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DATE: November 15, 2012

RE: USAID Cooperative Agreement No. AID 492-A-00-09-00026-00
Annual Report
ABA ROLI Program, “Enhanced Governance through Judicial Reform”

FY2012 (Year Three: October 1, 2011 – September 30, 2012)

BACKGROUND AND OVERVIEW

USAID-Philippines awarded the American Bar Association Rule of Law Initiative (ABA ROLI) funding to implement a 36-month program (October 1, 2009 – September 30, 2012, with an extension for one additional quarter, ending December 31, 2012) designed to support rule of law reforms in the Philippines. This annual report addresses the activities contained in the workplan formally approved by USAID in December 2009, with additional activities approved in ABA ROLI's September 2011 bridge proposal. The bridge proposal was designed to deepen the following existing programs to better address judiciary inefficiency:

- Assisting the Supreme Court with implementing Small Claims Courts nationwide;
- Supporting Supreme Court Judicial Efficiency Programs;
- Extending Case Management Information System (CMIS) to the Courts of Appeals in Cebu and Cagayan de Oro;
- Identifying Learning Needs of Special Commercial Court Judges, with Follow-up Training;
- Creating Accreditation Standards in Cooperation with the Office of Alternative Dispute Resolution of the Department of Justice
- Developing Manuals of Professional Conduct for Public Attorneys and Prosecutors;
- Assisting with Implementation of the Modern Rules of Court – Quezon City Pilot Project;

- Creating an Enhanced Inventory Process for Case Delay and Docket Reduction Program (CDDRP);
- Developing and Installing an Automated Case Management System (eCourt) in Quezon City Hall of Justice

The bridge proposal also includes a special component to combat human trafficking using forfeiture proceedings contained in the existing and amended Anti-Money Laundering laws.

EXECUTIVE SUMMARY

Highlights of FY2012 Judicial Reform Activities

The approval and implementation of Practice Guidelines for Quezon City trial courts.

ABA ROLI worked with the judiciary and members of the bar to develop a set of rules to speed litigation in criminal and civil cases for piloting in Quezon City. The Supreme Court *en banc* approved the rules in January 2012, and all cases filed after April 15 were required to abide by them. Notable features included the use of written sworn statements (“Judicial Affidavits”) in lieu of in-court direct testimony, requiring attorneys to put all legal arguments on evidence issues in one motion instead of a series of motions, limiting the page numbers of legal briefs, and other notable streamlined processes. The Supreme Court, during its first official session under newly appointed Chief Justice Sereno, ordered that the rule on Judicial Affidavits be made applicable nationwide. The rule will go into effect nationwide on January 1, 2013. Since taking in-court direct testimony through witnesses comprises such a large part of the timeline of trials, it is anticipated that this rule will dramatically reduce trial times.

Development of an Automated Case Management Information System for Quezon City trial courts.

The pilot automation program (eCourt) for Quezon City was approved by the judiciary in June 2012, and endorsed by Chief Justice Sereno after it was demonstrated to her in October 2012. After months of meetings and a study of the business processes of the Quezon City courts and how litigation proceeds, the eCourt was designed as a user-friendly case management system to help court staff and judges reduce the amount of time needed to handle routine court functions and to help administrators discover where bottlenecks are occurring. Notable features of the eCourt include an integrated calendaring system to help judges and lawyers set court dates evenly across the month, a data entry system that will provide a database of all active cases in Quezon City, templates pre-populated with the case information so litigants receive Orders on the day they are decided upon by the judges, and a standardized list of commonly filed motions to allow clerks to enter incoming case events with the click of the mouse. This system will be the basis of the nationwide roll-out of eCourt under USAID’s JUSTICE project.

The creation of accreditation standards for alternative dispute resolution (ADR) providers.

After a series of seminars conducted in three commercial centers in the Philippines with judges, public and private lawyers, businesses and ADR practitioners, ABA ROLI worked with the Department of Justice’s newly created Office of Alternative Dispute Resolution (OADR) to create accreditation standards, guidelines and training standards for ADR practitioners nationwide. The standards are mandatory for ADR activities involving the government. This is the first critical step identified by the OADR in broadening the use of arbitration in commercial cases and cases involving government entities. On August 17, 2012, the Secretary of Justice signed a Circular endorsing the Guidelines and Training Standards, and on October 18, 2012, President Aquino signed Executive Order No. 97, formally institutionalizing the OADR as the agency responsible for managing and developing all government ADR programs. With these developments in FY2012, the Philippine government is ready to expand the use of ADR to resolve commercial disputes rapidly and with higher quality outcomes.

The enhancement of the Court Management Information System (CMIS) at the Court of Appeals (CA).

The CMIS at the CA was a signature accomplishment of ABA ROLI and USAID during the life of the Cooperative Agreement. During FY2012, important enhancements were made to the program to increase its effectiveness and improve reporting features for court administrators to identify where delay occurs. The most notable enhancements include the creation of flexible search filters to allow justices and court clerks to prepare highly targeted reports based on variable data fields, and a “dashboard” feature for the Presiding Justice to see all pending cases in the Court of Appeals on one screen to help identify where cases are becoming overdue. With the CMIS system and these enhancements, the Court of Appeals has been disposing of more cases than come into the Court each year. The Manila station has maintained a clearance rate of 115% in 18 months, the Cebu station has a clearance rate of 149%, and Cagayan de Oro is at 123%. The CA’s clearance index has now gone down to 4.5, meaning that if these trends continue, the CA is clearly on the path to eliminating its backlog in the near future.

Creation of the nation’s first automated case assignment system (known as “eRaffle”) at the Court of Appeals

During the past year, ABA ROLI and the Court of Appeals conducted a series of focus group discussions to design the features of an electronic system to randomly assign cases at the Court of Appeals. The eRaffle was designed to be integrated into the CMIS system to immediately inform justices of incoming cases so they can manage their court performance. This system also reduces the number of persons involved with the raffling of cases and ensures that the assignment process is transparent and not susceptible to human intervention. In addition, it allows the Court to more equitably distribute cases among its active justices, and identifies automatically which cases are urgent or need special attention, based on criteria established by the Court of Appeals raffling committee.

Extension of Case Management Information System (CMIS) to the Courts of Appeals in Cebu and Cagayan de Oro

The CA approved the System Requirement Specifications (SRS) for CMIS integration of the CA stations in Cebu and Cagayan de Oro and installation is expected to be completed during the extension period of the grant. With the integration of the databases of the three CA stations, the Presiding Justice and Chief Clerk of Court of the Court of Appeals will be able to access data and case information of every pending case before the Court of Appeals in Manila, Cagayan de Oro and Cebu. With this information, the Court can identify which justices are reaching critical caseloads or falling behind on their work output and can allocate resources more efficiently.

Strengthening the prosecution and deterrence of human traffickers by promoting civil forfeiture Under the Anti-Money Laundering Laws

ABA ROLI played an instrumental role in bringing stakeholders together to develop an innovative approach to combating human trafficking in FY2012: using anti-money laundering laws to freeze and seize traffickers’ assets. ABA ROLI and the University of the Philippines Law Foundation (UP Law Foundation) conducted focus group discussions with NGOs and government agencies to develop a handbook and training curriculum for anti-trafficking advocates on how to apply the Anti-Money Laundering Act (AMLA) in the context of human trafficking. NGOs are now assembling evidence and developing cases to bring to the attention of the Anti-Money Laundering Council (AMLC), the government body with the mandate to initiate investigations into possible AMLA violations. In addition, the Department of Justice invited the AMLC to join the Inter-Agency Council against Trafficking in Persons (IACAT) as an ex-officio member so that the Council can better monitor cases of civil forfeitures against traffickers under the money laundering laws. The handbook, entitled *Using the Anti-Money Laundering Act (AMLA) to Combat Trafficking in Persons*, will be published and distributed in November 2012.

Major Challenges and Delays Encountered

The Impeachment and Conviction of the Chief Justice

The impeachment of the Chief Justice and the trial that followed created unexpected and formidable obstacles to many of the programs under this Cooperative Agreement. During the Senate trial of Chief Justice Corona, high level judicial officials, responsible for assisting ABA ROLI with policy decisions and for issuing work orders to technical staff of the courts, were distracted and wary of taking action on necessary items. This leadership vacuum affected all institutions of the judiciary, including the Office of the Court Administrator (OCA), with whom ABA ROLI works the closest, due in part to the National Court Administrator serving as the Director of the Public Information Office during a period of extremely heightened press scrutiny of the judiciary. It also negatively affected the ability of the Program Management Office (PMO), the agency vested with the responsibility to coordinate donor reform efforts, to help ABA ROLI make progress on its judicial support programs.

Nonetheless, ABA ROLI was able to make significant progress on the programs under this Cooperative Agreement by courting requests through subordinates and relying on the relationships our staff members have established with key personnel at the courts. Some of the

most significant impediments were either attributable directly to the lack of leadership and the hesitancy by other office chiefs to act during the impeachment, or to inaction caused by complicated decision-making and budget allocation processes that perpetually vexes progress on court reform efforts.

PROGRESS ACHIEVED DURING FY2012

OBJECTIVE 1: Assisting the Supreme Court with Implementing Small Claims Courts Nationwide

<i>Active</i>	<ul style="list-style-type: none"> • Assessment of the effectiveness of small claims procedures • Print and distribute outreach campaign materials, specifically free television, radio, print media, along with comics and posters for distribution
<i>Completed</i>	<ul style="list-style-type: none"> • Launch small claims courts nationwide • Implement SC2MS software • Develop and print the Small Claims Handbook for judges • Train judges and court personnel on small claims procedures and SC2MS • Coordinate and implement public information campaigns • Develop partnerships with key media personalities who will endorse small claims program • Conduct media outreach through radio, television, and print interviews • Distribute campaign information, including small claims video and brochures, to courts and other partner institutions • Hold roundtable discussions with media

Progress Made In FY 2012

After the rollout of small claims procedures in FY2010 and FY2011, and completion of the Small Claims Case Monitoring System (SC2MS), ABA ROLI and the Supreme Court successfully completed the following in FY 2012:

- (1) provided user training for 1,048 first level court clerks on the SC2MS;
- (2) enhanced the capacity of the Help Desk in handling on-call assistance and coaching requirements of first level courts on the SC2MS;
- (3) produced campaign materials such as videos and comics that explain or highlight small claims procedures and its benefits;
- (4) conducted roundtable discussions with media representatives and engaged various government agencies in providing public information on small claims procedures; and

- (5) leveraged strategic partnerships with media groups and other representatives, government agencies, and private institutions in providing public information on small claims procedures.

SC2MS Training

ABA ROLI and the Supreme Court provided 14 trainings on the use of SC2MS to 1,048 first level court clerks nationwide. The users’ trainings featured interactive lectures using the software and a brief description of troubleshooting assistance that the Help Desk is able to provide. Each person trained was provided the installation kit and a user’s manual that will guide court clerks as they adjust to the system.

SC2MS Help Desk

ABA ROLI continued to enhance capacities of the Help Desk in receiving, processing, recording, and providing assistance to resolve issues and concerns of SC2MS users nationwide. ABA ROLI equipped the Help Desk with: (1) wireless telephones to improve the way the Help Desk receives calls; (2) A ticketing system to record reports of issues and concerns at the court operate the SC2MS; and (2) a knowledge management system (KMS) that is pre-populated with common questions (FAQs) and troubleshooting guides. Corresponding trainings to capacitate Help Desk members in using the ticketing system and the KMS were also provided.

Created in August 2011, the Help Desk is comprised of personnel designated from the Management Information Systems Office (MISO) of the Supreme Court, the Case Management Office (CMO) of the Office of the Court Administrator, and the Program Management Office (PMO) of the Supreme Court. The Help Desk is the judiciary’s first attempt at creating a system devoted to quickly answering substantive and administrative questions about a particular program of the judiciary. ABA ROLI believes that the success of the Help Desk will be fundamental to the future of SC2MS and is demonstrating to the judiciary that it is capable of developing low-cost, sustainable models for improving court performance that relies on the knowledge and experience of existing staff.

As of September 2012, the Help Desk has provided assistance to all courts nationwide. It has processed a total of 326 tickets, and resolved 273 of the listed tickets.

Support to SC2MS Implementation

To eliminate delays caused in complying with monthly reporting issues on court performance, ABA ROLI provided internet connectivity support to all first level courts in FY 2011. ABA ROLI continued its support in FY 2012 through USB Wireless Broadband Modems that sped up submission of monitoring reports on small claims cases from January to the end of June 2012. The Office of the Court Administrator committed to maintain internet access of all first level courts after June 2012. Unfortunately, likely due to the leadership vacuum during the impeachment and the resulting unsettled atmosphere within the judiciary, OCA did not follow through on this commitment. As a result, a surprisingly

large drop-off in compliance rates was realized in the fourth quarter, when court employees were not able to use the modems to send their SC2MS reports. This indicates that for future automation efforts, the judiciary needs to be much more responsive to the commitments made to supply their courts with basic internet. Prior to June 2012, ABA ROLI had been able to work with the judiciary to achieve approximately a 58% compliance rate with the 1,137 first level courts; that is, 58% of the first level courts were able to submit their monthly reports using the SC2MS automated reporting feature. After the wireless modem loads terminated in June 2012, only 76 courts were able to report through SC2MS, a steep drop in compliance.

Public Outreach Campaigns

Despite challenges throughout FY 2012 in implementing public outreach campaigns brought about by the impeachment proceedings of former Chief Justice Corona, ABA ROLI and the Supreme Court pursued key initiatives identified under the advocacy plan, including:

1. Production of media materials such as 15 to 30-minute videos, comics and news articles geared to increase awareness of the public on small claims procedures;
2. Airing of 15 and 30-minute videos on small claims procedures through live national broadcast and in accessible areas nationwide;
3. Television and radio appearances to provide public information and respond to queries regarding the small claims procedure;
4. Roundtable discussion and meetings with various media representatives and non-government entities, as well as government agencies to widen the network of partners that provide information and generate public awareness on small claims procedures.

The advocacy plan developed by ABA ROLI with its contractor, Media Meter (M2.0) provides a roadmap for public outreach campaigns, detailing high impact advocacy strategies and key partners that will help the judiciary increase awareness and improve knowledge small claims procedures and its availability.

Production of Media Materials

Table 1 below provides a brief description of the media materials produced by ABA ROLI and the Supreme Court on small claims procedures in FY 2012.

Table1. Media Materials Produced and/or Printed, FY 2012

TYPE OF MEDIA MATERIAL PRODUCED/ USED	DESCRIPTION OF THE MATERIAL	TARGET AUDIENCE
Comic book	<p>Developed in partnership with ABA ROLI contractor Upholding Life and Nature (ULAN), the comic book is an informative material that explains the small claims court procedure in a colloquial manner.</p> <p>The comic book entitled “Utang na Pag-ibig” is rendered in Filipino language and uses colorful pictures and a common plot to capture the interest of the masses.</p>	<p>The comics were developed for general use and dissemination. Initially, the material is envisioned for distribution to sari-sari store owners, cooperatives, micro-lending institutions, public interest non government organizations, first level courts, and provincial government, among others.</p>
Three 30-second Infomercials	<p>Produced by a communication student of Ateneo de Manila University, the infomercials contain three different scenarios depicting three different cases that fall within the small claims courts’ jurisdiction. The infomercials are rendered in Filipino language with English subtitle translations.</p>	<p>The material is developed for use by broadcast media and for public vehicles with multi-media capacity such as buses and boats.</p>
A 15-minute video describing the Rules on Small Claims Cases	<p>In order to reach a broader audience, the Supreme court with popular director Quark Henares developed an entertaining 15-minute video outlining the rules of procedures on small claims cases.</p>	<p>The material is developed for government agencies providing public services that require long queuing and other venues.</p>
Press Release Material (for print media)	<p>The material describes small claims procedures and the benefits it presents to the public.</p>	<p>The material was developed by ABA ROLI contractor, Mediameter for general use of print and internet based news material.</p>

Partnering to Increase Coverage of Information Campaign



Court Administrator Midas Marquez and Judge Jackie Crisologo-Sauguisag engage media representatives and bloggers in a Q and A on the procedure for small claims cases during a roundtable discussion.

ABA ROLI and the Supreme Court hosted several activities that are geared towards engaging media partners, stakeholder groups, and government agencies in providing public information throughout the country.

On September 3, Lower Court Administrator Midas Marquez and Judge Jackie Crisologo-Sauguisag of a first level court in Makati City hosted a roundtable discussion to expound on the benefits and features of the small claims court

procedure with broadcast and social media representatives. The activity was graced by broadcast media reporters from major television networks including ABS-CBN, GMA7, TV5, and Net 25 and magazines, broadsheets and tabloids editors/ writers/ news reporters such as *Balita*, *Bandera*, *Entrepreneur*, *Inquirer Libre*, *Manila Bulletin*, *NPPA Images*, *Pang-Masa*, *People’s Journal*, *Pilipino Star Ngayon*, *Pinoy Parazzi*, *Tempo*, and *The Daily Tribune*. To utilize alternative media in the information campaign, on-line media bloggers were invited as well to the roundtable discussion.

The Supreme Court in FY 2012 called on various government agencies to partner in the information campaign for small claims procedures. To date, 10 government agencies are airing the 15-minute video in their public service waiting areas. These agencies include Department of Foreign Affairs (DFA), Government Security and Insurance Service (GSIS), Home Development and Mutual Fund (HDMF), Land Transportation Office (LTO), National Bureau of Investigation (NBI), National Statistics Office (NSO), PhilHealth, Social Security Service (SSS), Manila International Airport Authority (MIAA), and Public Attorney’s Office (PAO).

Airing of Video and Infomercial Public Service Announcements on Small Claims Courts

The 15 minute video was widely distributed to government offices in FY 2012. To date, the 222 DVDs of the 15-minute video was provided to government agencies such as the Department of Foreign Affairs (DFA), the Government Security and Insurance Service (GSIS), the Home Development and Mutual Fund (HDMF), the Land Transportation Office (LTO), the National Bureau of Investigation (NBI), the National Statistics Office (NSO), Philippine Health Insurance Corporation (PhilHealth), and the Social Security Service (SSS). These agencies continue to air the video in accessible public areas of all of their offices nationwide.

Radio TV Malacanang submitted its commitment to air the 30-second infomercial for free during commercial gaps of the President’s monthly show “Pulsong Pinoy”. Airing of the small claims advertisement started on September 29 and will end on November 30. Other stations also committed to air the infomercial on commercial breaks of their news and public affair shows. Table 2 below lists the schedule for airing of the infomercial by media partners.

Table 2. Schedule for Airing Small Claim Public Service Announcements

CHANNEL	SHOW	SCHEDULE
PTV 4	Pulsong Pinoy	Every other Saturday, 8:00 pm to 8:30 pm Sundays, 2:00 pm to 2:30pm Mondays, 8:00 pm to 8:30pm
IBC 13	Pulsong Pinoy	Monday, 1:00 pm to 1:30pm Tuesday (replay), 8:00 am to 8:30am/ 1:00 pm to 1:30pm
	News Team 13 (Evening Edition)	Weekdays, 11:00 pm
RPN 9	Pulsong Pinoy	Monday, 11:30 pm to 12:00 am

Other TV stations aired the infomercials on commercial breaks of their shows. On TV5, the infomercial was aired in a primetime show entitled *T3*. On Net25, the infomercial was shown during timeslots of *Matang Agila*, *Convergence*, *I Balita Online*, *Spoon* and *Eagle News*.

Television and Radio Appearance

Television and radio appearances provided the public with more information on small claims procedures through a simple question-and-answer format. In FY2012, various representatives of the court were able to be guests in radio and television shows, including:

- An interview on DZRH radio hosted by known commentator Ruth Abao on June 5, where Atty. Joachim Corsiga explained how small claims courts have benefited the marginalized sectors of the society by providing a simplified, affordable remedy without requiring a lawyer.
- An interview conducted in the Filipino language on June 18 on PTV4’s “The Morning Show”, where Court Administrator Midas Marquez discussed the features, coverage, and benefits of the Rule of Procedure on Small Claims Cases.

Other Media Coverage on Small Claims Procedures

As a result of the roundtable discussion with various media partners, television and radio networks issued reports on small claims procedures and success stories. Newspapers and tabloids, as well as blogsites, continue to feature small claims procedures.

Below is a list of some of the free television and radio clips, blog sites, and news releases and articles on small claims. In September 2012 alone, approximately P212M worth of air time in broadcast media was dedicated to public information campaigns on small claims courts.

Table 3. Radio and Television Clips, Blogs, and News Features on Small Claims

TITLE	AIRED ON	DATE	DESCRIPTION AND EST. VALUE
TV AND RADIO CLIPS			
<i>Small claims court, Magpapabilis sa paglutas ng mga kaso</i>	Net 25 - Mata ng Agila	4-Sep-12	2 Minutes 17 Seconds (1500 Pesos / Second) 230,160.00 PHP
<i>Korte Suprema hinikayat ang publiko na dalhin sa Small Claims Court ang kanilang mga kaso</i>	DZMMTV – Magandang gabi Dok	3-Sep-12	1 Minutes 17 Seconds (933.33 Pesos / Second) 80,490.38 PHP
<i>Korte Suprema hinikayat ang publiko na dalhin sa Small Claims Court ang kanilang mga kaso</i>	DZMM - Magandang Gabi Doc	3-Sep-12	1 Minutes 17 Seconds (933.33 Pesos / Second) 80,490.38 PHP
Court administrator: Small claims court clears 80% of its cases	GMAnews.tv – Nation	6-Sep-12	36 Col-Cm (230.00 Pesos / Col-Cm) 9,273.60 PHP
BLOGS			
The Small Claims Court: Justice without lawyers at the People’s Court	blogwatch.tv Blogs	4-Sep-12	63 Col-Cm (180.00 Pesos / Col-Cm) 12,700.80 PHP
Justice Without Lawyers at the People’s Court	eventlovershideout.blogspot.com	9-Sep-12	54 Col-Cm
Justice Without Lawyers at the People’s Court	innit.nuffnang.com	9-Sep-12	4 Col-Cm
Justice without lawyers at the People’s Court	curlydianne.blogspot.com	7-Sep-12	70 Col-Cm
Justice without lawyers at the People’s Court	trulyrichmom.com	10-Sep-12	64 Col-Cm
Justice without lawyers at the People’s Court Four steps improve access to justice in PH	eccentricyethappy.info	10-Sep-12	62 Col-Cm
Small Claims Court to Improve Access to Justice	maspaborito.com	10-Sep-12	46 Col-Cm
Justice Within Reach with Small Claims Court	recyclebinofamiddlechild.com	17-Sep-12	56 Col-Cm
NEWSPAPERS AND TABLOIDS			
Small Claims Court for common Pinoy launched	GMAnews.tv News	4-Sep-12	4 Col-Cm (230.00 Pesos / Col-Cm) 1,030.40 PHP
Court administrator: Small claims court clears 80% of its cases	GMAnews.tv Nation	6-Sep-12	36 Col-Cm (230.00 Pesos / Col-Cm) 9,273.60 PHP
Process eased, costs cut on small claims	BusinessWorld The Nation	12-Sep-12	69 Col-Cm (330.00 Pesos / Col-Cm) 25,502.40 PHP

TITLE	AIRED ON	DATE	DESCRIPTION AND EST. VALUE
Four steps improve access to justice in PH	Inquirer Libre Features	26-Sep-12	51 Col-Cm (120.00 Pesos / Col-Cm) 6,854.40 PHP

Remaining Activities

ABA ROLI and the Help Desk will continue monitoring the implementation of the small claims procedures in all first level courts nationwide through the SC2MS. The Supreme Court has issued its commitment to search for solutions to impending conditions in courts from effectively using the SC2MS.

ABA ROLI together with the Supreme Court intends to print and distribute 5,000 copies of comic books and 5,000 copies of posters towards the end of December 2012. These campaign materials will be distributed through local courts and other local partners nationwide.

Project Results

The Project aims to institutionalize and promote the use of small claims courts as part of the formal judicial system through the following committed activities:

1. Nationwide training on the SC2MS to promote the use of automated data system in monitoring and evaluating performance
2. Assessment of the effectiveness of Small Claims Courts in speeding up case resolution and declodging court dockets
3. A comprehensive public outreach campaign using multiple media to increase public awareness of the Small Claims Courts and how to use them
4. Establishment of a network of partners to promote the Small Claims Court using video presentation and other campaign materials as marketing tools

This Component thereby corresponds to the following results:

RESULT AREA	INDICATOR	TARGET
1.1 Improved first level court efficiency in small claims case recording, monitoring and reporting	<ol style="list-style-type: none"> 1. Compliance rate to reportorial requirements on small claims cases 2. Number and types of information made available on small claims cases 3. Access to small claims data 	<ul style="list-style-type: none"> • 1,000 SC2MS reports received by CMO from the first level trial courts • Increased the number and types of information made available on small claims cases • Improved access small claims data

<p>1.2 Increased public awareness of small claims court procedures</p>	<p>4. Number of government and non-government institutions including media tapped to promote small claims 5. Information campaign materials distributed and used for nationwide campaign</p>	<ul style="list-style-type: none"> • Increase in filing of small claims cases • Number of government and non-government institutions including media tapped to promote small claims • Information campaign materials distributed and used for nationwide campaign
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A statistical documentation of caseload and disposition is noted in Annex 2 of this report to provide a holistic view of small claims procedure results.

Improved First Level Court Efficiency in Small Claims Case Recording, Monitoring and Reporting

Indicator 1. Compliance rate regarding reporting requirements on small claims cases

SC2MS was built to provide improved access to information at the central office level on small claims performance. In Quarters 1-3, compliance with reporting requirements has increased significantly. CMO noted that the compliance efficiency of courts with reporting requirements in terms of timely submission of reports and accuracy of data provided has increased through SC2MS. In Quarter 4 however, following the end of ABA ROLI’s assistance in terms of internet connectivity, compliance rate dropped to as low as 6% or 9% of the total number of courts with internet connectivity. To a large extent, SC2MS has provided an easy solution to data recording requirements and reporting needs. However, the lack of internet connectivity in courts and the apparent reluctance of the Supreme Court to receive reports in hard copies have hindered compliance with reporting requirements.

Table 4: Compliance Rate Per Region, 2012

Judicial Regions	No. of Courts	No. of Courts with Computers	No. of Courts Submitting Reports using SC2MS					Compliance Rate
			Issuance of Circular (1/)	Q1 (485 Courts Trained)	Q2 (333 courts Trained)	Q3 (230 courts Trained)	Q4	
National Capital Judicial Region	106	82	13	40	40	49	10	9%
Judicial Region I	116	82	5	5	45	61	8	7%
Judicial Region II	80	52	8	8	8	21	4	5%
Judicial Region III	118	117	12	42	42	62	12	10%
Judicial Region IV	164	149	43	56	56	80	14	9%
Judicial Region V	84	69	12	12	22	40	7	8%
Judicial Region VI	91	67	15	35	35	43	5	5%
Judicial Region VII	85	63	12	25	25	37	2	2%
Judicial Region VIII	89	50	13	13	13	25	5	6%
Judicial Region IX	54	27	2	5	5	10	3	6%
Judicial Region X	78	50	8	5	5	30	3	4%
Judicial Region XI	60	58	15	15	18	28	1	2%
Judicial Region XII	50	25	1	1	6	11	2	4%
Total	1175	891	159	262	320	497	76	56%
Compliance Rate Considering Courts with Computers			18%	29%	36%	56%	9%	37% (Average)
Compliance Rate			14%	22%	27%	42%	6%	28% (Average)

1/ Issuance of Circular for Small Claims Court Procedure (OCA Cir. No. 78-2011), June 16, 2011

2/ Compliance rate is computed based on the number of courts with computers.

SOURCE: CMO, September 26, 2012

Indicator 2. Increase the number and types of information made available on small claims cases

Indicator 3. Improved access to small claims data

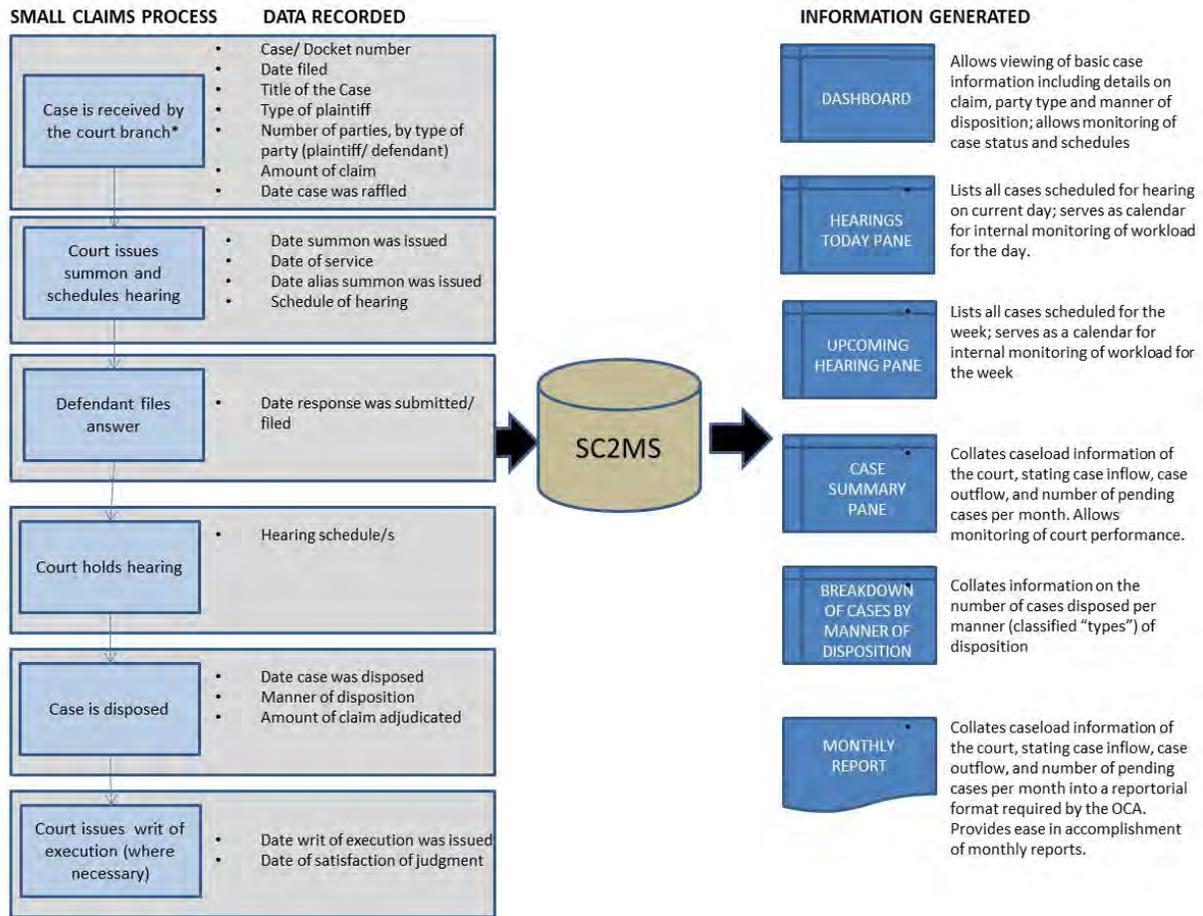
SC2MS is geared towards providing relative ease in recording data, and most importantly in culling case information to produce monthly report requirements and other information requirements as the Lower Court Administration Office (OCA) continues to monitor performance and effectively manage resources in courts. Previous to SC2MS, and currently for all other cases handled by first level courts, court clerks accomplish several records, logbooks and databases to generate monthly reporting information. SC2MS therefore removes tedious processes of recording so court clerks can devote their time to outcome-related efforts of the court.

For instance, in Quezon City First Level Court Branches 40 and 37, courts accomplished 2 logbooks and other tickler forms to satisfy a monthly report on small claims cases filed in their courts. After logging, data are collated by 2-3 court personnel to come up with the monthly report. With the SC2MS, the courts report that once they enter data on small claims cases as the case progresses, they need not collate information. The SC2MS allows the court to use only 1 person and a two-step process to come up with the monthly reports on small claims.

Figure 1 below illustrates how much information is now processed through the SC2MS. Without SC2MS, court clerks manually collated data from logbooks and manually computed caseload. A clerk is assigned to collate hearing schedules from separate case records into a single document. Currently, with the SC2MS information form, collated data is readily accessible. The figure above demonstrates that the courts, when able to adopt a system of encoding data as they are made available, are able to also generate real-time information about basic case information, hearing schedules, and for the accomplishment of monthly report entries.

The availability of real-time data enhances court capacities to monitor scheduled activities, and enables the courts to use caseload information in planning out their case management strategies. Prior to the SC2MS, courts generated reports through a series of time consuming steps. SC2MS allows court staff to generate reports on demand and without conducting a manual review of case files as was one before. The time saved by courts may then be used to assess processed information and use it to formulate plans that will potentially enable them to manage cases.

Figure 1: Data Processed and Information Collated by SC2MS



* In multiple sala courts, case is initially filed with the OCC before it is raffled and received by the court branch. SC2MS recording starts when the branch receives the case file.

Increase public awareness of small claims court procedures

Indicator 4. Number of government and non-government institutions including media tapped to promote small claims

Indicator 5. Information campaign materials distributed and used for nationwide campaign

In the 4th Quarter of FY 2012, ABA ROLI tapped a total of 10 government agencies, and about 19 non-government organizations including media organizations for the promotion of small claims procedures. These agencies/ organizations have nationwide coverage and continue to air videos and infomercials and feature small claims information and success stories to present.

Government and non-government partnerships were leveraged to enabled airing/ viewing of media materials produced under the project nationwide and in different time slots. ABA ROLI used both print and broadcast media to explain to the public how small claims courts will benefit them. Further, blogs and featured articles on the web served to improve

awareness of the public who access internet-based information. In FY 2012, ABA ROLI considered forging strategic partnerships with organizations and entities that will enable nationwide reach and allow leveraging of resources. Table 5 provides a summary of the strategy for the nationwide advocacy campaign.

Table 5. Estimated Reach and Coverage of Public Information Campaign

STRATEGY	MATERIAL USED	ESTIMATED REACH AND COVERAGE
1. Partnering with government institutions that may be considered to have the most “foot traffic” or where a large number of public wait in organized public service areas	Three 15 minute videos	<ul style="list-style-type: none"> The 10 government agencies committed based on their ability to provide free viewing of the 15 minute video in their public areas. Each agency has regional and satellite offices in the country covering cities and municipalities in Luzon, Visayas and Mindanao. Each of the agencies has an estimated 10,000 foot traffic per office, covering broad C and D markets.
2. Partnering with media groups to ensure public information is aired/ viewed in as many media materials as possible	30 sec. infomercial Three 15 minute videos Press release material	<ul style="list-style-type: none"> From September to December 2012, an estimated total of 29 airtime slots are committed by TV and radio networks. Most of these networks are accessible nationwide. Each of these media agencies and their projected estimated reach are summarized below: <ul style="list-style-type: none"> - ABS-CBN: 2 million Filipinos nationwide; - PTV 4: 85% of the viewing public (approx. 1.9 million); - RPN 9: (no data); - IBC 13: 60% of the viewing public (approx. 1 million) - Net25: (no data) 4 Print Media coverage, 3 media partners with nationwide circulation and 1 with Cebu-based circulation. The total estimated reach based on circulation of materials totals to 492,879 nationwide. According to a study conducted by <i>factbrowser.com</i>, Philippine users browse social network sites 15 billion times every month in 2012, thus providing social media (i.e. websites, blogs) sites a high number percentage of reach and coverage among web users.
3. Partnering with transportation institutions with high foot traffic/ high number of passengers	30 sec. infomercial	<ul style="list-style-type: none"> 2GO has committed to air the infomercial from October – December in its trips to and from Cebu, Tagbilaran, Bacolod, Iloilo and Cagayan de Oro. It also committed to air the infomercial throughout November 2012 in trips to and from Zamboanga, Butuan, General Santos, Batangas and Caticlan. 2GO has an estimated 518,000 passengers for the months they have committed.

SOURCE: 1/ Reach and coverage of television networks were listed from websites and wiki entries of each of these channels as of July 2012.

2/ Circulation of newspapers are gathered from Business World, Inquirer Libre, The Freeman, and Philippine Star.

3/ Data on foot traffic of 2GO was provided by 2GO, November 2012.

4/ Government institutions were interviewed about their estimated number of applicants for services who wait at public areas of their offices.

Challenges Encountered

Factors that Hinder Effective Implementation of SC2MS

While SC2MS makes it easier to monitor the performance of courts using small claims procedures, the courts experience substantial difficulty in complying with the monthly reporting requirements of the Supreme Court. Several issues were documented in FY 2012:

- a. Only 75% of courts have computers, which render 25% of courts unable to record case information as small claims cases are filed. Some court clerks also report that the computers allocated to the courts are used for multiple purposes and by multiple court personnel.

- b. All courts have limited to no access to internet since June 2012. In FY 2011, ABA ROLI released a total of 1,137 modems for all first level courts and provided support for internet access until June 2012. Supreme Court has found it difficult to continue providing for internet connectivity after June 2012 despite its June 2011 commitment stated commitment to provide loads after one year.
- c. An OCA issuance to the courts mandates the submission of monthly reports using SC2MS and that it will not accept reports submitted through postal mail or personal service. Despite issues on internet connectivity in all courts, OCA has not decided on whether it will accept hard copies of reports in the interim considering low compliance rate and no internet access.
- d. Some courts report broadband modem malfunctions due to remoteness of court locations.
- e. An estimated 70% of the trained court clerks have little to no computer proficiency rendering them unable to learn basic data encoding and processing within the training period. Basic computer knowledge should have been a pre-requisite in identifying court representatives for the SC2MS training.

A Technical Working Group meeting is forthcoming to clarify and resolve issues in SC2MS implementation. Options are being considered to strengthen the Help Desk and to improve current conditions that hinder recording and reporting on small claims cases.

Impeachment and Change of Leadership in the Supreme Court

The impeachment trial of then Chief Justice Renato Corona impeded production and airing of campaign materials on small claims procedures in the last three Quarters of FY 2012. Further, changes in Supreme Court’s Public Information Office (PIO) head also delays approval procedures for campaign materials.

OBJECTIVE3: Supporting Supreme Court Judicial Efficiency Programs

<i>Active</i>	<ul style="list-style-type: none"> • Finalize Sentencing Guidelines and submit to the Supreme Court for approval • Train all trial court judges on the updated <i>Benchbook</i>
<i>Prospective</i>	<ul style="list-style-type: none"> • Print and distribute Sentencing Guidelines to judges, prosecutors and public attorneys • Coordinate with PhilJA, Public Attorney’s Office, and National Prosecution Service to integrate Sentencing Guidelines into their regular training • Survey judges on the usefulness of the <i>Benchbook</i> in enhancing judicial efficiency and improving litigation
<i>Completed</i>	<ul style="list-style-type: none"> • Gather baseline data on sentencing patterns • Develop and distribute the updated <i>Benchbook</i>

Progress Made in FY2012

Benchbook Training

ABA ROLI and the Philippine Judicial Academy continue its efforts to help trial court judges and public lawyers to familiarize on *The Benchbook for Philippine Trial Courts (Revised and Expanded)*. In FY 2012 alone, a total of 829 judges from all regions in the country were oriented and were given a chance to share and discuss practices and other concerns with fellow judges with regards to materials presented under the *Benchbook*.

The *Benchbook for Philippine Trial Courts (Revised and Expanded)*, produced by ABA ROLI and the PhilJA with funding from the USAID is geared towards providing trial court judges with an annotated compilation of legal resources, otherwise lacking or unavailable in local trial courts especially in far flung areas of the country. It is borne from the need of a single source of direct but complete answers to most common queries of trial court judges. The outcome desired is for the judiciary to produce more consistent decisions across regions, and to follow the principles of *stare decisis*: that they are bound by decisions of law decided upon by higher courts. As a broader acceptance and implementation of *stare decisis* is engrained in the trial court system, attorneys and businesses will be able to better predict how a dispute might be ruled upon by a court. The Benchbook is an important step towards achieving this goal because it provides a single source for all controlling precedent and circulars issued by the Supreme Court.

In FY 2012 ABA ROLI turned over a total of 2,500 copies of the *Benchbook* for distribution throughout the country by the PhilJA. PhilJA intends to pursue several more trainings in line with the *Benchbook* and plans to continue its distribution towards the end of this year.

Criminal Sentencing Guidelines

In FY 2012, ABA ROLI conducted a baseline study on sentencing patterns and completed the draft Sentencing Guidelines focusing solely on the most commonly charged criminal offenses. From the initial draft consisting of 136 pages, ABA ROLI and Judge Maria Filomena Singh undertook to arrive at a concise and user-friendly near-final draft of the Sentencing Guidelines, which is now down to 48 pages. The Guidelines now includes a 16-page introductory portion that contains key criminal law principles that affect the determination of the final imposable penalty for every offense and illustrative examples. The 32-page portion on penalties contains 25 unique offenses under the Revised Penal Code and special penal laws, and their statutory and imposable penalties. Each offense contains a table that details how the statutory penalty is affected by different factors such as varying combinations of mitigating and aggravating circumstances, degree of participation by the offender, stage of execution of the offense, and the application of the Indeterminate Sentence Law (Act No. 4103). Each table also includes a list of other offenses with the same penalties. Finally, for further ease of use, ABA ROLI developed an index of penalties that would make it even easier for users to navigate the tool and search for specific penalties and offenses.

In FY 2012, ABA ROLI conducted a baseline study on 45 trial court judges on sentencing patterns. Results of this study provided ABA ROLI with information on the weaknesses and areas of improvement that may be addressed by the Sentencing Guidelines.

Remaining Activities

Several additional trainings on the Benchbook and related matters are scheduled by PhilJA and ABA ROLI to reach as many judges as possible. ABA ROLI will continue to provide its technical support in these trainings until December 2012.

The completed draft Sentencing Guidelines is ready for use, validation, and printing. ABA ROLI intends to discuss the completion of all committed outputs with USAID in the coming days.

Project Results

Component 1: Distribution of and Training on the *Benchbook*

The Component is geared towards providing tools for trial court judges to better and more efficiently resolve commercial disputes, emphasizing the need to comply with the principle of *stare decisis*. Committed activities completed under this project include:

1. Production of the revised and enhanced *Benchbook*
2. Conduct of trainings for judges and court attorneys on the effective use of the *Benchbook*
3. Collaboration with PhilJA on the distribution of the *Benchbook*

This Component thereby corresponds to the following results commitments under the PMP:

RESULT AREA	INDICATOR	TARGET
3.1 Judges and Attorneys use the <i>Benchbook</i> as reference tool in order to improve the consistency and efficiency in adjudication	<ol style="list-style-type: none"> 1. Number of copies of the <i>Benchbook</i> provided to courts 2. Number of judges trained on the <i>Benchbook</i> 3. Number of court attorneys trained on the <i>Benchbook</i> 4. Percent of trial court judges reporting that the <i>Benchbook</i> has helped increase efficiency and consistency of decisions 	<ul style="list-style-type: none"> • All courts received the <i>Benchbook</i> • 700 trial court judges trained on the <i>Benchbook</i> • 150 court attorneys trained on the <i>Benchbook</i> • 75% of trial court judges report that the <i>Benchbook</i> has helped increase efficiency and consistency of decisions
3.2 Improved disposition rate in lower courts	5. Disposition rate of lower courts	<ul style="list-style-type: none"> • Increase in disposition rate of lower courts

Use of the Benchbook as Reference Tool for Judges and Attorneys

Indicator 1: Number of copies of the Benchbook provided to courts

Indicator 2 and 3: Number of Judges and Court Attorneys Trained on the Benchbook

ABA ROLI, through USAID funding produced 2,500 copies of the *Benchbook* for distribution to 1,841 first and second level courts and higher courts offices throughout the country. ABA ROLI’s partner, PhilJA is set to continue distribution of the material to all courts in line with the trainings they have scheduled in 2012 and 2013. Currently, it has distributed 1,050 copies to judges and 120 to higher court offices. Table 6 and 7 shows the number of Benchbooks distributed per region for lower courts, and in each office of higher courts, respectively.

Table 6. Benchbook Distribution and Trainings Provided to Lower Courts, As of September 30, 2012

REGION	TOTAL NUMBER OF INCUMBENT JUDGES	TOTAL NUMBER OF JUDGES TRAINED AND GIVEN BENCHBOOK	NO. OF JUDGES WITH BENCHBOOKS BUT W/O TRAINING*	TOTAL NUMBER OF JUDGES GIVEN BENCHBOOKS	TOTAL NUMBER OF JUDGES NEEDED TO BE TRAINED*
NCJR	292	127	130	257	25
I	149	75	19	94	54
II	80	58	16	74	14
III	172	78	4	82	78
IV	205	78	7	85	109
V	117	76	8	84	31
VI	137	73	10	83	43
VII	133	82	4	86	44
VIII	114	75	6	81	25
IX	62	32	9	41	23
X, XI and XII	234	75	8	83	91
Total	1695	829	221	1050	537

SOURCE: PhilJA, November 2012
 JBC, Master List of Incumbent Judges, 24 Sept. 2012
 *Does not include newly appointed judges in 2012

Table 7. Benchbook Distribution to Higher Courts, As of September 30, 2012

OFFICE	NUMBER OF COPIES
Supreme Court Chief Justice and Associate Justices	14
Court of Tax Appeals	9
Sandiganbayan Justices	14
Court of Appeals – Manila	49
Court of Appeals – Cebu and Cagayan de Oro	16

Office of the Court Administrator	10
Supreme Court Library and PHILJA Library	2
Benchbook Committee Members	7 (others included in SC, CA and Sandiganbayan Justices)
Total	121

SOURCE: PhilJA, November 2012

Previous to the *Benchbook*, judges and lawyers of courts in far flung areas with relatively less access to internet-based resources and law libraries, relied on possible materials offered to them by law firms and institutions nearest the court. The lack of access to legal materials delays the issuance of decisions in cases, and more significantly, it hinders judges from rendering decisions based on a good grasp of relevant and current laws and jurisprudence. This initiative ensures courts are granted access to the *Benchbook*, thereby arming judges with sufficient information to render their decisions judiciously and diligently.

While the provision of the *Benchbook* to all courts grants ready access to a single compilation of laws, rules and jurisprudence relevant to most cases handled by trial court judges and court lawyers, ABA ROLI and PhilJA understand that the use of the material is greatly dependent on the competency of judges and court attorneys to assess case facts, and corresponding application of laws, rules and jurisprudence.

The training program therefore administered by ABA ROLI and its partner PhilJA were developed to:

- a. Increase the judges and court attorneys familiarity with the *Benchbook* and other trial techniques to help them render decisions faster;
- b. Strengthen skills in the appreciation and evaluation of relevant facts and exclusion of irrelevant facts, and the selection of issues to be resolved; and
- c. Enhance skills in determining relevant laws, rules and jurisprudence to be applied in resolving common issues.

The training is comprised of lectures and familiarization exercises, and utilizes training techniques such as case studies and focus group discussions.

As of September 2012, ABA ROLI and PhilJA completed a total of 14 trainings on the *Benchbook*, training 829 trial court judges and 112 court attorneys. ABA ROLI and the PhilJA plan to continue with four more trainings towards the end of the year for more than a hundred judges.

Indicator 4: Percent of trial court judges reporting that the Benchbook has helped increase efficiency and consistency of decisions

ABA ROLI is coordinating with the PhilJA as it conducts a survey that will gather feedback from judges on the usefulness of the *Benchbook*. This study will also offer valuable inputs to the development of initiatives of PhilJA particularly as they continue to update the contents

of the *Benchbook* and ensure relevant training is provided to judges in the coming years. The results of the study will be included in the Final Report.

Indicator 5: Disposition rate of lower courts

The *Benchbook* as a tool for trial court judges, and relevant training provided under this initiative offers enormous potential in increasing disposition rates in lower courts, particularly in the following aspects of case processing:

- (1) Relatively increasing speed in conducting legal research and accessing materials used for common or comparable cases and instances; and
- (2) Improving competencies in appreciating and evaluating case facts and therefore increasing speed in trial and rendering decisions.

Disposition in relation and particularly in these aspects of the case will be assessed for trial court judges who have received their copy of the *Benchbook* and with corresponding training. The assessment will review apparent impact in terms of efficiency during trial and in rendering court decisions. While there are other factors that affect the overall disposition rate in courts, this study will focus on how judges feel the *Benchbook* and relevant trainings affected trial and case disposal speed. This review will be documented and included in the Grant End Report.

Component 2: Development of Sentencing Guidelines

The Sentencing Guidelines aims to reduce sentencing errors and the time spent researching and determining correct sentences, thereby assisting in judicial efficiency and preventing injustice. As such, it can serve as a critical tool in the Chief Justice’s plans to decongest detention facilities. Judges referring to the Guidelines are expected to impose shorter minimum imposable sentences than what they usually impose. Currently, the easiest sentence for a judge to calculate is the maximum allowed by law. The sentencing guidelines show how judges can lawfully reduce the prison time they give to convicted person. This will hopefully address the growing concern of prison overcrowding. In a survey of trial court judges conducted by ABA by PhilJA during the *Benchbook* trainings, it was determined that a surprising percentage of judges misinterpret sentencing laws, with a bias towards longer minimum imposable sentences than what is allowed by law. Through the guidelines, judges will be able to impose correct minimum imposable sentences, and give individuals the opportunity for an earlier release.

Challenges Encountered

Statutes governing sentencing are complex and rulings by the Supreme Court on sentencing laws are contradictory. As a result, it was extremely difficult to process and give clear guidelines on these statutes. To make the guidelines useful as a tool, ABA ROLI limited the focus of the guidelines on only commonly charged criminal.

OBJECTIVE 4: Extend Case Management Information System (CMIS) to the Courts of Appeals in Cebu and Cagayan de Oro

<i>Active</i>	<ul style="list-style-type: none">• Hold dialogues with bar members and government attorneys on e-Raffle• Conduct training seminar on CMIS enhancements• Monitor and evaluate CMIS effectiveness and present report to Court of Appeals• Develop an integrated database and reporting mechanism for all stations of the Court of Appeals
<i>Completed</i>	<ul style="list-style-type: none">• Program for e-Raffle and other enhancements• Install CMIS, necessary hardware, and network infrastructure in Cebu and Cagayan de Oro courts• Train end-users and technical support personnel• Hire and train IT staff for Cebu and Cagayan de Oro courts• Review CMIS features for revision and enhancements

Progress Made in FY2012

ABA ROLI has been working with the Court of Appeals to revise the case management information system (CMIS) by incorporating additional features, and increasing ability to generate more probative reports. CMIS replaced the Court’s manual system of indexing and recording in multiple record books and electronic spreadsheets to monitor case status and caseload. The convoluted manual procedures often resulted to delays in case processing, inconsistent data, and inability to monitor performance. The roll-out of CMIS to the Court of Appeals regional stations (RCAs) was achieved expediently and at less cost than anticipated. As a result, ABA ROLI was able to explore additional deliverables to enhance the current automation system with new innovative tools and features, including the development of an automated system for distributing cases to judges (“eRaffle”).

In FY 2012, ABA ROLI worked on the following committed outputs:

1. Design and installation of the e-Raffle system at the Court of Appeals stations
2. Integration of the three Court of Appeals stations
3. Installation of additional features of CMIS including flexible search filters and increasing reports the system may generate
4. Provision of the necessary hardware to ensure the systems are fully operational.

Design and Installation of eRaffle Module

ABA ROLI developed and installed the eRaffle module in Cebu and Cagayan de Oro station of the Court of Appeals in FY 2012. Around 500 cases were encoded and test-ran through the raffling module to ensure that cases were randomly assigned and raffling rules were being observed. The system was tested and re-tested for bugs and occurrence of issues

prior to its finalization. After a series of validation with the Court of Appeals IT staff and the Technical Working Group, the system was integrated with the CMIS of Cebu and Cagayan de Oro in September 2012. ABA ROLI provided trainings for the raffle staff in line with user-testing activities.

The main station of the Court of Appeals is using the Cebu and Cagayan de Oro developments as pilots to test the eRaffle system, primarily because they have a far lower caseload than the Manila station and flaws or problems can be identified without disrupting the RCAs’ workflow. The main station will incorporate the eRaffle once the system has stabilized in the other two regional stations.

The eRaffle module has the following notable benefits: it allows recording and editing of the list of cases for raffle, thereby introducing more accountability into the process and reducing the amount of time the raffle committee must meet as a team to assemble the list of cases to be assigned; assigning 100 percent of cases randomly, based upon rules of court for exempting certain justices or prioritizing the assignation of urgent matters; automatic reports and notices on which justices and divisions received cases so they can act quicker on urgent matters; and an overall integrity enhancement feature that minimizes the ability for human intervention because justices cannot “swap” cases after they are assigned. The public accountability features are important because the eRaffle will generate reports on who originally received the case. If a decision is made by a different justice, that action will be identified and the justices will be held to account.

Integration of CA CMIS stations

In FY 2012, ABA ROLI completed the systems requirements specifications for the integration of all three stations of the Court of Appeals. ABA ROLI has now proceeded in programming the integration so that installation can follow by December 2012.

Through the integration, data on caseload, performance information and case assignments, for example, will be accessible to the Presiding Justice for all Court of Appeals stations. The Court of Appeals will provide a virtual private network (VPN) for the integrated system to ensure the security of the network used. If the VPN becomes problematic, a secure web-based data transfer will be put in its place.

Figure 2. Merged Case Information from Three Stations of the Court of Appeals



SOURCE: Systems Requirement Specifications for Integration of CA CMIS, 2012

Installation of a Flexible Search Feature

ABA ROLI has installed a flexible search facility in the CA CMIS which allows the court clerks and justices to customize their inquiries on specific information and criteria. The flexible search correlates particular information available in the CMIS to come up with reports based on several key sets of information. The flexible search allows queries to be saved for future use and renders information in printable excel or PDF formats.

Installation of Additional Features of the CMIS

After over a year of full operation of the CMIS, the Court of Appeals continues to monitor implementation to identify areas where improvements can still be made. ABA ROLI and its contractor Ideyatech continue to support the Court of Appeals through enhancements that strengthen case monitoring and performance reporting, and introduced new functions such flexible search that will improve access to case information.

Most of the enhancements cover the development of additional report templates that cull information from the CMIS database on post-disposition (archival, entry of judgment, appeals to the Supreme Court and remand of records), and additional status reports. Other enhancements increased the fields of data entered into the system by clerical staff, allowing the data to be more meaningful to administrators and clerks who need certain types of information on caseload to expedite their processing of appeals cases. Below is a list of enhancements envisioned for the CA CMIS.

Table 8. List of Additional Reports and Enhancements to the CMIS

ADDITIONAL REPORTS	OTHER ENHANCEMENTS
<ol style="list-style-type: none"> 1. List of Archived Cases 2. List of cases with Court of Appeals Entry of Judgment, per case type 3. List of cases remanded 4. List of cases appealed to the Supreme Court 5. List of cases with Supreme Court Entry of Judgment 6. List of cases remanded to the court/ agency of origin 7. List of cases pending for remand 8. List of promulgated cases (by justice, by case category, by station) 9. List of active cases (per station) 10. List of cases with TROs issued 11. List of cases with writ of injunction issued 12. List of cases for completion of records 13. Summary of cases for completion of records 14. List of cases submitted for decision 15. Summary of cases submitted for decision 	<ol style="list-style-type: none"> 1. Enhancements on the Archive Module to include post disposition status 2. Improvements on the Payment Module to include edit features after payment has been made. 3. Improve Criminal Case Docketing Module to include additional information when accused posts bail bond 4. Enhance Decision Modules of judges to include distinction between resolution and decision 5. Add administrative cases in the CMIS 6. Improvements on the reporters search facility and dashboard to include links to cases with uploaded decisions, cases with entry of judgment and with case summary. 7. Rendering data on decided cases accessible 8. Improving the layout of case rollo cover 9. Rendering certain information accessible to justices, such as information on mode of appeal and decisions rendered by a different division. 10. Improvements on the audit log.

ABA ROLI will complete all listed enhancements by end of the Grant period.

Provision of Servers and Barcodes for the Court of Appeals

ABA ROLI provided servers for Cebu and Cagayan de Oro station to enable them to use the eRaffle module. This is an interim arrangement until the server for station integration is put in place at the end of the year. The current servers by December 2012 will be used by the Court of Appeals as back-up servers.

Barcode printers for Cebu and Cagayan de Oro raffle staff were also provided; the use of barcode stickers and scanning is integral to the success of the CMIS in Manila because it reduces hours of person-time inputting the same data over and over, and allows the Court to track precisely where case files are within the court.

Remaining Activities

ABA ROLI and the Court of Appeals will complete dialogues with bar members and public attorneys on eRaffle towards the end of the Grant period. The forum allows the Court to present to lawyers who frequent their court the new system and how they may access and view the raffle.

Trainings are scheduled with CA staff and justices for the users of flexible search feature and for the integration functions. The technical support team of the Court of Appeals will also be oriented on enhancements and new functions subsequent to installation activities. All trainings will be completed by December 2012.

ABA ROLI will also continue its monitoring of CMIS effectiveness towards the end of the Grant period.

Project Results

The Project improves accuracy and accessibility of case information across the nationwide Court of Appeals stations; it enhances the integrity of the raffling procedure, and; it improves the Court’s capacity to monitor and report on the cases it handles. Currently, the Project has completed the development, installation and operationalization of the eRaffle module in Cebu and Cagayan de Oro City. Considering this output, the following intermediate result is assessed:

INTERMEDIATE RESULT	INDICATOR	TARGET
4.1 Neutral and transparent assignment/ raffling of cases to justices/ division	<ol style="list-style-type: none"> 1. Automatic generation of case assignment with little to no interference or intervention by court personnel 2. Equal and rational distribution of workload among divisions and among justices 	<ul style="list-style-type: none"> • Automatic generation of case assignment with little to no interference or intervention by court personnel • Executive justices and presiding justice are able to monitor assignments, case distribution and workload of justices and divisions • Equal and rational distribution of workload among divisions and among justices

Neutral and transparent assignment/ raffling of cases to justices/ divisions

Indicator 1. Automatic generation of case assignment with little to no interference or intervention by court personnel

Indicator 2. Equal and rational distribution of workload among divisions and among justices

Once the raffle committee convenes in the Cebu and Cagayan de Oro Stations, the list of available justices and cases, and the names of justices exempt from that day’s raffle, are agreed upon. This information is put into the eRaffle module’s data entry feature and then the cases are automatically and randomly assigned to the justices available to receive cases. Justices’ names are removed from the list as cases are assigned, and once all justices receive a case, the pool is re-populated with all the justices. The, the eRaffle module generates a publicly accessible list of which justices received which cases, and the case files are then forwarded to their chambers.

Other project outputs will be assessed upon completion and installation by end of December 2012.

Challenges Encountered

ABA ROLI conducted months of meetings with raffle committees of the three stations to ensure the process was reflected accurately in the prototype. A delay in designing the prototype occurred when ABA ROLI discovered that the raffling systems in the different stations were not identical. The Court of Appeals had to agree on a uniform set of raffling protocols for the eRaffle to incorporate into the design.

Testing of the prototype was delayed again for one quarter because not enough raffle staff were available to encode and run tests for 500 sample cases, the minimum amount needed to ensure the system worked as designed. Due to sensitivities involved with case assignment at the Court of Appeals, the Presiding Justice was hesitant to commit to the system, even after the prototype proved successful.

OBJECTIVE 5: Building the Capacity of the Court of Tax Appeals (CTA) and the *Sandiganbayan* in Court Management and Increased Efficiency

<i>Active</i>	<ul style="list-style-type: none"> • Install the tested and finalized CTA CMIS enhancements • Train justices and court staff on enhancements
<i>Completed</i>	<ul style="list-style-type: none"> • Identify and develop CTA CMIS enhancements • Coordinate meetings with the CTA and <i>Sandiganbayan</i> to identify necessary enhancements and training • Train accountants and lawyers at CTA on how to properly assess damages and penalties in tax evasion cases • Populate <i>Sandiganbayan</i> database on all active cases since 1979

Progress Made in FY2012

In FY 2012, ABA ROLI continued to support developments to the CTA CMIS and the continued population of the Sandiganbayan’s (Anti-Graft Court) electronic database. Both of these initiatives were begun by USAID years ago under a different program. ABA ROLI also provided bridge grant programs to bolster the capacity of the CTA to process and render better decisions in tax appeals. During FY 2012, ABA ROLI:

1. Identified, developed and installed the initial modules for CTA CMIS enhancement (final modules will be a result of the user testing currently being conducted up to November 2012)
2. Trained accountants and lawyers at CTA on how to properly assess damages and penalties in tax evasion cases
3. Updated the Sandiganbayan database on all active and archived cases

CTA CMIS Enhancements

The current version of the CTA CMIS has been fully operational for more than a year, after its successful design and implementation during FY 2011 under this grant. Its use has resulted in improvements with case processing time and how the court updates, monitors and reports its performance.

On December 8, 2011, ABA ROLI staff joined USAID General Counsel Lisa Gomer on a tour of the Court of Tax Appeals to view its CMIS and the court’s use of the system. Ms. Gomer and ABA staff observed each court division and court management offices to fully appreciate how the CMIS has been integrally woven in the court’s day-to-day operations. Justice Juanito Castañeda, the head of the computerization committee provided a presentation of the CMIS and defined the usefulness of the system in CTA operations.

On September 21, 2012 Presiding Judge Ramona A. Gonzalez of La Crosse County Circuit Court, Branch 1 of Wisconsin also visited the CTA. With ABA ROLI staff and USAID officials,

Judge Gonzalez was briefed on the key features and benefits of the CMIS. Some of the court personnel narrated how CMIS had substantially reduced the court’s processing time in their respective divisions.

CTA intends to continuously upgrade their CMIS to further reduce time required for court recording, monitoring and reporting and to seamlessly integrate manual and computer-based systems of the court. Thus, at the start of FY 2012 ABA ROLI and USAID considered CTA’s list of required upgrades and issued their commitment to support CMIS enhancements. For this purpose, a CMIS Users Workgroup Committee was convened to identify, finalize and stir the completion of CMIS enhancement. On May 2012, the Committee finalized the project plan for the implementation of CMIS enhancements.

ABA ROLI through its contractor Ideyatech and the CMIS Workgroup Committee conducted extensive consultations and identified the following key enhancements for the CTA CMIS: (1) automatic generation of all clerk forms, where case information previously recorded appears on relevant portions of pre-defined forms, thereby reducing redundant encoding and ensuring consistency of case information; (2) an advanced search feature allowing customized inquiries; (3) the expansion of the “sheriff module,” to improve monitoring of delivery of summons and notifications by the sheriff; and (4) an IT helpdesk system that will record complaints on the system by issuing support tickets. The prototypes of the identified enhancements were presented on June 21, and on July 27 the final System Requirement Specifications (SRS) was approved by CTA.

ABA ROLI and Ideyatech installed the final enhancement modules on September 21 and are currently spearheading the user testing of the system. The CTA’s Users Workgroup Committee currently works with Ideyatech fine-tuning and stabilizing the system.

Capacity Building for Tax Lawyers and Accountants

On May 2 to 4, ABA ROLI, together with PhilJA held training sessions for CTA lawyers and accountants and national agencies such as the Bureau of Local Government Finance, the Philippine Export Zone Authority, the Bureau of Internal Revenue, and the Bureau of Customs. The curriculum was based on a training needs assessment (TNA) conducted with various stakeholders, not only from the CTA but also from other government and non-government taxation experts. The TNA for CTA accountants and financial experts was the first time PhilJA allowed non-judicial actors to participate in the development of training curriculum for court personnel – a telling sign that PhilJA recognizes that the private sector and executive branch agencies can help broaden the range of professional continuing education.

The training session was designed to improve understanding of taxation principles and to discuss emerging issues and problem areas in taxation. The training covered topics such as value added tax, the Ecozone, local and real property taxation, Philippine transfer pricing laws and related international guidelines, and customs and tariff laws. These subjects are focal areas identified by the TNA that impact on the assessments and recommendations developed by CTA accountants and researchers during CTA justices deliberations. The

training also included a before-and-after diagnostic test using an audience response unit to assess improvements in the participants’ knowledge. Case studies and group discussion were integrated into the lectures to make the complex topics more interesting.

Assistance to Sandiganbayan in Populating their CMIS

ABA ROLI and the Sandiganbayan assessed current conditions of the Sandiganbayan CMIS (SB CMIS) to determine how to provide the most needed technical assistance to ensure its smooth operation and integration into court procedures. One of the key issues identified by the Sandiganbayan User Workgroup Committee was the number of active cases not yet encoded in their CMIS. Without an updated CMIS, the court staff continues to rely on their manual records, thereby increasing incidents of unrecorded or outdated data. ABA ROLI was also concerned that the current CMIS system at the Sandiganbayan, installed over 5 years ago through a different implementing agency, was rapidly becoming problematic. To prepare the Sandiganbayan for an updated CMIS system, ABA ROLI helped them encode all their pending cases not yet in their database for eventual integration into the modernized system. The total number of cases not yet included in their CMIS had gone up to 9,066 active cases (including archived cases) dating back from 1979. ABA ROLI and the Committee agreed that assistance to the Sandiganbayan will include encoding updated case information of the 9,066 pending cases from 1979 to 2005, while Sandiganbayan staff encoded more recent cases (2006 to present).

ABA ROLI assigned an encoder and computers for each of the five divisions of the Sandiganbayan. Sandiganbayan oversaw the encoding of information on their CMIS from June 28 to the end of October. As a result of these efforts, all 9,066 active cases from 1979 to 2005 with updated information are now encoded in their CMIS, and are being used by respective divisions where these cases are assigned. Upon completion of the database of all pending cases, the Sandiganbayan has committed to keeping the CMIS database updated as incoming cases are added to the docket.

In recent meetings, ABA ROLI also suggested increasing case information the Sandiganbayan makes available through their public kiosk. ABA ROLI suggested including data on scheduled hearings, case status, and certain case events, considering the limited information the Sandiganbayan public kiosk currently affords the public. ABA ROLI feels that the Court will be encouraged to update and ensure their CMIS contains dependable data if it builds a culture of transparency and public accountability.

Remaining Activities

ABA ROLI anticipates the completion of user testing and systems stabilization for the CTA CMIS enhancements by November. Training for CTA users will around end of November to December 2012.

Project Results

These projects were designed to enhance the CMIS of the CTA and to update the Sandiganbayan database of cases. In line with these objectives, ABA ROLI completed the following committed outputs under the project:

1. Identify, develop and install enhancements to the existing CTA CMIS
2. Conduct reorientation training for justices and staff to better utilize CTA CMIS
3. Train accountants and lawyers at CTA on how to properly assess damages and penalties in tax evasion cases
4. Update the Sandiganbayan database on all pending cases dating back to 1979.

This project corresponds to the following result areas for the CTA:

RESULT AREA	INDICATOR	TARGET
5.1 Increased capacity and efficiency of CTA lawyers and accountants to assess damages and penalties	1. Average time used by CTA accountants and lawyers to make recommendations	<ul style="list-style-type: none"> • Reduced in average time used by CTA accountants and lawyers to make recommendations • Increase average time available for CTA justices to review cases • Decrease in the number of cases filed (i.e. due to trainings provided to BIR and BOC)

This project corresponds to the following result areas for the *Sandiganbayan*

RESULT AREA	INDICATOR	TARGET
5.2 Increased capability to monitor court performance of Sandiganbayan	2. Live generation of updated case information	<ul style="list-style-type: none"> • Live generation of updated case information
5.3 Increased transparency in case flow of Sandiganbayan	3. Number of and type of information accessible to justices and clerks of courts through the CMIS	<ul style="list-style-type: none"> • Increase in the number of and type of information accessible to justices and Clerks of Courts through the CMIS
	4. Number of court logbooks, record books and spreadsheets replaced by CMIS	<ul style="list-style-type: none"> • Number of court logbooks, record books and spreadsheets replaced by CMIS • Improved speed in generating basic reports

Increased capacity and efficiency of CTA lawyers and accountants to assess damages and penalties

Indicator 1. Average Time Used by CTA Accountants and Lawyers to Make Recommendations

The training provided was developed based on an assessment of training needs of CTA accountants and lawyers in assessing and formulating recommendations to CTA justices. The training was geared to improve relevant knowledge of accountants and lawyers and

thereby reduce time for research and assessment. The training focused on the following training objectives:

- a. Specific controversial issues on local and real property taxation involving existing jurisprudence and emerging concerns
- b. Emerging issues on VAT and other tax issues affecting ECOZONE locators and suppliers (e.g. tax base, royalties, documentary stamp tax, cross border doctrine, invoicing requirements and effect of R.A. 9337)
- c. Transfer pricing law and related international guidelines (e.g. OECD and US Models), its effects
- d. Customs and tariff law, rules and regulations, and jurisprudence; as well as recent developments (e.g. WTO, the Kyoto convention, and related international agreements) in relation to existing legal and regulatory framework.
- e. Latest relevant issuances of BIR and BOC interpreting and/or implementing tax laws

A survey to assess average time used by CTA accountants and lawyers will be conducted for reporting at the end of the Grant period. However, a pre- and post training diagnostic test was administered during the training to serve as an intermediate indicator to measure relevant knowledge gained during the training. The diagnostic tests reveal that 85% of the participants passed the diagnostic test at the end of the training, and therefore showed adequate knowledge on subject matters of the training. Prior to the training only 69% of the participants passed the test.

Increased capability to monitor court performance of Sandiganbayan and transparency in case flow of Sandiganbayan

Indicator 2. Live Generation of Updated Case Information in Sandiganbayan

Following the encoding of updated information of all pending cases in the Sandiganbayan CMIS, ABA ROLI will work with the Sandiganbayan to ensure the live generation of updated case information of the court. A sample will be generated in November 2012 to test their commitment and determine whether the database has been maintained.

Indicator 3. Number of and Type of Information Accessible to Justices and Clerks of Courts through the Sandiganbayan CMIS

Indicator 4. Number of Court Logbooks, Record Books and Spreadsheets Replaced by Sandiganbayan CMIS

The stated commitment of Sandiganbayan will be validated once (1) information is accessed and used by justices and court clerks; (2) when the use manual recording of case information is discarded in favor of the automated CMIS is in full use and the database for the CMIS is updated. Both of these activities will be observed by ABA ROLI in November and December and will be reported at the end of the Grant period.

OBJECTIVE 6: Provide material assistance to ARMM lower courts

<i>Prospective</i>	<ul style="list-style-type: none"> • Conduct a turnover ceremony highlighting the availability of the courts to meet community justice needs
<i>Completed</i>	<ul style="list-style-type: none"> • Finish the delivery of furniture to ARMM courts • Conduct survey and needs assessment of first-level courts in ARMM • Order furniture, monitor production and finished product

Progress Made in FY2012

The project provides basic furnishings for ARMM courts, reported to suffer from extreme lack of basic office compliments such as chairs, tables, shelves and court record closets, as well as evidence storage facilities. The dignity and authority of the judiciary was clearly undermined by the decrepit state of the furnishing inside courtrooms, perhaps contributing to the low usage of the courts by the public. USAID had furnished all the second level trial courts (known as Regional Trial Courts, or RTCs) under a different program and asked ABA ROLI to furnish the first level trial courts to complete the overall mission of providing reasonable accommodations to court users and employees in the ARMM. This task was completed almost entirely during FY2011, with final delivery of certain furnishings taking place in FY2012.

An assessment conducted in FY 2011 reveal that the ARMM courts were in decrepit shape. Few courts have air-conditioning and most do not have working electric fans. Nearly all courts lack computers, recording supplies, and typewriters. Not all courts have bookshelves and very few have legal materials. Some courts observed do not have any separation between judge’s chambers, staff offices, and the trial courts. Other courts do not have a court room. Evidence preservation and document storage is sparse.

ARMM has 33 first-level courts providing judicial services for five provinces in the region. Most of these courts were observed to have 5-6 court employees each: the judge, clerk of court, administrative clerk, an interpreter, two stenographers, and a process server. Courts like Isabela, Basilan and Cotabato City have relatively higher caseloads and therefore are complimented with 9-11 court personnel. Courts like Siasi (in Jolo) and Tandubas (in Tawi-Tawi) have less than 5 personnel relative to their marginal caseload.

During FY 2012, ABA ROLI completed purchasing, delivery and set-up of court rooms and court offices of basic furniture compliments. 32 first level courts received their furniture. A newly created RTC branch in Wao was also provided furniture and equipment, in lieu of MTC Cagayan de Tawi-Tawi. The MTC of Cagayan de Tawi-tawi was excluded due to difficulties experienced in accessing the court.

U.S. Embassy Deputy Head Leslie A. Basset and USAID’s Gerry Porta visited the two Basilan Courts in February 20, 2012. They noted the improved conditions of the courts following the delivery and set-up of these courts.

Remaining Activities

ABA ROLI requested the Lower Court Administrator (OCA) to assist in the administration of a survey to assess the extent that the furniture has improved the retrieval of case documents and the security of evidence stored in previously unsafe cabinets. In response, the Court Administrator issued a memorandum order to all court personnel in ARMM and is currently waiting for their response.

ABA ROLI also awaits approval of a formal launch scheduled for December 2012 in Siasi, Jolo upon the request of the Chief Justice.

Project Results

The project aims to improve efficiency and public respect and confidence in local courts by providing furniture and other office compliments to ARMM courts. The following results therefore are being monitored under the project:

RESULT AREA	INDICATOR	TARGET
6.1 Judges and court personnel able to administer duties more efficiently through provision of filing and storage equipment and furniture	1. Offices are adequately furnished to store and secure case rollos and evidences for efficient work 2. Court rooms and other court facilities are adequately furnished to receive litigants and to hold trials.	<ul style="list-style-type: none"> 90% of judges and court personnel report improved efficiency Court offices and court rooms are provided basic office compliments
6.2 Improved judges and court personnel morale	3. Judges and court personnel report increased confidence and willingness to work in court offices	<ul style="list-style-type: none"> 50% increase in confidence and willingness to work in court offices
6.3 Increased public confidence in or public perception of ARMM courts	4. Litigants report improved conditions in the court result to increase in confidence in ARMM courts	<ul style="list-style-type: none"> 50% increase in public confidence in ARMM courts

Judges and court personnel able to administer duties more efficiently

Court personnel are enabled to administer their judicial duties through the provision of basic equipment and furniture to compliment their functions. “Basic” court facilities were determined based on an assessment of what ARMM courts have and what they can use considering: (1) the floor area of their court offices and court rooms; (2) staff compliment; (3) functions of each staff; and (4) core furniture and equipment they are able to manage and maintain.

The following standards/criteria guided the provision of the quantity of items procured and distributed:

- All judges chambers were furnished with executive tables and chairs, subject to available space.
- All court personnel who provide administrative and adjudicative support are given desks and chairs, subject to available space. All court personnel have standard clerical tables.
- Clerks of court are given distinct desks and chairs to differentiate them from the regular staff.
- Staff will be given clerical tables and chairs.
- Visitor’s chair are provided for the staff area and judge’s chamber.
- A full height and 2-layer lateral file now serves as storage for files, documents and evidence. Where space permits butterfly vertical cabinets are provided as these allow easier filing and retrieval of court records.
- Subject to available space, all courts are provided one bookshelf
- All courts are provided legal materials supplied by ABA ROLI, including reference materials in Criminal, Civil, Commercial, Political, and Remedial Law, and Legal Citations.
- One electric fan is allotted for every 15-square meter space, up to a maximum of six electric fans. In offices with a total area of 15 to 30 sq.m., two electric fans are provided.
- All courts are given one electric typewriter.
- All courts are provided with one personal digital recorder regardless of the number of stenographers or the absence thereof.

Considering this criteria, court staff offices/ working areas were allotted the following:

- clerical desks and chairs for the clerks of court and clerical staff; a different design and/or color were procured for the clerks of court;
- cabinets for storage of case files and evidence;
- office equipment like typewriters and digital recorders for each court;
- electric fans; and
- a set of legal materials with a matching bookshelf.

For the judge’s chamber, ABA ROLI allotted the following:

- an executive desk and chair;
- cabinets (either full-height, lateral or bookshelf, should space allow);
- an electric fan; and
- additional visitor’s chairs (should space allow).

For courtrooms that are separate and distinct from the judge’s chamber or staff area, ABA ROLI provided the following:

- a distinct table for the presiding judge in the absence of a dais;
- a distinct chair for the presiding judge;
- a chair for the witness;
- a stenographer’s table and chair (should space allow);

- two long tables and with corresponding benches or visitor’s chair for the lawyers and litigants;
- gallery benches for the public; and
- an electric fan.

Annex 3 shows the number of donated items considering the criteria set to furnish the courts.

Improved judges and court personnel morale and increase public’s confidence in ARMM courts

A survey currently being conducted in coordination with the Office of the Court Administrator will generate information on how these facilities improve court personnel’s morale and increase the public’s confidence in the ARMM courts will generate information. The results of this survey will be included in the Grant End Report.

Challenges Encountered

Several constraints were met as ABA ROLI staff tried to ensure each piece of furniture and equipment delivered to ARMM was intact and free from damage, particularly given the lack of reliable transportation, the condition of the roads leading to the courts, the distance, security problems, and the weather. Nonetheless, ABA ROLI was able to find a reliable supplier to bring these goods to the designated courts in FY 2012.

A formal turnover of purchased and delivered furniture is forthcoming. The turnover was repeatedly postponed due to the impeachment proceedings and to security conditions in the area.

The current Chief Justice Maria Lourdes Sereno and the Supreme Court Program Management Office requested a formal launch to take place on December 2012 in Siasi, Jolo. Due to the delicate condition and security concerns in ARMM, the final date and venue of the turnover has yet to be finalized. In the meantime, the Supreme Court will complete the paperwork needed to officially accept the title to the furniture.

OBJECTIVE 7: Develop Manuals of Professional Conduct for Public Attorneys and Prosecutors

<i>Active</i>	<ul style="list-style-type: none"> • Train public attorneys on the code book
<i>Completed</i>	<ul style="list-style-type: none"> • Print and distribute copies of the code book for Public Attorney’s Office (PAO) and National Prosecution Service (NPS) • Public launch of the code book for PAO and NPS • Compile materials to integrate and supplement existing codes and manuals for Public Attorneys • Train supervisor level prosecutors on the code book for NPS

Progress Made in FY2012

The project consists of two components: the (1) development of a code of conduct and subsequent trainings for public attorneys; and (2) the development of a code of conduct and subsequent training for prosecutors. The code book and trainings for prosecutors were all completed in FY 2011. Thus, this report focuses only on the completion of activities relative to public attorneys under the PAO.

In FY2010 and early FY2011, ABA ROLI assisted the Public Attorney’s Office (PAO) with the development of three booklets—(1) *Code of Conduct for Public Attorneys and Employees of the Public Attorney’s Office*; (2) *PAO Operations Manual*; and (3) *Consolidated PAO Legal Forms*. Later, it was agreed between ABA ROLI and the PAO that these three booklets should be consolidated into one, to be known as the *Codes and References for the Public Attorney’s Office (the “Code Book”)*.

In early 2012, ABA ROLI and PAO completed the Code Book and, on February 13, a launch ceremony to mark its completion was held at the Department of Justice in Quezon City. Keynote Speaker Justice Secretary de Lima highlighted the work of public attorneys in representing the most disempowered sectors of society. ABA ROLI Philippines Country Director Scott Ciment also spoke at the event. He described the manual as an important part of ABA ROLI’s work with the Philippines government to accelerate justice.

Since the launch ceremony, the PAO, with technical assistance from ABA ROLI, has been conducting nationwide trainings of Regional Public Attorneys and other PAO heads of offices on the new Code Book. Each training session used a dynamic curriculum designed by PAO and ABA ROLI to engage the audience. Sessions started with a multiple-choice diagnostic test led by ABA ROLI Philippines Deputy Director Renato Lopez, Jr., who also serves as a professor of legal ethics at the Far Eastern University Institute of Law. Audience-trainees chose the best answer for each ethical dilemma posed using Keypoint, an interactive polling system that allows participants to see how their peers answered. Chief Public Attorney Persida Rueda-Acosta then individually quizzed each member of the audience. Later in the day, participants broke into smaller groups to consider more complicated ethical dilemmas. Group members presented their proposed resolutions to the larger audience, allowing other participants to share their thoughts.

A total of four trainings were conducted by PAO with funding assistance from USAID, through ABA ROLI, as follows:

Table 9. Schedule of Completed Trainings for Public Attorneys, FY 2012

Date	Region(s)/Venue
April 16	Regions 9, 10, 11, and 12/ Davao City
May 15	Regions 6, 7, and 8/Cebu City
June 18	Regions 1 and 2/Laoag City
July 16	Regions 3, 4, 5, and NCR/Manila

PAO has lined up additional trainings, this time for the PAO frontliners nationwide. These trainings will follow the same training design as the previous trainings, and will be fully funded by PAO, with ABA ROLI providing only technical assistance by way of resource persons (Scott Ciment and Renato B. Lopez, Jr.). The schedules of these additional trainings are as follows:

Table 10. Schedule of Additional Trainings for Public Attorneys after FY 2012

Date	Region(s)/Venue	Est. No. of Trainees
Sept. 6-7, 2012	Regions 4A-B and 5/ Manila	188
Sept. 20-21, 2012	CAR, Regions 1, 2, and 3/ Manila	218
Nov. 15-16, 2012	Regions 6, 7, and 8/Cebu City	180
Nov. 22-23, 2012	ARMM and CARAGA Regions/Davao City	168
Dec. 6-7, 2012	Central Office and NCR/ Manila	262

In an effort to leverage resources, ABA ROLI will be adding a training component on small claims courts to its training sessions on the PAO Manual. Public Attorneys play an important role in advising their low-income clients on the use of small claims courts.

Project Results

Development of the Code of Conduct and Trainings for Prosecutors

The Component aims to improve the level of ethical and professional standards of public attorneys through the development of a code of conduct for prosecutors and subsequently holding trainings on the code. This result is measured using the following indicators:

RESULT AREA	INDICATOR	TARGET
7.1 Improved level of ethical and professional standards of prosecutors	<ol style="list-style-type: none"> 1. Improved institutional capacity to monitor and enforce administrative disciplinary measures for misconduct and unethical behavior among its ranks. 2. Improved knowledge and appreciation of prosecutors of the code of conduct 	<ul style="list-style-type: none"> • Improved institutional capacity to monitor and enforce administrative disciplinary measures for misconduct and unethical behavior among its ranks. • Improved knowledge and appreciation of prosecutors of the code of conduct

Indicator 1. Improved institutional capacity to monitor and enforce administrative disciplinary measures for misconduct and unethical behavior among its ranks

The Code of Conduct for Prosecutors is the first attempt of the Department of Justice to clearly state and install institutional mechanisms to improve how it handles administrative complaints against prosecutors. It discusses fundamental institutional components that will guide the intake, investigation, evaluation and assignment of corresponding sanctions for administrative offenses of prosecutors. Prior to the Code, the DOJ merely relied on the Code of Professional Responsibility and the Civil Service Commission’s Issuance relevant to all public attorneys in government. The Code was essential in setting out specific standards that relate to the role of prosecutors under the DOJ as the primary prosecuting arm in the country.

The Code stipulates and thereby clarifies the following standards in the conduct of prosecutor functions:

1. The credo all prosecutors adhere to
2. Core values that should characterize all prosecutors
3. The rationale, purpose and role of prosecutors
4. Responsibilities of prosecutors to their litigants, and to society in general
5. Prohibited acts and standards of conduct
6. Sanctions per offense
7. Creation of an Internal Affairs Unit under the DOJ

The DOJ has created the IAU pursuant to the Code of Conduct provision and bases all its administrative action on complaints filed against prosecutors.

Indicator 2. Improved knowledge and appreciation of prosecutors of the code of conduct

Improved knowledge and appreciation of the Code by prosecutors was measured through a test administered prior to and after the training using a keypoint system. The reports generated under the keypoint show an increase of appreciation of the Code by participants of training held by 12%. The training diagnostic tests show that participants have improved their knowledge, recording 78% passing rate prior to the training, to 90% passing rate at the end of the training.

Development of the Code of Conduct and Trainings for Public Attorneys

The Component is geared towards improving the level of ethical and professional standards of public attorneys through the development of an integrated code of conduct and manual of operations and through trainings that ensure public attorneys appreciate the code. Considering this result, the Component is measured using the following indicators:

RESULT AREA	INDICATOR	TARGET
7.2 Improved level of ethical and professional standards of public attorneys	3. Improve tools of PAO in reviewing and enforcing administrative disciplinary measures for misconduct and unethical behavior among its ranks. 4. Improve knowledge and appreciation of public attorneys of the code of conduct	<ul style="list-style-type: none"> • Improve tools of PAO in reviewing and enforcing administrative disciplinary measures for misconduct and unethical behavior among its ranks. • Improve knowledge and appreciation of public attorneys of the code of conduct

Indicator 3. Improve tools of PAO in reviewing and enforcing administrative disciplinary measures for misconduct and unethical behavior among its ranks

Prior to the Project, a review of conduct and behavior of public attorneys under PAO is based on the Code of Professional Responsibility and Civil Service Commission issuances relevant to all lawyers in government. The need for a code specifically for PAO lawyers is based on an appreciation of their unique role as the main office providing public legal assistance for marginalized and underprivileged litigants in the country. Improving the standards that measure their conduct and behavior means ensuring indigent litigants are granted increased access to justice.

PAO currently uses the Code as its basis for processing complaints against public attorneys, thereby improving its capacity to ensure the public of agencies reliability, integrity and ability to police its ranks.

Key characteristics of the Code attributable to the increase of PAO’s capacity to ensure ethical behavior and proper conduct include the following:

1. Improved clarity of the office’s mission, vision and values; prohibited acts; role and responsibility of public attorneys; rules on tardiness and absenteeism; and applicable sanction/s.
2. Integrated pertinent rules, guidelines and procedures stipulated under the former Code of Conduct, *PAO Operations Manual* and PAO’s legal forms. This thereby allows the PAO to refer to a standard document for reviewing complaints against public attorneys.

Based on the Code, PAO is currently processing 53 cases (Feb.14-June 13, 2012) against public attorneys. ABA ROLI will interview PAO on its review of administrative complaints to generate information on the relative ease and/or speed in deciding on cases. The result of these interviews will be reported under the Grant End Report.

Indicator 4. Improve knowledge and appreciation of public attorneys of the code

Improved knowledge and appreciation of the Code by public attorneys was measured through a test administered prior to and after the training using a Keypoint system.

OBJECTIVE 8: Case Decongestion and Delay Reduction Program or CDDRP (“Diagnostic Audit”)

<i>Active</i>	<ul style="list-style-type: none"> • Process court inventory reports and analyze inventory data • Monitor court performance • Refine the diagnostic audit form and draft guidelines on its use for nationwide implementation
<i>Completed</i>	<ul style="list-style-type: none"> • Prepare inventory reports on participating courts • Prepare and finalize docket and case management plan for each trial court • Hold conference with judges and court staff to discuss the implementation of docket management plan

Progress Made in FY2012

The Supreme Court’s Office of the Court Administrator recognizes the need to audit lower courts’ performance to identify causes of court inefficacy. This recognition led to the Case Decongestion and Delay Reduction Program (CDDRP) (previously known as the “case purging project”). With technical assistance from ABA ROLI, OCA has audited and continues to audit some of the most underperforming courts across the nation. OCA and ABA ROLI have also been working on an electronic docket inventory system and performance criteria for trial courts.

OCA’s lower court audits are conducted to spot-check issues and constraints to effective case management. The audits include reviews of areas in which case delay and court congestion can occur, such as (1) court practices; (2) adherence to rules and procedures; and (3) management of workload. Courts considered for audits are characterized by their high caseload and low disposition and clearance rates, among other factors.

On October 11, 2011, OCA and ABA ROLI approved the plan for conducting spot audits of 10 regional trial courts and 7 first level courts throughout the country, for a total of 17 courts.¹ OCA judicial supervisors, or attorneys assigned to monitor court performance, and their assistants carried out the audits by the end of March 2012. The participating courts included the following:

Table 11. List of Audited Courts under the CDDRP, FY 2012

DATE AUDIT WAS COMPLETED	COURT	LOCATION
January 17, 2012	RTC Branch 61	Barili, Cebu
January 19, 2012	RTC Branch 60	Bogo, Cebu
February 7, 2012	MeTC Branch 54	Navotas

¹The Branch 2 court in Butuan was considered for a spot audit, but it was excluded from the final list of courts because the judge passed away.

DATE AUDIT WAS COMPLETED	COURT	LOCATION
February 15, 2012	RTC Branch 19	Bacoor
February 16, 2012	RTC Branch 89	Bacoor
February 22, 2012	RTC Branch 24 and 25	Binan
January 26, 2012	Branches 71, 72, and 74	Antipolo
March 2, 2012	Branch 3	Nabunturan, Compostela
Nov. 24, 2011	Branch 59	Mandaluyong
February 7, 2012	Branch 54	Navotas
	Branch 77	Paranaque
Nov. 24, 2011	Branch 68 and 72	Pasig
Jan. 27, 2012	Branch 76	Marikina

During the initial implementation in October – December 2011, ABA ROLI and OCA noted difficulties in gathering and using current inventory reports for the audit. Courts were given two weeks to prepare and submit a revised inventory of cases, but some courts did not submit and others did not comply with the data requirements. On December 13, 2011, ABA ROLI and OCA considered the challenges and discussed possible solutions and strategies to continue the planned spot audits.

As a result, to increase the effectiveness of the spot audits, OCA and ABA ROLI jointly developed an enhanced inventory system to serve as a tool for recording court case information. The enhanced inventory form records information such as trial dates, number of postponements per party, compliance with court procedures, and other data which was not included in previous case inventory forms. The enhanced inventory form was used for the spot audits of all 17 courts. The initial review of audit findings and inventory reports suggests that the enhanced inventory system has been effective in identifying the sources of case delays and in exploring potential remedies. Judges and court staff accepted the statistical findings in the inventory reports and demonstrated their willingness to comply with the auditors’ recommendations. This sense of cooperation has facilitated docket management planning.

ABA ROLI also saw that the courts subject to audit experienced difficulties in preparing the enhanced inventory reports using the Excel program. Thus, to facilitate the encoding of case information, ABA ROLI developed a stand-alone data entry system for trial courts. Through enhancement of the recording and reporting of case information, the aim of the data entry system was to facilitate OCA’s court monitoring. The prototype of the system was presented on March 20, 2012 at the Pan Pacific Hotel, Manila, where OCA staff expressed their support for the data entry system. ABA ROLI worked with OCA in refining the system through minor revisions.

On June 14 and 21, 2012, ABA ROLI met with court staff from the CDDRP subject courts to test the data entry system and generate more feedback from users. After reviewing and simulating the encoding of open cases in the system, court staff members agreed that the new data entry system addressed their need for an electronic inventory of cases.

The Court hired encoders for 13 CDDRP courts to assist these courts in encoding case information using the stand-alone data entry system. These encoders will be engaged from September to November 2012. Afterwards, ABA ROLI will process the updated information from this encoding period to see the impact of the project on court performance.

Remaining Activities

The updating of case information using the data entry system will be completed by the end of November. Processing and evaluation of these reports by the judicial supervisors will take place in December.

Project Results

The Project aims to reduce backlogs, increase judicial accountability, and strengthen the capacity of OCA and lower courts in case management and docket decongestion. Core capacity enhancements in the following are assessed and developed in the project: (1) OCA capacity to conduct judicial audits, provide assistance to the courts in resolving case build-up and case delay, as well as in resolution of ill performance in courts; and (2) capacity of lower courts to provide meaningful and reliable reports on caseload, court performance and outputs. Once the docket management plans that result from the audits have been implemented, ABA ROLI will be able to measure the project’s overall impact. Since the courts have just recently completed those plans and started implementation, a diagnostic report on the outcome of these plans will be provided in November 2012.

However, to measure project results in FY 2012, this report focuses on the following results:

INTERMEDIATE RESULT	INDICATOR	TARGET
<p>8.1 Improved capacity of OCA to audit cases and court performance</p>	<ol style="list-style-type: none"> 1. Developed an inventory tool that is easy to use and reliably compiles case information and court performance information 2. Developed processes that allows spot audit of court performance 3. Developed processes that enable planning of court strategies and practices to improve case management and resolve docket congestion 4. Courts have clear indication of implementing their docket decongestion plan 5. OCA has clear indication of monitoring the implementation of docket decongestion plan 	<ul style="list-style-type: none"> • Inventory tool sufficiently collates useful information for court performance audit • Spot audit procedures are put in place for OCA judicial supervisors • Docket management planning is incorporated as a regular procedure following audit / court performance monitoring • Audit reports are incorporated in OCA systems for performance management, discipline and career development • OCA and lower court implement strategies and tasks stated in the docket decongestion plan
<p>8.2 Improved capacity of lower courts to provide case information and court performance</p>		

This project enabled the Court to consider a new and improved inventory and judicial audit procedure. Docket management plans that were prepared by the judicial supervisors in consultation with the court staff enabled a more collaborative approach in planning ways to improve court performance. The Court also hired encoders to help the court staff conduct enhanced inventories involving huge caseloads. The impact of the project will be evaluated in more detail after the processing of the reports in December 2012.

Challenges Encountered

At the start of FY 2012, inventory reports submitted by courts were found either lacking in information or inaccurate. These conditions complicated data processing. The problem was addressed by tedious data correction and validation activities. It is primarily because of inadequate data that a data entry system was found necessary.

The finalization of the data entry system that will support CMOs review of existing court inventories has been stalled until December 2012. Without the data entry system reporting will be delayed and may hinder timely judicial audits to be completed. Primarily, many courts whose conditions warrant judicial audit are located in far-flung areas that prove difficult to access from Manila.

OBJECTIVE 9: Quezon City Practice Guidelines

<i>Active</i>	<ul style="list-style-type: none"> • Monitor and evaluate implementation to determine whether Practice Guidelines should be changed
<i>Completed</i>	<ul style="list-style-type: none"> • Develop and obtain Supreme Court approval for Practice Guidelines • Implementation of the Practice Guidelines

Progress Made in FY2012



Judge Ramona Gonzalez of the Wisconsin Circuit Court discusses the anticipated speedier litigation that will result from the pilot rules of procedure of with judges and court administrators of Quezon City

The objective of the Quezon City Practice Guidelines Program (previously known as the Judicial Modernization and Process Management Program) is to improve judicial efficiency by quickening the pace of litigation in Quezon City courtrooms. ABA ROLI in collaboration with Quezon City judges, prosecutors, public attorneys, and private practitioners, developed a uniform set of procedure rules known as the “Practice Guidelines.” These rules, which will supplement the existing Rules of Court, include adaptations of some of the best practices of other jurisdictions. If successful, the Practice Guidelines may be implemented nationwide.

In its Resolution dated February 21, 2012, the Supreme Court *en banc* approved the Practice Guidelines (A.M. No. 11-6-10-SC), and on April 16, 2012, following compliance with posting and publication requirements, the Practice Guidelines officially took effect and was implemented in Quezon City courts.

ABA ROLI, in partnership with the Supreme Court and the Integrated Bar of the Philippines, has helped conduct five separate orientation seminars to familiarize the various stakeholders (*i.e.*, judges, court staff, prosecutors, public attorneys, and private practitioners) on the Practice Guidelines. The trainings were co-facilitated by TWG members from the Supreme Court, QC Courts representative, and ABA ROLI. 557 participants were oriented on the basic features of the Guidelines from March to July 2012.

Among the salient features of the Practice Guidelines are:

- Strict enforcement of rule on postponements and continuances (*i.e.*, no postponements save in cases of *force majeure* or acts of god);
- Limitation on page numbers of briefs and memoranda;
- Use of judicial affidavits in lieu of oral direct testimony (the “Judicial Affidavit Rule”);
- Strict observance of time periods prescribed in Speedy Trial Act;
- *Oral* offer of evidence, comments thereto, and rulings thereon (instead of written);
- Use of private couriers for service of pleadings and other court submissions; and
- Adoption of “presumptive notice” rule in cases where pleadings and other court submissions are served via registered mail.

To get a sense of how the guidelines are being viewed by relevant parties, ABA ROLI developed surveys to (informally) poll Quezon City judges, court personnel, and lawyers on their reaction to the implementation and enforcement of the Practice Guidelines. Based on the informal poll (of around 112 respondents), it was revealed that:

- around 47% of the lawyers are “supportive” of the Practice Guidelines, while 38% are “opposed”;
- from the ranks of the judges and court personnel, 61% are “supportive” while 14% are “opposed”;
- seventy-four percent (74%) of the respondents believe the Practice Guidelines will readily “speed up litigation”, while 3% believe it will actually “slow it down.”

These data are based purely on perceptions. ABA ROLI is currently working with the Supreme Court Practice Guidelines *ad hoc* committee in order to come up with a more empirical assessment of the Practice Guidelines. Given the shortened timeframe within which these rules have been in place, it is not feasible at this time to provide sufficient data to identify how these rules hasten litigation times. However, it is clear that the large

numbers of steps and processes these rules remove from the litigation process will streamline caseload.

Recently, through its Circular A.M. No. 12-8-8-SC issued on September 4, 2012, the Supreme Court under the leadership of the newly appointed Chief Justice Maria Lourdes P. A. Sereno has institutionalized the Judicial Affidavit Rule, thus making it applicable to all courts nationwide beginning January 1, 2013. The same circular specifically cited the piloting of this rule through the QC Practice Guidelines, which apparently reported that the rule “has quickly resulted in reducing by about two-thirds the time used for presenting the testimonies of witnesses, thus speeding up the hearing and adjudication of cases”. Though ABA ROLI is unclear what the Supreme Court bases this figure on, it is clear that internally, the judiciary feels as if this rule will have a profound and positive effect on litigation times. Under the Rule, witnesses are no longer required to be presented for oral direct examination. Instead, their sworn statements, or affidavits, are submitted to the court in writing, and the witnesses are then cross-examined in court. Therefore, instead of devoting two trial dates for the presentation of a witness (one day for direct examination and another day for cross-examination), courts need only allocate one trial date per witness. ABA ROLI will begin monitoring the actual impact of this new Rule once it goes into effect in January 2013.

Project Results

The project contributes to program goals of reducing case processing time and increasing disposition and clearance rates of lower courts. Starting with the Quezon City courts, the project tests certain practices to observe relative improvements in the speed of disposition of cases. Monitoring the impact of the project in speeding up case processing is programmed for completion after 6 months of implementation. Thus, reports on the impact of the Guidelines will be provided under the Grant End Report.

ABA ROLI continues to oversee implementation, gathering feedback from stakeholders (such as judges, court personnel, lawyers and litigants). An initial survey was conducted to gather feedback from lawyers, judges and court attorneys on the Guidelines. The survey provides a basis for measuring the following intermediate results:

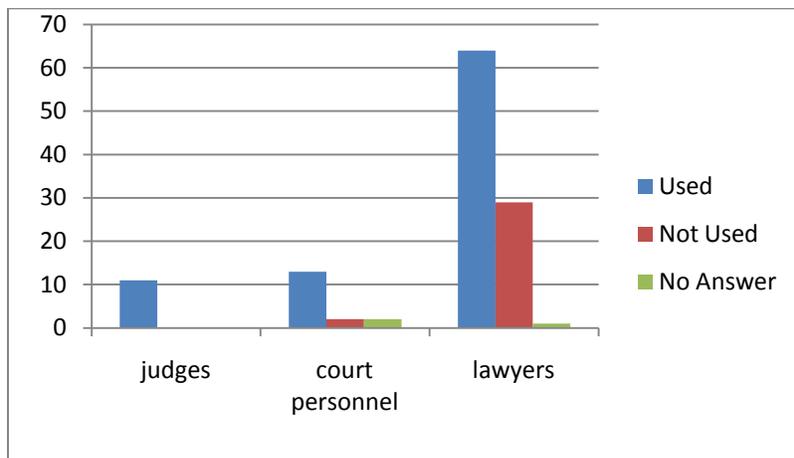
INTERMEDIATE RESULT	INDICATOR	TARGET
9.1 Increased awareness and knowledge of the Practice Guidelines	1. Stakeholders report improved awareness and increased knowledge in the Practice Guidelines 2. Stakeholders report that they use and follow the Practice Guidelines	<ul style="list-style-type: none"> Stakeholders report improved awareness and increased knowledge in the Practice Guidelines Stakeholders report that they use and follow the Practice Guidelines

Indicator 1. Stakeholders report improved awareness and increased knowledge in the Practice Guidelines

Out of the 112 respondents to the survey, 93% of the participants report that they were aware of the Practice Guidelines through trainings, orientation, and forums coordinated by ABA ROLI. 74% of survey respondents were lawyers practicing in Quezon City, 10% judges, and 16% court personnel. 7% reporting less awareness of the Practice Guidelines are new lawyers assigned to Quezon City. According to 82% of the respondents randomly selected, they were informed through trainings and orientations held on April and May of 2012.

Indicator 2. Stakeholders report that they use and follow the Practice Guidelines

79% of survey respondents report that the QC Practice Guidelines were used in their current or recent court cases. All judge respondents say that they currently comply and implement the Practice Guidelines. However, only 68% of lawyer respondents noted that the Practice Guidelines were used in their cases.



The survey results indicate that most users in the QC courts are aware of the Practice Guidelines. However, while most say the Guidelines are used in their cases, there are still instances or cases that are perceived to have not complied with the Guidelines.

The results of this survey will be validated through the data extraction activity currently being administered in a sample number of cases filed upon implementation of the Practice Guidelines. The activity records key compliance factors and measures the impact of compliance and non-compliance in speeding up the resolution of cases. The assessments resulting from the activity will be included in the grant end report, considering data from six months of implementation.

OBJECTIVE 10: Development of an Automated Case Management Information System for Quezon City Courts

<i>Active</i>	<ul style="list-style-type: none">• Train end-users and IT personnel on the new system• Install the approved system on the servers at the Quezon City Hall of Justice• Develop computer program for the Court Management Office (CMO) to receive information from the database• Train CMO staff to use the data obtained from automation to assess court performance
<i>Completed</i>	<ul style="list-style-type: none">• Assess current business processes of the court• Complete procurement of hardware and network needs• Develop programming for encoding case information and add this information to the database.

Progress Made in FY2012

As the successful automation of small claims courts through SC2MS and the Court of Appeals through CMIS has shown, automation plays a key role in increasing judicial efficiency. In recognition of the importance of an automated system, the Supreme Court and ABA ROLI are working together to automate case management in Quezon City courts. The automated system, known as the eCourt, will incorporate all case types in the nation’s second-largest court station, the first and second level courts of Quezon City. Implementation of the system will enable the courts to maintain a database of all pending cases, generate real-time reports, monitor caseload, improve court management and transparency, and increase public access to court information.

On January 4, 2012, ABA ROLI staff met with the Court Administrator Jose Midas Marquez regarding requirements for implementing the pilot project. The Court Administrator created a Technical Working Group to oversee the Quezon City computerization project and provide the necessary support to implement the planned activities. Meetings with the court staff from the different Quezon City offices were held twice a week to identify the operating procedures of the courts and the features that need to be included in the software. An assessment of court processes that require automation was completed in the first quarter of 2012 and the corresponding System Requirement Specifications (SRS) for the eCourt was finalized in May 2012. The assessment was developed through court visits, interviews with judges and court staff, a review of current records, court procedures, data files, and court outputs. It also entailed a review of existing tools and computer compliments currently being used in Quezon City courts.

During the design phase of project, ABA ROLI engaged a consultant to ensure that the eCourt complies with the requirements of the Enterprise Information System Project (EISP) of the Supreme Court. The EISP is the judiciary’s blueprint for all automation activities and it prescribes the technical specifications for the software and hardware for

the courts. ABA ROLI also coordinated with the Supreme Court Management Information System Office (MISO) to ensure that previous automation initiatives such as the ePayment, earlier versions of the eCFM, the Judiciary Case Management System, Court Administration Management Information System, etc. are accounted for in designing the eCourt software. ABA ROLI also worked closely with the Court Management Office in designing the reporting modules of the eCourt.

Trial courts in Quezon City were found to have a unique set of procedures for case information recording and storing case files, thus standardization of the system throughout courts was found to be difficult. Nonetheless, the first prototype for the trial courts was completed in February 2012. The prototype underwent revisions after further review by the TWG, resource persons in Quezon City, and select members of the Supreme Court Committee on Computerization and Library headed by Associate Justice Teresita Leonardo de Castro. The final version of the prototype and its Systems Requirement Specifications (SRS) were formally approved by the TWG on June 5, 2012.

The approved SRS of the eCourt stipulates that the following functionalities will be covered by the eCourt system:

Table 12. Key Functionalities of the eCourt System

SYSTEM USERS	KEY FUNCTIONS
Office of the Clerk of Court	<ul style="list-style-type: none"> • Assessment of Filing Fees • Verification of Case Documents and Fees • Payment of Filing Fees • Docketing of Case • Electronic Raffling of Case
Court Branches	<ul style="list-style-type: none"> • Receiving of Subsequent Pleadings • Management of Case Documents • Management of Evidence • Management of Case Activities and Schedule • Creation of Court Resolutions, Orders from pre-defined templates • Management of Mails (e.g. Summons, Orders, etc.) • Management of Users and System Roles • Tracking of Court Calendar • Generation of Reports
System Administrator	<ul style="list-style-type: none"> • Management of Branches, Users, System Roles and Access Rights • Management of Drop-down Values (e.g. Case Incidents, Nature of Case, etc.)
Court Management Office	<ul style="list-style-type: none"> • Generation of Reports
Public/ PAO/ DOJ and Other Quezon City Hall of Justice Users	<ul style="list-style-type: none"> • Search of Case and Case Status • Viewing of Court Calendar

In June 2012, the Court, through Acting Chief Justice Antonio T. Carpio, committed to provide an encoder and a computer for each of the 58 trial courts in Quezon City to support the population of the database. PMO Chief Geraldine Faith Econg was instructed by J. Carpio to hire encoders for detail at the courts for three months of encoding using newly-procured computers. Meanwhile, procurement of the servers, networking of the courts and programming of the data entry system was done from June to September 2012.



A Branch Clerk of Court leads colleagues on a discussion about how to encode incoming and existing case files for the eCourt automation project for the Quezon City Trial Courts

In September 2012, ABA ROLI's contractor completed the programming of the data entry system and the migration into the system of approximately 20,000 cases that were active as of 2011 based on the trial courts' inventory reports. The migrated cases do not contain case details such as parties, counsels, case actions, evidence, hearing dates, pleadings filed, etc. The encoding or updating of these items of case information were planned as the judiciary's counterpart activity.

ABA ROLI, however, could not install the data entry system in the Quezon City Hall of Justice due to the lack of a secure location for the servers. Also, PMO has still not hired any encoder or bought a computer as agreed. After a courtesy call on September 25 by USAID and ABA ROLI representatives with the newly appointed Chief Justice, Hon. Ma. Lourdes P. A. Sereno instructed PMO to coordinate all matters relating to the eCourt project. CJ Sereno also requested to see the prototype of the eCourt on October 3.

Remaining Activities

CJ Sereno approved the design of the eCourt program and ordered the launch of the project to be scheduled in January 2013. Prior to the appointment of the new Chief Justice, ABA ROLI’s remaining activities are the delivery of the full eCourt CMIS in Quezon City, the users test and the training of users all scheduled in December 2012. On the other hand, the judiciary’s remaining activities are the preparation of the server room, hiring of IT staff, delivery of the computers and hiring of encoders for the population of the database. Considering the long delay in the judiciary’s counterpart activities, most importantly in the population of the database, ABA ROLI’s activities are also adversely affected.

In October 2012, PMO through the Court Administrator requested judges in Quezon City to nominate a candidate for encoder for their branch. Judges were also given the option to utilize one of their staff for encoding. PMO processed the applications of the encoders while ABA ROLI trained the branch clerks and encoders on the data entry system. The Court Administrator also ordered the Executive Clerk of Court to prepare a room in the Hall of Justice that will house the servers.

Regardless of the delay in the Court’s counterpart activities, ABA ROLI will be able to deliver the full eCourt CMIS, test the system and train the users in December 2012. The usefulness of the eCourt CMIS, however, will primarily depend on the amount of data entered into the system.

Project Results

The eCourt offers enormous potential in improving how Quezon City courts record, monitor and report case status and court performance. The eCourt is geared to speed up case tracking and processing and make it easier to extract case information and reports on court performance. Indicators of project results include: (1) updated case information in the eCourt; and (2) improved time required for docketing, tracking and performance reporting. Considering that the eCourt system is still in the process of completion, indicators set cannot be measured based on an installed and running system. The eCourt system and the courts’ operationalization of the database will need to reach stabilization, particularly on how the system is used and integrated in the courts’ current work structure before suitable measurements can be made.

However, project results as of FY 2012 are measured based on the following intermediate indicators, measuring the intended outcome of the eCourt design:

RESULT	INTERMEDIATE INDICATOR	TARGET
10.1 Improved case docketing and tracking 10.2 Improved case reporting	1. Number of steps and personnel required for docketing/ case information recording 2. Number of logbooks, record books, and datasheets that may be eliminated through the use of the eCourt system	<ul style="list-style-type: none"> • Reduced number of steps and personnel required for docketing/ case information recording • Reduced number of logbooks, record books, and datasheets that may be eliminated through the use of the eCourt system • Increased amount of information collated under the report features of the eCourt system

Indicator 1. Number of steps and personnel required for docketing and case information recording

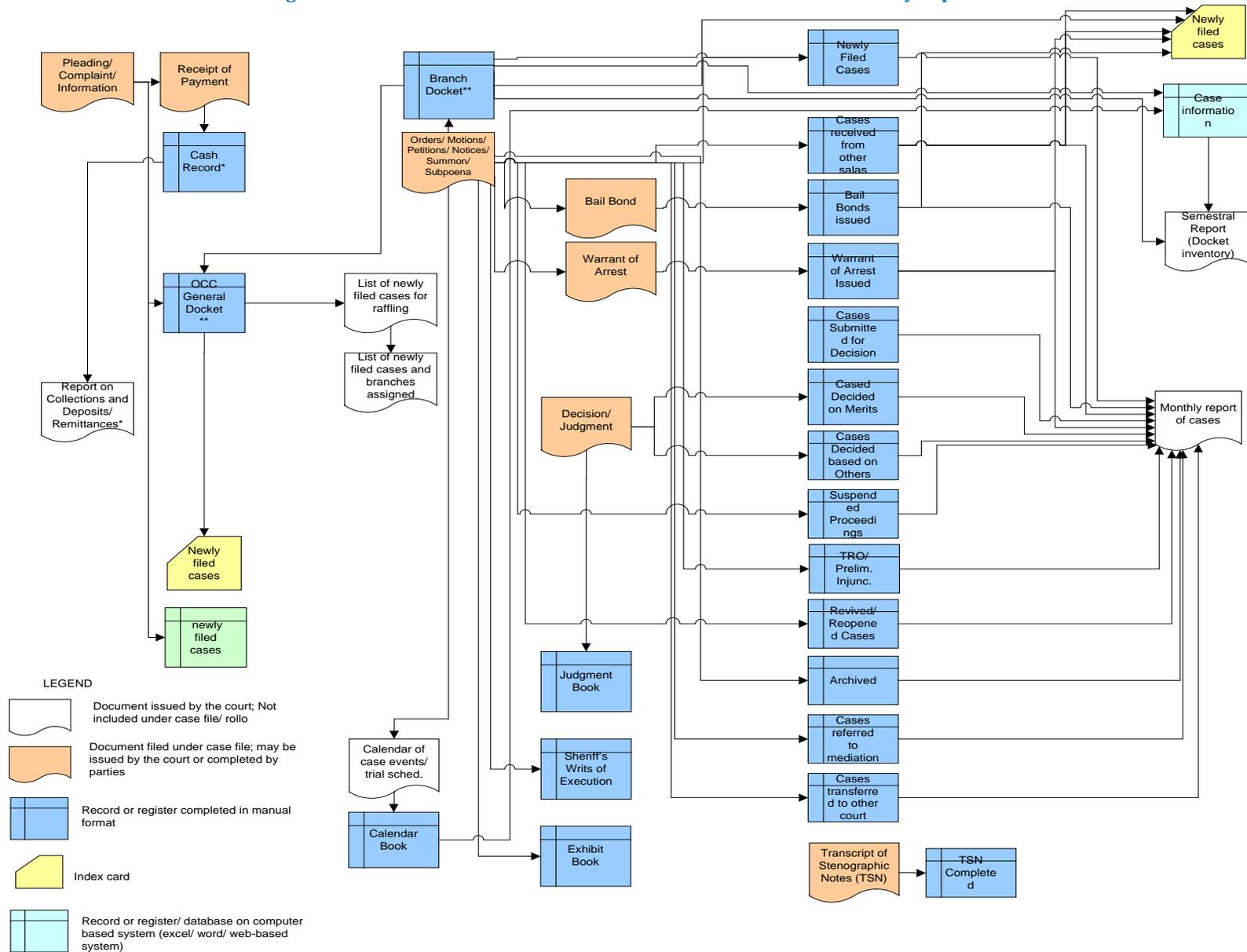
Indicator 2. Number of logbooks, record books, and datasheets that may be eliminated through the use of the eCourt system

During the development of the prototype of the eCourt, the processing of case information was not standard in all Quezon City courts. Branch clerks document case information, pleadings and motions differently. As a result of the meetings with the court staff in the first half of 2012, a more consistent case processing procedure was achieved for purposes of automation.

To illustrate, Figure 3 outlines the number of docket books, records and data sheets and the information contained in each. The eCourt collates all these records to make it easier to accomplish the monthly report and inventory reports required of Quezon City Lower Courts.

The measurement of intermediate indicators for FY 2012 is based on intended outcome as stipulated in the SRS of the system. However, information only reflects the potential of the system which may be reduced based on actual implementation and factors such as competency of users, court willingness to use the system, and others.

Figure 3. Docket Books and Records Information that Feed Into the Monthly Reports



Challenges Encountered

Throughout the year, the judiciary had to contend with leadership issues that began during the impeachment proceedings in December 2011 and loomed until May 2012. After the impeachment proceedings, Senior Associate Justice Antonio Carpio was the acting Chief Justice from June to August. In the same period, Court Administrator and eCourt TWG Chair Marquez resigned from his post as the chief of the Public Information Office. The appointment of the new Chief Justice in August meant that judicial offices will be reorganized and co-terminus appointments will have to be either confirmed, extended or ended. CJ Sereno also needs time to adjust to the demands of the office while formulating her own reform agenda.

These matters have substantially contributed to the lack of leadership and commitment of the assigned TWG and proponents of the project at the Supreme Court. For example, in April and May, at the conclusion of the impeachment trial, Court Administrator Marquez and TWG Chair was mostly unavailable to meet for the approval of the SRS for eCourt. After the impeachment, project coordinators for eCourt who are PIO staff under Court Administrator Marquez managed the project in a temporary capacity until their appointment was extended or confirmed by the new Chief Justice. Decisions such as the hiring of encoders for Quezon City, which was initiated by J. Carpio in June, were submitted to the new Chief Justice for re-confirmation. There was a lack of clarity about which office within the Supreme Court is responsible for the full implementation of and support for this project. During the impeachment proceedings, the Court Administrator sought to implement the project with limited coordination with other SC offices and committees to shield it from the politics within the Court. Most importantly, activities that affect trial courts are the responsibility of the Court Administrator. The PMO, however, considers it its duty to coordinate all donor-related activities. This tug-of-war between the OCA and the PMO during and after the impeachment has prevented the smooth implementation of the project.

Regarding software development, the lack of uniform procedures for managing caseflow and describing motions and case events has made it difficult to integrate some features of the software relative to case actions and to design the data fields. ABA ROLI assisted in standardizing certain terminology in case flow and capturing court procedures. Templates such as sample orders, financial report and inventory reports were hard to obtain from the Supreme Court and the Quezon City courts.

At the trial court level, there was an issue at the start of the project regarding the computers and software donated by the Quezon City Mayor to the Executive Clerk of Court. The donation required that the computers will be used exclusively for the software developed by the IT office of the city government. The condition of the donation will conflict with the rollout of eCourt in the Office of the Clerk of Court which seeks to replace the software. It also raises other issues such as security and confidentiality of the network and court data. To preserve good will with the City Mayor, Court Administrator Marquez asked Quezon City Mayor Herbert Bautista to allow the use of the computers and software

in the office of the Clerk of Court until the eCourt program is deployed. The City Mayor agreed to the arrangement, however, the Clerk of Court retained all 17 computers in her office instead of sharing the units with judges who lack computers in their salas.

In addition, the same Clerk of Court refused to provide an adequate room for the servers provided by ABA ROLI. While the Executive Judge agreed to devote a server room, the Clerk of Court refused to remove non-court owned properties from the room. This prevented ABA ROLI from delivering the servers and delayed the judiciary’s procurement of items that will help protect the servers. The Court Administrator and the Executive Judge eventually stepped in to ensure that the Clerk of Court will turn over the server room.

PMO, the office assigned to hire encoders and oversee the procurement of computers for Quezon City, has not carried out these tasks since it was instructed in June 2012. At the end of September, ABA ROLI was informed that the PMO Chief, Judge Econg, was assigned to Cebu to lead the decentralization of OCA through the Regional Court Administration Office or RCAO project. Thus, the tasks were passed on to the PMO deputy and staff.

Project implementation was also affected by the delay in procurement of goods and services that is centralized at the Supreme Court and OCA. Hiring of IT staff for Quezon City, purchase of office equipment and supplies for trial courts, and notices of meetings at the trial court level are all required to come from the central office in Manila.

OBJECTIVE 11: Increasing the Use of Alternative Dispute Resolution and Arbitration in Commercial Disputes

Completed

- Work with OADR to develop and issue accreditation and training standards for ADR organizations handling disputes involving the government
- Conduct training for government lawyers and arbitrators
- Hold nationwide consultations with government entities and private organizations on the draft ADR accreditation and training standards
- Develop strategy for building the OADR’s capacity to serve as a national resource on ADR

Progress Made in FY2012

Alternative dispute resolution (ADR) mechanisms such as arbitration can provide efficient, speedy, and relatively low-cost resolutions to commercial disputes. ADR in the Philippines is being developed to help reduce court caseload while encouraging and increasing the confidence of the public to engage in commercial investments and activities. This program therefore aims to promote the use of ADR by building the capacity of the Office of Alternative Dispute Resolution (OADR) of the Department of Justice to serve as a national resource on ADR for the promotion of and training on ADR mechanisms. The program also aims to train government lawyers on ADR to enhance the use of ADR.

In FY 2012, ABA ROLI supported the training of key government lawyers on ADR and provided technical assistance to develop standards for accreditation and training of ADR providers. ABA ROLI also supported the training of key government lawyers on ADR.

ABA ROLI and the DOJ held a training seminar on March 12-16 in Tagaytay to strengthen the ADR capacity of lawyers and staff from OADR, Office of the Solicitor General and the Office of the Government Corporate Counsel. Around 50 participants learned about arbitration laws, rules, and procedures through lectures and mock arbitration exercises. Thirty-nine participants took and passed the training’s final exam, consequently obtaining certification as arbitrators of the Philippine Dispute Resolution Center, Inc., a private ADR institution that helped to conduct the training. The curriculum focused on the government arbitration procedures under Presidential Decree 242 and the special concerns of government lawyers engaged in arbitration.



Sec. de Lima signing the DOJ Circular Adopting Accreditation Guidelines for ADR Provider Organizations and Training Standards for ADR Practitioners. To her left is OADR Chief, Atty. Bernadette Ongoco with the rest of the OADR officers.

The OADR was created through Republic Act No. 9285 (2004) to promote and develop the use of ADR in the private and public sector, and recommend statutory changes for improving ADR practices in accordance with international standards. The Act requires OADR to formulate accreditation and training standards for ADR practitioners and service providers. To assist the OADR in fulfilling their task, ABA ROLI contracted Filipino arbitration expert, Attorney Salvador Panga, to lead OADR’s efforts to develop accreditation and training standards for ADR providers.

In April and May 2012, OADR and ABA ROLI convened three information campaigns and consultation conferences on draft training and accreditation standards in Luzon (Manila, April 13), Visayas (Cebu, April 26), and Mindanao (Davao, May 14-16). In June 2012, Attorney Panga completed a draft of accreditation and training standards for ADR practitioners. Approximately 60 arbitrators, mediators, government lawyers, and other ADR stakeholders attended each of these events to provide feedback and recommendations on the standards. OADR and ABA ROLI continued to receive comments from stakeholders via email through June and July when they were finalizing the standards through a series of long and intensive meetings. On August 17, 2012, the Secretary of Justice, Hon. Leila de Lima, approved and signed DOJ Circular No. 088 covering the final OADR accreditation and standards. Approximately 100 participants composed of Court representatives, commercial law practitioners, business representatives, ADR providers, and government arbitrators attended the event at the Shangri-La Hotel in Makati City.

Under the OADR standards, OADR accreditation is mandatory for government agencies conducting ADR and for ADR provider organizations (APOs) that supply ADR services to

government agencies. It is not required for providing ADR services in private commercial disputes. The approved standards comprise the following: (1) accreditation requirements for ADR Provider Organizations; (2) Statement of Principles for Accredited ADR Provider Organizations; and (3) Proposed Training Standards for ADR Practitioners. Minimum requirements include websites that provide full disclosure of the APO’s basic information, including ADR services, roster of neutrals and fees, and ethical standards and recourse mechanisms. APOs are also required to adhere to the Statement of Principles and the Training Standards.

The Statement of Principles stipulates the ethical responsibilities and quality assurance standards on services rendered by ADR providers. The Principles were drawn from guidelines developed by the CPR-Georgetown Commission on Ethics and Standards for Practice in ADR² and the National Alternative Dispute Resolution Advisory Council (NADRAC), an independent body that advises the Australian Government on the use and promotion of ADR. Key components of the Statement of Principles include quality and competence in neutrals; confidentiality of ADR process; neutrality, fairness, independence and impartiality; adoption of ethical standards; adoption of grievance mechanisms; transparency; and provision of statistical and other information to OADR.

The training standards call for, among other requirements, a detailed list of topics that the trainings should cover in order to impart the minimally acceptable level of ADR knowledge and skills, at least 40 hours of training, and a written test or skills assessment of training participants.

On July 4, President Aquino signed Executive Order (E.O.) No. 78, entitled “ADR Mechanisms in Public-Private Partnership (PPP), Built-Operate-Transfer (BOT) Projects, Contracts, and Joint-Venture Agreements (JVAs).” This order generally provides for ADR use in a large number of government contracts, and ABA ROLI expects current ADR use patterns to change.

On October 18, 2012, President Aquino signed Executive Order No. 97, which formally institutionalized the OADR as the agency responsible for managing and developing all government ADR programs. Under the Order, which was drafted in the course of finalizing the accreditation and training standards, executive agencies are required to submit periodic reports to OADR on their respective ADR programs and recommend to OADR procedures to reduce delay in decision-making and improvements in ADR laws and practices. OADR must also submit an annual report of its activities to the Office of the President. With these institutional developments, the Philippine Government has laid the foundation for the expansion of the use of ADR in the country in line with international standards.

²The CPR-Georgetown Commission is a joint initiative of the International Institute for Conflict Prevention and Resolution (CPR) and Georgetown University Law Center.

OADR will commence accreditation processes in December 2012 and, with simultaneous public outreach by OADR, ABA ROLI expects to see a demonstrable increase in the quality and quantity of ADR practice within six to twelve months. Faster disposition of cases conducted under ADR is also expected in the medium to long run as OADR incorporates recommendations to reduce the time of disputes resolved through ADR.

Project Results

The Project provides tools and trainings to enhance the capacity of the OADR to serve as a national resource on ADR. As noted, 39 participants in the March 2012 training have become certified ADR practitioners of the Philippine Dispute Resolution Center, Inc. The executive orders that arose from this program are strong indicators of the program’s success. EO 97 has defined the two crucial aspects in implementing the accreditation and training standards developed: (1) the use of the standards, specifying that all government ADR providers, including private ADR providers who wish to work with government needs to be accredited; (2) the authority of the OADR in accreditation and in overseeing all ADR in government.

OADR will finalize its operating guidelines and commence accreditation processes in December 2012 and, with simultaneous public outreach by OADR, ABA ROLI expects to see a demonstrable increase in the quality and quantity of ADR practice within six to twelve months. Faster disposition of cases conducted under ADR is also expected in the medium to long run as OADR incorporates recommendations to reduce the time of disputes resolved through ADR.

Challenges Encountered

It was essential at the start of the project to define the regulatory powers and functions of the OADR over other executive agencies. This issue required extensive consideration and discussion within DOJ prior to the development of the standards, which continued throughout the process of finalizing the accreditation standards. As part of its technical assistance, ABA ROLI shared research and insight into ADR accreditation practices in other countries throughout this period.

Currently, OADR is understaffed and underfunded. The OADR is composed of DOJ staff designated to work under the OADR while formally assigned to other offices. Thus, staff is not able to focus all their energies on the functions and development of the OADR.

OBJECTIVE 12: Increasing the Consistency of Decisions and Efficiency of Special Commercial Courts (SCCs)

<i>Active</i>	<ul style="list-style-type: none"> • Review and approval of manual for SCC judges
<i>Completed</i>	<ul style="list-style-type: none"> • Conduct training on the approved case management plans and practice guidelines • Develop manual for SCC judges • Develop glossary of commercial terms • Hold focus group discussions to validate survey findings and identify problems with commercial cases • Conduct a training needs assessment (TNA) to determine the critical needs and gaps of SCC rules and SCC capacity

Progress Made in FY2012

Special Commercial Courts (SCCs) are tasked with handling intellectual property cases, petitions for bankruptcy, corporate rehabilitation cases, and disputes formerly handled by the Securities and Exchange Commission (SEC). In FY 2012, ABA ROLI helped the Office of the Court Administrator or (OCA) address the deficiencies of these courts, particularly with regard to their ability to properly issue temporary restraining orders (TROs) in commercial cases and the court’s ability to handle complicated, high-impact intellectual property disputes. Specifically, ABA ROLI assessed the causes of inefficiencies and delays in case resolution, conducted training on the Financial Rehabilitation and Insolvency Act (FRIA) of 2010, and reviewed best practices for adjudicating commercial disputes.

ABA ROLI developed and distributed a training needs assessment (TNA) survey form to assess perceived training requirements of SCC judges. The survey gathered insight from 30 of the 69 SCC judges. Identified areas of law that pose the most difficulty for SCC judges were matters involving intra-corporate cases and FRIA.

Further, on April 10, 2012, a focus group discussion workshop was held in Manila with SCC judges from the National Capital Region and representatives from Luzon, Visayas, and Mindanao. Critical training needs identified include the applicable rules of procedure and timelines in corporate rehabilitation cases and in disputes between corporations, as well as the application of the Anti-Money Laundering Act (AMLA). Participating judges agreed that training is essential to ensure that SCCs are able to competently resolve commercial disputes and, in turn, assure investors that these disputes can be resolved efficiently.

Following the TNA activities, ABA ROLI and PhilJA conducted trainings for SCC judges throughout the country. The following trainings ensued in FY 2012:

Table 13. Trainings Held for Special Commercial Court Judges, FY 2012

DATE TRAINING WAS HELD	PARTICIPANTS
May 29-30	SCC Judges from National Capital Region and 4 th Judicial Region
June 20-21	SCC Judges from 1 st , 2 nd , 3 rd and 5 th Judicial Region
July 25-26	SCC Judges from 6 th , 7 th , and 8 th Judicial Region
August 22-23	SCC Judges from 9 th , 10 th , 11 th and 12 th Judicial Region

The 2-day training sessions were designed by Judge Maria Rowena Modesto-San Pedro to improve handling of commercial cases, issuance of TROs, and other issues related to these courts. Each session included an additional day-long component conducted by PhilJA and the Department of Trade and Industry’s Intellectual Property Office on intellectual property procedure rules at their own expense. This leveraging of resources suggests that other agencies are interested in building on the SCC project, particularly in supporting the capacity building initiative for SCCs.



Supreme Court Justice Robert Abad talks to Special Commercial Court judges about new rules of court affecting bankruptcy and Intellectual Property litigation

On April 30, Judge San Pedro submitted an initial draft of the manual for SCC judges. The Manual for SCCs on Rehabilitation and Highlights of Rules of Procedure for Intellectual Property Rights Cases includes relevant guidelines on Corporate Rehabilitation and Intellectual Property Rights such as the Financial Rehabilitation and Insolvency Act (FRIA), Rules of Procedure, Process Mapping, Rules-based Timelines, and Jurisprudence. ABA ROLI and PhilJA included these guidelines in the materials distributed during the trainings.

The manual is currently being reviewed and is envisioned to be finalized towards the end of the Grant period. ABA ROLI is waiting to publish the manual so that the Supreme Court Implementing Rules and Regulations for FRIA, due for promulgation in December 2012, can be included in the final draft. Under the JUSTICE cooperative agreement, additional training and assistance is specifically included. ABA ROLI will request USAID to allow the manual’s publication and dissemination to be conducted under the JUSTICE grant if the FRIA rules of court cannot be included in the manual by December.

Project Results

The Project provides for training and a manual for SCC judges to improve the SCC court performance and case management capacities through the adoption of modernized and standard processes. Indicators to measure this result include the following: (1) increase in disposition and clearance rates; (2) Percentage of SCC judges reporting improvements in handling of SCC cases.

Considering that the trainings have just been concluded in August, and that the Manual is yet to be approved, the following intermediate results are provided to measure project performance for FY 2012:

INTERMEDIATE RESULT	INDICATOR	TARGET
12.1 Improved knowledge of SCC judges	1. Percent of SCC judges who report improved knowledge in key areas they have identified as “training needs”	<ul style="list-style-type: none"> Increased knowledge of SCC judges on matters involving intra-corporate cases

A survey was conducted by PhilJA in coordination with ABA ROLI staff on whether the trainings provided substantial knowledge in subject matter areas they themselves identified. 100% of the trainees found the training profitable. 55.6% of the participants gave an excellent rating, and 44.44% a very good rating considering the curriculum, training methodology, and the expertise of the trainers. During the training, SCC judges were provided all powerpoint presentations and outputs of the workshop in CD format. Basic materials were provided as part of their kit, including the following:

- Financial Rehabilitation And Insolvency Act (FRIA)- R.A. 1014
- Procedural Guidelines For Rehabilitation Cases
- CRE: Proposed Interim Rules Of Procedure Governing Intra-Corporate Controversies Under R.A. NO. 8799 [A.M. NO. 01-2-04-SC March 13, 2001]
- Corporation Code [BATAS PAMBANSA BLG. 68]
- Securities Regulation Code (R.A. 8799)
- SEC Reorganization Act (P.D. 902-A)
- SEC Code Of Corporate Governance Memorandum Circular No. 06 Series of 2009
- Anti-Money Laundering Act (AMLA)-R.A. 9160, R.A. 9194, R.A. 9194 IRR
- An Act To Further Strengthen The Anti-Money Laundering Law, 8 Amending For The Purpose Sections 10 And 11 Of Republic Act No. 9160, Otherwise Known As The Anti-Money Laundering Act Of 2001, As Amended, And For Other Purposes
- E-Commerce Law-R.A. 8792
- Consolidated And Revised Guidelines To Implement The Expanded Coverage Of Court-Annexed Mediation (Cam) And Judicial Dispute Resolution (JDR)

The training and the materials provided to the SCC judges during the training are tools for SCC judges to improve their handling of commercial cases. A review of the training’s relative impact on how SCC judges conduct their work will be accomplished through a survey of a sample number of SCC judges and their caseload. The survey will measure specific impact identified by judges and will be founded on a review of sample cases where

they have used knowledge imparted to them during their trainings. A review of the potential impact of the manual in guiding the SCC judges will also form part of the survey as part of the grant end report.

OBJECTIVE 13: Operationalizing the Department of Justice Office of Competition (OFC)

<i>Prospective</i>	<ul style="list-style-type: none"> • Provide assistance on the drafting of the OFC’s Implementing Rules and Regulations if requested by the Office
<i>Completed</i>	<ul style="list-style-type: none"> • Complete letter of understanding setting out the parameters of ABA ROLI’s assistance • Form working groups to fulfill OFC’s mandate • Complete needs assessment and strategic plan • Assist OFC on the development of an action plan and case intake procedures

Progress Made in FY2012

DOJ’s Office for Competition (OFC), created in 2011, is tasked with investigating and enforcing competition laws. This program component aims to ensure that OFC is adequately organized and trained to investigate and prosecute anti-competitive conduct, and to execute impending legislation designed to modernize the Philippines’ antitrust laws.

ABA ROLI facilitated a legal gap analysis of the existing laws and procedures relating to competition enforcement, helping to develop an organizational structure for OFC, and helping to develop proposed guidelines for enforcing existing competition laws. On February, ABA ROLI’s international consultant, Carolyn Galbreath arrived in the Philippines to work with OFC on a needs assessment and a strategic plan. Ms. Galbreath was chosen because of her unique combination of experience, including enforcement work for the U.S. DOJ’s Antitrust Division; work as a European regulator (specifically, with the Irish Competition Authority’s cartels enforcement section); and technical assistance to antitrust/competition authorities in developing countries. Throughout February, Ms. Galbreath met with staff members of OFC and other government agencies. Her “Assessment Needs and Strategic Planning Report” was submitted to OFC on February 21. Her report identifies six key priorities for OFC over the next twelve to eighteen months:

- 1) Obtain technical competition law expertise to draft comprehensive competition legislation.
- 2) Complete a comprehensive review and analysis of the laws and regulations related to Philippine competition law and policy.
- 3) Study the functional operations of competition agencies in other jurisdictions to better understand the requirements for a fully functioning competition agency.
- 4) Enter into cooperation agreements and execute necessary terms of reference to establish two inter-agency advisory Working Groups on 1) Advocacy and Partnerships and 2) Consumer Protection and Welfare in collaboration with the

Department of Trade and Industry (DTI) and the Tariff Commission.

- 5) Begin raising public awareness about the benefits of competition.
- 6) Consider creating an omnibus cooperation protocol with the forty-five sector regulators that will establish clear rules for notification, information sharing and referrals of complaints between them.

On April 11, ABA ROLI attended a meeting held by OFC with development partners including the Japanese International Cooperative Agency, the World Bank, and the EU Trade Related Technical Assistance Program. Assistant Secretary of Justice Geronimo Sy presented a round-up of on-going activities. He mentioned that there had been no significant progress on passage of the Competition Bill due to the on-going impeachment proceedings at the Senate. He also identified three key priorities for the next twelve months:

- (1) Setting up the Working Groups and adoption of their Terms of Reference;
- (2) Formalizing a cooperation framework between the OFC and Regulators; and
- (3) Conducting a competition study.

ABA ROLI was asked to conduct background research to assist with these priorities. During the reporting period, ABA ROLI provided the following research notes to the OFC:

- (1) A template document setting out the suggested content for the Terms of Reference of the Working Groups.
- (2) A research note on South African competition law explaining its model of enforcement, specifically the separation of investigative and adjudicative functions between a Competition Commission (which investigates competition law infringements) and a Competition Tribunal (which imposes penalties for such infringements).

OFC informed ABA ROLI that the Office had finalized its Action Plan and Case Intake Procedures. But neither of these documents was shared with ABA ROLI, as Assistant Secretary Sy stated he preferred to keep these confidential at this stage.

Assistant Secretary Sy also stated that he had instructed his staff to begin work on the OFC’s Implementing Rules and Regulations. ABA ROLI offered to assist by convening a panel of *pro bono* competition/antitrust lawyers to advise on OFC guidelines. Assistant Secretary Sy declined this assistance.

ABA ROLI reiterated its offer to provide commentary on draft competition bills if requested by the Office. So far, Assistant Secretary Sy has not responded to this offer.

On June 15, ABA ROLI’s Senior Rule of Law Advisor was invited to serve as resource speaker for a Media Forum on Competition Policy held by OFC in collaboration with the EU Trade Related Technical Assistance Program. The presentation included a brief historical overview of antitrust and competition law and a review of case studies. The participants included members of the local media and officials from government information agencies.

Other Activities

On January 19, 2012 the Japanese International Cooperation Agency (JICA) and OFC held a competition seminar for regulatory agencies. ABA ROLI Senior Rule of Law Advisor Anthony Valcke made a presentation on the different approaches to competition regulation in the United States, the European Union and other jurisdictions. Each agency then outlined its regulatory role.

In the last week of February, the EU Trade Related Technical Assistance program and the Office held a week-long training workshop on cartels detection and investigation for regulatory agencies.³ Anthony Valcke made presentations on the economics of cartels and a comparison of the UK and Australian models of cooperation between regulators and competition authorities.

Challenges Encountered

Assistant Secretary of Justice Geronimo Sy has so far declined ABA ROLI’s offers to provide commentary on draft competition bills and to set up a panel of *pro bono* competition/antitrust lawyers to advise on OFC guidelines. As a result, ABA ROLI does not expect to be in a position to provide further assistance to the OFC on the drafting of the competition bill. In addition, ABA ROLI has not been called upon to provide significant future assistance on the development of OFC guidelines as had been initially anticipated. Instead, Assistant Secretary Sy indicated that he wanted ABA ROLI’s involvement limited to the provision of a table of contents for the OFC’s Implementing Rules and Regulations. It has also been a challenge for ABA ROLI to obtain copies of the final Action Plan and Case Intake Procedures since Assistant Secretary Sy has indicated that he prefers to keep these documents confidential at present. He did not indicate when he would be prepared to share them with ABA ROLI.

OBJECTIVE 14: Building the Capacity of the Internal Affairs Unit (IAU) of the Department of Justice

<i>Active</i>	<ul style="list-style-type: none"> Review and approval of implementation plan and detailed procedures for IAU
<i>Completed</i>	<ul style="list-style-type: none"> Develop detailed guidelines and procedures for IAU Provide training on IAU investigation and complaint intake process Review current IAU regional assignments and unit procedures

Progress Made in FY2012

³ Further information of the workshop can be found on the EU TRTA website:
<http://www.eutrtaphiils.org/component4/Tools%20and%20Techniques%20for%20Detection%20and%20Investigation%20of%20Cartels.pdf>.

ABA ROLI supported the development and implementation of the Department of Justice’s (DOJ) manual on ethics and operating procedures in 2010 and 2011. As the trainings/orientations on the Code of Conduct ensued, DOJ found the need to set up an Internal Affairs Unit (IAU) under the Office of the Secretary and the Prosecutor General, and with decentralized regional IAUs installed under each regional office of the National Prosecution Services. The IAU is organized to investigate and prosecute violations of the Prosecutor’s Code of Conduct. The Code of Conduct outlines DOJ’s ethical guidelines regarding performance of duties, and defines fraudulent, corrupt and unethical behavior. Procedural guidelines that operationalize the IAU are contained in Sec. III of the Code of Conduct.

The objective of ABA ROLI’s assistance is to strengthen IAU capacities in the areas of intake, investigation and prosecution. ABA documented current practices, reviewed established rules and guidelines, and developed an implementation plan that includes detailed descriptions of processes for the IAU.

ABA ROLI collaborated with Ms. Jing Vistro, a systems and processes expert to integrate formal and informal procedures into a process and implementation plan. A survey was conducted in all regional IAUs and IAU members in Regions III, VII, XI and IAU–OSEC (central IAU) were interviewed. The implementation concerns documented in the process are herewith summed up to include the following:

1. Not all IAUs have started implementation since the approval and operationalization of the Code of Conduct. Thus, each regional IAU are in varied stages of implementation.
2. There is no standardized processes among regional IAUs.
3. The guidelines lack clarity in certain aspects of work
4. Resource constraints, including the lack of designated staff, private and secure office space, and investigation support for IAU operations.



Regional Office Chiefs and Prosecutors reinforce training techniques for investigating and prosecuting administrative cases against lawyers and staff of the National Prosecution Service of the Department of Justice

The draft report was submitted on October 2012. The report outlined the following: (1) a definition of activities involved from receipt to resolution; (2) identification of responsibilities and tasks of IAU chairpersons, members and administrative staff; (3) forms and templates for documentation and monitoring; and (4) action memos as part of their standard forms. The report also includes supplementary policies clarifying existing guidelines under the Code of Conduct. ABA ROLI expects the finalization of the report to ensue within the months of November and December 2012.

ABA ROLI and DOJ conducted orientation activities on August 29-30 in Cebu and September 12-13 in Manila for all IAU members. The purpose of the seminar was to standardize the application of current procedures and familiarize IAU members with additional policies and procedures that will aid in the administration of their duties. Attendees were given an opportunity to share “best practices” and provide valuable feedback that will be used for future improvements to the program.

Additional Activities

ABA ROLI consultant Ms. Vistro, developed a data entry system that will enhance recording and reporting of IAU handled cases. The data entry system serves as a database of all administrative cases and tracks the status and movement of administrative complaints. The database is currently being considered as part of the draft report submitted to DOJ.

Project Results

The project is geared to contribute to long term goals of increasing efficiency in handling administrative cases against prosecutors, thereby improving public confidence in the legal system through the standardization of processes in IAUs for the intake, investigation and resolution of administrative cases. Indicators for its contribution to these goals include timely investigation of cases, improved speed of DOJ in deciding on cases, improvements in prosecutor behavior, and increased confidence of the public in DOJ. These results may only be observed once the implementation plan is approved and operationalized in the regions.

Intermediate results are drawn to assess impact of activities under the project, towards contributing the committed outcomes. Intermediate results include:

INTERMEDIATE RESULT	INDICATOR	TARGET
14.1 Improved understanding of IAU members of operating procedures	1. Improvement in scores based on administered exams on key aspects of IAU procedures	<ul style="list-style-type: none"> Improvement in scores based on administered exams on key aspects of IAU procedures
14.2 Increased efficiency in handling administrative cases	2. Provision of streamlined and standardized IAU process descriptions	<ul style="list-style-type: none"> Provision of streamlined and standardized IAU process descriptions

Improved understanding of IAU members of operating procedures

A diagnostic exam was provided before and after each training. The exam was drawn to measure IAU member’s awareness of existing policies and procedures objectively. The tests show relative increase in knowledge of participants from an average grade 56-63% at the start of the training to 77% at the end of the training.

In a survey conducted to assess perception on the achievement of training objectives, 89% of the participants report that the training adequately equipped IAU members with sufficient understanding on standard operating procedures for IAUs.

IAU members were also polled about potential knowledge building where procedures are unclear. These potential areas now form part of solutions introduced under the implementation plan and detailed process descriptions drafted for DOJ approval.

Increased efficiency in handling administrative cases

The draft IAU policy clarifies specific aspects of operation otherwise lacking under the guidelines for IAU implementation. IAU members reported the need to clarify certain aspects of their operations. These issues were assessed and specific guidelines were drawn through participatory processes with IAU members and DOJ counterparts. Table 14 illustrates how the policy incorporates features that address identified issues by IAU members:

Table 14: Items Clarified Under the Draft IAU Policy for Handling Administrative Cases

ISSUES IDENTIFIED ON CURRENT GUIDELINES	CLARIFIED ITEMS UNDER THE DRAFT IAU POLICY FOR HANDLING ADMINISTRATIVE CASES
RECEIVING	
1. Processing a complaint that is both criminal and administrative in nature	<ul style="list-style-type: none"> IAU to process administrative complaints ONLY, and advise complainants on where to file corresponding criminal case if complainant so desires. If the case involves sexual harassment, the complaint shall be directed to the DOJ central or regional committee on Decorum and Investigation (CODI) for handling. (Item A.1.)
2. Which IAU to handle complaints filed against IAU members (i.e. IAU-ORP, IAU-PG, IAU-OSEC)	<ul style="list-style-type: none"> Case against IAU –ORP members to be filed with the same IAU-ORP Case against NCR-ORP members should be filed with IAU-OPG Cases against IAU- OPG member should be filed with IAU-OSG Cases against IAU-OPG support staff should be filed with IAU-OPG (Item A.4.)
3. How to proceed with a complaint being filed with an IAU that does not have jurisdiction over such complaint	<ul style="list-style-type: none"> IAU office receiving the file will direct the complainant to the IAU with jurisdiction over the case. If complainant is restrained from filing the case to the IAU with jurisdiction over the case due to proximity of the IAU office, the IAU office should receive the complaint and endorse the complaint to the proper IAU office. (Item A.5)
4. Number of copies of complaints and support documents to be required with an IAU that does not have jurisdiction over such complaint	<ul style="list-style-type: none"> IAU office will receive the file initially and then endorse the file to the proper IAU office (item A.5) for proper processing
5. What to do with submission which are non-compliant with filing requirements	<ul style="list-style-type: none"> Non-compliant submissions should not be received. If filed by mail, a letter requesting for compliance shall be written to the Complainant. The file shall not be docketed until the complaint is complete. (Item A.12)
6. How to specifically process anonymous complaints	<ul style="list-style-type: none"> Filing of anonymous complaints shall be recorded under the head of office for cases filed against prosecutors and administrative officers of the office, and admin officer of the office if against support staff. (Item A.13)
ASSIGNMENT	
7. Reasonable basis for assigning complaints to IAU members for evaluation and resolution	<ul style="list-style-type: none"> To be assigned based on raffling (item B.2)
8. How to proceed in case of inhibition of the IAU chairperson and/or IAU members	<ul style="list-style-type: none"> The complaint shall be assigned to the IAU member who is next in the number series attributed to the IAU member. The skipped IAU member, shall, in turn, be the first priority in assigning the next complaint In the case where IAU Chairperson and/or all members of the IAU inhibit, the Regional Prosecutor or the Prosecutor General, as the case may be, shall be given a blanket authority by the Secretary of Justice to designate the personnel serving as the IAU Chairperson and/or member with respect to the particular complaint to which the inhibition referred to (Item B. 2, B.3)

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ISSUES IDENTIFIED ON CURRENT GUIDELINES	CLARIFIED ITEMS UNDER THE DRAFT IAU POLICY FOR HANDLING ADMINISTRATIVE CASES
9. Grounds for the inhibition of IAU chairperson and/or IAU members	<ul style="list-style-type: none"> • Same grounds for inhibition in a preliminary conference (Item B.4,
10. Time required to assign received complaints to IAU members for evaluation	<ul style="list-style-type: none"> • Within 2 business days from date of receipt (Item B.5)
EVALUATION	
11. When to consider a complaint as not actionable	<ul style="list-style-type: none"> • When case is anonymous such that the guilt of the respondent is difficult to establish; the complaint is not administrative in nature such that it falls outside the jurisdiction of the IAU handling the case; the complaint is to be governed by an IAU other than the initially receiving IAU, etc. (Item C.6)
INVESTIGATION	
12. Extent of performance of investigative work with respect to anonymous complaints	(No distinction indicated)
13. Guidance on designating the venue of preliminary conference	<ul style="list-style-type: none"> • Shall be held in the office of the assigned IAU member, or in a place deemed appropriate by the assigned IAU member (Item D.3)
14. Documents to be required of the parties to the case in a preliminary investigation	<ul style="list-style-type: none"> • The respondent shall be given 10 days from receipt of notice to submit his/her answer under oath, with supporting sworn statements and documents • A reply-affidavit and a rejoinder shall not be required for submission by the parties to the case (Item D.4)
15. How to docket a formal charge	<ul style="list-style-type: none"> • A docket number shall be assigned to a complaint after a formal charge has been approved by the Secretary. (Item D.8)
16. How to proceed when the respondent resign prior to filing of formal charge	<ul style="list-style-type: none"> • Administrative case against her shall automatically be dismissed (Item D.9)
17. How to proceed when the respondent resigns after the filing of formal charge	<ul style="list-style-type: none"> • The gravity of the offense shall first be determined as a basis, in turn, for the determination of a complaint’s dismissal. If the formal administrative charge carries the penalty of dismissal or those with accessory penalty of forfeiture of benefits and disqualification to hold public office, the charge shall be sustained and administrative proceedings shall continue withstanding the resignation. However, if the offense is for a lesser penalty, the charge shall be dismissed. (Item D.10)
18. How to designate the hearing officer in a formal administrative hearing	<ul style="list-style-type: none"> • Shall be designated by the IAU Chairperson from among the IAU members other than the member who conducted the preliminary investigation (Item D. 12)
19. How to designate the prosecuting officer in a formal administrative hearing	<ul style="list-style-type: none"> • Regional Prosecutor designates prosecutor of a region if respondent is support staff or prosecutor of the region • Prosecutor General designates DOJ or NCR prosecutor if respondent is support staff or prosecutor of NCR, and support staff of the prosecutor general. • An Undersecretary designates regional prosecutor, provincial prosecutor or city prosecutor if respondent is head of office • Undersecretary in-charge of IAU-OSEC designates senior deputy prosecutor, regional prosecutor, deputy regional prosecutor, provincial or city prosecutor if respondent is prosecutor in OPG, city prosecutor of NCR, IAU chairperson, regional prosecutor, prosecutor general. (Item D. 12)
RESOLUTION	
20. How to proceed when there are irreconcilable disagreements on the resolution of a complaint	<ul style="list-style-type: none"> • The higher authority shall prepare or cause the preparation of a review resolution and accomplish accordingly the pertinent section of the Preliminary Investigation Report or the Formal Investigation Report. (Item E.5)
RECONSIDERATION	
21. How to determine the office responsible for resolving motions for reconsideration	<ul style="list-style-type: none"> • Shall be resolved by the office promulgating the decision
OTHER ISSUES	
22. How to proceed when the complainant withdraws the complaint	<ul style="list-style-type: none"> • Dismiss the complaint if involving light offense, and there is a compromise agreement constituting the decision and signifying an amicable settlement between the parties as allowed by the Revised Rules on Administrative cases in Civil Service • Sustain the complaint and continue with admin. Proceedings, if grave offense and with merit, proceeding in the same manner as that prescribed for filing anonymous complaint per Receiving Policy 13. (Item D.11)

The draft policies essentially streamlined and standardized procedures for IAU offices that otherwise vary in implementation of the guidelines set under the Code of Conduct. The policy puts together the consensus built among IAU members during validation meetings

and trainings on how to handle administrative complaints against prosecutors and support staff of the National Prosecution Service of the DOJ. Processes of IAU will now include:

1. Standard recording of case information at the start to the end of the project
2. Uniform receiving, assignment, evaluation and investigation process
3. Specified requirements for filings of parties
4. Standard response to non-compliance and lack of information
5. Standard report requirements on cases, case status and case assignments

The Project will eventually be measured based on results on indicators such as timely investigation of cases, improved speed of DOJ in deciding on cases, improvements in prosecutor behavior, and increased confidence of the public in DOJ in November following the conclusion of trainings at the end of August 2012.

Challenges Encountered

ABA ROLI and the DOJ made significant developments in FY2012 towards standardizing processes and improving transparency in IAU case processing. However, ABA ROLI also expresses its concern over institutional aspects that may hinder effective implementation of the rules and guidelines of IAU. The IAU continues to operate as an ad hoc function of the DOJ. IAU members maintain a growing caseload in addition to separate IAU duties.

DOJ has yet to identify their reform champion to spearhead their IAU initiatives. While a technical working group is in place decisions and strategies are unclear and DOJ continues to show lack of leadership and commitment in strengthening the IAU. DOJ supports the division in word but not in action.

OBJECTIVE 15: Strengthening the Prosecution and Deterrence of Human Traffickers by Promoting Civil Remedies Under the Anti-Money Laundering Laws

<i>Active</i>	<ul style="list-style-type: none"> • Print and distribute the handbook on asset forfeiture under the Anti-Money Laundering Act
<i>Completed</i>	<ul style="list-style-type: none"> • Collect data on trafficking cases • Create a handbook and train lawyers on using the Anti-Money Laundering Act for obtaining civil forfeiture in human trafficking cases. • Conduct outreach and trainings for lawyers and NGOs on civil remedies in human trafficking cases

Progress Made in FY2012

This program component is designed to strengthen prosecution and deterrence of trafficking in persons by promoting civil remedies, such as asset freezing and forfeiture under the Anti-Money Laundering Act (AMLA) and Republic Act (RA) 1379. RA 1379 is the civil forfeiture law that targets government employees. These remedies strike at the profitability of trafficking, and do not require criminal prosecution or conviction. ABA ROLI

worked with the Inter-Agency Council against Trafficking (IACAT), the Department of Justice (DOJ), the Office of the Solicitor General (OSG), the Anti-Money Laundering Council (AMLC), and the UP College of Law Development Foundation, Inc. (UP Law Foundation) in the development of a Handbook on Using AMLA to Combat Human Trafficking and the conduct of trainings on the handbook to encourage civil actions in this area.

Experts’ Meetings and Focus Group Discussions

From March to April, ABA ROLI and UP Law Foundation organized several experts’ meetings and focus group discussions (FGDs) with representatives from government agencies and anti-trafficking NGOs. The objective was to identify existing programs that may be leveraged and develop a strategy to coordinate and use AMLA to forfeit assets of traffickers and return proceeds to both the government and to the victims. Participants in the FGDs included lawyers and non-lawyers from a broad spectrum of NGOs, such as International Justice Mission (IJM); Kanlungan Centre Foundation, Inc.; Initiatives for Dialogue and Empowerment through Alternative Legal Services, Inc. (IDEALS); Philippines Against Child Trafficking (PACT); Asia Against Child Trafficking (ASIA ACTS); Migrante International; Coalition Against Trafficking in Women–Asia Pacific (CATW-Asia Pacific); and the Philippine Society of Nephrology. The group shared studies of actual trafficking cases they encountered and identified specific items that they would like to see in the anti-trafficking handbook, such as templates, checklists, and process maps.

Handbook on Using AMLA to Combat Human Trafficking

Based on available data, feedback from FGDs, and input from government agencies, ABA ROLI and UP Law Foundation worked with stakeholders to develop a handbook on civil remedies under the AMLA and a training curriculum for lawyers and NGOs. The AMLA provides for freezing and civil forfeiture of proceeds of predicate crimes of money laundering such as swindling (estafa) and graft and corruption. The elements of these predicate crimes often coexist in trafficking cases, such as when perpetrators defraud victims or public officers facilitate the victim’s travel or exit from the country. Civil forfeiture provisions in the AMLA can thus be applied to trafficking cases provided that the elements of swindling or estafa, graft and corruption, or any of the other predicate crimes under AMLA, are present.

On May 28, UP submitted the first draft of the handbook and the training curriculum. ABA ROLI asked UP to revise the draft to remove highly technical language and make it more user-friendly for anti-trafficking NGOs. UP submitted the revised draft of the handbook on June 29. Copies of this draft were sent for review by key stakeholders such as AMLC, OSG, DOJ, and IACAT. These stakeholders shared their feedback on the draft in a validation workshop held on July 11, 2012. The handbook underwent painstaking editing before the final draft was adopted on September 4 and submitted to IACAT for their adoption.

Two amendments to the AMLA were passed in July 2012, R.A. No. 10168 or "The Terrorism Financing Prevention and Suppression Act of 2012," which took effect on July 5, 2012, and R.A. No. 10167 or “An Act to Further Strengthen the Anti-Money Laundering Law,

Amending for the Purpose Sections 10 and 11 of Republic Act No. 9160, otherwise known as the ‘Anti-Money Laundering Act of 2001’, as amended, and for Other Purposes,” which took effect on July 6, 2012. These amendments to the AMLA were considered and included in the text of the handbook.

On July 11, ABA ROLI/Philippines Country Director Scott Ciment delivered a presentation to Philippines Vice President Jejomar C. Binay and other IACAT officials on anti-trafficking programs being implemented by USAID and ABA ROLI. The presentation emphasized the critical role of AMLC in monitoring suspicious transactions and initiating suits against traffickers. Given the importance of using anti-money laundering laws to fight human traffickers, ABA ROLI recommended that AMLC be appointed as an *ex officio* member of IACAT so that better coordination between law enforcement agencies, NGOs and AMLC will occur, in addition to better follow-up of cases sent to AMLC for enforcement. In the first week of October, IACAT informed ABA ROLI that it had officially invited AMLC to become an *ex officio* member of the IACAT and adopted the handbook.

On August 17, August 31, and September 12, ABA ROLI and UP Law Foundation held trainings in Manila, Cebu, and Davao on the use of remedies under the Anti-Money Laundering Act (AMLA) to fight human trafficking. DOJ Prosecutors, members of IACAT, and NGO representatives were trained by UP Law Professor Rowena Guanzon, Assistant Solicitor General Roman del Rosario, and AMLC Deputy Director Richard Funk on procedural rules and practical exercises in filing asset forfeiture cases under the AMLA.

Based on the IACAT Masterfile, a total of 1,519 trafficking cases were filed under the Anti-Trafficking in Persons Act of 2003 (R.A. 9208). Only 62 cases resulted in convictions. However, since the novel approach of filing forfeiture cases under the AMLA has been relatively unexplored, available data on whether any such cases were filed in the past is limited. According to the AMLC, from 2010 to 2011, it filed only 2 petitions for civil forfeiture which involved human trafficking, using estafa as a predicate offense. Both cases are still pending in court but were issued Asset Preservation Orders that prevent any transaction of properties or proceeds related to the case. It is anticipated that after the trainings and distribution of the handbook, there will be an increase in the filing of similar asset forfeiture cases under the AMLA within the context of trafficking in persons and in the number of freeze orders issued in trafficking-related cases.

Remaining Activities

With the completion of all messages of support and foreword for the handbook, ABA ROLI is currently undergoing the procurement process for the printing of the handbook. Copies of the handbook are expected to be printed and distributed before December 2012.

Project Results

The Project set out to achieve the following results:

RESULT	INDICATOR	TARGET
15.1 Improved capacity of concerned government agencies, private lawyers and NGOs in pursuing forfeiture cases against human traffickers	1. Government agency representatives, private lawyers and NGO representatives report improved capacity in pursuing forfeiture cases against human traffickers 2. Clear and well-defined roles and responsibilities, and corresponding procedures in pursuing civil forfeiture cases in trafficking cases	<ul style="list-style-type: none"> 60% of attendees report improved capacities Provisions under the handbook define roles and responsibilities and corresponding procedures of each stakeholder
15.2 Increased asset freeze orders in the context of trafficking in persons	3. Number of freeze orders of trafficking in persons reported by AMLA/ DOJ/ IACAT	<ul style="list-style-type: none"> Increase in the number of freeze orders of trafficking in persons
15.3 Increased collaboration among private bar and government in case build-up to increase TIP convictions	4. Protocols and collaborative mechanisms developed among stakeholders	<ul style="list-style-type: none"> Existence of protocols and collaborative mechanisms developed among stakeholders

Indicator 1. Government agency representatives, private lawyers and NGO representatives report improved capacity in pursuing forfeiture cases against human traffickers

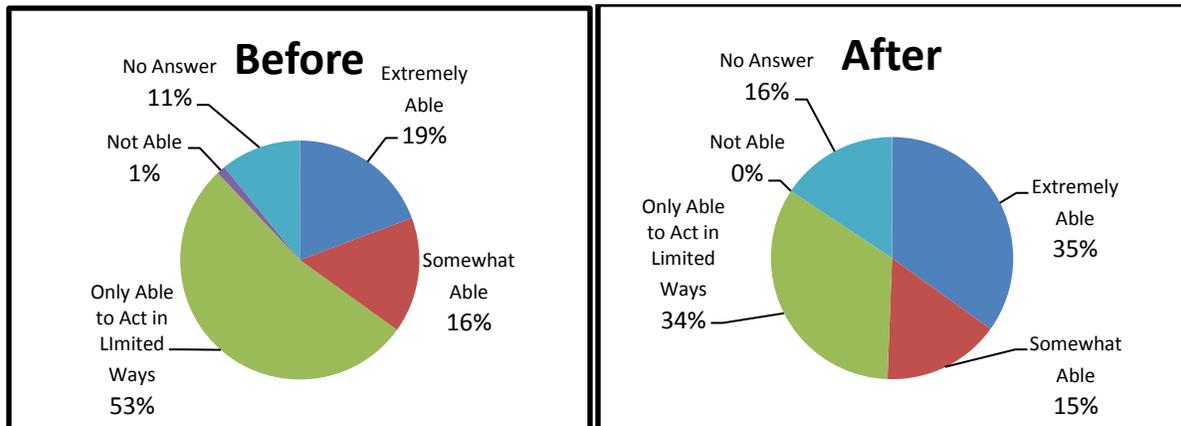
ABA ROLI and UP Law Foundation conducted a survey of 83 training participants to gather their feedback on the training and to assess their relative improvement in perceived ability to pursue forfeiture cases as a result of the training.

Results of the survey reveal that most participants felt that the training improved their ability to act on trafficking cases using AMLA. The survey results reveal the following:

- At the end of the training, all participants felt that they could pursue trafficking cases through civil lawsuits under AMLA. However, some participants felt that they can act on these in varying degrees.
- The total percentage of participants who felt that they are extremely able or where the trainings improved their ability to pursue trafficking cases rose by 16%. Before the training, 19% of the participants reported they felt extremely able to act on trafficking cases. After the training, 35% of the participants felt extremely able to pursue trafficking cases. These results show a 16% increase in the total number of empowered participants to use AMLA in trafficking cases.
- The percentage of participants who felt they were limited by other concerns and conditions in pursuing civil forfeiture cases in trafficking cases decreased by 19%. Before the training, 53% of the participants felt they could act on trafficking cases in limited ways. After the training, the percentage of participants who felt limited in their ability to act on trafficking cases went down to 34%. Therefore, the training increased participants’ sense of empowerment in acting on trafficking cases.

- 44% of the participants state that the most common issues that affect their ability to pursue civil remedies in trafficking cases include their respective organizations’ lack of resources such as funding (20%), staffing (12%) or capacity building/training (12%). Further, 20% of the participants report difficulty in obtaining the cooperation of trafficking survivors, and 18% report difficulty in obtaining necessary evidence as significant factors that affect their abilities to pursue trafficking cases. Other reasons mentioned include government institutions not taking cases seriously or lacking commitment, law enforcement’s inability to gather evidence, and lack of legal support.

Figure 4. Participants’ perception of their or their organization’s ability to pursue trafficking cases before and after the training



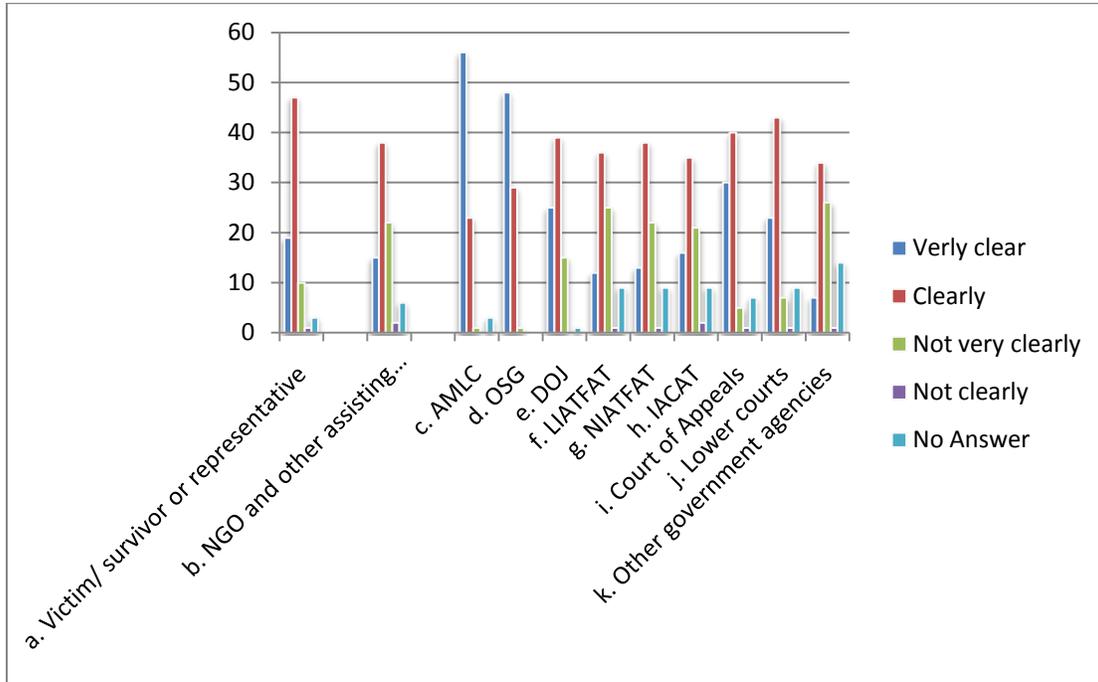
Indicator 2. Clear and well-defined roles and responsibilities, and corresponding procedures in pursuing civil forfeiture cases in trafficking cases

ABA ROLI found that improving participant’s knowledge on protocols, government services and possible interventions, and other options will prove to be invaluable where civil forfeiture cases may be pursued in TIP cases. Trainings reinforced information that is stipulated under the Handbook in clarifying roles, responsibilities and procedures that may be observed among various stakeholders. For non-government and non-lawyer stakeholders particularly, the trainings and the Handbook provide clear, step-by-step procedures. For government agencies, it clarifies protocols and matters that require coordination with other government agencies, as well as provides guidance for sample types of conditions.

The trainings provided participants with a clear definition of roles and responsibilities of government agencies that can provide support and assistance in pursuing civil forfeiture cases for TIP cases. This knowledge improves their ability to initiate action on TIP cases. The survey conducted during the training assessed participants’ perception of how clear the training defined roles in civil lawsuits under the AMLA for trafficking cases. Results show that 74% of participants felt that stakeholder roles and responsibilities were clearly or very clearly explained. More than 70% of the participants felt that the role of key government agencies such as AMLA, OSG, DOJ and the judiciary was either very clearly or clearly defined during the training. The trainings allowed

various stakeholders to explore and discuss roles assigned to them to improve the knowledge and understanding of each participant.

Figure 5. Participants’ Perception of How the Well the Training Defined Roles of Stakeholders in Pursuing Civil Forfeiture Cases Under the AMLA for Trafficking Cases



The Handbook considers inputs gathered through a series of validation activities with all types of stakeholders. Thus, it does not only clarify roles, responsibilities and procedures, but also relays these in terms and figures that stakeholders, especially non-lawyers, are comfortable with. The Handbook showcases the following features:

1. Clearly stipulates the roles and responsibilities of AMLA, DOJ, OSG, lower courts and appellate courts, LIATFAT, IACAT and private citizens.
2. Detail procedures with each government agency and provided sample transactions so that readers can easily relate. The Handbook provides easy-to-read flowcharts that charts steps for all types of stakeholder groups.
3. Provides a description of protocols to be observed among government agencies, and defines possible areas where coordination will be required or may be advantageous.
4. Lists down addresses and contact information of all key government agency, non-government organizations and other private parties that may provide assistance, support and are party to pursuing civil forfeiture cases under TIP cases.

Indicator 3. Number of freeze orders of trafficking in persons reported by AMLC/ DOJ/ IACAT.

Currently, AMLC, DOJ and IACAT do not have TIP cases where they intend to file freeze orders as of yet. This outcome is reasonable, considering that trainings were just completed

in September 2012. ABA ROLI however continues to monitor how partners will use their knowledge and tooling in pursuing TIP cases in the coming months.

Indicator 4. Protocols and collaborative mechanisms developed among stakeholders.

A fundamental outcome of the project is the development of protocols among collaborating agencies in this relatively new manner of pursuing TIP cases. AMLC shared their know-how in pursuing civil forfeiture cases as the Handbook and the trainings were developed. They have also clarified processes on how other government agencies can work with them in making sure that TIP cases where civil forfeiture is applicable will be pursued.

DOJ’s IACAT also provides significant means to track and build civil forfeiture cases under the AMLA in TIP cases. The Handbook describes in detail the protocols of each agency involved in the IACAT such that non-government entities and victims will know where to file and what procedures will be initiated. Corresponding roles and responsibilities of all IACAT agencies are stipulated as well in the Handbook.

All government partners for the project at the onset have agreed to coordinate and collaborate in pursuing freeze orders for TIP cases. The Handbook was a product of a participatory process to define roles, protocols and mechanisms in handling TIP cases through the AMLA.

ADDITIONAL ACTIVITIES

Records Archival and Disposal Project

As a natural extension of the eCourts Project in the Quezon City Hall of Justice, ABA ROLI also provided technical assistance to the Records Archival and Disposal Project of the OCA. The objective of this project is to digitize important documents in closed cases for ease of storage and future retrieval. It enables the courts to physically dispose of the hard copies of these case records, most of which are in decrepit state due to their age (some are as old as 50 years old). They are simply placed along corridors, pathways, and under the staircases of the Quezon City Hall of Justice, serving as fire hazards and posing undue health risks to court employees. Approximately 1.4M pages of court records need to be scanned, indexed, and digitally stored.

ABA ROLI is currently looking for vendors that can efficiently provide the digitization, records storage and retrieval system required by the courts.

Anticipated Activities

Once ABA ROLI is able to contract with a vendor, the actual scanning and indexing of the court records may then be undertaken. These files will be digitally stored in a server that can be accessed from the computers in the Quezon City Hall (via the eCourts network),

subject to any users access policies and rules that the court officials may later decide to impose.

Seminar-Workshop on Strengthening Judicial Integrity for Single Sala Court Judges

In partnership with USAID and ABA ROLI, the Philippine Judicial Academy (PhilJA) conducted a two day *Seminar-Workshop on Strengthening Judicial Integrity for Single Sala Court Judges*. The 36 participants of this seminar were single sala court judges from Regions 6, 7, and 8 (Visayas Region).

The objective of this seminar-workshop was to increase awareness among investigating judges of judicial corruption and incompetence, strengthen their commitment to promote judicial integrity, and increase their capacity in effective evaluation of evidence and competent administration of judicial corruption cases. The practical approach of this seminar-workshop allowed the participants to learn new concepts, analyze case studies involving immorality and graft and corruption, and apply them through simulated situations. Interactive teaching methods included lectures and presentations, small group discussions, and video exercises.

In preparation for the workshop, PhilJa conducted a Facilitator’s Writeshop on Strengthening Judicial Integrity and Rule of Law Program for Single Sala Court Judges on July 5, 2012, at the Supreme Court, Manila. The purpose of the writeshop was to help the seminar facilitators familiarize themselves with their respective roles during the seminar-workshop and to solicit their comments and suggestions on the case studies presented, ensuring that the cases conform to the needs of the target audience. A Facilitator’s Manual was developed to guide the Chief Facilitator and Small Group Facilitators to ensure orderly, effective and quality training. It gives specific instructions on the program flow as well as guidance on the small group discussions, time schedule and case problems for the workshop. A Participants’ Manual was also developed to give specific instructions as to what the participants have to do during the training, the time schedules that must be followed and the case problems for the workshop.

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