

## Bringing Our Courts Closer to Our People (A Yearend Report)

by

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Danilo Flores is a scavenger from Vitas Katuparan Housing, Tondo, Manila. He has stayed away from raucous drinking sprees and ruthless street brawls. The *kagawads* in Barangay 27 attest that he has reformed, “*Malaki na ang ipinagbago niya. Hindi na pala-away. Hindi na nagmumura. Tahimik na. Nagkaroon siguro ng kadalahan. Naisip niya sigurong mahirap makulong.* (He has improved a lot. He is no longer belligerent. He no longer curses. He has become quiet. Perhaps he has learned his lesson. Maybe he has realized that it is difficult to be incarcerated.)”

Flores was released from the Manila City Jail last November, on the same day his case was tried inside the Justice on Wheels (JOW). He did not have a lawyer of his own. He was charged with threats, concealing a deadly weapon and oral defamation, and had been in jail for almost a year. He is one of the many beneficiaries of the re-launched JOW.

The JOW is a bus which houses two courtrooms. It is equipped with judges’ and lawyers’ tables and benches. During the maiden launch in 2004, three mobile courts were put in operation to decongest courts with heavy caseloads. They were stationed alternately in cities and municipalities without regular courts, detention centers or youth reception centers. Judges, clerks of court, prosecutors, and public defenders were assigned to the mobile courts, wherever they went, so that hearings could proceed unhampered. They were however underutilized.

On July 9, 2008, barely a week after the Supreme Court’s two-day national *Forum on Increasing Access to Justice by the Poor: Bridging Gaps and Removing Roadblocks*, which Chief Justice Reynato S. Puno assured would not simply be an “idle talk-fest,” the JOW program was re-launched. Since then, the results have been confounding. Its first stop was the Manila City Jail, which houses more than 4,000 prisoners. No less than Manila City Mayor Alfredo Lim was on hand to personally welcome Chief Justice Puno himself.

“We should be sensitive to the plight of these people (the inmates). You should consider their situation,” Chief Justice Puno stressed to the trial judges who witnessed the jail decongestion activity. He directed them to strictly disallow dilatory postponement of the inmates’ cases, especially those languishing in jail beyond the impossible penalty for their alleged crimes.

*“Yung iba, mahigit 70, mahigit 80, hindi naman kabigatan yung pinapasan nilang asunto, pero nandiyan pa rin. Ang daming may sakit (Others are more than 70, 80 years old, whose cases are not grave offenses, yet they are languishing in jail),”* Chief Justice Puno pointed out. That same day, Avelina Baluyot, an 80-year old inmate who had been detained since 2002 for allegedly using illegal drugs, was released. Another inmate, who was detained for theft, and who was suffering from elephantiasis, was immediately sent to the Philippine General Hospital for confinement and operation. His leg had become greatly enlarged and his skin, thickened.

“(The condition here) shocks the conscience. I don’t know what stronger word to use,” the Chief Justice lamented. At the end of that day, eight inmates at the Manila City Jail, and four youth offenders from the Manila Youth Reception Center, were freed, while another four were brought to nearby hospitals for urgent medical attention.

Since then, the jail and docket decongestion program in Manila, which had provided two container vans placed outside the Manila City Jail to serve as courtrooms, has not ground to a halt. Regular hearings of inmates’ cases were held, and to date, some 68 of them have been released.

After the Manila launch, the JOW has gone to different parts of the country, led by no less than Chief Justice Puno himself and Committee on Justice on Wheels Chairperson SC Justice Consuelo Ynares Santiago, who travel and supervise the trials even on week ends. Over a period of six months, it has visited the provinces of Rizal and Bulacan; Kalibo, Aklan; the cities of Caloocan and Quezon; Cebu Province; Digos, Davao del Sur, and Tagum, Davao del Norte; Davao City; Bacoor, Cavite; Tacloban, Leyte; Olongapo, Zambales; Pasay City; Baler, Aurora; Sarangani Province; and the cities of Las Piñas City and Tagaytay.

*“Mahirap pala pumunta dito. Umuulan at may kadulasan and daan. Pero ito ay isang pamamaraan ng Korte Suprema para maipahatid and hustisya sa ating mga mahihirap (It was not easy to come here. It was raining, and the roads were slippery. But this is one of the Supreme Court’s way of bringing justice to the poor),”* Chief Justice Puno said to the crowd who welcomed his group in Baler, Aurora, after the Supreme Court officials braved strong rains and possible landslides to get there. Amid heavy downpour, some

500 fisherfolks, farmers, indigenous peoples, barangay officials, and local government employees welcomed the Chief Justice and attended the information dissemination lectures at the Paaralang Sentral ng Baler.

In Kalibo, Aklan, the mobile court served as two regular courts, and enabled the hearings there to continue, despite the havoc left by typhoon *Frank*. The roof of the Hall of Justice there was blown away by the super typhoon, while neck-deep water and waist-deep mud flooded the courts, destroying court records, equipment and evidence in pending cases.

The JOW program has evolved to become the *Enhanced JOW*, for aside from jail and docket decongestion, it has included the mobile court-annexed mediation, provided free legal, medical and dental aid, served as venue for dialogue with judges and other court personnel, members of the Integrated Bar of the Philippines, and other members of the justice sector, and facilitated information dissemination drives on the justice system and the pertinent laws for barangay officials and members of the community, including indigenous peoples.

The mobile courts would normally be parked outside the provincial or city jail for the jail and docket decongestion program in the morning, while the mobile court-annexed mediation is conducted in the afternoon. Volunteer lawyers man temporarily-set tables for those who need free legal assistance, while Supreme Court doctors, dentists, and nurses, together with other volunteer medical workers, attend to those availing of free medical and dental services. Medicines are dispensed free of charge. And, experts from the Supreme Court and the Philippine Judicial Academy give lectures to barangay leaders and members of the community in a nearby gym or hall, while the Chief Justice holds a dialogue with the local judges and court personnel, prosecutors, jail wardens, public defenders, police, and other stakeholders in the justice sector.

“When you consider the realities on the ground, the poor and the marginalized oftentimes play in an uneven legal field. So the JOW program is predicated on that rationale: bringing social justice to the disadvantaged sectors of our society as a living reality,” the Chief Justice reasoned.

Available records show that after six months, more than 650 inmates, including women and minors, have been released. Some were acquitted or have served beyond the maximum penalty imposable for the crimes they are being accused of, while others have pleaded guilty to the offense charged, and instead imposed fines. In some instances, the cases of the accused were provisionally dismissed due to the complainants’ apparent lack of interest to pursue the case,

while in other cases, the complainants themselves, or their witnesses, have repeatedly failed to appear despite receipt of several notices.

In Digos City, Davao del Sur, Indonesian Consul General Lalu Malik Partawana witnessed the release of Indonesian Johnny Pareda who was accused of qualified theft of coconuts because of a land dispute, after the latter's case was heard inside the Justice on Wheels. Inspired by the success of the Philippine Supreme Court's JOW, the Indonesian Consul General said he will propose to his government its adoption in his country.

Also, more than 5,300 inmates have benefited from the medical and dental aid that came with the Enhanced JOW. In Tacloban, an entire basketball court was converted into a virtual hospital and dental clinic, with lines of doctors and dentists individually attending to the medical and dental needs of the inmates, and a make-shift booth constructed at the center which served as a *botica* dispensing free medicines. "The medical services which are given to inmates in coordination with doctors and dentists of local government units, in our experience, show that because of the congestion problem, a lot of inmates suffer lots of diseases. Even as we pay attention to their legal needs, we should not overlook their medical needs," Chief Justice Puno explained.

Almost 3,500 cases have also been mediated inside the JOW, with a success rate of 85-100%. Not only are these cases finally resolved, they are also removed from the clogged dockets of the trial courts. In some cases, 10-, 12-, or even 20-year old cases involving relatives quarreling over parcels of land have been resolved. In Tanay, Rizal, a conflict between two warring families which has been going on for years and resulted in bloodbath was settled.

More than 600 individuals have availed of the free legal aid, while some 6,700 barangay officials and members of the community have participated in the various lectures, information dissemination, and question-and-answer fora. In Zambales, around 300 Aetas attended the lectures on the "Overview on the Indigenous Peoples Rights Act, Agrarian, and Environmental Laws" and "Rights and Access to Justice of Indigenous Women and Children." Lita Jullano, wife of tribal chieftain Basilio and mother of seven, swears that she learned a lot from the discussion on land and rights of women and children.

Through the Enhanced JOW, barangay leaders have been informed of and updated on their tasks and responsibilities under various laws, including R.A. No. 9262 or the Anti-Violence Against Women and Children Act; R.A. No. 9344 or the Juvenile Justice Welfare Act; R.A. No. 8371 or the Indigenous People's Rights Act; and R.A. No. 8435 or the Agriculture and Fisheries Modernization Act.

The mobile courts also have been increasing. Aside from the two container vans provided by the City of Manila, the Province of Sarangani has also donated a mobile court to address the lack of courtrooms in Sarangani. Once the cases in Sarangani become manageable, the Sarangani-donated JOW will also be used in other parts of the country. Pledges for additional mobile courts from other local government units and some business organizations continue, while the procurement for three more mobile courts, using World Bank-provided funds, is being processed.

“We shall continue with our effort to bring this JOW program to every nook and cranny so that we can diminish these critics that (say that the) justice system does not respond to social justice embedded from the 1935 Constitution to the 1987 Constitution,” Chief Justice Puno assured. After all, the Chief Justice has said that “this is a victory not just on the part of the Judiciary, but victory that must be shared by local government units – provinces and cities as well as stakeholders of the justice system.”

The High Court however has not stopped with the Enhanced JOW. With the criminal cases beleaguering the marginalized sectors addressed, the Supreme Court, in September 2008, promulgated the Rule of Procedure for Small Claims Cases to de-clog court dockets and expedite the resolution of civil cases involving the poor. “Social justice is a buzz word in other countries, but inaction in our jurisdiction has made it a boo word. With our JOW Program and this new Rule of Procedure for Small Claims Cases, we have shortened the distance between our dream of justice for the poor and the cruel reality on the ground,” Chief Justice Puno asserted.

The idea of small claims courts is not new. Some ten years ago, some legislators funded a study on the creation of small claims courts, since the creation of courts needs legislation. It however remained just that – a study. Refusing to be burdened by delays in legislation, Chief Justice Puno invoked the Court’s constitutional power to promulgate rules concerning pleading, practice, and procedure in all courts, and led the High Court in directing existing first level courts to implement the newly-promulgated rules of court. The new rule was crafted with the help of the American Bar Association, and the best practices in the United States, Australia, Canada, New Zealand, Hong Kong, Singapore, and the United Kingdom, among others, were considered.

The new Rule of Procedure for Small Claims Cases took effect last October 1, 2008, and governs complaints for money claims not exceeding P100,000.00. Among its notable features are the prohibition of lawyers during trial which will dramatically reduce the cost in prosecuting cases, the use of user-friendly fill-in-the-blanks

forms which are provided for the parties for every step of the proceeding, the disallowance of ordinary appeals to prevent the dragging out of cases which can otherwise substantially add to the costs of suit, and the strong possibility that the case will be resolved during its first hearing date.

Thus, on October 27, 2008, less than a month from the effectivity of the new rule, the first small claims case, a P65,000.00 claim, was settled by Manila Metropolitan Trial Court Judge Maria Zoraida Z. Tuazon. There are presently 22 pilot courts around the country experimenting on the new procedure. These are being closely monitored. The new rule will then be revised during the first quarter of 2009, if necessary, before it is implemented by all the first level courts. There are more than 1,000 first level courts across the country.

The Court *en banc* is also presently deliberating on the Rule of Mandatory Legal Aid Service for Practicing Lawyers proposed by the Integrated Bar of the Philippines during the two-day forum on increasing access to justice by the poor. The proposal requires all members of the Bar to render a minimum number of hours every year of free legal aid to indigent clients as a pre-condition for their good standing. Those who fail to comply with the rule will be sanctioned. The rule is expected to be finalized and promulgated by the first quarter of 2009.

The Court is likewise proceeding with the use of Filipino in Court proceedings and is presently conducting seminar-workshops for judges and other court workers. Last October 2008, the first *Seminar-Workshop sa Paggamit ng Filipino sa Hukuman* (on the use of Filipino in Courts) was conducted by the Philippine Judicial Academy, in cooperation with the Marcelo H. Del Pilar College of Law and the Bulacan State University. The use of Filipino in court proceedings will not only further enrich the Filipino language, but will likewise enable the poor litigants understand court proceedings and bring justice closer to them.

The implementation of the recommendations gathered during the two-day national forum on increasing access to justice by the poor shows that the forum did not result in an “idle talk-fest.” The results in fact encourage the continuation of efforts to bring justice even closer to our people in 2009. Chief Justice Puno admits that “there are more steps to be undertaken by the Supreme Court.” He however assures that “let no one be touched by any doubt on the sincerity of the Court to improve our poor people’s access to justice.”