	22%	15%



Distribution of responses for perception survey (4)

<i>Statements (n)</i>	Agree	Neutral	Disagree
Corruption is widespread at the following levels of the justice system			
a. Prosecutor's Office (133)	63%	26%	11%
b. Municipal/Regional Trial Courts (134)	56%	28%	17%
c. Appellate Courts (130)	39%	45%	16%
d. Supreme Court (128)	20%	54%	26%
Corruption in the justice system impedes access to justice by the disadvantaged. (131)	85%	8%	7%



Impediments to access to justice by the disadvantaged

- ◆ High cost of litigation
- ◆ Corruption in the justice system particularly in quasi-judicial agencies and at the prosecutor's office
- ◆ Lack of court facilities for speedy decision-making,
- ◆ Lack of access to judicial information
- ◆ Slow pace of judicial processes

Mean scores of ALG and non-ALG members

<i>Statement</i>	ALG (32)	Non ALG (102)	p
Justice structures are accessible to the disadvantaged.DISA GREE	3.7	3.3	0.044
Cost of litigation is affordable to the disadvantaged DISA GREE.	4.5	4.1	0.024
	Male (93)	Female (38)	
Justice personnel are sensitive to the needs of the disadvantaged.	3.4	3.8	0.019
There is adequacy of modern equipment/court facilities to accelerate decision-making.	4.1	4.5	0.006
Court decisions reinforce public trust in the judicial system.	2.9	3.3	0.018



Sectoral perception

- ◆ ALG members feel more strongly about the inaccessibility of justice structures and the unaffordable costs of litigation as barriers to access to justice by the disadvantaged.
- ◆ Women also agreed more strongly than men about the lack of sensitivity of justice personnel to the disadvantaged and the lack of court facilities.
- ◆ Women disagreed more strongly to the statement that court decisions reinforce public trust in the judicial system.



Regional concerns

- ◆ Baguio – indigenous processes vs. mainstream judicial procedures
- ◆ Cebu – need for regional appeal mechanisms, need for gender and child sensitivity among court personnel
- ◆ Davao – violation of human rights of disadvantaged (i.e. Davao death squads)
- ◆ NCR – promotion of alternative lawyering for societal change



Social influences on judicial system

- ◆ Economic power
- ◆ Political considerations
- ◆ Media
 - May be used for advocacy for the disadvantaged
 - Calls attention to injustice
 - Guilty of trial by publicity
 - Needs gender and child sensitivity



Best Practices

- ◆ IBP – national in scope
 - Mechanism for providing free legal aid for the poor
 - Official advocacy for the poor – can provide representation in various agencies
 - Pro active in judicial reform
 - Mechanism for legal education



Best Practices

- ◆ ALG – cause oriented reputation
 - Community participation in working on a case
 - Better commitment from litigants
 - Integrated and holistic approach to lawyering for the disadvantaged
 - Community empowerment



Conclusion

- ◆ Many lawyers have the heart to help the poor.
- ◆ Most lawyers have experienced lawyering for the poor.
- ◆ Judicial processes and procedures can be manipulated to hinder access to justice by the disadvantaged.
- ◆ There is need for better implementation of laws for the poor and improvement of court procedures.



Recommendations

◆ Lawyer related

- - Require new lawyers to render legal services for the disadvantaged, and the time spent could be credited to the Mandatory Continuing Legal Education.
- - Encourage lawyers to accept cases for the disadvantaged by providing them with some compensation or an allowance to cover costs.



Recommendations

◆ Court related

- Implement Speedy Trial Act
- Recruit more judges, prosecutors and PAO lawyers and increase their salaries to attract the best and the brightest.
- Strengthen *Katarungang Pambarangay* so that minor cases will not be brought to court.
- Enforce punctuality in courts.
- Improve the Rules of Court to speed up the proceedings.
- Eliminate corruption in the judiciary.
- Implement a better information campaign on newly issued rules of procedure, court circulars, etc.



Recommendations

◆ Disadvantaged related

- Lower the cost of litigation – exempt disadvantaged from payment of fees
- Give priority to cases of the disadvantaged in the court calendar or designate special courts for them. There should be better management of court calendars



“Democracy means ensuring that the poor have a real political voice and access to strong, transparent institutions capable of providing them with the kind of personal security, access to justice, and services from health to education they so desperately need.”

Mallock Brown
UNDP