

TOWARDS A RESPONSIVE CRIMINAL JUSTICE SYSTEM IN THE PHILIPPINES

*Judge Lilia C. Lopez**

The criminal justice system of any society depends so much on the thorough, efficient and effective functioning of the all the principal actors involved in the dispensation of justice. The efficient and effective functioning of one component may be hampered by the inefficiency and incompetence of the others. Thus cooperation, and the coordinated and concerted action of the police, prosecution, the judiciary, as well as the correctional institutions, and most importantly, the community - the so-called pillars of the criminal justice system - is necessary. That is, however, easier said than done, especially in a country like the Philippines, where the governmental agencies involved are beset by financial, technological and institutional constraints, and where the citizenry are increasingly becoming alienated from each other. Though it may be a daunting task, the Government has continually instituted measures to responsibly address these problems.

The first part of this paper will deal briefly with the five pillars of the criminal justice system in the Philippines, under the framework of a republican government as enshrined in the Philippine constitution. This will involve discussion on the doctrine of separation of powers, the different branches of government involved and the delineation of their function. Particular emphasis will be placed of the police, the prosecutor and the judiciary. The second part will be a discussion of the procedure involved in law enforcement, prosecution and trial of offenders, the current situation

of and problems faced, respectively, by the police, prosecutors and the judiciary.

I. SEPARATION OF POWERS IN THE PHILIPPINES

The Constitution of the Republic of the Philippines divides the government into three equal and co-ordinated branches, namely, the legislative, executive and the judiciary, each of which is supreme within their respective spheres. Neither of them may encroach upon the function or domain of the other. The law-making function is lodged in the Philippine Congress, composed of the Senate, whose members are elected by the voters of the whole country, and the House of Representatives, whose members come from districts chosen by the voters therein. The executive function, the duty to enforce the laws, falls on the President of the Republic. It is to the Supreme Court and the other courts created by law that the judicial function is lodged.

Among these three branches, those that are directly involved in the administration of justice are the executive branch through the police and other numerous law enforcement and prosecution agencies, as well as the correctional institutions, and the judiciary. The agency primarily in charge of law enforcement is the Philippine National Police, which is under the control of the Office of the President through the Department of Interior and Local Government. There are also specialized agencies dealing with specialized cases such as the Bureau of Internal Revenue,

* Executive Judge, Regional Trial Court, Philippines

in charge of matters relating to taxation, and the Immigration Department, on immigration matters. The National Prosecution Service, under the Department of Justice, is the principal agency in charge of the prosecution of offenders. There is, however, a unique agency of the government which is the Office of the Ombudsman, charged with the prosecution of certain crimes involving public officials or those connected with the performance of public functions.

II. THE FIVE PILLARS OF THE CRIMINAL JUSTICE SYSTEM

A. The Law Enforcement

The law enforcers are at the forefront of the criminal justice system of the country. They are the ones that directly deal with the citizenry and are directly exposed to the criminal elements. There is, therefore, the necessity for the members of these law enforcement agencies to be well oriented with, and trained in the ways of, the civil society.

Thus, the 1987 Constitution of the Philippines mandated the creation of a police agency that is national in scope and civilian in character. Pursuant to this constitutional provision, a law was enacted creating the Philippine National Police out of the defunct Philippine Constabulary and its civilian component, the Integrated National Police. The said agency is charged with the duties of crime prevention, law enforcement, preservation of peace and order, as well as the internal security of the government under the control and supervision of the Department of Interior and Local Government. Also performing law enforcement functions is the National Bureau of Investigation, which is under the control of the Department of Justice. These agencies are authorized to conduct investigations of crimes, gather evidence

with respect thereto, arrest suspects and refer cases to the prosecuting arms of the government.

Within the police organizations, there are departments tasked with investigating complaints against erring officers, and administrative tribunals that hear and decide the cases lodged against them. The efficiency and effectiveness of these bodies help polish the image of the police organization as a body that the people can rely on. There are also specialized agencies whose duties are to enforce special laws relating to highly specialized matters such as immigration, tax, land, air and water transport, and customs.

B. The Prosecution

The prosecution function is lodged mainly with the National Prosecution Service, under the Department of Justice. It is composed of the Office of the Chief State Prosecutor, the Regional State Prosecutor's Office and the Provincial and City Prosecutor's Offices. The Office of the Chief State Prosecutor has the following functions:

- a) Investigate and prosecute crimes
- b) Decide appeals from decisions of the provincial and city prosecutors
- c) Investigate administrative charges against prosecutors

The Regional Prosecutor's Office is charged with the administrative task of supervising and coordinating the performance of the Provincial and City Prosecutors within the region. The Provincial and City Prosecutor's Office is the lowest in the administrative hierarchy, and is charged with the investigation and prosecution of all violations of penal laws and penal ordinances within their respective territorial jurisdictions.

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There have been innovations instituted by the prosecution department with regard to the handling of cases involving different crimes. These innovations have been geared towards a system of specialization in the handling of criminal cases. On the level of the Provincial or City Prosecutor's Office, a small number of prosecutors have been tasked with the prosecution of certain crimes, particularly those involving sensitive matters like rape. Task forces have also been set up in the Office of the Chief State Prosecutor like those involving abuse of minors, those affecting the economy, etc. This specialization hastens the prosecution of cases, as the prosecutors assigned are familiar with the intricacies and strategies in the handling of such cases.

There are also specialized agencies charged with prosecuting special cases. Among these is the Office of the Ombudsman, created under the constitution, and is independent of the executive branch of the government. This office is mandated among others, to investigate and prosecute cases involving public officials and employees who have committed crimes in relation to their employment. It is because of this function that its independence is of paramount importance - the reason being to insulate it from the political branches of the government.

Another agency is the Commission on Elections, charged with the enforcement and prosecution of all election offenses. This is also independent of the three main branches of the government. There are also public defenders being paid by the government to render legal services for those who cannot afford to pay their own. That agency of government is known as the Public Attorney's Office. There are also institutions or individuals outside the government that are offering legal

assistance to the needy, like the legal aid programs of law schools recognized by the Supreme Court, and the legal aid offices of Bar Associations in the country. There are also lawyers who do *pro bono* work for the underprivileged, aside from lawyers provided by the court when a litigant cannot afford the service of one.

These benevolent institutions and individuals help immensely in the administration of justice, as they facilitate the disposition of cases before the prosecutors or the courts, not to mention their very important function in safeguarding the constitutional rights of their clients.

C. The Judiciary

The judiciary is the final arbiter of controversies, of competing claims and interests, including the determination of the guilt or innocence of a person charged with the commission of a crime. The judiciary in this country is composed of one Supreme Court, which is at the top of the judicial hierarchy, and the other courts created by law.

The independence of the judiciary has been strengthened under the 1987 Constitution by giving it fiscal autonomy; administrative supervision and discipline over its own personnel; and the appointment of the members thereof by the President alone, thereby shielding the appointees from the pressure of party politics which was prevalent in the past selection process (requiring the confirmation of the appointees by the Commission on Appointments, composed of the members of Congress). Further, the justices of the Supreme Court are only removable from office by impeachment and conviction of a culpable violation of the constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of the public trust. This enumeration is

exclusive and the power to impeach and convict lie with the Senate and the House of Representatives, respectively. Furthermore, the judiciary has a system of policing its own ranks so as to rid itself of incompetent judges and other erring court personnel.

The other courts created by law are, amongst others, the Court of Appeals and the constitutionally mandated Sandiganbayan, which are collegiate courts and exercise appellate jurisdiction over the Regional Trial Courts; the Municipal or Metropolitan Trial Courts; and lately, the Family Courts in appropriate cases. The Sandiganbayan and the Family Courts are specialized courts that deal with offenses involving government officials and those involving the family and minors respectively. These courts, due to their specialization, expedite the proceedings before them, because of the knowledge that the judges have acquired in the course of their service, and at the same time, serving the interests of the persons for which those courts were designed to protect. This is without prejudice, however, to the constitutionally protected rights of the accused.

D. The Correctional Institutions

The agencies involved in the punishment of convicts all fall under the executive department of the government, such as the Bureau of Jail Management and Penology, which is charged with the incarceration of non-minor convicts, and the Department of Social Welfare and Community Development, who run correctional institutions for youth offenders.

E. The Community

The members of the community play a very important role in the criminal justice system. It is from their ranks that the offenders come and it is with them that they will end up. The involvement of these

people in the programs and projects of the government, even those that are not necessarily connected with the administration of justice, contribute to the lessening of crimes, as their efforts are diverted to more productive matters. They can also contribute immensely in solving crimes by assisting in police investigations, giving testimonies, providing leads and the arrest of criminals. Included as part of the community are the government agencies not involved with the administration of justice, as well as the members of the private sector.

III. PROCEDURES IN THE ADMINISTRATION OF JUSTICE IN THE PHILIPPINES

At present, the types of crime that have gained media prominence, and thus have been given particular importance, are those so-called heinous crimes involving the imposition of the death penalty. Included are the crimes of rape (committed under certain circumstance specified in the law), murder and illegal drug trafficking, amongst others. Regardless however of the type of crimes committed, be they heinous, serious or light, the procedure for the investigation, prosecution and trial of the cases is more or less the same, except for those triable under the rules of summary procedure, whereby no trial is conducted and the judgment is based merely on the affidavits submitted.

A. The Law Enforcement Process

The law enforcement process begins the moment the crime is reported or a complaint is filed before the police. The police then conduct an investigation of the crime, take the testimonies of the witnesses, collect the evidence available and take steps to apprehend the offender. The arrest of the perpetrator does not ordinarily happen without the warrant of

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arrest, as required by the Constitution, unless the arrest of the person suspected of the crime falls within the exceptions from the necessity of a warrant recognized under the law.

In cases where the offender is caught by the police in the act of committing, attempting to commit or having just committed the crime, the suspect is detained and is subjected to a process called an 'inquest'. An inquest is a procedure whereby a prosecutor is immediately available after the arrest of the suspect to determine whether a crime was committed and the person arrested is the one responsible. This process is sometimes called an abbreviated preliminary investigation.

When the prosecutor finds that a crime has been committed and the person is probably guilty, s/he prepares a recommendation to the provincial or city prosecutor for the filing of an information against the detained person. If on the other hand, no cause is shown to exist, or the person detained does not appear to be the one responsible for the crime, the prosecutor directs the officer in charge of the detention facility to set free the prisoner.

B. The Prosecution Process

Once the police are through with their investigation of the case, they forward their findings to the prosecutor for the proper procedures. The prosecutor is, as a general rule, a passive subject, with the prosecution of the case being dependent largely on the efforts and determination of the complainant or the aggrieved party. The latter may dismiss the case outright if the facts do not warrant a *prima facie* case or, as is usually done, set the case for preliminary investigation.

Preliminary investigation is defined as the proceedings for the determination of whether there exists sufficient ground for believing that a crime, cognizable by the Regional Trial Courts, has been committed, and that the respondent is probably guilty thereof. At this stage, the suspect and the private complainant are given the opportunity to present their case before the prosecutor. The prosecutor usually does either of these:

- i) dismiss the case for lack of a *prima facie* case to charge the respondent for the alleged crime;
- ii) finds that a crime has been committed and that the respondent charged with the crime is probably the perpetrator.

When the first is done, the complainant may seek a reconsideration of the decision, or appeal the ruling to the Secretary of Justice, who may direct the prosecutor to file the case if they find merit in the petition or affirm the decision of the prosecutor.

Under the old rules of jurisprudence, the prosecutor has much leeway in deciding to file the case or not. The discretion lies solely on them such that no one, not even the courts, can substitute their judgment for that of the prosecutor, save on certain occasions when the latter may have gravely abused such discretion. This is true even in the case of a reversal of a dismissal order of the prosecutor by the Secretary of Justice, where the prosecutor is of the conviction that there is insufficient evidence to warrant the filing of the case in court. What is usually done in this case is that the Secretary of Justice appoints another prosecutor to handle the case. However, under the prevailing rule, as long as there is a finding of a *prima facie* case, the prosecutor is duty bound to prepare an information against the accused.

The action of the prosecutor on a case is, as a matter of practice, dependent largely on the evidence presented by the complainant and/or the police, and the determination of the latter to pursue the case. Otherwise, as is often done, the case is dismissed even when the evidence warrants a finding of the commission of a crime, even though it does not appear that the respondent charged by the complainant is the one probably guilty. It is only on rare occasions, and most of the time when pressured by the media, that the prosecutor would direct the police to collect more evidence to establish the perpetrator of the crime. This hesitation to, or predisposition not to, direct the police to further investigate the case stems from the fact that under our system, the police are not subordinate to prosecutors; not to mention the fact that they belong to different departments of the executive branch.

The dismissal of the case however does not constitute a bar to the re-filing of the same, especially when the grounds for re-filing is insufficiency of evidence. The effect of a dismissal of the case by the prosecutor is unlike that effected by a court, which may constitute a legal bar for the filing of the same case against the same accused - what is termed as 'double jeopardy'.

It is also at this stage that settlement of the case is greatly encouraged between the parties involved. Furthermore, the government has set up a mechanism called the Barangay Conciliation Panel for the settlement of cases between parties residing in the same town or city involving non-serious offences; specifically those crimes that the punishment for which does not exceed one year imprisonment. This program has been devised not only to limit the cases being filed in court, but more importantly, to preserve the good relations of the inhabitants within the same locality.

C. The Judicial Process

In the Philippines, the very title of the criminal case is frightening. It is entitled: People of the Philippines versus [the name of the accused person]. The moment a prosecutor has made a determination that there exists a *prima facie* case, the information is then prepared and filed before the court, after which it undergoes a case processing system and is allocated to the proper court. Immediately thereafter, the court assesses the information, the record and the evidence submitted, and the judge then makes a determination as to whether or not the accused is probably guilty, warranting his/her arrest. It is therefore not the duty of the courts to issue a warrant of arrest. The court issues a warrant for arrest which is addressed to a peace officer. The officer then serves the warrant on the person named therein, and commits the latter into prison. In our jurisdiction, all accused persons have the right post bail, save in cases of crimes punishable by *reclusion perpetua*, life imprisonment and death, where the evidence of guilt is strong.

After the filing of the information, the court will, without delay, set the date for arraignment of the accused, which must be within thirty days from the filing thereof. At this stage, the accusation against the accused is read before them in open court (in a language known to them) and s/he is required to make a plea thereon. When the accused enters a plea of guilty, the court will painstakingly explain to the accused the consequences of their plea. If, despite such explanation, the accused still maintains their plea, the court directs the prosecutor to present the evidence against the accused, which does not require a prolonged trial. According to recent jurisprudence involving the death penalty, the court is duty bound to conduct a full trial to determine the exact participation of the accused in the crime charged. When

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the accused pleads not guilty to the crime charged, or refuses to enter a plea, or pleads guilty to a lesser offence, which is equivalent to a plea of not guilty, the court enters a plea of not guilty on the records.

Before trial of the case on its merits, it is now mandatory that the case is set for pre-trial conference, whereby efforts to amicably settle the dispute are exerted in order to avert trial, or matters are agreed upon to expedite the trial. This stage has recently been made mandatory under the newly enacted Speedy Trial Act of 1998 (Republic Act No. 8493). Matters for consideration during this stage of the proceeding are:

- (a) Plea bargaining;
- (b) Stipulation of facts;
- (c) Marking for identification the evidence of the parties;
- (d) Waiver of objections to admissibility of evidence; and
- (e) Such other matters that will promote a fair and expeditious trial (Sec. 2 R.A. No. 8493).

Matters agreed upon by the parties are inadmissible as evidence against the accused, unless the same is reduced to writing and signed by the accused and their counsel. Furthermore, non-appearance in the pre-trial conference by the counsel for the accused or the prosecutor will be subject to sanctions at the discretion of the judge.

The case is then set for trial which, according to the Speedy Trial Act, must be continuous and on a "weekly or other short-term trial calendar at the earliest possible time", but within thirty days from the date of the arraignment. There is also a time limit for the duration of the trial which is one hundred and eighty days from the first day of trial. These time periods have been imposed to counter delays in the dispositions of cases. However, the said

time period is not fixed, as the law allows certain delays that may be excluded from the required time limit. The circumstances whereby exclusions are allowed are numerous and may ultimately defeat the purpose of setting a time limit.

The order of trial of the case depends upon whether the accused interposed a negative or affirmative defence. If a negative defence is interposed, which is normally the case, the trial begins with the presentation by the prosecution of the case against the accused. The witnesses of the prosecution, after the presentation of their testimony, are cross-examined by the defence. After all the evidence of the prosecution has been presented, the defence present its case, with the presentation of all their evidence.

When the accused interposes an affirmative defence, the order of the trial is slightly changed, with the defence first presenting their case followed by the prosecution. Such inverted procedure is necessitated by the nature of an affirmative defence, which essentially admits the commission of the acts charged but advances certain circumstances which would serve to exculpate the accused from criminal liability.

It is also during the trial of the case that the parties must present evidence which may aggravate or mitigate the crime committed by the accused. Otherwise, they are waived and may not be considered by the judge in the sentencing of the accused. After all the evidence has been presented, the case is then submitted for decision, unless the court requires the submission of written memoranda or allows the counsel of the accused and the prosecutor to present their respective arguments orally.

It is during the trial that the rules of evidence come into play. The rules of

evidence however have not yet been adapted to the possibilities opened up by technological advances, particularly in the fields of computers and telecommunications. The use of this technology in the courtroom would speed up the trial of the case as there would be no need, for example, for the persons testifying to appear before the court personally. Thus, delays due to the unavailability of witnesses will be avoided, and precious resources of time and money will be saved.

During the trial of the case, a person included in the information may be discharged as an accused and become a witness for the State, if the testimony of the same is indispensable to the successful prosecution of the case against the other accused. The discharge must be agreed upon by the accused themselves and approved by the court. The discharged accused then becomes a State witness and qualifies under the witness protection program of the government if s/he applies for and meets the qualifications set by the law. In order to be admitted to the witness protection program, one does necessarily have to be an accused discharged from the information. They may be a witness in the commission of the crime and their protection is necessitated by considerations for their safety. Those admitted to the program are entitled to police protection and are most of the time, placed in a safe house. This arrangement facilitates and makes available the witness when called to testify before the court.

After the trial is finished and the case is submitted for decision, the court where the case is pending must render judgment within the time directed by the Constitution. Otherwise, the judge involved will suffer sanctions. The time limit for rendering judgment is twenty four months for the Supreme Court; twelve

months for lower collegiate courts, like the Court of Appeals and the Sandiganbayan; and three months for other lower courts. In deciding the case, the Constitution requires that judge set forth clearly and in writing the facts and law on which it is based, considering only the evidence presented in the proceedings.

D. Remedies for the Accused

When the court finds that the evidence against the accused is insufficient to convict, the accused is acquitted and no accusation based on the same act(s) can be filed against them, nor can an appeal be made therefrom because of the principle of double jeopardy.

If, on the other hand, the court convicts the accused because, in its view, guilt of the crime charged has been established beyond reasonable doubt, the latter may move for a new trial or reconsideration. The motion for a new trial may be based on either of the following grounds:

- (a) That errors of law or irregularities have been committed during the trial prejudicial to the substantial rights of the accused;
- (b) That new and material evidence has been discovered which the accused could not, with reasonable diligence, have discovered and produced at the trial, and which if introduced and admitted, would probably change the judgment.

The motion for reconsideration may be based on errors of law or fact in the judgment.

The accused may, in lieu of the aforementioned remedies, or after the denial of the motion, appeal to the Court of Appeals or the Supreme Court within the period set forth in the law. In cases involving the sentence of death, however,

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the law provides for automatic appeal of the same to the Supreme Court. In case the appeal is found to be without merit, and the conviction is affirmed, the case will be remanded to the court of origin for execution of the judgment. The court of origin will set a date for the accused to appear before the court for the enforcement of the judgment. The court will then issue an order committing the convict to a penal or correctional institution for serving their sentence.

E. Other Functions of the Court

In our jurisdiction, adjudication is not the sole function of the courts. It has other powers and duties as well.

The Supreme Court, under the Constitution, has administrative supervision over all courts and the personnel of the said courts. It has the power to discipline judges of lower courts and order their dismissal by a vote of a majority of the members who actually took part in the deliberation of the case and voted thereon. In the same manner, the Supreme Court has the power to discipline attorneys and may disbar, suspend or impose such penalty as it may deem proper, for violation of the Code of Professional Responsibility.

The Court of Appeals and the Regional Trial Court may suspend an attorney from practice for any of the following acts or omissions: lie, deceit, malpractice, gross misconduct in office, grossly immoral conduct, conviction of a crime involving moral turpitude, violation of the attorney oath, wilful disobedience of any lawful order of a superior court, or corruptly or willfully appearing as an attorney for a party to a case without authority so to do.

The Supreme Court of the Philippines, under the Constitution, has the power to promulgate rules concerning the protection

and enforcement of constitutional rights, pleadings, practice and procedure in all courts, admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules are intended to simplify and render inexpensive the procedure for speedy disposition, which shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights.

Special courts and quasi-judicial bodies have the same power to promulgate rules governing their procedure, and such rules shall remain effective unless disapproved by the Supreme Court. Other Courts may also lay down rules applicable to proceedings before them, or in respect to their premises and facilities.

F. Delay and Inefficiency in Court Proceedings

The Honorable Chief Justice, Andres Narvasa, in his handbook on courts, cited the following causes for case delay, namely:

- (a) an increase in the number of cases filed over the years due to the heightened awareness of people of their rights and privileges, the enactment of new laws and rules, as well as increased government actions affecting private individuals;
- (b) the lack of courts, and slowness or difficulty in filling up vacancies;
- (c) the small budget allocated to the judiciary;
- (d) the complexity of the rules of procedure;
- (e) the inadequacy or failure in cooperation of court-related agencies and officers.

These problems, according to the Honorable Chief Justice, are being dealt with. According to him, appeals to the Congress for increased funding have been answered favorably; "The Judicial and Bar

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Council continues to meet regularly to submit to the President nominations for vacancies in the judiciary. Coordination of the courts with other pillars of the CJS is pursued and fostered. The Supreme Court's Standing Committee on the Revision of the Rules of Court continuously review the procedural law with a view to amendment and refinement, so that procedures will be further simplified, rendered more inexpensive, and conducive to the speedy disposition of cases. Significant revisions to this end have been proposed by the Committee promulgated by the court, and are now in force," particularly the Rules on Civil Procedure.

Furthermore, according to him, "In the very nature of things, litigation takes time. Time is needed to serve the process by which parties are brought within the jurisdiction of the courts; to enable the parties to fully express to the court their basic theories of the case; to enable them to present evidence in proof of their averments, for the court to consider the proof after trial and render judgment; for a party adversely affected by a judgment to seek modification or reversal thereof by appeal or otherwise; for the appellate tribunal to be informed of the parties positions and proof, study the case and decide on it. The law sets definite periods for the various steps and processes in litigation; and so long as litigation moves apace with these periods, no matter how measured the movement, there can be no legitimate complaint about delay."

G. Strategies

The courts pillars have adopted the following strategies under the 5-Year Master Plan of Action for Peace and Order:

- (a) The dissemination of information regarding the working and procedures of the courts;
- (b) The continuing revision, amendment

and/or modification of the Rules of Court for the purpose of attaining speedy administration of justice;

- (c) Work for the full realization of the constitutional autonomy of the Judiciary, in order to achieve its true independence; and
- (d) The grant of awards and/or recognition to deserving judges and court personnel through the merit system.

The first strategy was prioritized by the courts pillars and a series of symposia were conducted nationwide, which were test-piloted at the University of the Philippines Law Center in Diliman, Quezon City. Workshops were conducted during the symposia to find out the perception of participants of the workings of the courts and what the public could do to help in the administration of justice. The following recommendations were made:

- (a) Expansion of the jurisdiction of the Municipal Trial Court. The distance and travel time of litigants/respondents who come from far-flung areas hamper the speedy resolution of the case;
- (b) Provision in every municipality for a Municipal Trial Court and prosecutor;
- (c) Translation of case decisions in a dialect that will be understood by the accused/respondents;
- (d) Inclusion in the school curriculum subjects regarding the criminal justice system, particularly the operational system and workings of the courts, so as to inform the public on how the criminal justice system in the Philippines works;
- (e) Institutionalization of an indigenous system of settling disputes in the judicial system; and
- (f) Creation of a committee to monitor and determine the performance of

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judges and the number of cases assigned to a particular *sala vis-a-vis* the number of cases acted upon.

An assessment and evaluation of the symposia was made by the participants as follows:

- (a) The symposia provided more information and familiarization on the operational system and workings of the judicial system;
- (b) Similar symposia must be conducted from the provincial level down to the barangay level. Lectures should be translated into the dialect of the area;
- (c) The symposia enlightened the minds of those with negative beliefs about the judicial system and provided public awareness of the criminal justice system as a whole;
- (d) The symposia provided clear vision on the jurisdiction of the different courts such as the MTC, RTC, Court of Appeals and the Supreme Court;
- (e) Participants gained insights on the actual situation in the courts and the causes of delay in the disposition of cases; and
- (f) Participants from different sectors were given a chance to voice out their opinions and problems they are encountering in the judicial system.

Regarding the revision, amendment and/or modification of the Rules of Court for the purpose of attaining speedy administration of justice, the Supreme Court, after painstaking study, promulgated the New Rules on Civil Procedure April 8, 1997, made effective last July 1, 1997.

The Committee on the Revision of Rules, since 1997, continued its meetings for tackling the proposed amendments to the Rules on Criminal Procedure. The Committee likewise discussed the rules and

guidelines in the filing and prosecution of criminal actions under Batas Pambansa Bilang 22, otherwise known as the Bouncing Checks Law, and the court approved the circular in respect thereof. The following recently enacted laws were also discussed by the Committee:

- (a) Republic Act No. 8358, "An Act Expanding the definition of the crime of rape, reclassifying the same as a crime against persons".
- (b) Republic Act No. 8369, "An Act establishing Family Courts granting new exclusive original jurisdiction over child and family cases."
- (c) Republic Act No. 8493, "An Act to ensure a speedy trial in all criminal cases before the Sandiganbayan, RTC, MTC, MCTC, appropriating funds thereof and for other purposes."

For the full realization of judicial independence, the proposal of the Judicial Department to Congress for an increase in its budget has been favorably acted upon by the latter, and other departments of the government have respected the fiscal autonomy of the judiciary. The court will continue to ask the legislature for greater allocation for the Department to enable it to put in place constructive judicial reforms; continue judicial training and education programs in full operation; implement the Family Court system; provide more incentives to present incumbents at all levels of the court, as well as candidates for the bench; and for the completion of its computerization program.

To inspire members of the bench to excel in their chosen fields, an annual grant of awards for outstanding trial court judges, prosecutors and public defenders is given by a private foundation. The objectives of this merit system are to give honor and due recognition to outstanding judges, public prosecutors and public attorneys, and to

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encourage exemplary performance and
conduct among public servants,
strengthening citizen's faith and confidence
in the rule of law.