

ANG HUKUMAN AT ANG HUSTISYA

KGG. ANDRES R. NARVASA
Punong Hukom ng Pilipinas

*S*a ngalan ng Korte Suprema ng Pilipinas, binabati ko kayong lahat, at ipinaabot sa inyo ang aming kagalakan na tayo’y magkasamasama sa isang bukod-tanging proyekto ng UNDP at ng Korte.

Alam nating lahat na ang papel, tungkulin at karapatan ng hukuman sa bawa’t bansa na sibilisado o may kalinangan, ay ang pagtataguyod ng hustisya sa lipunan, at ito na nga ang pinakadahilan sa pag-likha ng mga hukuman. Kung ganoon, ano бага ang dahilan na ako ay inanyayahang tumalakay sa paksang ito – ang relasyon ng hukuman at hustisya?

Ang totoo po ay hindi gaanong lantad at payak, ang relasyon na ito sa lahat ng ating kababayan. May ilan sa atin na ang pananaw sa relasyong ito ay nakukulayan o nalalabuan ng maling akala (1) ukol sa konsepto at katunayan ng hustisya, at (2) ukol sa papel ng hukuman sa pagpapairal at pagpapalaganap nito. At mayroon diyan na naniniwala na hindi makatarungan ang kasalukuyang sistema ng hustisya, kaya dapat palitan at baguhin ang mga institusyon, laman at proseso na nakalakip rito, kahi’t na ang pagbabagong iyan ay maging radikal at madugo.

Mayroon namang naniniwala na ang sistem ng hustisya natin ay sapat na nagpapahalaga sa katarungan, na higit na kumikilala, gumagalang at tumatankilik sa karapatang pantao, at sa mga karapatang sosyal at ekonomiko. Kung sakali, anila, ang pagbabago ay dapat isagawa sa ilan lang bahagi nito – tulad nang prosedimiento – nguni’t hindi dapat galawin at palitan ang mga base prinsipal ng sistema – ang Saligang-Batas, ang tinatawag na Rule of Law, at ang kabuuan o herarkiya ng mga hukuman.

Sa pagkakataong ito, nais ko sanang ipaliwanag ang teoriya at diwa ng hustisya, at bala makatulong sa darating na dialogue ngayong hapon.

Ang lahat ng hukom sa ating bayan ay nagsipag-sumpa na itaguyod at ipagtanggol ang Saligang Batas o Konstitusyon. Ang Konstitusyon ay siyang bukal o pinagbubuhatan ng kapangyarihan at karapatan ng lahat ng hukuman, at siya ay ang matibay na batayan upang hatulan ang kapangyarihan naman ng Gobyerno o Pamahalan kapag kaypala'y sumalungat sa karapatan ng mamamayan.

Ang Konstitution ay nagtatag ng isang Korte Suprema na malaya at independyente, kapantay at kasinghalaga ng Ehekutibo at Lehislatura, bagama't ang dalawang ito ay mas makapangyarihan. Ang Konstitusyon ang nagbibigay-ilaw upang masiyasat at matimbang ang mga gawain ng Ehekutibo, Lehislatura, at mga sinasabing "independent commissions." Ang Korte Suprema ay pinagkalooban ng Konstitusyon ng kapangyarihan na pawalang-bisa o pawalang-saysay (1) ang isang partikular na batas ng Lehislatura, o dikaya (2) isang hakbang, o proyektong imprastruktura ng Ehekutibo, sa kadahilanan na labag ito sa ibang mas nakapangingibabaw na prinsipyo sa Konstitusyon. Sa pamamagitan ng Saligang Batas ang karapatan ng mahirap at maliliit ay maaaring mangibabaw sa karapatan ng mayaman at makapangyarihan, at ang karapatan at tungkulin ng bawa't tao ay pantay-pantay na nakikilatis sa ilalim ng batas anuman ang kalagayan, o estado nila: mahirap, mayaman, bata, matanda.

Ang sinumang hukom ay hindi maaring gampanan ang kaniyang mga tungkulin na labas sa balangkas ng Saligang Batas.

Isa pang batayan na gamit ng hukuman sa paglilitis ng anumang usapin ay ang tinatawag na *Rule of Law*. Marami nang kahulugan o definition ang naibigay na ng iba't-ibang dalubhasa sa katawagan o terminong ito na *Rule of Law*. Kaugnay sa ating pagpupulong ngayon, maaari nating sabiin na ang *Rule of Law* ay ang kundisyon sa ating buhay panlipunan at pampulitika, kung saan:

1. nararapat sundin ang umiiral na batas na ginawa ng Lehislatura;
2. ang Lehislatura ay may karapatang bawiin, baguhin, palitan o pawalang-bisa ang isang batas;
3. maaring pawalang bisa ng hukuman ang isang batas sa kadahilanan lamang na ito ay labag sa Konstitusyon;
4. tungkulin ng Ehekutibo ang magpatupad at magpasunod sa batas;
5. ang bawa't litan o pagtutunggali ay dapat lamang malutas o mapasiyahan sa ilalim ng isang sistemang mapayapa na itinakda ng batas; at

6. katungkulan ng hukuman na itaguyod ang batas na umiiral sa paglatag na bawa't desisyon.

Kapag ang isang batas na partikular ay hindi labag sa Saligang Batas, dapat bigyan-daan ito ng hukom sa kaniyang desisyon, kahi't na ang batas ay mali o may depecto, o hindi makabubuti, hindi mabisa, hindi maisasagawa. Hindi siya dapat mabahala na baka hindi matamnggap ng ilan ang desisyon. Imposible namang pagbigyan ang mga iba't-iba at magkasalungat na kuru-kuro o opinion sa mg isyu na nahaharap sa hukuman. Ang kailangan lamang ay malinis ang knosyensya ng hukom sa pagsiyasat niya nang isyu na kung akma o labag ang isang batas sa Saligang Batas. Higit dito ay hindi na siya mapaghahanapan. Ito po ay isang mukha ng hustisya – ang sustantibong aspekto ng batas.

May ibang mukha ang hustisya, na napakahalaga rin. Ito ang tinatawag na procedural due process, o ang marapat na prosedimiento.

Bawa't hukuman ay may kani-kaniyang “jurisdiction” – ang kabuuan o kalahatan ng mga asunto o kaso na nasa ilalim ng kapangyarihan niya. Ang *jurisdiction* ng Korte Suprema ay nakatalaga mismo sa Konstitusyon. Ang *jurisdiction* ng Korte Suprema ay hindi mababawasan ng Lehislatura; at hindi rin namang madagdagan nang walang sang-ayon ang Korte Suprema. Ang Lehislatura naman ay may karapatang magpasiya na kung anu-ano at ilan an mga hukuman na dapt itatag at ilikha sa ilalim ng Korte Suprema, at italga ang jurisdiction ng bawa't isa sa kanila.

Ang Korte Suprema naman ang may kapangyarihan na magsabatas ng mga reglamento o alituntunin tungkol sa pamaraan sa paglilitis na susundin sa lahat ng mga hukumang ito. Ang kabuoan ng mga reglamentong ito aay ang tinatawag nating *Rules of Court*.

Nasa kapangyarihan din ng Korte Suprema ang pagdidisiplina sa mga abogado, at sa mga hukom at mga empledo ng bawa't hukuman. Ang Korte Suprema din ang may karapatang magsabatas ng mga sukatan o istandard at mga rekisito o kinakailangan para sa pagpasok, at pamamalagi, sa propesyon ng abogasiya.

Ang bagay na ito – ang prosedimiento o pamamaraan ng paglilitis sa ating mga iba’t ibang hukuman – ay maaaring maging paki-pakinabang na bunga ng talakayan natin dito sa Baguio. Tatanggapin namin ang inyong mga komentaryo, kuru-kuro o mungkahi hinggil sa ikabubuti ng prosedimiento sa hukuman. Alam ninyo, may isang Komite sa Korte Suprema – ang *Committee on the Revision of the Rules of Court* – na malaon nang natatag, na walang gawa kung hindi ang walang-tigil na pag-aaral at repaso nang mga alituntunin ng prosedimiento, at mag-rekomenda sa Korte Suprema nang anumang rebisyon o pagsusog na inaakalang makabubuti. Naniniwala ako na ang mga kuru-kuro o mungkahi ninyo ay pahahalagahan ng komiteng ito, upang matupad namin ang pangunahing tungkulin ng mga hukom – ang pagpapalaganap ng hustisya upang ang taong-bayan ay makaranas ng makatotohanang kaunlaran. Iyan po ang aming panata, iyan pa ang tungkulin naming malaon nang ginagampanan, at patuloy at walang-patid naming gagampanan.

Baguio City, Ika-24 ng Abril, 1998.

REACTION FROM THE BASIC SECTORS' REPRESENTATIVES

*Delivered by Ms. Mercedes Nicolas
Workers in the Informal Sector*

*M*agandang umaga po sa mga pinagpipitaganang hukom na nandito ngayon at ganon din po sa mga kasamahan namin dumalo sa particular workshop na ito. Alam po ninyo, ang pag-imbita ninyo sa aming makadaupang palad kayo at makausap ay parang nagbigay sa amin ng isang magandang pangitain na ang atin palang mga hukom ay may kabukasan na makipagtulungan sa aming mga Batayang Sektor na lalo pang mapatagos sa mas mababa pang antas ng ating lipunan ang katarungan. At ito naman po ay tinitingnan namin ng may kabukasan ng isip at katulad po ng sinabi ng kasama naming si Bing, kami po ay nakikipagtulungan upang tayo ay magkaroon ng mabunga at mapayapang pakikipagusap tungkol sa isyu ng katarungan lalo na po sa isyu na inihahanda ng Basic Sectors.

At sa pagkakataon pong ito, gusto rin po naming bigyan ng diin at pasalamat yung ginawa po ngayon ng mga hukom lalo na po yung mga mahistrado natin sa Katastaasang Hukuman given the limited physical... yun pong kawalan ng espasyo para sila ay makababa at makipagusap sa amin nang katabi. Ngunit nakita po namin yung kahandaan nito nung sila'y bumaba mula sa kanilang upuan at sila po ay nandito ngayon na bumaba at nakikipag-usap sa amin. Maraming salamat po.

Nakita rin po namin na kinikilala po ng mga Batayang Sektor na ang ating hukuman o Judiciary ay mayroong isang malaki at napakahalagang bahagi na ginagampanan sa kabuoan ng ating judicial system, yung sinasabing sistemang pangkatarungan. Ito po ay aming kinikilala ngunit nakikita po namin ang limitasyon dito. Sapagkat sa amin pong Batayang Sektor, ang pagkakaroon po ng katarungan o yung access namin sa justice, ang paniwala ho namin dito ay hindi lamang ito naka-focus o nakapaloob sa isang bahagi o pillar ng ating judicial system. Kami po ay naniniwala na dapat ang pagtingin po dito o pananaw ay holistic o yung pangkabuoan.

At nakita din po namin yung limitasyon dito sa proyektong ito. Kaya nga po nung kami po ay sumama sa pakikipag-usap na ito ay dala-dala namin ang aming agam-agam na baka po yung aming mga issues na gusto naming ilahad at inilalahad na rin po ay hindi makayang sagutan sa kabuoan. Ganito po sana ang aming panawagan sa mga hukom na naririto na kung maaari ay tingnan ito sa kontekstong mas malawak at bigyang diin na rin po at pansin yung konteksto at pananaw ng Batayang Sektor.

Yon pong pagkakaipresenta ng issue paper tungkol dito sa access to justice nakita po namin na ang issue paper ay nagbigay ng isang makatarungan at isang magandang pananaw. Ito po ay nagbigay ng kung ano talaga ang mukha ng mga Batayang Sektor at paano ito nakikipagusap at nakikilahok nang positibo lalong lalo na sa mga usaping ehekutibo at lehislatibo. At dito po ay naipakita ng issue paper ang antas o lebel na ginagalawan ngayon ng mga Batayang Sektor. At sa punto pong ito, makikilahok din po kami sa judicial system. At yon pong mga rekomendasyon dito sa issue paper ay nakikita po namin na kung ito ay mabibigyan ng pansin, ng pagdinig ng mga pinagpipitaganan naming hukom na nandito ngayon, ito po ay malaking bagay at malaki ang maitutulong sa mga Batayang Sektor.

Ngunit para mas lalo nating mapabuti ang ating pag-uusap, mayroon po sana kaming mga karagdagan pa sa issue paper na ito lalo na po doon sa 7A assessment structure o framework na diniskas. At ito po ay may kinalaman doon sa matrix na napapaloob sa pinakahuling pahina ng ating issue paper. Nakita po namin doon na yung mga issues na binanggit ay hindi na potential issues. Ito ay hindi magaganap pa lang kung hindi nagaganap na po para sa mga Batayang Sektor. Isa na pong halimbawa ay yung sa tingin po namin ay mabagal na daloy ng hustisya. Isa pong nakita namin ay yung kawalan ng physical access ng mga court rooms natin sa mga kasama naming may kapansanan. Nakita din po namin na masyado ang generalization...

although ito po ay makakatulong sa amin, siguro po ay mas maganda na gawin itong mas specific sapagkat sa pagkakaroon ng generalizations, hindi naiwasan na magkaroon ng specific sectoral issues na nalusaw.

Gusto po namin na lang mapaingting ito dahil ito ang mas concern ng mga Batayang Sektor. At ito pong 7A assessment na ito na kumot ito ito ay isang pagtatasa maglagay na din po tayo ng isa pang puwang para doon sa pagtatasa ng mga reporma na sinabing ini-initiate na para makita ho natin talaga kung ito yung tumutugon talaga sa mga pangangailangan ng mga Batayang Sektor. Sa ganito pong pagtanaw, inaasahan po namin na mapapakinggan ito ng mga pinagpipitaganan naming mga hukom. At sana po ay bigyan ng pansin na ang ating Batayang Sektor ay nandito ngayon, nakikipagtalakayan at bukas ang loob na nakikipagusap sa inyo.

Maraming salamat po.

REACTION

Delivered by Ms. Ma. Victoria S. Diaz

Youth and Students Sector

*Y*ung rekomendasyon ho namin, tutulong ho kami sa pag-a-advocate ng pag-raise ng budget ng Judiciary para magkaroon siguro ng more incentives para sa mga good lawyers and judges. Number three, incompetent lawyers... kaya ho siguro ayaw ibahagi ng ibang sektor ito dahil medyo kontrobersyal. Anyway, dahil yung rekomendasyon namin doon sa pangalawang punto, gusto rin namin na makita yung full implementation ng RA 3557 kahit sa mga practicing lawyers at para doon sa mga estudyante pa lang ng batas. Kailangan ho sigurong tingnan yung curriculum. Sumasangayon ho kami doon sa mungkahi ng mga kaibigan namin na nasa alternative law groups na pag-review ng curriculum para sa umpisa pa lang ay medyo may preparation na para sa Batayang Sektor. Nagisip ho kami ng konkretong halimbawa dito.

Minumungkahi din ho namin na magkaroon ng administrative circular para doon sa mga nag-ha-handle ng death penalty cases base sa mga diskusyon ng mga nakaraang araw. May mga pagkakataon na, according doon sa isang abugado na bigla yung dating ng death penalty at sana i-equip yung lawyers na maghahandle dahil buhay yung pinaguusapan natin dito. Baka kailangan ng administrative circular at ano mang paghahanda sa mga lawyers who will handle ng cases na maaaring magkaroon ng death penalty. Maliban doon, minumungkahi din namin na kagaya ng mga judges, magkaroon din ng mga incentives para sa mga lawyers na nagsisilbi sa mga Basic Sectors at mga communities... mga konkretong incentives para maengganyo pa silang pumasok sa alternative lawyering yung mga soon to be lawyers.

Pangapat, yung isyu ng walang special courts or structure for the Basic Sectors or the disadvantaged sectors. Yung pag-issue ng demolition, baka pwedeng tingnan ng Kataas-taasang Hukuman na magkaroon ng structure within the court na mayroong titingin sa mga ganitong kaso, demolisyon, yung mga magiging kaso sa Fisheries Code. Kanina pinakita ni Usec. Buendia kung ano-ano yung mga potential points na kaugnay sa mga Basic Sectors na hindi nag-co-complement sa mga existing laws. Panglima, galing din ho ito sa mga kaibigan, kadiskusyon at kasama sa paguusap na mga abugado, na may mga ibang lawyers at hukom na

hindi ganoon kapamilyar sa mga bagong batas lalo na ho sa SRA alone ang dami-dami nang bagong batas, like the anti-rape bill, Fisheries Code, Family Court, so baka pwedeng magkaroon ng program and Kataastaasang Hukuman para maihanda ang mga abugado at hukom para sa paglilitis ng mga kasong ito.

Yung pang-anim, ay yung tungkol sa accessibility nung physical structure at the same time yung process of language ng court. Akala namin yung Supreme Court kanina ay hindi PWD friendly pero nakita namin na may ramp sa harapan. Si Capt. Taleon ho kasi ay pumanik doon sa hagdan. May mga municipal courts ho kasi na hindi accessible sa mga ibang Basic Sectors. Aside from the physical structure, yung language... maraming lingwahe na hindi naiintindihan ng mga Batayang Sektor. Kailangan ho siguro na tulungan nyo kami dito.

Kanina ho sinabi ko na sinubukan naming i-cluster yung mga issues pero may mga sector-specific issues pa rin ho at maaaring hindi pa directly under your jurisdiction. For example yung tungkol sa non-implementation of rules regarding youthful offenders. Batay sa aming pag-aaral... pag nasesentensyahan na youth offender, pero pagdating sa kung saan sya makukulong, hindi na ho under your jurisdiction. Gusto rin ho naming sabihin ito, kasi sektor ko ho kasi yon kaya gusto kong sabihin, yan ho kasi yung reyalidad. Pagpunta ko sa city jail, ang babata pero kasama nila yung mga hardened criminals sa death row. Yung isa pa 11-year-old boy nandoon sa Camp Sampaguita sa medium security compound. Alam ko hong hindi ito directly under your jurisdiction pero baka ho pwede din ninyong tingnan ito. Aside from that, yung tungkol sa data sa gender... sinasabi namin na yung mungkahi ng mga kababaihan, baka pwedeng pag-aralan yung structure, nasaan at ilan yung mga kababaihan na hukom, tapos yung mismong... ano yung mga karaniwang kaso ng mga farmers, o mangingisda. Ito sana yung gusto naming makita. Sana magkaroon ng data tungkol sa gender at sectoral breakdown ng demographic data.

Yan lang po ang aming mga issues. Marami hong nailabas kanina yung mga kaibigan at kasama namin na mga abugado. Gusto ho naming sabihin na sumasangayon kami doon sa maraming sinabi nila na dapat tingnan at doon sa mga konkretong rekomendasyon nila para maging accessible yung justice para sa amin. Maraming salamat po.

INTERVENTION FROM THE ALTERNATIVE LAW GROUPS

by *Atty. Marvic M.V.F. Leonen*

Convenor, Alternative Law Groups Network

“(8) Ipagtanggol mo ang inaapi; labanan ang umaapi.”

“(13) Ang kamahalan ng tao’y wala sa pagkahari, wala sa tangos ng ilong at puti ng mukha, wala sa pagkaping kahalili ng Diyos, wala sa mataas na kalagayan sa balat ng lupa: wagas at tunay na mahal ang tao, kabiti laking gubat at walang nababatid kundi sariling wika, yaong may magandang asal, may isang pangungusap, may dangal at puri, yaong di nagpaaapi’t di nakikiapi; yaong marunong magdamdam at marunong lumingap sa bayang tinubuan.”

Emilio Jacinto

Kartila ng Katipunan

ur presentation covers an introduction of the concept of alternative lawyering in the Philippines. It will then proceed to random but specific comments on the highlights of the paper presented. Given the time allowed for the intervention, the Network suggests that there be a separate meeting between the Supreme Court justices and their staff on the one hand, and human rights and public interest lawyers on the other. There is simply too much ground to cover.

Alternative Law Groups

The Alternative Law Groups Network is comprised of twenty-one (21) institutions of lawyers, paralegals and other legal practitioners who practice lawyering in the public interest. Their practice of law goes beyond the textbook definition of “practice of law.” Like legal aid, it is a career that is directed at assisting sectors of society that do not have the financial resources to go through the legal system. But, unlike legal aid, the individuals working together within these institutions more actively seeks out communities and works with them to discover and implement solutions that are longer lasting. There is therefore a tendency to root out solutions that address structures and causes rather than react symptomatically to cases that may be filed or have been filed in courts.

Alternative lawyering in the Philippines is also done consciously by these institutions. The Free Legal Assistance Group evolved the concept of Developmental Legal Aid (DLA). This introduced the idea of the “meta-legal” and modified the concept of a “paralegal” to include those that have had no formal training in law. Most of the existing institutions within the Alternative Law Group network practice some kind of public interest law. The Legal Rights and Natural Resources Center Inc. (LRC-KSK), which focuses on indigenous peoples and upland migrant communities, calls this Strategic and Progressive Legal Interventions. The Women’s Legal Bureau (WLB) conceptualized their own variation of feminist lawyering within the Philippine context. These concepts go beyond addressing the problems of the individual client. They focus on communities, entire sectors or even whole geographical regions.

Many of the institutions coalesced under the Alternative Law Group Network also do paralegal training. In fact, facilitation of these types of training seem to be a basic skill nurtured by the different organizations. In other countries, paralegals are law students or professionals who have been trained to support lawyers in the context of the work of a law firm. In our country, paralegals are not necessarily law students nor do they perform work relevant only to a law firm. Most of them are members of underprivileged communities who go through a training program evolved through theory and experience by an alternative law group. As part of their services, the trained community paralegals are supervised or cliniqued by the training institution. Many of the paralegals trained in the communities double as organizers.

Two of the groups included within our network, SALIGAN and KAISAHAN, for instance have documented their training curriculum and called their training technology as “PEASANTECH.” Many farmers and farmworker communities that have undergone this training have produced paralegals that could not only assist their peers understand their rights. Some of them have the capability to go through the bureaucracies of the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR). Some even appear before the various local adjudicators of the Department of Agrarian Reform Adjudication Board (DARAB).

Many farmers and farmworker communities that have undergone this training have produced paralegals that could not only assist their peers understand their rights. Some of them have the capability to go through the bureaucracies of the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR). Some even appear before the various local adjudicators of the Department of Agrarian Reform Adjudication Board (DARAB).

What SALIGAN and KAISAHAN did for the peasant sector, groups like PBPF, Tanggol Kalikasan and DLAC have also done for indigenous groups and those affected by environmentally destructive projects. Within the network we have curricula for training paralegals among women, urban poor, fishers and fishers' communities, human rights victims, peasants, farmworkers, workers and many others.

Alternative Law Groups also routinely do policy advocacy. Many have been instrumental not only during Senate and House Committee Hearings but also during their respective technical working group sessions. SALIGAN provided crucial inputs to those that were involved in crafting the Fisheries Code. PANLIPI was at the forefront of drafting both the Indigenous Peoples Rights Act and its implementing rules and regulations. WLB once acted as convenor to a network of feminist and women's organizations doing advocacy for the amendments to the provisions on rape in the Revised Penal Code. LRC-KSK had been doing advocacy on revisions and/or repeal of the Mining Act while also providing very informative criticisms to the budget of the Department of Environment and Natural Resources. Many of the groups were involved in the campaign to repeal Presidential Decree No. 772.

The crafting and critique of many administrative orders, rules and regulations is also the subject of the legal advocacy of many of the alternative law groups.

Of course, not everyone had been satisfied with the outcome of these efforts. Many are still working to correct the compromises entered into by Senators or Representatives, which are still unacceptable. There is also constant debate as to how to intervene, the orientation of the intervention and the compromises that are acceptable to the basic communities that the groups represent.

Be that as it may, the alternative law groups perform the function of translating the contents of the law and its processes to the communities. Alternatively, by policy advocacy, they attempt to articulate the solutions of communities to their problems by crafting them into legal language. Many find it indispensable to guide these sectors through the various procedures of the official national legal system.

Perhaps, the best indicator of how integrated these groups are with the Basic Sectors is the continued reliance by these communities on these institutions. Another indicator are the offers for consultancies coming from international organizations such as the World Bank and the Asian Development Bank to these groups to assist them

evolve more community-sensitive approaches to their projects. Some of the institutions have decided to do so. Others, understandably, have remained critical.

Alternative lawyers also litigate at all court levels. There are also several cases now pending in the Supreme Court, the resolution of which would mean the betterment of the lives of the communities that have brought them. The controversy in Sumilao, Bukidnon is one of these cases. Another is the suit brought by indigenous peoples and environmental advocates to challenge the constitutionality of the Philippine Mining Act. As of this writing, these are awaiting resolution of the Court.

The organizations in the Alternative Law Group Network are not simply a rag tag band of informal aggrupations. They have physical bases and identifiable organization structures. Some have branches in different parts of the country. Others have very sophisticated international and national networking mechanisms. Many are connected to the Internet and routinely participate in international gatherings and workshops.

Alternative law groups do not derive their sustenance from the communities or clients that they service. They do not have the capacity to pay. Government money is rarely, if ever, forthcoming for these groups. Apart from the obvious stress brought about by the nature of their work, alternative lawyers also engage in fund raising in order to be able to continue with their work.

Alternative lawyers have pioneered in many fields of law. Community-based resource management systems and ancestral domains delineation and recognition are areas where many alternative lawyers work on. The complex of services that we provide to prostituted women, persons with AIDS and street children are slowly evolving as world renown and world class. Internationally, the work of alternative law groups has earned respect and admiration.

Because the work of alternative lawyers require creativity, and creativity demands more attention to existing laws and doctrines, many

Alternative lawyers have pioneered in many fields of law. Community-based resource management systems and ancestral domains delineation and recognition are areas where many alternative lawyers work on. The complex of services that we provide to prostituted women, persons with AIDS and street children are slowly evolving as world renown and world class. Internationally, the work of alternative law groups has earned respect and admiration.

of the lawyers also teach in law schools. These include the College of Law of the University of the Philippines and the Ateneo de Manila University. There are also alternative lawyers who double as professors in San Carlos, Cebu City, Cagayan de Oro, Davao City, Palawan, Baguio City and others.

If I were to summarize the single core conviction of lawyers and other legal practitioners included within our network it is the unwavering belief that communities can take control of their own destiny. This means being able to work the legal system so that the solutions it may provide correspond to their interests. How this is done, what the focus will be, the organizational requirements needed, the types of activities specialized varies from one alternative law group to another. I have attached a list of these organizations for the Court's ready reference.

Common Challenges

Challenges inherent in the work of Alternative lawyers

The first set of challenges we face is inherent in the work that we do. Apart from the usual stress of having to meet deadlines, we are bound by a common perception that the best forum for conferences with communities and the Basic Sectors is right in the places where they live and work. This is not simply because we want our partners to be in a comfortable situation, the law office normally intimidates partners. Thus, we spend a lot of time traveling to their areas. Those working with indigenous peoples walk kilometers through rugged terrain. Many jump into overcrowded buses in the provinces or ride the same public utility motorcycles as most of the rural folk. Many women advocates stay for long periods in urban poor areas attempting to understand the context of violence against women. Labor advocacy and consultations usually take place after work shifts or in the picket lines.

The ordinary things that we do to be able to talk to our partners already demand a lot from us physically and psychologically.

Then there is the problem of language and culture. Lawyers are trained to speak using strange metaphors and to reason in a way that usually is not too familiar to a host of cultures. The simple act of translation and learning the culture and the language of the Basic Sectors require time, patience and resources from the law groups.

If communication between two individuals can be misunderstood, imagine what it

would be like to consult with entire communities or sectors. Many alternative lawyers have come from a background of community organizing. Some also develop a keen sense of dealing with the various types of leadership structures both formal and informal within communities. It is not unlikely that they also mediate or support.

The suggestion in the issue paper to have more legal clinics therefore should take this type of practice into consideration.

Unlike medical clinics, legal clinics require more than just one visit. In order to be empowering, a relationship must be built between the client or community partner and the lawyer. Furthermore, social, and even personal conflicts could not be addressed in just one visit. It requires a commitment from the lawyer. The lawyer however has to have the resources to back up this commitment.

Challenges as a result of the nature of our activities

The second set of challenges that we commonly face has to do with the content of our advocacies.

It is easy to understand that the social, cultural, economic and even political context works against the sectors that we represent. If it did not, they would not have been marginalized or disenfranchised in the first place. They would have had the ability to hire their own private counsels instead of relying on alternative law groups.

Thus, to actually win a case or introduce a creative and workable solution, a lot of social, political, economic and cultural biases have to be overcome. That is why there is some emphasis put on education, media work, mobilizations, publications and other activities which could hopefully educate the public in general and the policy makers in particular as to the viability of other solutions to the problems of the Basic Sectors.

The public's common misconception is that the courts are very conservative and traditional. Along with that perception is the idea that new legal concepts do not come from interpretations of law made by the

Judiciary. Recently, even in legal theory, these perceptions are now under review. Among others, the sociological jurisprudence, policy science, law and economics, critical legal studies, feminist jurisprudence schools have produced a lot of literature dealing with the nature of the judicial function.

Looking through Philippine jurisprudence, we come across a great deal of cases where the Supreme Court had shown that it was not operating in a legal vacuum. As early as 1909, in *Carino v. Insular Government*, the Supreme Court through the *ponencia* of Justice Holmes clarified the concept of property as enshrined in the due process clause. Thus he said:

“... When as far back as testimony goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.”

Justice Flerida Ruth Romero in *Mineral Association of the Philippines v. Secretary Factoran* recently reiterated this ruling. The concept of time immemorial possession as basis for the presumption that the land is private remains one of the more solid legal foundations for recognizing rights of indigenous peoples in the Philippines. This had already also been part of our corpus of jurisprudence even before the advent of the concept of ancestral lands and domains in our new Constitution.

In *Pit-og v. People*, Chief Justice Marcelo Fernan considered customary norms of ownership of “tayans” in the Mountain Province to acquit the accused from the charge of theft.

Then in *Association of Small Landowners v. Department of Agrarian Reform*, Justice Isagani Cruz introduced the concept of *revolutionary* taking. The problem revolved around the provision in Republic Act No. 6657 requiring payment to be made in both cash and bond. Responding to the new circumstances surrounding the exercise of the power of eminent domain for the purpose of agrarian reform, the Court declared for the first time that the mode of payment could be both in cash as well as in government securities.

In the more recent case of *Manila Prince Hotel v. GSIS*, the Court with Justice Josue Bellosillo acting as *ponente* introduced for the first time a clarification of the definition of national patrimony as used in Article XII, Section 10 of the Constitution. This resulted in a more Filipino-oriented policy in granting rights and privileges concerning not only natural resources

but also those properties that belonged to our unique cultural and historical heritage.

No one could of course be able to forget *Oposa v. Factoran* penned by Justice Hilario Davide Jr. Liberalizing the rules on standing at least for suits that affected natural ecology, the Court declared that representative suits for “generations yet unborn” could validly be upheld. This type of liberal interpretation of standing uniquely opened the avenue for more vigorous protection of our ecology through courts of law.

It was also Justice Hilario Davide who articulated the opinion of the Court in *Santiago v. Comelec*. For the first time and taking into consideration the context of the provisions in Article XVII, Section 2, the Court declared that Republic Act No. 6735 was not sufficient. Thus, that decision wrote *finis* to that vain attempt to introduce amendments to the provision that justly provided for term limits to elective positions—at least for the time being.

There are many other decisions where the Supreme Court itself considered not only the strict requirements of positive law but took into consideration the needs, aspirations, circumstances of our Basic Sectors. This presentation is too short to do justice to all of them. Perhaps a closer inspection of these cases and their trends will provide empirical fodder to that debate regarding the relationship of legal interpretation to structural societal changes. But this is something that some scholar might take on.

In actual practice therefore, the Court has responded. Whether this has been enough is a conclusion that no one could make at this time. But, at least it has remained sensitive to the changing milieu and to the actual conditions. I recall the words of Justice Cruz in *Association of Small Landowners v. Secretary*, thus:

“With these assumptions, the Court hereby declares that the content and manner of the just compensation provided for in the aforementioned Section 18 of the CARP law is not violative of the Constitution. We do not mind admitting that a certain degree of pragmatism has influenced our decision on this issue, but after all this Court is not a cloistered institution

Looking through Philippine jurisprudence, we come across a great deal of cases where the Supreme Court had shown that it was not operating in a legal vacuum.

There are many other decisions where the Supreme Court itself considered not only the strict requirements of positive law but took into consideration the needs, aspirations, circumstances of our Basic Sectors...

In actual practice therefore, the Court has responded. Whether this has been enough is a conclusion that no one could make at this time.

removed from the realities and demands of society or oblivious to the need for its enhancement. The Court is as acutely anxious as the rest of our people to see the goal of agrarian reform achieved at last after the frustrations and deprivations of our peasant masses during all these disappointing decades. We are aware that invalidation of the said section will result in the nullification of the entire program, killing the farmer's hopes even as they approach realization and resurrecting the specter of discontent and dissent in the restless countryside. That is not in our view the intention of the Constitution, and that is not what we shall decree today." (Emphasis supplied)

It is this opening that perhaps those concerned with the Basic Sectors should explore.

Challenge to the sustainability of public interest/alternative law practice

The third set of problems has something to do with the sustainability of our practice. Because it is not lucrative, there are too few lawyers doing the work that we do. But it is not only the monetary returns that are working against this type of practice.

The obvious need is to have both the Court and the Integrated Bar of the Philippines recognize what we do. Too often we have been branded as subversives and radicals. These cultural epithets have relegated our work with the majority of Filipinos who are poor into the margins of our profession. The result is that it engenders wrong impressions about our professionalism as well as our commitment. Too often, we have heard false comments that because most of our work is *pro bono*, it does not compare with the work of law firms. Or that, we have chosen to work as alternative lawyers because we could not make it in large law firms. Or still, that our work should never be considered as the work of a legal professional.

I recall that the Integrated Bar of the Philippines engaged in concerted actions as soon as a certain Atty. Ruiz disappeared. Black armbands were worn by various chapters throughout the Philippines. The officers of the IBP in black armbands in a plush hotel during legal forum poignantly captured the concern of the entire legal profession for the welfare of Atty. Ruiz.

There is no similar concern or award shown to those among us who have dedicated our entire careers to public interest or alternative law. We have forsaken lucrative careers to follow the dictates of our conviction. Some recognition from our peers sometimes can go a long way.

There are also too few lawyers because the fields of law that we use are normally not taught in law schools. The curricula of most law schools are weighted in favor of preparation for the bar, not preparation for public interest practice. Thus, agrarian reform, environmental law, fishers' law, indigenous law, feminist jurisprudence is rarely if ever taught in law schools. On the other hand, bar subjects such as taxation and commercial law are staples of any credible law school.

The fourth set of challenges relates to the rules of practice. There are obvious remedies and standards that work against our clients.

Presidential Decree No. 1818 is an obvious trap for communities who wish to cause the government to pause before it goes ahead with ill thought projects. While a community affected by a project proceeds with the expensive endeavor to pursue litigation, the companies or the government itself goes on. By the time litigation is won by the community there is nothing left for the communities to enforce. They usually are met with a *fait accompli*.

Presidential Decree No. 42 is another stumbling block for public interest practice. When the State uses its power of eminent domain, courts have interpreted this law to allow actual physical entry into the property even if what has been deposited was not fair market value but *only the assessed value of the property*. While the community affected goes through the motions of Eminent Domain under Rule 67, the proponent proceeds with setting up the infrastructure. Because the hearings are protracted, the usual result is that the community inevitably gives up. How can one expect to keep on fighting when an electric tower has already been built?

Of course, there is also the problem of the use of language and metaphors. Courts still use English when all the participants in a court process could speak another indigenous language. Would it not be possible for instance to use an indigenous label rather than "*certiorari*," "*mandamus*" or "*quo warranto*?" Any step to use more familiar labels is always a step towards the right direction. These are only some of the procedural blocks. Again perhaps in the proper forum a more comprehensive list could be examined.

Some Suggestions

In view of the foregoing considerations and on behalf of the Alternative Law Group Network, we therefore propose the following:

First, that a separate dialogue between the members of the bar who are engaged in some form of public interest/alternative law practice and the Supreme Court be held. Their issues, while intimately related to those of the Basic Sectors, are also unique in themselves.

Second, that continuing dialogues be conducted between the bench and the public in general. The Court is to encourage more contextualization of cases so that the decisions are not only in accord with good doctrine but are relevant as well. There is no substitute to hearing the problems and the solutions from the people themselves—without sometimes the mediation of lawyers and legal language.

The end in view should not be to supplant the decision making of judges and justices but only more accessibility and accountability of the incumbents. The workshops or public meetings could just be dialogues to further understanding. It need not be confrontational or in the context of adjudicating specific cases.

Third, that we work on obvious aspects of the Rules of Court such as giving priority to community filed cases, reviewing the guidelines for Presidential Decree No. 1818, interpretation of the consequences of Presidential Decree No. 42 in relation to the just compensation clause of the Constitution and translating some of the labels we give to remedies into the local languages.

Fourth, there should be a serious review of the content of legal curricula as well as the bar examinations. Unless the latter changes, it might be difficult to introduce sweeping changes into the system of law schools. Thus, if taxation could be removed as a bar subject and in its place rural and urban land laws could be required, this would go a long way to convince law schools to introduce agrarian and urban land reform as required subjects of study. This could be the subject of more intense but systematic discussion.

Fifth, that we explore incentives that could be given to alternative lawyers.

We have only begun to scratch the surface. More of the issues that have been raised need to be discussed in depth. We may not have the capacity or the will to proceed to change things now but at least we have begun. Insofar as we have begun, this indeed is a historical moment. Insofar as the Court will push this process forward, we look forward to our leadership.

THE ALTERNATIVE LAW GROUPS

c/o the ALG Convenor

*Legal Rights and Natural Resources Center, Inc.
Kasama sa Kalikasan/Friends of the Earth-Philippines
2/F PUNO Building #47 Kalayaan Avenue, Q.C.
Tel. 927 – 9670/927 – 9644; Fax: 920 – 7172
e-mail: ircksk@mnl.sequel.net*

List of Members:

1. Ateneo Human Rights Center (AHRC)
2. Alternative Law Research & Development (ALTERLAW)
3. BALAY-MINDANAO Foundation
4. Sentro ng Batas Pantao (BATAS)
5. Center for Paralegal Education and Training (CPET)
6. Developmental Legal Assistance Center (DLAC)
7. Federation of Free Workers (FFW) Legal Center
8. FREE LAVA
9. KAISAHAN Tungo sa Kaunlaran at Repormang Pansakahan
10. Legal Rights and Natural Resources Center – Kasama sa Kalikasan/ Friends of the Earth-Philippines (LRC-KSK)
11. PANLIPI Tanggapang Panligal ng Katutubong Pilipino
12. Paghilingkod Batas Pangkapatiran Foundation (PBPF)
13. Pilipina Legal Resource Center (PLRC)
14. Paralegal Training Service Center (PTSC)
15. Participatory Research, Organization of Communities, and Education Towards Struggle for Self-Reliance (PROCESS – Panay)
16. Pampamayanang Ahensiya na Nagtataguyod sa Karapatan at Kaunlaran ng Tao Foundation (PANGKAT Foundation – NE)
17. Structural Alternative Legal Assistance for Grassroots (SALAG)
18. Sentro ng Alternatibong Lingap Panlegal (SALIGAN)
19. Sentro Para sa Tunay na Repormang Agraryo (SENTRA)
20. Tanggol Kalikasan
21. Women's Legal Bureau (WLB)

Observer Status:

Environment Legal Assistance Center (ELAC)

The Court is to encourage more contextualization of cases so that the decisions are not only in accord with good doctrine but are relevant as well. There is no substitute to hearing the problems and the solutions from the people themselves without sometimes the mediation of lawyers and legal language.

HIGHLIGHTS OF THE DIALOGUE WITH THE BASIC SECTORS

Session Hall, Supreme Court,
Baguio City, 23 April 1998

Introduction

The “Dialogue with the Basic Sectors” on 24 April 1998 brought together members of the Supreme Court and the Court of Appeals, Executive Judges from Regional Trial Courts, Basic Sectors representatives in the Social Reform Council, the Alternative Law Groups Network, the academe, and other government agencies. The issues presented during the Dialogue were identified after a series of preliminary meetings conducted by the Project Management Office. These preliminary meetings to synthesize and concretize the issues also served to provide inputs on the processes of the Judiciary, its constitutional parameters and the reforms instituted by the Supreme Court, particularly those affecting Basic Sector concerns.

The one-day Dialogue included: (a) an introduction of the participants; (b) keynote address from Chief Justice Andres R. Narvasa; (c) a presentation of the highlights of the Issue Paper; (d) reactions to the Issue Paper; (e) an open forum; (f) a workshop on future actions; and (g) the closing and inspirational message from Associate Justice Josue N. Bellosillo, Special Representative of the Supreme Court to the SC-UNDP Project.

Keynote Address of the Chief Justice

Hon. Andres R. Narvasa, Chief Justice of the Supreme Court, delivered his keynote address in Filipino, entitled, “*Ang Hukuman at ang Hustisya.*” He explained the basic judicial processes, and gave the assurance that the Court will consider the comments and views of the Basic Sectors toward the enhancement of judicial reforms and the strengthening of the administration of justice.

Highlights of the Draft Outline of the Issue Paper

Undersecretary Emmanuel E. Buendia, Secretary-General of the *Social Reform Council* and national consultant for this activity presented the highlights of the draft abstract outline of his issue paper **“Understanding the Justice System: Enhancing Access of the Basic Sectors to the Judiciary”** covering the following:

- a proposed framework on the justice system and people empowerment;
- an overview of the total judicial system and Judiciary-related issues;
- an overview of the Basic Sectors;
- an inventory of social reform-related laws and current initiatives and the proposed actions to enhance access of the Basic Sectors to justice; and
- the proposed parameters in assessing the judicial system, which he termed 7As (see Issue Paper).

The assessment shall be based on identifying the potential issues or gaps pertaining to a particular topic and the reforms initiated by the Supreme Court. His presentation included recommendations for action.

Reactions from the Basic Sector Representatives

Ms. Mercedes Nicolas, Representative of the *Informal Workers in the Social Reform Council*, presented the reaction in behalf of the Basic Sector representatives who participated in the Dialogue and its preliminary meetings. She stated that the invitation to the Basic Sectors by the Supreme Court is a good indication of the openness of the Justices in

working together with the representatives of the Basic Sectors so that the attainment of justice can further permeate to the Basic Sectors of society. However, even while they are aware of the role of the Judiciary in the administration of justice they are also aware of its limitations. She then requested the members of the Judiciary to look at the issues in a broader and holistic context, i.e., all the pillars of the justice system.

On the issue paper, Ms. Nicolas said that the paper gives a just and fair viewpoint as it presents the true profile of the Basic Sectors and how they can communicate and participate positively in the executive, legislative and now the judicial systems. On the 7A Assessment structure, she noted that the issues presented are not potential issues but are already arising and that a column should be added for the assessment of reforms already initiated to see if they really address the needs of the Basic Sectors. Also, although the issues presented are helpful, they are too generalized. The issues should be more sector-specific.

Reaction from the Alternative Law Groups Network

Atty. Marvic Leonen, Executive Director of the Legislative Resources Center-KSK/FOE and currently convenor of the Alternative Law Groups (ALG) Network gave a backgrounder on what the ALG Network is and who comprise it. He then discussed the areas of the group's focus such as developmental legal aid, which includes meta-legal and paralegal, public interest litigation, strategic and progressive legal interventions and feminist lawyering. The ALG Network also conducts paralegal training, policy advocacy and law reforms activities.

On the issue paper, his comments included the following:

1. The role of the Judiciary, in general, and the Supreme Court, in particular, is not simply to facilitate the speedy resolution of the dispute. Atty. Leonen provided examples of Supreme Court decisions that proactively support some advocacies of the Basic Sectors. He also said that it was essential that there be continuous dialogue among members of the bench and the bar as well as the Basic Sectors to maintain context in some cases.
2. There are aspects of procedure which the Supreme Court may want to address immediately, some of which are: the problem of language in court proceedings including the need to seriously look into the translation of legal documents, prioritization of cases where communities are represented (as in the prioritization in the Rules of Court in favor of indigents, *habeas corpus* cases, etc., and where

litigants do not have enough financial resources), and the removal or reinterpretation of court processes that effectively remove judicial redress to marginalized sectors or communities.

3. There should be a review of the content of the bar examinations and the curricula of the law schools.
4. There is a need for the legal profession to support the initiatives of the ALGs and other lawyers of the marginalized rural communities.

Issues Raised by the Basic Sectors

Ms. Victoria Diaz, Representative from the Youth and Students Sector in the Social Reform Council presented issues of the Basic Sectors and proposed recommendations. The issues raised include: (1) clogging of dockets; (2) incompetent and corrupt judges; (3) incompetent lawyers; (4) setting up of structures or mechanisms within the courts to handle special cases concerning the Basic Sectors and the lack of familiarity with new laws among lawyers and judges; (5) accessibility to the courts which may be physical, linguistic/communicational, and other hindrances; (6) non-implementation of laws on youth offenders, including separate quarters for youth offenders; and (7) more gender sensitive data/disaggregation of information.

Basic Sector Issues and Responses from the Members of the Judiciary and other Participants

1. **Clogging of Dockets.** Decisions on cases in the courts take too long and negative impacts on the family of the accused are great.

Recommendation: Full implementation of the Speedy Trial Act, particularly Sec. 14.

Responses:

Hon. Flerida Ruth P. Romero, Associate Justice of the Supreme Court, stated that this is a problem endemic all over the world. The Supreme Court has set up reforms to address this problem including the continuous mandatory trial that seemed to be effective in the speedy resolution of cases. However, impacts on the judges' health due to continuous trials were soon felt. With respect to the comment of a litigant that a case has been in the Supreme Court for ten years it is possible that the case may not have yet reached the Court or the delay

was in the prosecution stage or in the lower courts. She also said that there is a need to be factual in arguments that there are delays and there must be verification on where the case really is. There is also a need to look at who really are the culprits in delaying cases. Sometimes, the lawyers themselves are the ones who ask for postponements especially so if they are paid on a per appearance basis. On fast tracking of decisions, this must be reexamined so that the primary goal of dispensing of justice is not sacrificed while bearing in mind the need to follow due process.

Justice Romero on the query of Ms. Nicolas on how to solve the delay in the administration of justice, given the problems being faced by the courts, said that the remedy is not in the hands of the judge nor the lawyer. There is the alternative dispute settlement where earnest efforts are made to resolve disputes. This is already done in labor disputes, commercial arbitration and mediation. The Basic Sectors should be able to use their power to resolve disputes without going to court.

Justice Bellosillo stated that another factor that causes the clogging of dockets is that even while there is a law on expanding the jurisdiction of municipal courts, no corresponding increase in the number of branches was provided. This has to be solved by legislation.

On special cases, such as child abuse, he suggests that a color-coding scheme such as the one presently applied in the Supreme Court may be used so that they can be easily prioritized. There are circulars regarding the length of the trial period but when there are requests to extend this for legitimate reasons, they cannot do anything about it (e.g., death of a family member).

Hon. Angelina Gutierrez, Associate Justice of the Court of Appeals, addressed Justices Romero and Bellosillo by expressing her dream for the Philippine Supreme Court to have the same jurisdiction as the United States Supreme Court, wherein only constitutional issues are raised. She then suggested that under the rule of summary procedure there should be a prohibition to file *certiorari* in the Court of Appeals for cases still pending in the Regional Trial Courts. This is because when an action for *certiorari* is filed on grave abuse of discretion, the case remains pending in the RTC. All cases involving alleged abuse of discretion or lack of jurisdiction can already be joined with the appeal.

Judge Ma. Cristina Estrada, Acting Executive Judge of Pasig City said working within the parameters of the law requires observing due process,

i.e., hearing both sides of the case. However, for one reason or another, notices do not reach the witnesses, which is the function of the process servers, the policemen and the post office. If they issue orders without observing due process then certiorari is filed against them, contributing to the clogging in the dockets of the Court of Appeals.

Atty. Jose Ma. Carpio from the Institute of Human Rights, UP Law Center recommended for advocacy in the next Congress legislation on:

- a) BP 22 cases as this law has been greatly abused such that in Metro Manila maybe 6 out of 10 cases filed are violations of this law clogging the court dockets. These cases have made the courts a collection agency and the Supreme Court has issued a circular to this effect to dissuade people from filing cases.
- b) Small claims procedure like that in the American court system. For certain dollar amounts, one only needs to go to court, present the receipt and the court will immediately act on the case, all these without the aid of a lawyer.
- c) The jury system should be viewed. The system should be viewed not as a means of gaining access to justice but rather as a means to participate in the administration of justice. The system will also provide for a check and balance.

Justice Bellosillo replied that there is now a study on the creation of small claims courts in the Philippines to de-clog municipal courts of the BP 22 cases for certain amounts and for these courts to have a jurisdictional ceiling of P 50,000.00 - 100,000.00. The only complication is the criminal nature of estafa. This study shall be presented to Congress.

Prof. Myrna Feliciano, Director of the UP Law Center Institute of Judicial Administration, said that there is also the problem of vacancies in the courts and there is no sufficient number of applicants to fill them. The monthly reports of the judges can serve as the monitoring system of their performance submitted to the Office of the Court Administrator. This may be monitored closely. On the Speedy Trial Act, she queried on how this could be implemented when there are not enough prosecutors. One of the proposals in the

Supreme Court Judicial Reform Committee, of which she is a member, is to standardize judicial orders in the computer or in a form that will save time and effort for judges.

2. **Incompetent and Corrupt Judges.** Even while there are members of the Judiciary who are clean, there are also others who are said to be corrupt. That is why the Basic Sectors are asking the Judiciary to take a leadership role in addressing the concerns of the entire judicial system, even if not all fall within the Judiciary's area. A commitment was asked from the members of the Judiciary to continue this dialogue even after the Baguio activity.

Recommendations: *a) full implementation of RA 8557 (Philippine Judicial Academy and Continuing Education); and b) rewards for judges who are good at their jobs. On Basic Sector cases, special courts should be provided.*

Responses:

Justice Romero replied that when the list of nominated judges are published in the newspapers, the public can send information, criticisms or charges to the Judicial and Bar Council regarding these persons. However, one important function of the Supreme Court is the supervision over judges or court personnel. She stated that the Judiciary has in fact disciplined judges. There are instances when losers in decided cases do not appeal their case but rather file an administrative case against the judge, which is unfair on the part of the judge. Justice Romero stated that an appeal should be filed first before resorting to this.

Justice Bellosillo enumerated the following ways in which the Court disciplines judges – (a) dismissal (b) suspension and (c) admonition and reprimand. He then presented statistics showing that the Court has dismissed judges on an average of one per month. Causes of dismissal included incompetence and corruption. There was only one suspension last year because the Court would like to make it more difficult for an erring judge. These judges are instead fined with admonition and reprimand so that they continue working to avoid delay in the hearing of cases.

In giving judges incentives, he requested Ms. Diaz to give the Justices an idea on how to do this. Justice Bellosillo stated that there are already judicial awards for excellence and that these judicial awards are already prestigious. He said that the Court might be able to look into Ms. Diaz's suggestion on creating other means of rewards (such as public announcements in newspapers, and other non-monetary incentives).

Justice Gutierrez said that with respect to some lawyers claiming to have given money to a judge the public should not believe it outright because it may be that the money is just pocketed by said lawyers.

Prof. Feliciano suggested that it is time to expose corrupt lawyers and judges and the community should be informed through clear instructions on how to file complaints against them.

3. Incompetent Lawyers

Recommendations: (a) full implementation of RA 8557, or the PhilJA law, on continuing legal education for the members of the Bar, (b) assessment of the law school curriculum to enable lawyers to be prepared to handle the Basic Sectors, (c) promulgation of an administrative circular on the qualification of lawyers who can handle death penalty cases, and (d) formulation of incentives for lawyers who assist the Basic Sectors and communities.

Responses:

Justice Romero said that changing the law curriculum is not that easy as prescribed processes must be followed. Although they may like to streamline the curriculum, they are hedged in by bureaucratic concerns.

Prof. Feliciano queried on what happened to the Legal Education Reform Act (RA 7662 [1993]) as it can implement mandatory continuing legal education. One of the recommendations in the Integrated Bar of the Philippines Convention held in Cebu City includes conducting a research study on this matter. She then identified lawyers from the Public Attorneys Office (PAO) as being left behind in training. Finally, she suggested that it was time that law firms devote 10% of their practice to *pro bono publico* cases and it is the Supreme Court which has the power to tell them.

Atty. Edwin Valdez of the PAO replied that it is not true that they are lagging behind in training as they are regularly sent invitations to attend seminars. Also, lawyers do not lack reminders from the judges to review new laws. However, Atty. Valdez stated that the PAO lawyers are often assigned as counsel de officio, thus increasing their caseload.

Cases being heard by the private lawyers are being prioritized. There are also times when the judges tackle the cases assigned to the PAO lawyers last because they know that PAO lawyers will not leave the courthouse until their case is heard.

He affirmed that the PAO does not distinguish its clients and that the basis for approaching PAO lawyers is merely economic. Atty. Valdez recommended that coordinators for Basic Sector issues be assigned.

On Atty. Leonen's input that the ALG welcomes incentives for lawyers working on Basic Sectors and communities' concerns, stating that foreign funding may be tapped. *Hon. Arturo B. Buena, Presiding Justice of the Court of Appeals* inquired on whether this will cause an impression in other countries that our own government cannot provide for its people. The ALG can instead coordinate with relevant agencies in government, which are already well funded. He then queried on why there is no request for assistance from the Basic Sectors made to the Department of Justice and the PAO.

Atty. Leonen replied that they are concerned about this too but this is the only way by which their work is supported. He also believes that it is not the sourcing out of resources, which may put the government in a bad light, but certain government policies.

Ms. Remedios Rikken, Alternate Representative of the Women's Sector in the Social Reform Council added that governments are helping each other through foreign aid and NGOs take advantage of this. This is not to find fault in the National Government but sometimes some innovative ideas can only be funded elsewhere. Also, international exchange of ideas is a little bit ahead of national development.

Prof. Feliciano also supported foreign funding stating that it is the international community that provides funding for other projects in which there are no government funds available.

Judge Ruben Ayson, Executive Judge of Baguio City said that out of the one hundred thirty two (132) heinous crimes in his court, almost 100 % are cases of the poor and disadvantaged. Oftentimes a public attorney is assigned to handle the case (wherein the public attorney is usually overloaded and unprepared to handle death penalty cases). He queried on how this situation can be remedied as it is usually too late in the judicial process when the case reaches the Supreme Court even when a lawyer is then designated by the Court.

4. Setting-up of structure within the courts to handle special cases concerning the Basic Sectors and lack of familiarity with new laws among lawyers and judges

Recommendation: *The Supreme Court to identify modes, including a training program, by which the judges and the lawyers shall be prepared to handle these Basic Sector cases.*

Responses:

Justice Romero stated that each judge must be equipped to handle any kind of case. But the Judiciary has realized the advantage of having special courts, which is why this has been implemented for some cases. On the training of judges, the PhilJA and the Institute of Judicial Administration, under Prof. Myrna Feliciano, are working on this. An Integrated Bar of the Philippines Committee is also handling training of judges.

5. Accessibility which may be physical, linguistic/communicational, and other hindrances

Recommendation: *Improve accessibility of the physical structure of courts and the languages for easier understanding.*

Responses:

Capt. Oscar Taleon, Representative from the Disabled Sector in the Social Reform Council said that there is a problem in physical access, for clients in wheel chairs, etc., especially in Manila where the courtrooms are found on the fourth floor. Also, for the deaf, there are no interpreters, stating that oftentimes the deaf pays for the interpreter. Due to their lack of resources, he is requesting assistance from the Court on this accessibility issue. They also have difficulty in pursuing cases of discrimination against the disabled, particularly on violations of the Magna Carta for the Disabled or Republic Act 7277.

Justice Bellosillo replied that with the Accessibility Law, the Supreme Court is actually sensitive to their needs with a Court circular on this. Justice Bellosillo informed the participants that even while the Supreme Court has instructed that the construction of the Halls of Justice be provided with access ramps in consideration of the disabled, the actual construction is done by the Department of Justice and the LGUs. The Court will look into this matter, however. On the interpreters, he agreed that somehow the court should address the problem. One option is to get interpreters from the Association of the Deaf and Blind.

Capt. Taleon also raised the affordability of the filing fees. His concern lies in the process in claiming to be pauper litigant, which comes after the payment and filing of fees. Justice Bellosillo said that motion to litigate as pauper must first be acted upon, stating that the courts are not strict in establishing pauperism.

Atty. Glenda Litong of the Alternative Law Research and Development suggested means to enhance accessibility which are – (a) class suits concept because there are common concerns of a sector and currently they have separate actions for damages (b) study the writ of *amparo* (of equity) and (c) study of the epistolary jurisdiction of the Supreme Court of India. *Justice Bellosillo* said that a formal proposal on these could be submitted to Justice Regalado as his committee is working on revisions to the Rules.

6. Non-implementation of laws on youth offenders including separate quarters for them

Recommendation: *Review jail conditions and ensure that separate quarters for youth offenders are provided.*

Responses:

Justice Bellosillo agreed that the jails are poorly kept, citing as examples his visits to the jails where minors are mixed with convicted murderers, and jails were overflowing, in one instance having only one well, which was already in a bad state.

Judge Lopez said that the law mandates local governments to have separate detention centers for youth offenders, but there are only a few of these centers. Oftentimes, this situation makes the youth more hardened than the real hardened offender upon release. Unfortunately, the Court's incessant reminders to the local government officials and the people in charge of correction only fall on deaf ears. Judge Lopez recommended the amendment of the Child Welfare Code to include a penal clause insofar as those local governments that do not comply with the rule on separate detention cells are concerned.

With respect to first time youth offenders, the new law on the Family Courts has made automatic the suspension of sentence. However, one concern raised is the provision in the new law that there shall be established one Family Court per city, or province, as there are already some areas with more courts having the same jurisdiction.

Judge Estrada believes that it is only in Quezon City (i.e., the Molave Hall) where separate quarters are provided for youth offenders. In Manila, the quarters are not funded by the city government but by the French government. Under the law, funding lies in the hands of the local government units. Senator Drilon has drafted a bill on this matter but *Judge Estrada* stated that she was not aware of its present status.

7. More gender sensitive data and disaggregation of information by sector

Recommendation: *Conducting a study of the number of women in the judiciary and their posting. The Basic Sector representative also requested that statistics on the number of cases filed by sector be made available.*

Responses:

Prof. Feliciano remarked that she is concerned with the gender sensitivity of judges. *Prof. Feliciano* cited that Atty. Evelyn Ursua (of the Women's Legal Bureau) is at present conducting a research on gender bias.

Other Issues Raised

8. Sectoral displacements

Ms. Nicolas inquired on the issue of sectoral displacements in relation to the informal sector, which is not covered by any employer-employee relationship. An example is the case of the vendors/peddlers who have no security in the workplace. She asked whether there could be creative means for protecting vendors even if there is already a law, which says that there can be no demolition if there is no area where the vendors can transfer.

Justice Romero replied that there is a need to look at the two sides. On the squatters, titles shall prevail. She requested everyone to have a broader view on these matters and to continue to be vigilant. She suggested that registering in the party list to address these issues within the bounds of the law.

Justice Morales stated that misconceptions arise whenever the courts grant demolition orders. In orders issued by the courts there is no need for the owner of the land or the government to look for resettlement areas for the dispossessed. If they are really landless, the law provides the guidelines to be followed. Another misconception is the landless having the right of first refusal in all cases. This only applies if the land is in an urban zone and they have lived there for several years. Justice Morales requested the Basic Sector representatives to be cautious in their dealings with lawyers because there are some who take advantage of the poor while destroying the Judiciary in the process. For instance, sometimes the landless are told that a Temporary Restraining Order (TRO) may be issued and they, the landless, are required to pay some monies in order to prevent this. In the end, when the landless lose their land, the same lawyer tells them that the TRO was not issued because the other party gave a bigger amount to the judge.

9. On continuing dialogues, advocacy of the Basic Sectors for the increase of the budget of the Judiciary, and Project Management Office activities.

Ms. Diaz requested the members of the Judiciary for an assurance of commitment that this dialogue will not be the end of discussions with the Basic Sectors. She stated that it was important to learn that the members of the Judiciary share their view on the present judicial system. She said that they recognize the role of the Judiciary in being a source of law because of their interpretations.

Atty. Evalyn Ursua, Executive Director of the Women's Legal Bureau reiterated Atty. Leonen's statement on the dialogue being a historic moment in the justice system. She said that even the lawyers feel frustrated with the judicial system. She stressed that the loss of trust and confidence on the system needs to be addressed.

Justice Bellosillo replied that if it is commitment that they want, the Court has initiated so many reforms in the interest of the Basic Sectors. What can be done now is for all to work together to attain these objectives. There is no question of the Court's commitment. The Court is holding the dialogue in order to gather inputs from the Basic Sectors on the reforms initiated as well as in the identification of other reforms. Justice Bellosillo told the participants that a Project Management Office (PMO) has been established and its staff will continue to dialogue with the participants in order for the Basic Sectors, lawyers and the Court to meet at a definite point that will bring about the desired output.

Prof. Ma. Lourdes Sereno added that in her various interactions with the different Justices, one thing is very clear and that is they consider all the inputs from the participants as important. She told the PMO that the records and the transcripts of the Dialogue be prepared and distributed to the Associate Justices and participants immediately. She then presented some of the resource constraints of the Court, stating that the RTC judges have an average caseload of 1,000 cases.

Prof. Sereno replied that with almost two percent of the budget allocated to the Judiciary, which is very limiting, compatibility between responsibility and resources is just as limiting.

Ms. Rikken inquired on how they can help in lobbying Congress to increase the Judiciary's budget.

Atty. Ursua said that other government institutions have benefited from the advocacy of the NGOs and the Basic Sectors in the allocation or increase in budgets from Congress. For the Judiciary, this is the first time that the participants are hearing the problems of the Judiciary. She stated that now that the NGOs and the Basic Sectors are aware of the budgetary problems, they can advocate for an increase in the budget. She then reiterated her request for commitment from the Supreme Court for a continuing dialogue, as it is through this venue that problems can be raised and concrete actions are recommended.

Atty. Leonen then expressed his concern that while there is a need to advocate for the increase of the budget in the medium term, in the immediate term, there are communities that are looking to the judicial system for the solution to their problems. Thus, we should not lose sight of the fact that some of the Basic Sectors are also under pressure, even if the Judiciary is also under pressure.

Justice Bellosillo replied that like the problem of the participants not knowing what the needs of the Judiciary are, the Judiciary does not know what the needs and problems of the Basic Sectors are. He reiterated that the PMO can be used to channel the Basic Sectors' communications to the Supreme Court and these shall be endorsed to the Chief Justice for his immediate action.

Atty. Juliano Nacino, Chair of the Integrated Bar of the Philippines (IBP) Legal Aid Committee, agreeing with Justice Buena, said that he would like to call the attention of the IBP President so that they can ask the Supreme Court to give the IBP more leeway in making use of the legal aid fund wherein quotas per chapter are allocated. In Manila, however, with an allocation of forty thousand pesos (PhP40,000.00) per quarter, the chapter president does not want to organize any legal aid activity because the use of the legal aid fund is very limited. He does not think that the ALG is qualified to be given a part of the fund.

Judge Ayson raised his concerns on the members of the Judiciary losing their impartiality if they begin to be activists for the Basic Sectors. He then inquired if enhancement of access to justice by the Basic Sectors meant that the courts be on the side of the Basic Sectors. Or, if it meant that equal treatment should be given to all sectors, including the poor and disadvantaged. If this was the case, Judge Ayson assured the participants that it would always be done. On certain defects in the system, the remedy lies in the executive and the legislative branches.

10. On Indigenous Peoples

Ms. Bernice See of the Tebtebba Foundation introduced herself as a Kankanay Igorot from the Mountain Province. She said that in listening to the sharing, it seems that she is losing hope on the Judiciary, as there did not seem to be any solution. With regard to the indigenous peoples in the Cordilleras, their concern is on how the law affects them. In interpreting these laws, she is requesting the Judiciary to look at the rights of the indigenous peoples and their historical background. She then asked about the interrelation of the justice system of the indigenous peoples and the regular judicial system. She queried on whether customary laws are going to be integrated and mentioned that the Indigenous Peoples' Right Act and the Mining Act have conflicting provisions. She expressed her hope that the dialogue should continue, particularly on the Mining Act, the National Integrated Protected Areas System law, among others.

Justice Romero replied that the Civil Code mandates the application of customary law. This is also provided in the Constitution, Article 5, Section 12, which is the basis of the new indigenous peoples law.

Atty. Carpio shared his experience during the workshop for the National Commission for Indigenous Peoples. The Implementing Rules and Regulations for the said law are now being drafted. He has observed that the problem cannot be

solved within the law but will require constitutional changes. He added that at present, in international law, the indigenous peoples are given more importance and more resources.

Workshop on Issues, Recommended Actions and Next Steps

After the Dialogue Proper, the Project Management Office (PMO) and the participants held a plenary workshop to come up with concrete recommendations and plans of actions in increasing access to justice by the Basic Sectors. Recommendations were prioritized and shall be reviewed by the PMO for inclusion in the final issue paper. ***Hon. Leonardo A. Quisumbing***, *Associate Justice of the Supreme Court*, joined the participants during the Workshop.

The issues were categorized into the following (a) judges (b) lawyers (c) de-clogging of dockets and (d) court management/others. The workshop served as the venue for validating the issues raised during the Dialogue Proper most of which have been incorporated in the issue paper. The following recommendations were agreed upon:

On Judges:

1. Strict implementation of Republic Act Nos. 8557 and 8493, An Act Establishing the Philippine Judicial Academy and the Speedy Trial Act, respectively, and their Implementing Rules and Regulations;
2. Upgrading competencies and capabilities of members of the Judiciary on new laws particularly on social reform laws through:
 - 2.1 Continuing dialogue between the Judiciary and the Basic Sectors and Alternative Law Groups; and
 - 2.2 Recommendation to include a training module on the social reform laws in the Philippine Judicial Academy (this has been done for the child abuse law by PHILJA);
3. Review and analysis of mechanism for “weeding” out corrupt and incompetent judges including filing of cases against them:
 - 3.1 There is a need to review and analyze the mechanism because as presently implemented, it might discourage citizens from filing cases (*e.g.*, need for strengthening the witness protection program);

- 3.2 There is a lack of knowledge among many of this mechanism;
- 3.3 Results of review and analysis shall be endorsed to the Supreme Court and its relevant committees and offices; and
- 3.4 This mechanism shall be part of the information communicated to the citizenry;
4. Look at mechanisms to determine modes of recognizing good judges. (This shall be apart from the Judicial Excellence Awards); and
5. Filling up of vacancies in the courts.

On Lawyers:

1. Full implementation of RAs 8557 and 8493;
2. Assessment of curriculum of law schools to prepare lawyers to handle Basic Sector cases, such as the inclusion of social reform laws;
3. Assessment and analysis of process presently followed in death penalty cases:
 - 3.1 From trial onwards; and
 - 3.2 Including qualification of lawyers who can handle these cases
4. Propose modes by which lawyers who serve the Basic Sectors and communities may be given incentives; and
5. Study feasibility of Supreme Court mandating law firms to have 10-20% of total cases as *pro bono* cases.

De-clogging of Dockets:

1. Full utilization of alternative dispute settlement mechanisms/arbitration;
2. Full implementation of Speedy Trial Act through the setting-up of mechanisms/statistics to monitor its implementation;
3. Study the feasibility of establishing small claims courts, *e.g.*, violation of BP22; and
4. Study jurisdiction of courts vis-à-vis new laws, number of salas, particularly the impact of the enactment of RA or the Family Courts on the existing Juvenile and Domestic Relations Courts.

Court Management/Others:

1. Prioritization of cases involving the Basic Sectors or communities, maybe through the study the use of the color coding scheme in the lower courts in prioritizing cases, if prioritization is approved;

2. Look into conditions in detention cells of youth offenders;
3. Look into conditions in detention cells and all those detained;
4. Speedy communication of acquittal must be ensured;
5. Continue discussion on the “leadership” role of the Judiciary;
6. Improve physical accessibility to Halls of Justice for the disabled and stricter implementation of a Court circular on this. This includes the provision of interpreters for the deaf who do not have the financial resources to hire their own interpreters; and
7. Assess other recommendations made.

Commitments of the Participants

The commitments of the participants are as follows:

1. To continue participating in dialogues with the Judiciary so as to identify modes of collaboration and to give their inputs on certain issues;
2. To advocate for the approval by Congress of a bigger budget for the Judiciary and for other needed regulation; and
3. To inform their sectors, groups about these dialogues.

Closing Ceremonies/Inspirational Message

Justice Bellosillo in his Inspirational and Closing Remarks stated that the one-day Dialogue was very enlightening as well as challenging, particularly on the question of how the Supreme Court can strengthen and ensure the successful implementation of reforms that have already been instituted. He stressed that the Dialogue is just a start, and lines of communication should always be open within the parameters of the Judiciary’s Constitutional and legislated mandate.



DIALOGUE WITH THE BASIC SECTORS

*Supreme Court Session Hall, Baguio City
23 April 1998*

THE JUDICIARY

HON. ANDRES R. NARVASA
Chief Justice of the Supreme Court

Associate Justices:

HON. HILARIO G. DAVIDE, JR.
HON. FLERIDA RUTH P. ROMERO
HON. JOSUE N. BELLOSILLO
HON. JOSE C. VITUG
HON. SANTIAGO M. KAPUNAN
HON. VICENTE V. MENDOZA
HON. ARTEMIO V. PANGANIBAN
HON. ANTONIO M. MARTINEZ
HON. LEONARDO A. QUISUMBING

DIALOGUE WITH THE BASIC SECTORS

*Supreme Court Session Hall, Baguio City
23 April 1998*

THE JUDICIARY

HON. ANDRES R. NARVASA

Chief Justice of the Supreme Court

Associate Justices:

HON. HILARIO G. DAVIDE, JR.

HON. FLERIDA RUTH P. ROMERO

HON. JOSUE N. BELLOSILLO

HON. JOSE C. VITUG

HON. SANTIAGO M. KAPUNAN

HON. VICENTE V. MENDOZA

HON. ARTEMIO V. PANGANIBAN

HON. ANTONIO M. MARTINEZ

HON. LEONARDO A. QUISUMBING

HON. FIDEL P. PURISIMA

COURT OF APPEALS

HON. ARTURO B. BUENA

Acting Presiding Justice

Associate Justices:

HON. ANGELINA S. GUTIERREZ

HON. CONCHITA CARPIO-MORALES

REGIONAL TRIAL COURTS

Hon. Ruben C. Ayson

Executive Judge

Baguio City

Hon. Ma. Cristina Cortez Estrada

Acting Executive Judge,

RTC Branch 69, Pasig City

Hon. Josefina Guevarra Salonga

Executive Judge, RTC Makati

& Presiding Judge, RTC Branch 149

Makati City

Hon. Lilia Cruz Lopez

Executive Judge, RTC Makati

& Presiding Judge,

RTC Branch 109, Pasay City

LIST OF PARTICIPANTS IN MEETINGS WITH
THE BASIC SECTORS

BASIC SECTORS REPRESENTATIVES

*Mr. Windell M. Agravante**
for Mr. Vladimir Tupaz,
SRC Representative - Organized Labor Sector
4/F J.S. Bldg., Magallanes St., Intramuros, Manila

*Mr. Jose Ancheta**
SRC Representative - Elderly
Senior Citizen Day Center
Rizal Steet, San Jose, Occidental Mindoro

*Ms. Corazon E. Buenasflores**
for Ms. Ma. Saturnina Hamili,
SRC Representative - Children
Christian Children's Fund
8/F Strata 100 Bldg., Emerald Ave., Pasig City

*Ms. Dolora H. Cardeno**
Christian Children's Fund
8/F Strata 100 Bldg., Emerald Ave., Pasig City

Ms. Ma. Victoria S. Diaz
SRC Representative - Youth and Student
NGO Compound, Upper Banlat
Tandang Sora, Quezon City

*Dr. Felix Gabriel**
SRC Representative - Elderly
Senior Citizen Day Center
Rizal Street, San Jose, Occidental Mindoro

*Ms. Ma. Saturnina L. Hamili**
SRC Representative - Children
and Executive Director, Christian Children's Fund
8/F Strata 100 Bldg., Emerald Ave., Pasig City

*Ms. Jurgette Honculada**
SRC Basic Sector Representative - Women
National Federation of Labor
400 Jiao Building, 2 Timog Avenue, Quezon City
Tel.: 928-9853/428-9987

*Mr. Juan Blenn I. Huelgas**
SRC Representative - Victims of Calamities/Disasters
IANDR 3/F PSDC Building
Real cor. Magallanes St.
Intramuros, Manila

Ms. Ma. Mercedes I. Nicolas
SRC Representative - Workers in the Informal Sector
Archdiocese of Manila Labor Center
Caritas Compound, 2002 Jesus Christ
Pandacan, Manila

Mr. Rafael "Ka Raffy" P. Olivera
for Mr. Charlie C. Capricho, SRC Representative - Fisherfolk
c/o Bureau of Fisheries and Aquatic Resources
Elliptical Road, Quezon City
Tel.: 410-9987

Ms. Remedios Rikken
SRC Alternative Representative - Women
Room 304, Philippine Social Science Center
Commonwealth Avenue, Diliman, Quezon City
Tel.: 456-1924

Ms. Ma. Cleofe Gettie C. Sandoval
for Atty. Antonio Salvador, Executive Director
Coordinator, Women's Unit, Sentro ng Alternatibong Lingap Panlegal
G/F Hoffner Building, Social Development Complex
Ateneo de Manila University
Loyola Heights, Quezon City

Mrs. Agustia L. Taleon
Caregiver, c/o Capt. Oscar Jino-o Taleon,
CICM Seminary Compound, Mary Hill
Ortigas Avenue Ext., Taytay, Rizal Tel.: 941-56-11

Capt. Oscar J. Taleon PN
SRC Representative - Persons with Disability
CICM Seminary Compound, Mary Hill
Ortigas Avenue Ext., Taytay, Rizal

Mr. Efren M. Villasenor
Alternate Commissioner, Farmers Sector
National Anti-Poverty Commission
COFFRA
2/F CUP Bldg., Roces Ave.
cor. Mother Ignacia Sts., Quezon City

Mr. Nicanor C. Mangiduyos
Council Member, Farmers Sector
National Anti-Poverty Commission
149-C Matatag St.
Bgy. Central, Diliman
Quezon City

Mr. Fidel B. Rancio
Council Member, Urban Poor Sector
National Anti-Poverty Commission
ULR-TF
5 Belen St.
Gulod, Novaliches, Quezon City

Mr. Joseph T. Gadit
Alternate Commissioner, Indigenous Peoples Sector
National Anti-Poverty Commission
Tribal Council of Elders
14D Road 13, Alley 14
Pag-asa, Quezon City

Mr. Arcangel T. De Leon
Council Member, Indigenous Peoples Sector
National Anti-Poverty Commission
National Confederation of Indigenous
Peoples of the Phils. (NCIPP)
#3740-A Bautista St., Palanan, Makati City

Mr. Edtami Mansayagan
Council Member, Indigenous Peoples Sector
National Anti-Poverty Commission
NCIPP
Room 100-D PSSC Bldg.
Commonwealth Ave., Quezon City

Mr. Timoteo A. Aranjuez
Council Member, Formal and Migrant Workers Sector
National Anti-Poverty Commission
Lakas Manggagawa Labor Center (LMLC)
2285 Medel St.
Sta. Ana, Manila

Ms. Nenia B. De Vera
Council Member, Informal Labor Sector
National Anti-Poverty Commission
Sikap Unlad ng Laong (SKA)
Lower Laong, Almanza I
Las Piñas City

Ms. Ofelia S. Granado
Council Member, Informal Labor Sector
National Anti-Poverty Commission
CRISTODA
#14 Cristobal St.
Paco, Manila

Ms. Julia D. Senga
Council Member, Women Sector
National Anti-Poverty Commission
BSK-NCWP
#28 Arthur St., Christine Village
Bgy. Dela Paz , Pasig City

Mr. Romeo C. Royandoyan
National Anti-Poverty Commission
Phil. National Peasant Causus (PNPC)
147 Matatag St.
Central Dist., Diliman, Quezon City

Mr. Martin N. Tanchuling
National Anti-Poverty Commission
Phil. Network of Rural Development
Institute, Inc.
107 Door I, Anonas Ext., Sikatuna Vill., Quezon City

Commissioner Myron A. Gawigawen
Commissioner, Cooperative Sector
National Anti-Poverty Commission
Cooperative Foundation of the
Philippines, Inc. (CFPI)
Philippine Cooperative Center, 90 Balete Ext., Quezon City

Mr. Rodolfo Dm. Dalangin
Council Member, Cooperative Sector
National Anti-Poverty Commission
National Market Vendors Confederation
of Cooperatives (NAMVESCO)
Philippine Cooperative Center, 90 Balete Extension, Quezon City

Mr. Ildefonso G. Lauz
Council Member, Cooperative Sector
National Anti-Poverty Commission
PHILAC Service Cooperative
Philippine Cooperative Center
90 Balete Extension, Quezon City

Ms. Ma. Theresa Concepcion
National Coordinator
Earth Island Institute Phils.
127-C Sct. Castor St.
Kamuning, Quezon City

Commissioner Bonifacio Federizo
Commissioner, Fisherfolks Sector
National Anti-Poverty Commission
LAMPARA-KAMMMPI
77 Int. Jose A. Santos St.
Wawa, Tanay, Rizal

Commissioner Ricardo A. Calapatia
Commissioner, Persons with Disabilities Sector
National Anti-Poverty Commission
Philippine Blind Union
CICM Seminary Compound
Maryhill, Ortigas Ave. Ext., Taytay, Rizal

Ms. Deanna L. Gregorio
Alternate Commissioner, Persons with Disabilities Sector
National Anti-Poverty Commission
Multiple Sclerosis Society
20 Purdue St.
Northeast Greenhills, San Juan, Metro Manila

Commissioner Juan Blenn I. Huelgas
Commissioner, Victims of Disaster and Calamities
National Anti-Poverty Commission
PRRM-ADRA-IANDR
534 K.M. Almeda St
Pateros, Manila

Mr. Arcadio S. Lozada
Council Member, Cooperative Sector
National Anti-Poverty Commission
Cooperative Union of the Philippines
CUP Bldg.
Mother Ignacia cor. Roces Ave., Quezon City

Mr. Jose S. Jacinto
Council Member, Cooperative Sector
National Anti-Poverty Commission
Cooperative Banks Federation
of the Philippines (BANGKOOB)
Philippine Cooperative Center, 90 Balete Ext., Quezon City

Mr. Roberto A. Padilla
Council Member, Formal and Migrant Workers Sector
National Anti-Poverty Commission
NAMA WU
Unit 201 Dunville Condo.
Castilla St., New Manila, Quezon City

ALTERNATIVE LAW GROUPS (ALGs)

Ms. Joan Adaci

Legal Rights and Natural Resources Center –
Kasama sa Kalikasan/Friends of the Earth-Philippines
2/F PUNO Bldg., 47 Kalayaan Avenue, Quezon City
Tel.: 927-9670/927-9644 Fax.: 920-7172

Ms. Froily Doyaoen

Legal Rights and Natural Resources Center –
Kasama sa Kalikasan/Friends of the Earth-Philippines
2/F PUNO Bldg., 47 Kalayaan Avenue, Quezon City
Tel.: 927-9670/927-9644 Fax.: 920-7172

Ms. Deniza Ismael

Legal Rights and Natural Resources Center –
Kasama sa Kalikasan/Friends of the Earth-Philippines
2/F PUNO Bldg., 47 Kalayaan Avenue, Quezon City
Tel.: 927-9670/927-9644 Fax.: 920-7172

Atty. Marvin Leonen

ALG Convenor, Legal Rights & Natural Resources Center, Inc.
Kasama sa Kalikasan/Friends of the Earth-Philippines
2/F PUNO Building, 47 Kalayaan Avenue, Quezon City
Tel.: 927-9670/927-9644 or 8996368/8996185; Fax.: 920-7172

Atty. Glenda Litong

Alternative Law Research and Development (ALTERLAW)
Room 404 Heart Building, 7461 Bagtican St., Makati City

*Atty. Amando Miclat**

Alternative Law Research and Development (ALTERLAW)
Room 404 Heart Building, 7461 Bagtican St., Makati City

Atty. Evelyn G. Ursua

Executive Director
Women's Legal Bureau (WLB) - Alternative Law Groups
11 Matimtiman Street, Teacher's Village.
Diliman, Quezon City

NON-GOVERNMENTAL ORGANIZATIONS

Ms. Silida Reyes-Antiquera
for Mr. Emil Albert Yuson, Secretary General
Coordinator, National Peace Conference
c/o GZO Peace Institute, Ateneo de Manila University
Diliman, Quezon City
Tel.: 426-6122/426-6064

Ms. Bernice See
Tebtebba Foundation
111 Upper Gen. Luna Road
Agpaoa Compound, Baguio City

ACADEME

Atty. Jose Maria Z. Carpio
UP Institute of Human Rights
University of the Philippines
Diliman, Quezon City
Tel.: 434-9525

*Atty. Concepcion Jardelezá**
for Prof. Myrna Feliciano, Executive Director
Institute of Judicial Administration
U.P. Law Center University of the Philippines
Diliman, Quezon City

Prof. Myrna Feliciano
Executive Director
Institute of Judicial Administration
U.P. Law Center, University of the Philippines
Diliman, Quezon City

Atty. Gilber Sembrano
for Atty. Carlos P. Medina, Jr., Executive Director
Ateneo Human Rights Center
Ateneo de Manila University
3rd Floor School of Law
H.V. De la Costa St., Makati City

LAWYERS GROUPS

Atty. Juliano P. Nacino
Director, Legal Aid Committee
Integrated Bar of the Philippines
IBP Building, Dona Julia Vargas Avenue
Pasig City

*Atty. Benny Nicdao**
for Atty. Juliano P. Nacino, Legal Aid Director
Integrated Bar of the Philippines
IBP Bldg., Dona Julia Vargas Avenue, Pasig City
Tel.: 631-3016

**GOVERNMENT AGENCIES & LEAGUES OF
LOCAL GOVERNMENT UNITS (LGUs)**

*Atty. Francisco Sanchez**
for Atty. Josefina G. Bacal, Chief Public Attorney
Department of Justice
DOJ Agencies Bldg., NIA Road cor. East Avenue
Diliman, Quezon City

*Atty. Gil-Fernando C. Cruz**
Executive Director, League of Cities
Intramuros, Manila Tel.: 527-6512

*Mr. Romulo E. Morelos**
Deputy Executive Director, League of Cities
Intramuros, Manila Tel.: 527-6512

*Ms. Rhodora Gay R. Poliquit**
Assistant Secretary, Social Reform Council
DAR Bldg., Elliptical Road, Quezon City

*Ms. Aleli A. Rosario**
for Ms. Erlinda Capones, Director, Social Development Staff
National Economic and Development Authority (NEDA)
NEDA sa Pasig Bldg., Amber Ave., Pasig City

Ms. Aurora C. Quiray
Director, Commission on Population
Baguio City

Ms. Helen N. Tibaldo
Regional Director, Philippine Information Agency - CAR
Baguio City

Atty. Edwin A. Valdez
Public Attorneys Office
Department of Justice, Padre Faura Street, Manila

MEDIA

Mr. Maurice Malanes
TODAY
No. Kitma Road, Marcos Highway
Baguio City 2600
Tel.: 444-4808

INTERNATIONAL DONOR AGENCIES

Dr. Ernesto D. Bautista
Assistant Resident Representative
United Nations Development Programme (UNDP)
7/F NEDA sa Makati Building
106 Amorsolo St., Makati City

Ms. Vicky De Leon
Canada Fund, CIDA
Canadian Embassy
11th Floor, Allied Bank Center
6754 Ayala Avenue, Makati City 1226
Tel.: (63-2) 867-0001; Fax.: (63-2) 810-5142

SUPREME COURT - UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)
TECHNICAL ASSISTANCE TO THE PHILIPPINE JUDICIARY ON JUSTICE AND DEVELOPMENT
Project Management Office
(PMO)

Special Representative
Justice Jose N. Bellosillo

Project Director
Atty. Jose Midas P. Marquez

Project Manager
Atty. Rhodora M. Roy-Raterta

Officers and Staff
Ms. Deborah M. Villa
Ms. Jane A. Andrade
Ms. Anna Leilani C. Juaiting
Ms. Eva A. Mendoza
Mr. Nolan A. Mesina
Mr. Patricio M. Benitez
Ms. Olivia Y. Soncuan
Ms. Ma. Elena Delfin

*This publication was produced by the Project Management Office as part of the SC-UNDP Project on Technical Assistance to the Philippine Judiciary on Justice and Development, and was completed with the assistance of **Mr. Carlos S. Bueno** and **Ms. Rowena Remolona** for the design, editing and execution of pre-press materials.*