



Capacity Building of the Philippine Mediation Center Program

**QUARTERLY REPORT FROM THE ASIA FOUNDATION
TO THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
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The Asia Foundation

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January 1, 2008 – March 31, 2008

SUMMARY

This quarterly report covers activities from January 1, 2008 to March 31, 2008 under The Asia Foundation's Capacity Building of the Philippine Mediation Center Program. The program is funded through a Cooperative Agreement with the United States Agency for International Development (USAID) and runs from October 1, 2007 to July 31, 2008. The program aims to build the capacity of the Philippine Mediation Center (PMC) and its units to efficiently and effectively manage the court-annexed mediation system, in support of the institutionalization of court-annexed mediation. This will be carried out through two main activities: (1) organizational and financial management training of PMC personnel; and (2) a study of the expansion of jurisdiction of court-annexed mediation to cover other light crimes and other civil cases.

This reporting period saw the completion of two trainings of PMC personnel on the organizational and financial management of PMC Units. Preparations for the conduct of a study to expand the scope of cases that can be mediated also commenced this quarter.

HIGHLIGHTS AND OUTCOMES OF SIGNIFICANT ACTIVITIES

Organizational and Financial Management Training of PMC personnel. True to its commitment to support the efficient and effective implementation of court-annexed mediation, the Supreme Court issued Administrative Order No. 33-2008, *Defining the Organization, Powers and Functions of the Philippine Mediation Center Office and Mediation Center Units* on February, 12, 2008. The order laid down the organizational set up of the PMC Central Office¹ vis-à-vis the mediation centers or PMC Units²

¹ The PMC Central Office is under the operational control and supervision of Philippine Judicial Academy, in coordination with the Office of the Court Administrator, through the Executive Judges. The PMC Central Office is primarily responsible for the expansion, development, implementation, monitoring, and sustainability of Supreme Court Alternative Dispute Resolution mechanisms, namely, Court-Annexed Mediation, Appellate Court Mediation, Judicial Dispute Resolution, Mobile Court-Annexed Mediation, and eventually Court-Annexed Arbitration, as well as other ADR Mechanisms. The PMC Central Office is also in charge of establishing and organizing PMC Units as it may deem necessary throughout the country. (Sec. 1, A.O. No 33-2008)

² PMC Units are local centers through which mediation services are provided throughout the country. PMC Units are under the supervision of the PMC Central Office. (Organizational Chart appended to A.O. 33-2008)

established throughout the country. The order likewise provided a specific staffing pattern for each PMC Unit.³

With the new administrative order in effect, the Philippine Judicial Academy (PhilJA) held a Faculty Development Workshop on February 20, 2008 to improve the *Trainers' Training Module on the Organizational and Financial Management of PMC Units* that was developed during the previous quarter. The half-day workshop allowed PhilJA and the designated resource persons to tailor the training to the Supreme Court's recent issuance and ensure the smooth flow of training activities.

On March 12-14, 2008, PhilJA conducted the first organizational and financial management training for PMC staff entitled *Work Orientation and Skills Enhancement Seminar for PMC Office and Unit Staff*. Around 73 mediation staff officers, mediation staff assistants, and mediation aides from PMC Units in Metro Manila, La Union, Baguio, Bulacan, Rizal, Cagayan and Pampanga, as well as regular staff from Appellate Court Mediation Centers and the PMC Central Office participated in the three-day seminar held in Metro Manila. This was followed by a second seminar in Cebu City on March 26-28, 2008 for around 45 PMC staff from Batangas, Naga, Bacolod, Cebu, Leyte, Zamboanga, Cagayan de Oro, Davao, General Santos, Iligan, Marawi, Ozamis, Tacloban, Saranggani, and the PMC Central Office. The seminar provided participants with an overview of the judicial system, an introduction to alternative dispute resolution and court-annexed mediation, and interactive workshops on statistical reporting procedures, case and records management, ethical conduct and human relations. PhilJA lecturers and invited speakers from government and academic institutions served as resource persons.

With more than a hundred PMC staff now equipped with management skills, PhilJA expects to have more consistent and reliable statistical reports, and greater efficiency in the operations of PMC Units. As more mediation centers are established,⁴ PhilJA will tap the already trained PMC staff to mentor/train other PMC personnel.

Study of the Expansion of Jurisdiction of Court-Annexed Mediation. During this reporting period, the Foundation held initial discussions with a consultant who will explore the possibility of mediating other light crimes and other civil cases, and prepare a draft Supreme Court circular mandating judges to refer other cases to mediation. The consultant is an alternative dispute resolution expert who is an accredited Court of Appeals mediator and has previously spearheaded research studies and projects on court-

³ Each PMC Unit shall be composed of a mediation staff officer, a mediation staff assistant, a mediation aide and accredited mediators. (Sec. 2[E], A.O. No 33-2008)

⁴ As of January 28, 2008, 131 PMC Units have been established in 13 judicial regions nationwide. Fifty-three of these were established under the Foundation's Legal Accountability and Dispute Resolution (LADR) Program funded by USAID and 40 were established through the Canadian International Development Agency's Justice Reform Initiatives Support (JURIS) Project. The rest of the PMC Units were established through by the PMC Fund (mediation fees collected by PhilJA). The PMC Central Office plans to set up new mediation centers in Pangasinan, Nueva Ecija, Laguna, Rizal, Camarines Sur, Iloilo, Negros Oriental and Lanao del Norte this year.

annexed mediation. The Consultant currently serves as Vice-Chairperson of PhilJA's Alternative Dispute Resolution Committee. Final negotiations for the contract of the consultant are underway. The study and the draft circular, including consultations and a validation workshop with stakeholders (mediators, lawyers, judges, and litigants, among others), are expected to be completed in July 2008. Thereafter, the results of the study and the draft circular will be presented to the Supreme Court for consideration.

PLANS FOR THE NEXT PERIOD

Since the two PMC trainings calendared for this program have already been completed, the Foundation will focus its efforts next quarter on the proposed expansion of jurisdiction of court-annexed mediation. The Foundation will complement the consultant's study with consultations and a validation workshop with relevant stakeholders, as well as coordination meetings with PhilJA and the Supreme Court in preparation for the presentation to and eventual approval of the draft circular by the Court *En Banc*.