The Supreme Court performs four traditional roles in our system of constitutional government. First, and most important, it decides actual cases and controversies involving rights which are legally demandable and enforceable. In so doing, the Court upholds the rule of law, where disputes are settled according to rights and rules and not power and influence. Second, it checks abuses of discretion of the other great departments of government. This is the power of judicial review, which is the duty of the courts to strike down on constitutional grounds both legislation and executive action. Also, in reviewing actions of the legislative and the executive, the Supreme Court performs not only a checking function but also a legitimating one. Lastly, the Supreme Court is also a great and highly effective educational institution. Justices, to borrow Dean Rostrow's phrase, “are inevitable teachers in a vital national seminar.” In explaining the bases in law and in fact of its decisions, the Court points out the principles on which our government stand and the means by which they are given life in our legal system.

Our Constitution also enlarged the role of the Supreme Court as protector and enforcer of human rights. This enlarged role finds expression in the Court’s expanded rulemaking power.

This Year’s annual report compiles the work of the Supreme Court as it performed these roles in 2007, the most notable of which is the rule on the writ of amparo, which was promulgated on September 25, 2007 and took effect on October 24, 2007; this writ complements the writ of habeas data in the protection and enforcement of the rights to life, liberty, security, and privacy. It is well to note that the work of courts as compiled in this volume was accomplished not only within the confines of its decisions, but also with the novel use of its other powers granted by the Constitution.
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A few minutes after midnight of December 7, 2006, Reynato S. Puno took his oath as the 22nd Chief Justice of the Philippines in simple ceremonies at Malacañang.

In his first statement as head of the Judiciary, he spelled out what his chief justiceship will be all about by vowing to “uphold constitutionalism and the rule of law.” He declared: “The Judiciary has but one constituency and it is a constituency of one – the blindfolded lady with a sword unsheathed. She represents justice, fair justice for all, and unfairness to none. I hope to be the instrument of this kind of justice.”

Upholding the Rule of Law as the National Conscience


Right off the bat, the Puno Court confounded speculation that it would reverse the decision in the cases involving charter change by denying petitioner Raul Lambino’s motion for leave to file a second motion for reconsideration of the Court’s 8-7 October 25, 2006 decision upholding the Commission on Elections (Comelec) in denying due course to Lambino, et al.’s initiative petition to change the Constitution by shifting to a unicameral-parliamentary form of government. The Court held that the motion for
leave is a prohibited pleading under the 1997 Rules of Civil Procedure, as amended. It accordingly noted without action Lambino’s second motion for reconsideration and said that no further pleadings will be entertained. The Court also held the second motion for reconsideration to be a mere reiteration of Lambino’s first motion, which the Court had already denied with finality on November 21, 2006. (Min. Res., GR No. 174153, Lambino v. Comelec; GR No. 174299, Binay v. Comelec, January 16, 2007)

Other notable rulings of the Court for 2007 include its holding that there is probable cause to hold Marcos crony Herminio Disini, among others, for trial for violation of RA 3019, The Anti-Graft and Corrupt Practices (GR No. 135123, Republic v. Desierto, January 22, 2007, Azcuna, J.); its affirmanice in the case of Republic v. Sandiganbayan (GR No. 118661, January 22, 2007, Garcia, J.) of the Sandiganbayan’s refusal to lift the order of sequestration and approve the Stock Purchase Agreement between the Presidential Commission on Good Government (PCGG) and the Government Service Insurance System over around 14 million shares of stock of the San Miguel Corporation while directing the anti-graft court to once and for all resolve ownership of the said shares, considering the case’s two-decade pendency; its reversal of the Sandiganbayan’s dismissal on demurrer to evidence of the ill-gotten wealth case instituted in 1988 by the Republic, through the PCGG, against former Marcos Presidential Executive Assistant Juan C. Tuvera, his son Victor, and Twin Peaks Development Corp. (GR No. 148246, Republic v. Tuvera, February 16, 2007, Tinga, J.); its overturning of precedent by ruling that a potential extraditee may be granted bail on the basis of “clear and convincing evidence” that the person is not a flight risk and will abide with all the orders and processes of the extradition court. The Court felt a re-examination necessary in view of, among others, the various international treaties giving recognition and protection to human rights to which the Philippines is a party (GR No. 153675, Government of Hong Kong Special Administrative Region v. Judge Olalia, Jr., April 19, 2007, Sandoval-Gutierrez, J.); its order to the Comelec to immediately disclose and release the names of the nominees of party-list groups or organizations accredited to participate in the party-list elections on May 14 in keeping with the public’s right to information on matters of public concern (GR No. 177271, BA-RA 7941 v. Comelec; GR No. 177314, Rosales v. Comelec, May 4, 2007, Garcia, J.); its order to the Regional Trial Court, Branch 150 of Makati City to dismiss the criminal cases for rebellion against six party-list representatives and four private individuals after finding, among others, that the prosecutors were “guilty of pre-judgment, a determination to file the Information even in the absence of probable cause” (GR Nos. 172070-72, Ladlad v. Velasco, June 1, 2007, Carpio, J.); its ruling that there is no crime of frustrated theft (GR No. 160188, Valenzuela v. People, June 21, 2007, Tinga, J.); its August 15, 2007 ruling in GR No. 164527, Chavez v. NHA, August 15, 2007, Velasco, Jr., J., upholding as valid, legal, and constitutional the 1993 Joint Venture Agreement (JVA) between the National Housing Authority (NHA) and R-II Builders, Inc. and all other agreements in relation to it for the reclamation and development of the Smokey Mountain dumpsite into a low-cost housing project under the Smokey Mountain Development and Reclamation Project (Project); its upholding, save for certain provisions, of the Department of Health’s Implementing Rules (DOH AO 2006-0012) of The Milk Code (GR No. 173034, PHCAP v. Duque, Oct. 9, 2007, Austria-Martinez, J.); its ruling that the PCGG is not exempt from complying with valid subpoenas in judicial, legislative, and administrative proceedings (GR No. 153051, PCGG v. Sandiganbayan, October 18, 2007, Sandoval-Gutierrez, J.); its denial of a transsexual’s petition to change his gender and first name in the Civil Registrar for lack of legal basis and merit (GR No. 174689, Silverio v. Republic, October 22, 2007, Corona, J.); its upholding of the Supervision and Regulation Fee (SRF) assessments of the National and Telecommunications Company (NTC) on petitioner Philippine Long Distance Company (PLDT) (GR No. 152685, PLDT v. NTC, December 4, 2007, Velasco, Jr., J.); its declaration on December 7, 2007 in GR Nos. 17353-56, PCGG v. Tan, Sandoval-Gutierrez, J., as null and void and of no legal effect the writs of sequestration issued by the Philippine Commission on Good Government (PCGG) over the shares of stock of Lucio C. Tan, et al., in Allied Banking Corporation for lack of prima facie evidence sufficient to warrant the sequestration of the shares of stock of Tan, et al. as ill-gotten wealth; and its ruling in GR No. 167173, Standard Chartered Bank (Philippine Branch) v. Senate Committee on Banks, Financial Institutions, and
Currencies, December 27, 2007, Nachura, J., denying for lack of merit the petition of said bank and the latter’s officers to stop the inquiry of respondent Senate Committee, chaired by Senator Edgardo J. Angara, into the former’s alleged selling of unregistered foreign securities in violation of RA 8799, The Securities Regulation Code. The Court stressed that the exercise of sovereign legislative authority, of which the power of legislative inquiry is an essential component, cannot be made subordinate to a criminal or administrative investigation before a court or a quasi-judicial body.

To help in adjudication, the Court has also promulgated the Rule on DNA Evidence and the Rule on Children Charged Under the Dangerous Drug Act of 2007 on October 2 and 5, 2007, respectively.

Be that as it may, it was a decision of the Sandiganbayan, the country’s anti-graft court, that would garner the most media attention. In a historic decision, the Sandiganbayan on September 12, 2007 convicted former President Joseph “Erap” Ejercito Estrada of plunder. He would later on be pardoned.

Aware of the significance of the occasion, the Court allowed, subject to certain conditions, unprecedented live media coverage of the promulgation of the Sandiganbayan decision. (Min., Res AM No. 07-9-08-SC, Re: Request to Allow Live Media Coverage of the Promulgation of the Decision in the Cases Against Former President Joseph Estrada, September 11, 2007)

Court Cleansing

From the beginning, Chief Justice Puno moved with what The Washington Post (October 1, 2007, A16) described as “lightning speed to set up a more independent Judiciary charged with enforcing a new code of legal responsibility.” With the support of his fellow Justices in the Supreme Court, no less than a Justice of the second-highest court of the land, the Court of Appeals, was dismissed for gross ignorance of the law, the Court’s own security chief suspended for simple neglect of duty, while widespread reports of judicial scams such as the selling of temporary and permanent protection orders and the irregular solemnization and dissolution of marriages caused the preventive suspension of the judges concerned pending investigation. All in all for 2007, a total of 80 trial court judges, 148 lower court personnel, and 21 Supreme Court personnel have been subjected to disciplinary action.

The Court also banned starting April 1 the spouses of incumbent Justices from working as coterminous employees in the Judiciary “to enforce the letter and the spirit of the New Code of Judicial Conduct for the Philippine Judiciary calling for an ethical judiciary that is above suspicion…” (AM No. 07-3-02-CA, In re: Rule Banning the Employment of Spouses of Justices in the SC, CA, Sandiganbayan, and CTA as Coterminous Employees, March 6, 2007)
It has also issued, effective March 10, 2007, additional guidelines on the issuance of temporary restraining orders (TROs) or writs of preliminary injunctions enjoining foreclosures of real estate mortgages. Among others, quarterly reports are now required of writs of preliminary injunction issued against foreclosures of mortgage involving Php10 million and above. (AM No. 99-10-05-0, Re: Procedure in Extrajudicial or Judicial Foreclosure of Real Estate Mortgages, February 20, 2007)

To prevent undue delay in the disposition of election cases involving barangay and municipal officials, the Court has issued rules, effective May 15, 2007, providing that that such cases must be decided within 30 days from submission for decision and, unless the Court authorizes an extension in writing, within six months after their filing. Failure to comply shall be considered a serious offense and shall be a ground for disciplinary action against the judge. (AM No. 07-4-15-SC, Rules of Procedure in Election Contests Before The Courts Involving Elective Municipal and Barangay Officials) This is because, as stated by Chief Justice Puno, “election cases enjoy high priority because what is involved here is nothing less than the sovereignty of the people, the very heart of a democratic government.”

Turning to elections of another kind, the Court has also promulgated guidelines, effective May 30, 2007, on the conduct of elections of the different judges’ associations. It was stressed in the guidelines that candidates for any elective office in judges’ associations shall refrain from and avoid campaign activities and situations that might bring the Judiciary into disrepute or give rise to embarrassment on the part of the associations and their membership, such as providing or giving food, drinks, hotel, or motel accommodations and utilizing the services of court personnel and equipment such as fax and photocopying machines in producing and distributing campaign materials. Failure to comply with the guidelines constitutes a serious administrative offense and shall be dealt with in accordance with Rule 140 of the Revised Rules of Court. (Resolution: Prescribing Guidelines on the Conduct of Elections of Judges’ Associations, May 3, 2007)

Even as it is relentless in its drive to root out venial judges from the Judiciary, the Puno Court has also endeavored to protect judges from threats arising from the performance of their duties. It signed a memorandum of agreement on judicial security last February 12 with the Department of Justice, represented by the National Bureau of Investigation. Chief Justice Puno also issued Memorandum Order No. 18-2007 on May 11, 2007 reconstituting the Committee on Security to effectively manage the Judicial Security project.

With regard to erring lawyers, the Court has also approved the Rules of Procedure of the Commission on Bar Discipline of the Integrated Bar of the Philippines. A total of 131 lawyers have been administratively penalized last year.

A Conspiracy of Hope

A major highlight of the judicial calendar in 2007 is the groundbreaking National Consultative Summit on Extrajudicial Killings and Enforced Disappearances held by the Supreme Court from July 16 to 17, 2007. The Summit succeeded in bringing together representatives from the entire political spectrum in a conspiracy of hope to formulate solutions to the senseless killings and forcible abductions that have come to international attention. Chief Justice Puno explained why the normally passive Judiciary chose to take a pro-active stand on the matter, thus: “The extrajudicial taking of life is the ultimate violation of human rights. It cannot be allowed anywhere, and it has to be resisted everywhere... Extrajudicial killings also constitute brazen assaults on the rule of law. It is the constitutional duty of our Judiciary to protect the rule of law and we will link with all efforts to prevent its erosion.”

One fruit of the Summit is the passage of the Rule on the Writ on Amparo, the most powerful weapon yet in the judicial arsenal to protect the constitutional rights to life, liberty, and security of our people. (AM No.7-9-12-SC) Promulgated pursuant to the Court’s rule-making power under the Constitution to protect
and enforce constitutional rights, it has proven itself to be effective just within the first month from its effectivity on October 24, 2007. Its first successful case was that of Ruel Muñasque, a Bayan Muna organizer of the Christian Youth Fellowship United Church of Christ of the Philippines, who was released from military custody following the order of Judge Reinario B. Ramas of Pagadian City, Zamboanga del Sur Regional Trial Court, Branch 18. Muñasque had been missing for two weeks but was immediately reunited with his family after only the first day of hearing on the petition for a writ of amparo filed by the Muñasque family. The military did not deny having custody of Muñasque but claimed that he had a waived his right to question his detention.

Serving the People

The Court continued with its judicial reform program under its new Chief Justice. In 2007, he led, among others, the launching of Component B of the new Asian Development Bank (ADB) Technical Assistance Grant, under which ADB will work closely with Supreme Court and the other pillars of justice to promote long-term improvements in the overall administration of justice by enhancing the capabilities of justice sector agencies through processes and systems development; the launching of the Court-Annexed Mediation on Wheels Program under the World Bank-assisted Justice on Wheels Project in Rizal; and the blessing and inauguration of the Lapu-Lapu City Hall of Justice (HOJ), the country’s first pilot model court simultaneous with the launching of the ADB-assisted Regional Court Administration Office (RCAO) Pilot Project and e-Register Project. The RCAO Project aims to decentralize the functions of the Office of the Court Administrator to facilitate judicial operations in major regions of the country and will be piloted in the seventh judicial region covering Cebu, Bohol, Negros Oriental, and Siquijor and will be based in the Lapu-Lapu City HOJ. The e-Register Project, on the other hand, will work as an interim worksheet to replace the manual logging of reports by court staff. The data to be produced by the e-Register can be integrated to the enhanced Caseflow Management (e-CFM) System that will soon be introduced in the Lapu-Lapu City HOJ.

Also in 2007, the Court under the European Commission-funded Access to Justice by the Poor Project completed the training of judges and court personnel in selected first-level courts in gender and poverty-sensitization and of selected clerks of court, designated as Municipal Court Information Officers, in information, education, and communication skills. The Project aims to provide the poor, especially women and children, information about their rights and the justice system. Besides the Supreme Court, the other government agencies involved are the Department of Social Welfare and Development, the Department of Justice, and the Department of Interior and Local Government, along with the Alternative Law Groups, Inc., a non-governmental organization.

All the foregoing reforms were undertaken, according to Chief Justice Puno, “to give the best possible judicial service to our people. In the end it is our people who count.” To emphasize this, for the Court’s 106th anniversary on June 11, 2007, instead of holding the usual parade and games, the Supreme Court employees upon the Chief Justice’s directive undertook community service projects such as visiting the children’s ward of the Philippine General Hospital, planting trees at La Mesa Dam, conducting medical missions, organizing activities for street children, visiting orphanages and jails, sponsoring livelihood programs, and building homes.

Looking Ahead

Chief Justice Puno has described 2007 as “a time of accomplishment, advancement, and renewed hope.” He and the Supreme Court will not rest on their laurels but look forward to the challenges and opportunities that lie ahead. As he has said, “While the challenges may be great, we know that greater still is the reward in overcoming them; for in committing ourselves to have the best possible Judiciary for our people, we will also discover and develop the best of ourselves.”
JUSTICES
OF THE SUPREME COURT
OF THE PHILIPPINES
Chief Justice Puno is the 22nd Chief Justice of the Philippines. He is also the concurrent chair of the SC First Division and ex officio chair of the Judicial and Bar Council (JBC) and the Presidential Electoral Tribunal (PET). His appointment as chief magistrate by President Gloria Macapagal-Arroyo on December 7, 2006 was a moment that many had anticipated from the time he was sworn in as then the youngest SC Justice at 53 on June 28, 1993.

Prior to his appointment to the High Court, he served, among others, as Associate Justice of the Intermediate Appellate Court and the Court of Appeals (CA), Deputy Minister of Justice, Assistant Solicitor General, and City Judge of Quezon City. He holds the distinction of being the youngest appointee to the CA at the age 40.

Chief Justice Puno obtained his Bachelor of Science in Jurisprudence and Bachelor of Laws degrees from the University of the Philippines (UP) in 1962. He served as editor-in-chief of The Philippine Collegian. He pursued his post-graduate studies in the United States on full scholarship. He obtained his Master of Comparative Laws at the Southern Methodist University, Dallas, Texas, with high distinction and as valedictorian of his class; his Master of Laws at the University of California, Berkeley, California and finished all the academic requirements of the degree of Doctor of Juridical Science at the University of Illinois, Champaign, Urbana, Illinois. In 2005, he became the first Filipino recipient of the Distinguished Global Alumnus Award given by the Dedman School of Law, Southern Methodist University, Dallas, Texas. He has been conferred honorary doctorate degrees by eight of our universities and the Hannam University, South Korea.

Among other honors, he was chosen as one of the Ten Outstanding Young Men of the Philippines in 1977, Araw ng Maynila Awardee as Outstanding Jurist in 1987, and Outstanding Alumnus, UP College of Law in 1997, and Ulirang Ama Awardee in 2005. This 2008, in UP’s centennial year, he bested other distinguished alumni of the state University when he was conferred the University of the Philippines Alumni Association (UPAA) Most Distinguished Alumnus. He was recognized for his achievements in the field of law and for his leadership in projects “which contribute to the welfare of Filipinos and to the larger society.”

Apart from his judicial responsibilities, Chief Justice Puno is actively involved in civic and church activities. He is a lay preacher of the United Methodist Church and incumbent Chairman of the Administrative Council of the Puno Memorial United Methodist Church. He is past Chairman of the Administrative Board of the Knox United Methodist Church, the biggest and oldest Methodist Church in the Philippines.

He is the Chairperson of the Committee on the Revision of the Rules of Court which drafted, among others, the Rule on the Writ of Amparo, Rule on Habeas Data, Rule on Violence against Women and their Children, Rule on Legal Separation, Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, Rule on Adoption, and Rules of Criminal Procedure.

He also chairs the SC Committee on Publication of the Court Systems Journal, Committee on Publication of the Advanced Syllabi, Committee for Administrative Concerns, Executive Committee for the Integrity Development Review for the Judiciary, Executive Committee on Administrative Functions, and the SC Selection and Promotion Board.

Before assuming the post of Chief Justice, he has served as lecturer in several international fora, the latest of which was the 3rd Conference of Constitutional Courts Judges held in Mongolia from September 6-8, 2005 where he had delivered the Philippine Paper on the subjects Problems Between Constitutional Courts and Politics and Legal Basis for the Election/Dismissal of Constitutional Justices.

A native of Manila, Chief Justice Puno was married to the late SC Clerk of Court Luzviminda D. Puno with whom he has three children Reynato, Jr., Emmanuel, and Ruth.
Justice Quisumbing concurrently serves as chair of the Supreme Court Second Division and the Senate Electoral Tribunal. He is a consultant to the Judicial and Bar Council. Justice Quisumbing took up his LL. B. studies at the University of the Philippines and then earned his LL. M. degree from Cornell University in New York. During his student days, he was a college scholar, president of the UP Student Council, editor-in-chief of The Philippine Collegian, president of the Student Councils Association of the Philippines, and member of the National Debating Team to Australia that won the Wilmot Cup. He capped his many achievements by placing 12th in the 1966 Bar Examinations. His writing stint started at the M. L. Quezon University where he edited The Quezonian and where he graduated magna cum laude, A.B. Journalism. He has been awarded four honorary doctorate degrees in law, public administration, and humane letters. He taught and practiced law for almost 15 years, then served the government in various posts for over 21 years.

Prior to his appointment to the Supreme Court in 1998, he was Secretary of Labor and Employment. Before that, he served as Undersecretary of the Department of National Defense during President Corazon C. Aquino’s administration and then Senior Deputy Executive Secretary to President Fidel V. Ramos. Before his court appointment, he also held the rank of Commodore of the Philippine Coast Guard, 106th Auxiliary Squadron. Justice Quisumbing took special training in Management of Public Agencies at Cornell Graduate School, Research at Georgetown University, Communications at Michigan State University, and Public Sector Negotiations at Harvard University.

His published works include Constitutional Control of the Election Process; Compensation in Land Reform Cases; Comparative Public Law Study; Asean Comparative Law (Vol. IV ed., Corporation Law) in the EEC and Asean; Two Regional Experiences; Law on Taxation in the Philippines; Labor Law and Jurisprudence (1992-1998); and Access to Justice, a lecture delivered before the 1993 Asean Law Association Conference in Singapore.

A native of Masbate, Masbate, Justice Quisumbing is married to Commission on Human Rights Chairperson Dr. Purificacion V. Quisumbing. They have two children, Josefa Lourdes and Cecilia Rachel.
Justice Ynares-Santiago is the concurrent chair of the SC Third Division and the House of Representatives Electoral Tribunal. She is also a consultant to the Judicial and Bar Council.

Justice Ynares-Santiago has been in the Judiciary for more than 35 years. She served for 17 years as a trial judge and 9 years as a justice of the Court of Appeals. Her outstanding and dedicated service, integrity, and competence catapulted her to the Supreme Court on April 6, 1999.

Justice Ynares-Santiago is a multi-awarded jurist. She received several distinctions and awards in recognition of her multifarious contributions. She is also a Gintong Ina Awardee and recipient of the Ulirang Ina Sectoral Award for Law and Judiciary. She also received the Pambayang Gawad Palosebo, the highest municipal award given to outstanding residents of Binangonan, Rizal, who have excelled in their professions and are role models for the youth. In the course of her work, she immersed herself in the promotion of children’s and women’s rights. She served as Bar Examiner for Labor and Social Legislation in 1996, and Taxation in 1998.


Justice Ynares-Santiago was born on October 5, 1939. She is married to the late Atty. Francisco B. Santiago with whom she has four accomplished children: Pura Angelica, a lawyer; Jonas Francisco and Regina Carmela, both physicians; and Jennylind Allison, a Hotel and Restaurant Management graduate.

Justice Ynares-Santiago earned her Bachelor of Laws degree from the University of the Philippines in 1962.
Justice Sandoval-Gutierrez holds the dual distinction of being the first recipient of the prestigious Cayetano Arellano Award as an Outstanding Regional Trial Court Judge of the Philippines and the first winner in the annual Best Written Decision/Judicial Essay Contest among RTC women judges sponsored by the Philippine Women Judges Association.

She was chosen as Bar Examiner in Criminal Law in 1994 and 1998. In 2006, she chaired the Bar Examinations Committee. She is also an Ulirang Ina Awardee, her three children being all lawyers.

Justice Gutierrez reached the peak of her career through the judicial ladder ascending from the Metropolitan Trial Court to the Regional Trial Court, Manila, then to the Court of Appeals, and ultimately, to the Supreme Court.

Justice Gutierrez hails from Alitagtag, Batangas. Justice Gutierrez graduated salutatorian from the Alitagtag Elementary School; with high honors in high school, St. Bridget’s College, Batangas City; and with distinction from the same school upon finishing her Music Teacher’s Course in piano. She earned her Bachelor of Laws degree from the University of Santo Tomas and is the latter’s first alumna elevated to the Supreme Court. She attended judicial and legal courses in various universities in the U.S., such as Harvard Law School, Academy of American and International Law at the University of Texas, National Judicial College at the University of Nevada, and University of Southern California.

She was a member of the Senate Electoral Tribunal and chair of several Supreme Court committees until her retirement in February 2008.
Born in Davao City, Philippines, Justice Carpio was sworn in as member of the Supreme Court on October 26, 2001. Justice Carpio obtained his law degree from the College of Law of the University of the Philippines (UP) where he graduated valedictorian and cum laude in 1975. He placed sixth in the 1975 Bar Examinations. He earned his undergraduate degree in Economics from Ateneo de Manila University in 1970.

In his student days, Justice Carpio was chairman of the Editorial Board of the Philippine Law Journal of the UP College of Law. He was Editor-in-Chief of The Guidon, the school paper of Ateneo de Manila University.

He also served as Managing Editor of the Philippine Collegian, the school paper of the University of the Philippines. Fresh out of law school, Justice Carpio went into private practice until 1992. He was a Professorial Lecturer of the UP College of Law from 1983 until 1992 when he was appointed Chief Presidential Legal Counsel, Office of the President of the Philippines. In 1997, he was Executive Director of the ASEAN Business Law Program of the UP College of Law.

Justice Carpio also held other important government positions before assuming office as Supreme Court Justice. He was a member of the Board of Regents of the University of the Philippines from 1993 to 1998. He was a member of the Technology Transfer Board of the Department of Industry from 1978 to 1979. He served as Special Representative of the Department of Trade for textile negotiations from 1980 to 1981. He also held numerous prestigious posts such as President of the Integrated Bar of the Philippines Pasay-Makati Chapter (1985-1986). He served as Director of the U.P. Law Alumni Association (1984-1989) and Director of the Philippine Bar Association (1989-1990).

For his “distinguished and exemplary service” to the Republic, Justice Carpio was awarded in 1998 the Presidential Medal of Merit by then President Fidel Ramos. In 1991, Justice Carpio received the Outstanding Achievement Award in Law from the Ateneo de Manila Alumni Association.

In 2002, he was the recipient of the Distinguished Alumnus Award from the Ateneo de Davao Alumni Association. Justice Carpio is Vice-Chairperson of the Committees on Legal Education and Bar Matters; Public Information, Knowledge Sharing and Regional Cooperation. He is a member of the Committees on Legislative-Executive Relations; Executive Committee for Judicial Reform Program; Task Force Group of the Philippine Judicial Academy and on the Zero Backlog Cases; and the Senate Electoral Tribunal.
The appointment of Associate Justice Ma. Alicia Austria-Martinez to the Supreme Court of the Philippines is but a fitting culmination of her 40 years of service in the government.


Her brief stint in the Office of the Insurance Commissioner was cut short when she became a legal researcher in the Court of First Instance of Rizal (October, 1964-July, 1969), thus, starting her long and illustrious career in the judiciary. From being a researcher, she gradually worked her way up in the ladder of judicial hierarchy and, in the process, held various positions such as Attorney Researcher (July, 1969-December, 1975), Senior Attorney (January, 1976-October 20, 1976), and eventually Division Clerk of Court of the Court of Appeals (October 21, 1976-January 17, 1983).

On January 18, 1983, she was appointed as the Presiding Judge of the Regional Trial Court (Branch XXXVI) of Calamba, Laguna. On November 4, 1986, she became the Presiding Judge of the Regional Trial Court (Branch CLIX) of Pasig City. From 1990 to 1992, she concurrently held the position of Executive Judge of the Regional Trial Court of Pasig City. She also served in different capacities as an officer of the Philippines Judges’ Association and the Philippine Women Judges’ Association from 1987 to 1992.

On March 5, 1992, she went back to the Court of Appeals, this time as an Associate Justice. She served in this capacity until July 27, 2001, when she was appointed as the Presiding Justice of the Court of Appeals. However, her occupation of the Office of the Presiding Justice proved to be short-lived because on April 12, 2002 she was named Associate Justice of the High Tribunal.

Born in Manila on December 19, 1940, Justice Austria-Martinez was introduced early to the intricacies of the law. Both her parents were lawyers. Her father, Retired Colonel Benjamin A. Austria, served in the Philippine Air Force while her mother, Remedios M. Austria, was a Doctor of Civil Law and served as a consultant in the Graduate School of the University of Santo Tomas (UST). Justice Austria-Martinez is the widow of Atty. Daniel T. Martinez who once served as the Clerk of Court of the Supreme Court.

Her expertise in law is proven by her track record: Examiner in Commercial Law in the 1994 Bar Examinations and Examiner in Remedial Law in the 2000 Bar Examinations; member of the Supreme Court’s Committee on Formulation of Rules of Procedure in Family Courts which includes the drafting of the Rules on Examination of a Child Witness, on Domestic Adoption, on Commitment of Children, and on Annulment and Declaration of Nullity of Marriage; lecturer and resource person in various programs and seminars conducted under the auspices of the Supreme Court, the Philippine Judicial Academy, and the U.P. Law Center.

Justice Austria-Martinez graduated from the University of the Philippines in 1962, earning the degree of Bachelor Laws (LLB). She passed the Bar Examinations given in 1962. She also obtained a Master’s degree in National Security Administration in 1980 from the National Defense College of the Philippines where she eventually became the Chairman of the Panel of Examiners for Oral Defense in 1987, 1988 and 1991. She also served as a member of the Board of Admission in the same College for the School Years 1991-1993. Justice Austria-Martinez also attended the 31st Program of Instruction for Lawyers held at the Harvard Law School in Cambridge, Massachusetts in 1999.

Justice Austria-Martinez has two sons, Michael and Bryan. Michael is married to Ma. Evangeline B. Austria. They have two children, Marianne Nicole and Vince Matthew.
ne of the youngest magistrates ever in the Supreme Court, Justice Corona was appointed to the highest tribunal on April 9, 2002. His age notwithstanding, he brings with him depth and perspective gained from many years of experience as a law professor, private law practitioner, and member of the Cabinet under two Presidents, Fidel V. Ramos and Gloria Macapagal-Arroyo.

Justice Corona graduated with gold medal honors from the Ateneo de Manila grade school in 1962 and high school in 1966. He obtained his Bachelor of Arts degree, also with honors, from the Ateneo de Manila University in 1970. He was the editor-in-chief of *The Guidon*, the university student newspaper of the Ateneo and was secretary-general of the College Editors Guild of the Philippines from 1968 to 1970. He was also the captain of the over-all champion team of the 1970 Annual Debating Tournament of the Ateneo School of Arts and Sciences.

Justice Corona finished his Bachelor of Laws at the Ateneo Law School in 1974. Having married right after college, he held a full-time job in the Office of the Executive Secretary in Malacañang Palace while attending night classes in law school. He was a consistent honor student and graduated no. 5 in his class. That same year, he placed 25th highest out of 1,965 candidates in the Bar examinations.

After law school, he pursued the Master of Business Administration course at the Ateneo Professional Schools. He was conferred the LL.M. degree by Harvard Law School in 1982.

As a young lawyer, Justice Corona also served as special counsel at the Development Bank of the Philippines. He later became senior vice-president and general counsel of the Commercial Bank of Manila and later, a senior officer of the Tax and Corporate Counseling Group of the Tax Division of Sycip Gorres and Velayo (SGV & Co.).

In 1992, he was invited to join the administration of then President Fidel V. Ramos as Assistant Executive Secretary for legal affairs, concurrently head of the Malacañang Legal Office. In 1994, he was promoted to Deputy Executive Secretary and later Presidential Legal Counsel and member of the Cabinet. As legal counsel to President Ramos, then Secretary Corona held, in concurrent capacity, the positions of Vice-Chairman of the Presidential Anti-Crime Commission; member of the Presidential Committee on Bail, Release and Pardon, the Cabinet Consultative Committee on the Government of the Republic of the Philippines- National Democratic Front (GRP-NDF) Peace Talks, and the Cabinet Committee on National Security. He likewise chaired the Appeals Committee of the Movie and Television Review and Classification Board (MTRCB) as well as various other presidential committees.

After the term of President Ramos ended in 1998, he was invited by then Vice-President Gloria Macapagal-Arroyo to become her chief of staff and spokesman. It was in that capacity that he became deeply involved in the burning political issues of the day and, when Arroyo assumed the presidency on January 20, 2001, he played a crucial role in the new administration as Presidential Chief of Staff, Presidential Spokesman, and later, as Acting Executive Secretary.

Born on October 15, 1948 in Tanauan City, Batangas, the self-effacing and hard-working Justice Corona is married to the former Cristina Roco. They are blessed with three grown-up children, all professionals and graduates of the Ateneo de Manila University and the University of the Philippines.

He is the proud and doting “Grandpa” to the jewels of his life – Franco, Santino, Anika, and Katrina.
Four Presidents oversaw the rise of Justice Carpio Morales in the Judiciary. In 1983, then President Ferdinand E. Marcos appointed her Judge of the Pili, Camarines Sur Regional Trial Court, Branch 32. During the term of President Corazon C. Aquino, she was appointed in 1986 to the Pasay City RTC, Branch 110. In 1994, then President Fidel V. Ramos appointed her to the Court of Appeals. She was appointed to the Supreme Court on August 26, 2002 by President Gloria Macapagal Arroyo.

Born in Paoay, Ilocos Norte, she earned her Bachelor of Laws and Economics degrees from the University of the Philippines.

Justice Carpio Morales went into private law practice after passing the Bar and then worked at the Department of Justice – where she held the position of Special Assistant to then Justice Secretary Vicente Abad Santos and later on Senior State Counsel – before joining the Judiciary.

She has penned several landmark Supreme Court decisions, including those in *Francisco vs. House of Representatives* (2003) clarifying the one-year time bar rule in impeachment cases and *Senate vs. Ermita* (2006) on executive privilege.

She is a member of the House of Representatives Electoral Tribunal. She has participated in legal conferences here and abroad and was a Bar examiner in Legal Ethics in 2000. She was also conferred the *Ulirang Ina Award for Law and the Judiciary* by the Father’s Day and Mother’s Day Foundation of the Philippines, Inc.

Justice Carpio-Morales is married to Eugenio T. Morales, Jr. with whom she has two sons, Eugenio III and Umberto.
Justice Romeo J. Callejo, Sr. was born in Sta. Lucia, Ilocos Sur on April 28, 1937 to Pedro Callejo, Sr. and Rosario Joven Callejo. He received his primary education in the Colegio dela Imaculada Concepcion, and later entered the Minor Seminary of Vigan, Ilocos Sur. His family then moved to the other end of Luzon, where he finished high school in Puerto Princesa, Palawan.

In 1955, Justice Callejo went to Manila to enroll at San Beda College where he graduated with an Associate in Arts degree. He pursued his Benedictine education further and took up Law. In the College of Law, he was a member of the Debating Team and actively participated in the school’s extra-curricular activities. He graduated in 1961 as the Silver Medalist of his class. Upon passing the Bar the following year, Justice Callejo joined the law office of the late Jose W. Diokno, and eventually became the Head of the firm’s Trial Department. He later became a Partner in the Montenegro, Madayag & Hernandez Law Office until his appointment to the Judiciary in 1986.

As a Professor of Law, he taught the following subjects: Criminal Law, Civil Procedure, Criminal Procedure, and the Law on Evidence. He eventually went on to conduct pre-bar review lectures in Remedial and Criminal Law in San Beda, and later in the Ateneo de Manila University (where he also taught Criminal Law and the Law on Evidence), Far Eastern University, Pamantasan ng Lungsod ng Maynila, the Arellano Law Foundation.

He served as a Regional Trial Court judge of the City of Manila from 1986 until his appointment to the Court of Appeals in 1994. He was named Outstanding Judge of Manila twice – in 1991 and in 1994. His exemplary performance as a Judge was again recognized in 1992 when he was awarded the much-coveted Cayetano Arellano Award for Judicial Excellence by the Foundation for Judicial Excellence.

Prior to his appointment to the highest court of the land on September 3, 2002, Justice Callejo was Chairman of the Tenth Division of the Court of Appeals. He had also served as the Chairman of the Philippine Judicial Academy’s Department of Criminal Law since 1998, and was likewise a member of the Academic Council. He gave lectures to judges and legal researchers as well as to members of the Prosecutors League of the Philippines, the State Prosecutors of the Department of Justice, and the Integrated Bar of the Philippines.

Aside from penning learned decisions and resolutions as an Associate Justice of the Court, Justice Callejo also chaired several committees. He was the Chair of the Sub-Committee on Evidence, Committee on Revision of the Rules of Court, and the Committee on Legal Education and Bar Matters. He was also a member of the Sub-Committee on Revision of Rules Governing Notaries Public, and a member of the Board of Trustees of the Society for Judicial Excellence. He was the Chairman of the 2005 Bar Examinations where out of 5,607 examinees, only 1,526 examinees (or 27.22%) passed. In the Court of Appeals, he was a member of the Committee on the Revision on the Internal Rules of the Court of Appeals, and Chairman of the Committee on Ethics.

Justice Callejo is married to Ma. Filipinas Villanueva. They are blessed with two children, Romeo Gerard Callejo, Jr. and Ma. Geraldine Callejo-Geday. He is a proud grandfather to Jacqueline C. Geday.
Justice Azcuna holds the distinction of having helped draft two of the country's Constitutions. This native of Katipunan, Zamboanga del Norte was a delegate to the 1971 Constitutional Convention and was among the 48 members of the 1986 Constitutional Commission who drafted the 1987 Constitution.

He earned his Bachelor of Laws degree from the Ateneo de Manila, cum laude. After placing 4th in the 1962 Bar Exams, he began his public service as assistant private secretary of then Court of Appeals Presiding Justice Jose P. Bengzon. He headed the staff of Justice Bengzon when the latter was appointed to the Supreme Court in 1964.

Justice Azcuna did post-graduate studies on International Law at Salzburg University in Austria in 1977. He practiced law with the Bengzon Law Office and, later, with the Azcuna Yorac Sarmiento Arroyo and Chua Law Offices. He was appointed to the SC on October 17, 2002.


During the term of President Corazon C. Aquino, he served as Presidential Legal Counsel and was a member of President Aquino’s cabinet as Press Secretary and as Presidential Spokesperson. He also served as Chairperson of the Philippine National Bank.

Justice Azcuna chaired the 2007 Bar Examinations Committee. He is married to Maria Asuncion Aunario, a Dean of Arts and Sciences of St. Scholastica’s College. They have four children: Anna Maria, Ma. Beatriz, Ma. Margarita, and Miguel Enrique.
Justice Dante O. Tinga was appointed to the Supreme Court on July 4, 2003. At the time, he was the dean of the College of Law of the Polytechnic University of the Philippines.

He represented the lone district of Taguig-Pateros in the House of Representatives for three consecutive terms from 1987 to 1998. As a Congressman, he served as House Majority Whip for Luzon from 1992 until 1998 and Speaker’s Deputy in the Committee on Rules from 1995 to 1998.

Justice Tinga received his Bachelor of Laws degree from the University of the East College of Law in 1960. Graduating magna cum laude at the top of his class, he placed 15th in the 1960 Bar Examinations with an 87.7% rating. He obtained his Masters of Laws degree from the University of California at Berkeley, U.S.A. in 1970, graduating with High Honors and among the top five percent. He specialized in Corporation Law, Securities Regulation and Transnational Business Transaction.

Born on May 11, 1939, Justice Tinga is a recipient of several honors including the Most Distinguished Alumnus in Education in 1991, the Most Distinguished Alumnus in the Legal Profession in 1988, and the Most Outstanding Alumnus in 2006, all conferred by the University of the East. He was conferred the degree of Doctor of Public Administration by the Polytechnic University of the Philippines in 1996. Justice Tinga is a widower (married to the late Atty. Ma. Asuncion Rodriguez Tinga) with six children.

Justice Tinga has authored several notable ponencias for the Court. To name some, in the field of political and administrative law, he wrote *Disomangcop v. DPWH* (444 SCRA 403) on the scope of the local autonomy of the ARMM; *Globe v. NTC* (435 SCRA 110) concerning the breadth of the regulatory powers of the NTC; *City of Manila v. Laguio* (455 SCRA 308) on the constitutionality of an ordinance ordaining the forced transformation of a city district, including the banning of motels; *Mijares v. Ranada* (455 SCRA 397) on the nature and international law implications of civil suits for the enforcement of a foreign judgment; *Constantino v. Cuisia* (472 SCRA 505) regarding the capacity of the Secretary of Finance to negotiate foreign debt agreements and the interpretation of the provisions of the Constitution on foreign debt; and *Gudani v. Senga* (498 SCRA 671) concerning the interplay of the commander-in-chief powers and the power of Congress to compel attendance of military officers in legislative investigations. In civil and commercial law, he penned *Transfield Philippines v. Luzon Hydro* (443 SCRA 307) on the “independence principle” of letters of credit; *Philcomsat v. Globe* (429 SCRA 153) on force majeure; *Samsung v. FEBTC* (436 SCRA 402) on a bank’s liability to a depositor for paying out a forged check; *Commissioner of Internal Revenue v. Benguet Corporation* (463 SCRA 28) on the nature of the Value-Added Tax and zero-rated transactions; and *Antonio v. Reyes* (484 SCRA 353) on marital psychological incapacity. In criminal law, Justice Tinga authored *People v. Tuidtud* (412 SCRA 142) on warrantless searches and seizures; *People v. Bon* (506 SCRA 168) on the graduation of penalties following the renewed ban on the death penalty; and *Valenzuela v. People* (525 SCRA 306), which declared that there is no crime of frustrated theft.
Justice Chico-Nazario holds the distinction of being the first woman justice in the Sandiganbayan and its first woman Presiding Justice. She is also the first Sandiganbayan Presiding Justice to be appointed to the Supreme Court.

Her appointment to the High Court on February 10, 2004 is a homecoming of sorts, since she has started out as the social secretary of the late SC Justice Juan Liwag after graduating from the University of the Philippines College of Law in 1962.

Justice Nazario served as Division Clerk of Court at the Sandiganbayan’s First Division (1981-1987) and was later appointed Regional Trial Court Judge of Biñan, Laguna (1987-1993). In 1993, she became the first woman justice of the anti-graft court.

She also held other government positions including Legal Researcher, Special Deputy Clerk of Court of the Court of First Instance, Judicial Supervisor of the Department of Justice, Supreme Court Judicial Assistant, and SC Senior Judicial Assistant. Likewise, she was a professor of law at the Perpetual Help University in Las Piñas City (1994-1997).

Justice Nazario has to her credit more than 40 years of uninterrupted service in government prior to her SC appointment.

Born in San Miguel, Bulacan, Justice Nazario is the current president of the Philippine Women Judges Association. She was the Criminal Law Bar Examiner for the year 2000. Among other honors, she was named Ulirang Ina Awardee (For Law and Judiciary) in 2000 and Most Outstanding Kapampangan in the Field of Law in 2002.
Justice Garcia was the Presiding Justice of the Court of Appeals when elevated to the Supreme Court on October 6, 2004. He retired on October 30, 2007.

His elevation to the High Court fittingly caps 43 years of continuous and devoted government service which started at the executive branch when he joined the Legal Office of the Office of the President as legal assistant.

In 1972, he was appointed Assistant Solicitor at the Office of the Solicitor General. He subsequently served as City Court judge of Caloocan City and then as RTC judge of the cities of Caloocan and Angeles. His tenure in the Judiciary was briefly interrupted when he was appointed Assistant Executive Secretary for Legal Affairs early in the term of then President Corazon C. Aquino. In December 1990, Justice Garcia was appointed Associate Justice of the Court of Appeals, and, on April 9, 2003, as Presiding Justice of that court.

He co-authored A Study of the Philippine Constitution which was published in 1975. Currently, he chairs the Court’s Committee on Security.

He earned his Bachelor of Laws degree from the University of the Philippines. He belonged to UP Law Batch ’61, and was a member of the Order of Purple Feather, the UP Law Honor Society.

Justice Garcia is married to Emeteria Reyes of Bauan, Batangas. They are the proud parents of Rizza, Adette, Via, and Rigo.
Justice Velasco is fourth Court Administrator to be appointed Supreme Court Associate Justice.

Named Court of Appeals Justice in 1998, Justice Velasco was eighth in the disposition of cases when he was elevated to the position of Court Administrator in 2001. He also served as Undersecretary of the Department of Justice; Commissioner of the Housing and Land Use Regulatory Board and the Commission on Settlement of Land Disputes; and Chairman of the Board of Pardons and Parole.

Prior to joining the public sector as a regular member of the Judicial and Bar Council in 1993, Justice Velasco was a private law practitioner for 20 years. He served the Integrated Bar of the Philippines as its National President in 1987, as Commissioner of the IBP Committee on Bar Discipline, and as Honorary Chairman and Past National Co-Chairman of the IBP National Committee on Legal Aid.

After finishing his Bachelor of Arts degree in Political Science from the University of the Philippines in only three years, Justice Velasco pursued his Bachelor of Laws degree from the same university where he became a member of the Order of the Purple Feather Honor Society and the Editorial Board of the Philippine Law Journal. In 1971, he graduated eighth in his class with a grade of 1.79 and placed sixth in the Bar exams with a Bar rating of 89.85%.
Justice Nachura holds the distinction of having served in the highest levels of all three branches of government. Prior to his appointment to the Supreme Court, he served in the 11th and 12th Congresses as Representative of the 2nd District of Samar and in the Cabinet as Chief Presidential Legal Counsel and as Solicitor General of the Philippines.

Justice Nachura was an honor student at the Catbalogan Elementary School and was valedictorian in Samar High School. He obtained his bachelor’s degree in English from Samar College, and was subsequently admitted to San Beda College of Law where he graduated First Honorable Mention in 1967. He placed seventh in the Bar exams that same year.

He was Vice-President and Corporate Secretary of the Government Service Insurance System from 1983 to 85. A year later, he was appointed President and General Manager of the Grains Insurance Agency Corporation. In 1993, he was appointed by President Fidel V. Ramos as Commissioner of the Housing and Land Use Regulatory Board.

He later served as Undersecretary of the then Department of Education, Culture, and Sports. He returned to San Beda to teach Constitutional Law. He was a much sought after pre-bar reviewer nationwide, including those conducted by the UP Law Center, University of Santo Tomas, and Manuel L. Quezon University. He is the author of *Outline Reviewer in Political Law*, widely considered by Bar candidates as an essential review material. He capped a satisfying career as an educator when he was named Dean of the Arellano University College of Law, and later, Chair of the Arellano Law Foundation. He also served as member of the University of the Philippines Board of Regents. Justice Nachura holds a Doctor in Public Management degree from the Pamantasan ng Lungsod ng Maynila.

While in Congress, he served in the House Prosecution Panel that prosecuted then President Joseph Estrada. He also authored the National Service Training Program Act, the Basic Education Reform Act, and the Samar State University Act. He is co-author of the Securities Regulation Code, the Joint Resolution calling for amendments to the Constitution, and RA 9227, which grants special allowances to members of the Judiciary, among others.

After serving in Congress, he was appointed by President Gloria Macapagal Arroyo as Chief Presidential Legal Counsel, and later on, as Solicitor General. In the OSG, he instituted numerous reforms that expanded the office from 15 to 17 legal divisions, and caused the filing and passage of a bill strengthening the OSG as the principal law office of the government and as “Tribune of the People.” For his service to the people, he was named *Bedan of the Century* by his alma mater in 2001.
Justice Reyes studied law as a working student, scholar, law council president and law editor.

A 1962 alumnus of MLQ University, he took eight summer courses in U.S., including six scholarships—1st Harvard University Workshop for Law Teachers and Scholars and Program of Instruction for Lawyers, Academy of American and International Law, Appellate Judges Seminar, California Judicial College and National Judicial College.

After a ten-year practice, he was named Assistant Fiscal of Manila winning the 1981 Best Resolution Contest. He became RTC Judge first in Bataan, then in Manila, where he was named the Outstanding RTC Judge awardee and RTC Judges Association president. He edited the Phil. Judges Association Newsletter and Bench Bulletin. Promoted to the Court of Appeals in March 1994, he became its Presiding Justice from December 23, 2005 to July 31, 2007. Former chairman-editor of the CA Journal, he was a five-time nominee to the Supreme Court until his appointment on August 1, 2007. He was president of Philippine Association of Law Professors, trustee and lecturer of Philippine Judicial Academy, 2002 Bar examiner in Legal Ethics, author of Bar Reviewer on Special Penal Laws, MCLE lecturer on substantive and procedural law, legal writing, ethics and law reforms; co-chair, Supreme Court Sub-committee on MCLE Draft Rules; member, SC Committee on Legal Education, and Bar Matters and resource person, Criminal and Remedial Law Bar Answers, UP Law Center.

Recognitions for him include the CUP Outstanding Justice of the Court of Appeals, Bulacan Dangal ng Lipi, YMCA and ORAS Presidential Awards, two Supreme Court awards on judicial reforms and over a dozen citations as CA Presiding Justice.

He led by example in case disposition, with a vision of “A Court of Appeals that is righteous and reasonable in its decisions and resolutions, responsible and responsive to the challenge of judicial service.” On April 10, 2007, Northwestern University, Laoag City, conferred on him the degree of Doctor of Laws, honoris causa.

Born in 1939 in Hagonoy, Bulacan, he is married to Atty. Ellie Cruz-Reyes of Baliuag. They have four children, whose initials spell WRIT: Pastor Winston, Dr. Roselyn, IT consultant Jason Immanuel, and lawyer Tammy Ann.
Justice De Castro was appointed to the Supreme Court on December 3, 2007. She is an alumna of the University of the Philippines College of Law where she finished Bachelor of Arts cum laude in 1968 and Bachelor of Law in 1972 at the top four of her class. She was Vice-Chancellor and a consistent member of the College’s honor society, the Order of the Purple Feather, from 1969 to 1972 and staff member of the Philippine Law Journal. She was elected to lifetime membership in the Phi Kappa Phi International Honor Society and Pi Gamma Mu International Honor Society in the Social Sciences and later attended law courses in the International Law Institute in Washington D.C., USA and Harvard Law School’s Program of Instruction of Lawyers in Massachusetts, USA.

Now on her 34th year in government, Justice De Castro’s career in public service began on February 19, 1973, after she passed the examination the Supreme Court administered to some top 20 fresh law graduates for a law clerk position in the Court. From January 1975 to November 1978, she served as a Legal/Judicial Assistant and as member of the technical staff of the late Chief Justice Fred Ruiz Castro. In December 1978, she transferred to the Department of Justice (DOJ) where she rose from the ranks culminating in her appointment in 1997 as Assistant Chief State Counsel. In 1998, for her role as legal adviser of the government panel she was awarded by then President Fidel V. Ramos with the Presidential Medal of Merit.

Justice De Castro rejoined the Judiciary as Sandiganbayan Associate Justice on September 23, 1997 and became its Presiding Justice on December 15, 2004. During her incumbency, she spearheaded the establishment of the Computerized Case Management System and the adoption of reforms that contributed to easing of the court docket in the Sandiganbayan and to the professionalization of its work force.
After a two-year stint as Secretary of Labor and Employment, former Court of Appeals Associate Justice Arturo D. Brion returns to the Judiciary as the Supreme Court’s 161st magistrate upon his appointment on March 17, 2008.

He first engaged in private practice when he joined Siguion Reyna, Montecillo & Ongsiako Law Offices from 1975 to 1982, while working at the same time as member of the Ateneo de Manila University Faculty of Law. He started public service in 1982 as Executive Director of the Institute of Labor and Manpower Studies under the then Philippine Ministry of Labor until 1984, when he went on to become Vice-Chair of the Labor and Employment Committee of the Mambabatas Pambansa, Philippine National Assembly. He later became Deputy Minister of Labor for Legal and Legislative Affairs before returning to private practice as Senior Partner of the Natividad, Delos Reyes, Maambong & Brion Law Firm from 1986 to 1988, and subsequently of Siguion Reyna from 1995 to 2001. During this time, he worked as a consultant for the Civil Service Commission on public sector unionism, leading to the paper “Public Sector Unionism – a Proposed Reconfiguration,” and returned to teach at Ateneo Law from 1995 to 1997. He came back to full-time government service in 2001 when he was appointed Undersecretary of Labor for Labor Relations of the Department of Labor and Employment and subsequently Foreign Affairs Undersecretary for Special Projects. He likewise taught at the University of the Philippines School of Labor and Industrial Relations and the Far Eastern University Institute of Law.

Justice Brion crossed from Bar to Bench when he was appointed Court of Appeals Justice in July 2003. He remained a Senior Member of the CA’s 15th Division until June 2006, before accepting the task of leading the country’s Department of Labor and Employment that July. He has since joined the Judiciary anew to complete the 15-member High Tribunal, filling in the vacancy left by the retirement of Justice Angelina Sandoval-Gutierrez last February 28.

Although born in Manila on December 29, 1946 to Judge Edon B. Brion (ret.) and Laura S. Dizon, both of San Pablo City, Laguna, Justice Brion is a trueborn son of the City of Seven Lakes, whose people value the pursuit of excellence in all fields. He graduated with a Bachelor of Arts in Mathematics degree from the San Pablo Colleges before going on to take his law studies at the Ateneo de Manila University, where he became Editor In Chief of the Ateneo Law Journal. He graduated with a Bachelor of Laws degree from the Ateneo in 1974 cum laude as well as class valedictorian and awardee of the Golden Leaf Award, Gold Medal for Academic Excellence, and First Honors Gold Medal. He went on to place first in the Bar Examinations held that same year, with a grade of 91.65%.

He obtained his Master of Laws degree at the Osgoode Hall Law School of York University in Toronto, Canada in 1994, with Labor Law as his main area of study. There, he became the Editor-in-Chief of Legal Update, a publication of the Legal Services Branch of the Ontario Ministry of Labor from 1992 to 1993.
In consonance with National Budget Memorandum No. 101 prescribing the guidelines and procedures in the preparation of the Calendar Year (CY) 2009 budget, we have submitted herewith the CY 2009 budget proposals of the Supreme Court of the Philippines and Lower Courts (SCPLC) of felt necessities. The efficient administration of justice entails financial management that would take care of the quality and expediency of judicial services. For CY 2009, we will continue working for an independent, efficient, and effective delivery of justice with material resources that may at times seem limited.

The SCPLC budget proposal for CY 2009 amounts to PhP16,317,392,000.00 or 91% percent more than the CY 2008 approved appropriation amounting to PhP8,562,160,000.00. Inclusive of Retirement Insurance Premiums, Terminal Leave & Retirement Benefits, Locally Funded and Foreign Assisted Projects, the SCPLC obligation program stands at PhP17,732,209,000.00 or 77% percent over that of CY 2008 amounting to P9,996,109,000.00.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Actual CY 2007</th>
<th>Approved CY 2008</th>
<th>Proposed CY 2009</th>
<th>Increase (Decrease)</th>
<th>% of</th>
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<tbody>
<tr>
<td>Personal Services</td>
<td>6,867,628</td>
<td>6,663,074</td>
<td>10,617,138</td>
<td>3,754,064</td>
<td>55</td>
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<td>M O O E</td>
<td>1,036,189</td>
<td>1,688,116</td>
<td>4,031,939</td>
<td>2,343,823</td>
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<td>Capital Outlay</td>
<td>162</td>
<td>10,970</td>
<td>1,668,315</td>
<td>1,657,345</td>
<td>15.108</td>
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<td>Total Appropriations</td>
<td>7,903,979</td>
<td>8,562,160</td>
<td>16,317,392</td>
<td>7,755,232</td>
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<td>Add: Ret. &amp; Life Insurance</td>
<td>393,822</td>
<td>448,232</td>
<td>560,892</td>
<td>112,660</td>
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<td>Terminal Leave &amp; Retirement Gratuity</td>
<td>528,775</td>
<td>489,844</td>
<td>758,128</td>
<td>268,284</td>
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<td>Total Obligations</td>
<td>8,826,576</td>
<td>9,500,236</td>
<td>17,636,412</td>
<td>8,136,176</td>
<td>86</td>
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<td>Add: Projects</td>
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<tr>
<td>Locally-Funded Projects (IBP)</td>
<td>27,909</td>
<td>30,000</td>
<td>30,000</td>
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<td>Foreign-Assisted Projects</td>
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<tr>
<td>a. GOP-Loan</td>
<td>25,617</td>
<td>108,372</td>
<td>1,811</td>
<td>(106,561)</td>
<td>(98)</td>
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<tr>
<td>b. Loan Proceeds</td>
<td>239,273</td>
<td>357,501</td>
<td>57,182</td>
<td>(300,319)</td>
<td>(84)</td>
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<tr>
<td>c. PMO Operations</td>
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<td>4,299</td>
<td>4,299</td>
<td>100</td>
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<tr>
<td>d. GOP (Grants)</td>
<td>2,505</td>
<td>2,505</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total Projects</td>
<td>292,799</td>
<td>495,873</td>
<td>95,797</td>
<td>(400,076)</td>
<td>(81)</td>
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<tr>
<td>Total SCPLC Programs &amp; Projects</td>
<td>9,119,375</td>
<td>9,996,109</td>
<td>17,732,209</td>
<td>7,736,100</td>
<td>77</td>
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The budget increase over CY 2008 level accords priorities to the following:

**PERSONAL SERVICES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. Incorporation of the 10% salary increase per E.O. No. 611</td>
<td>P 611,507</td>
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<tr>
<td>2. 10% salary increase effective July, 2008 per E.O. No. 719</td>
<td>483,642</td>
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<tr>
<td>3. Upgrading of 18 Supreme Court existing positions</td>
<td>836</td>
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<tr>
<td>4. Wages of casuals (drivers/watchmen) of the Justice on Wheels</td>
<td>910</td>
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<tr>
<td>a. Supreme Court:</td>
<td>P 287,385</td>
</tr>
<tr>
<td>- 164 Bar/OAS/FMBO, 166 PHILJA &amp; Philippine Judicial Training Center,</td>
<td></td>
</tr>
<tr>
<td>48 JBC, 309 OCA, 387 HJO maintenance staff, and 2 OCC positions</td>
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</tr>
<tr>
<td>b. Lower Courts of Lower Courts per House Bills, creation of new salaries</td>
<td>P 2,045,890</td>
</tr>
<tr>
<td>- Convention of 17 Municipalities to City Courts,</td>
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<tr>
<td>Child &amp; Family Courts under RA 8369, Proposed Regional Court Administrators</td>
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</tr>
<tr>
<td>Office (Reg. 7, Reg. 3, &amp; Makati City), and Additional 4,561 Pos. for Exo.</td>
<td></td>
</tr>
<tr>
<td>Assts., Bailiffs, and Legal Researchers (RTC to SD)</td>
<td></td>
</tr>
<tr>
<td>6. Longevity Pay (P23,894/Step Increment (P6,357) for those qualified to</td>
<td>2,333,275</td>
</tr>
<tr>
<td>next 5% after 5 yrs. continuous service for members of the bench (LP) and</td>
<td></td>
</tr>
<tr>
<td>the next salary grade level after 3 yrs. continuous service in same</td>
<td></td>
</tr>
<tr>
<td>position (SI) for personnel.</td>
<td></td>
</tr>
<tr>
<td>7. Statutory allowances and personnel benefits (ECP/HDMF/PHIC/PERA/ADCOM/</td>
<td>131,845</td>
</tr>
<tr>
<td>MYE/CUAP) upward adjustments consistent with existing rates and number of</td>
<td></td>
</tr>
<tr>
<td>authorized position</td>
<td></td>
</tr>
<tr>
<td>8. Transportation Allowance at rates fixed under RA 9498 for SCPLC justices,</td>
<td>116,601</td>
</tr>
<tr>
<td>judges &amp; officials</td>
<td></td>
</tr>
<tr>
<td>9. Increased pension/annuities due to increase of 10% on salaries and</td>
<td>40,917</td>
</tr>
<tr>
<td>longevity pay with SAJ component for justices</td>
<td></td>
</tr>
<tr>
<td>10. Hazard Pay - In line with the National Government’s policy to grant</td>
<td>4,280</td>
</tr>
<tr>
<td>hazard pay for specific positions, the Office of the Court Administrator</td>
<td></td>
</tr>
<tr>
<td>moved for the grant of hazard pay to those involved in the conduct of</td>
<td></td>
</tr>
<tr>
<td>financial and judicial audit. Also, in a resolution dated April 18, 2008,</td>
<td></td>
</tr>
<tr>
<td>the Court resolved to include in the annual appropriations hazard duty pay</td>
<td></td>
</tr>
<tr>
<td>to SC health workers</td>
<td></td>
</tr>
</tbody>
</table>

**MAINTENANCE & OTHER OPERATING EXPENSES**

The SCPLC in its thrust to deliver quality and effective justice, will continue to pursue all its activities but with added resources in order to assure its continuity in the years to come. Current administration focuses on the development and training of justices, judges, and court personnel, the programmes that promote the independence of the Judiciary, the use of modern technology in court management, all underlining the commitment that justice shall be for everyone.
To increase access to justice by the poor, the Court will strive to carve out about PhP100M from the proposed increases for selected item of expenditures under the consolidated MOOE of the Supreme Court and Lower Courts, as follows:

1. Serving of court processes and transportation allowance of counsels - PhP19.2M
2. Communication services – PhP19.2M
3. Financial Assistance – PhP2M
4. Information supplies/stenographic transcripts – PhP19.2M
5. Reproduction of documents – PhP19.2M
6. Honoraria for Counsel de oficio - PhP21.2M

To carry out the foregoing, efforts will be undertaken for an improved and free legal representation that will enable the indigent litigants to exercise their rights to be heard and defend themselves, provision of the necessary information at the earliest opportunity, and adoption of a formula, based on the capacity of the poor to pay, that will make court fees and such other incidental expenses affordable.

The proposed total increase in SCPLC MOOE is meant for the following:
6. Books & Subscription and Printing & Binding - The Court Library needs to update its collection of books. Court lawyers need to refer to books and other hand-outs for work assignments. On the other hand, SC Printing Services is heavily loaded with the printing of regular publications so that offices conducting seminars like PHILJA, MCLE, OCA & SC proper would have to avail of private printing services.

7. Supplies & Materials - Offices in the Supreme Court and Lower Courts submit their requirements to the Procurement Planning Committee for inclusion in the Annual Procurement Program. For CY 2009, the proposed increase is very significant because of the increase in the cost of goods and services. Moreover, the establishment of the Judiciary Data Center in the Supreme Court will increase the requirements for IT consumables.
   a. Increase in SC requirement for supplies is P14M.
   b. In the case of the Lower Courts, proposal for 4,561 additional positions (Exec. Assts. Bailiffs, & Legal researchers), and the creation of courts by virtue of House Bills and Republic Acts added on to the usual supplies requirement of the Lower Courts. Mobile Courts and access to the E-Library by Lower Courts earmarked at P22,475,000 are also of high priority and considered recurring expenses brought about by the APDR bringing an increase in supplies and materials amounting to P33,655,000 for Lower Courts.
   c. P19.2M is earmarked for the Access to Justice by the Poor Project to include costs of transcript of stenographic notes and other information supplies.

8. Rent - Copiers are provided for all offices in accordance with their needs. In the Supreme Court, offices involved in decision-making and decision-writing are provided with machines with high-yield capacities. To earn the trust of the general public and its clientele, the Court observes transparency and in doing so, dissemination of information would require reproduction of decisions and other information. Insofar as the Lower Courts are concerned, rental of spaces/buildings to house some courts that are not yet accommodated in Halls of Justice should be provided. Rent of copiers for the Access to Justice by the Poor Project is estimated at P19.2M.

9. Water & Light (Utilities) - The proposed increase in positions brought about by the implementation of several RAs will tremendously increase this item aside from the fact that light and power rates have been continuously increasing.

10. Extraordinary & Miscellaneous Expenses - Projection is in consideration of new positions of proposed newly created Lower Courts whose offices are entitled to reimbursable Extraordinary and Miscellaneous Expenses in accordance with the new rates prescribed under RA 9498.

11. Gasoline and Oil - The proposal for motorcycles to be provided to sheriffs and process servers in the Lower Courts will speed-up the delivery of court orders and processes. It is proposed that one (1) liter per day will be provided each in the total amount of P132M/annum. The rest of proposed amount would be for increase in gasoline of motor pool vehicles and the three (3) Justice on Wheels Mobile Courts.

12. Advertising (Publication) Expenses - The Supreme Court is accountable to the people. As such, it is transparent in all its important activities that is of interest to the reading public. The Court En Banc publishes copies of approved rules and procedures, the Judicial and Bar Council its list of vacancies, the Office of the Bar Conferent its list of examinees, and Committees on Bids all procurements in accordance with RA 9184.
Capital Outlay will be allotted PhP1,668,315,000.00, up from CY 2008's PhP10,970,000.00 or an increase of PhP1,657,345,000.00, which will primarily support renovation and construction, furnishings, purchase of equipment, motor vehicles, and improvements in information systems and court facilities under the Action Program for Judicial Reform. The increase is distributed as follows:

1. Infrastructure - This would cover the renovation of the existing clubhouse, water supply reservoir, and other major improvements of the Judicial Training Center in Tagaytay City. The proposed amount will augment the PhP300M Non-Project Grant Assistance of Japan Counter-Value Fund.

2. Equipment Outlay is composed of proposals for office, medical and dental equipment, information tools and materials, library facilities including alarm systems, construction materials for the HOJs, furniture & vehicles for the Judicial Training Center, motorcycles for the sheriffs and process servers of the Lower Courts, basic equipment for the Child and Family Courts and other newly-created courts. On top of this, PhP35M would cover for the purchase of Safety Equipment under the Judiciary Protection Program.

3. To hasten the computer literacy program, the Supreme Court, through the Computer Literacy Committee in coordination with the Management Information Systems Office, proposes a computer acquisition program in its aim to establish an information technology infrastructure as the Judiciary Data Center is now in place at the Supreme Court. Computers will provide accessibility to existing systems and generation of reports needed for the guidance of management. The proposal for information technology would cover those proposed by the Management Information and Systems Office as project related.
While necessary changes and readjustments will take time to put in place, we are confident that this budget proposal which embodies our priorities is our instrument to address the conditions of today. This proposed budget is the Supreme Court’s best efforts to reflect the expectations of our people but will require the coordination and commitment of the government through the Department of Budget and Management and the wisdom and authority of Congress.

REYNATO S. PUNO
Chief Justice
THE STATE OF THE
2007 JUDICIARY

BUDGET OVERVIEW

In 2007, the first one trillion-plus peso budget in the history of the Philippine government was passed. Php1.126 trillion was allocated for government spending for the year 2007, of which Php9.355 billion was allotted to the Philippine Judiciary. This amount is 0.83% of the total national budget. While the figure represents a Php1.83 billion increase over the Judiciary’s 2006 budget, its percentage of the national budget has essentially remained constant since 2005.

While “appropriations for the Judiciary may not be reduced by the legislature below the amount appropriated for the previous year,” this restriction does not apply as regards the percentage of the Judiciary’s allotment vis-à-vis the national budget.

A total of Php8.21 billion of the Judiciary’s 2007 budget went to the Supreme Court (including the Presidential Electoral Tribunal, or PET) and the lower courts. This represents a Php1.46 billion increase from the approved Php6.75 billion 2006 budget. The appellate courts also received increases in their annual budgets, as shown in the following table:

Despite the increases, the Judiciary’s budget ranks only ninth among government institutions.
PERSONNEL AND BUDGET BREAKDOWN

A total of 29,637 people, including judges and non-judicial staff, are employed by the Supreme Court and the lower courts comprising of the Metropolitan Trial Courts (MeTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs), Municipal Circuit Trial Courts (MCTCs), Shari’a Circuit Courts (SCC), Regional Trial Courts (RTCs), and Shari’a District Courts (SDCs). Personal Services accounted for 79.6% of the SC budget, with a total allotment of Php7.45 billion; Maintenance and Other Operating Expenses, Php1.37 billion; Capital Outlay, Php534.4 million.

VACANCY RATES

At the end of 2006, the vacancy rate of the positions for judges and justices was at 25.2%, with 569 vacancies among the 2,258 positions available. In 2007, the JBC focused on programs to reduce not only the vacancy rate, but improve the quality of the nominations.

Thus, much headway was made in filling up the available judicial positions. At the end of 2007, of the 2,287 judicial positions only 452 had not been filled, for a vacancy rate of 19.7%—a big improvement over that of the previous year.

ADJUDICATION: CASELOAD AND DISPOSITION

While our courts continue to labor under myriad problems stemming from inadequate financial resources, which have contributed to the absence of judges and the lack of courtrooms nationwide, our trial courts have managed to trim the number of pending cases.
STATUS OF VACANCIES IN THE JUDICIARY AS OF DECEMBER 31, 2007

<table>
<thead>
<tr>
<th>SC</th>
<th>CA</th>
<th>SB</th>
<th>RTC</th>
<th>MeTC</th>
<th>MTCC</th>
<th>MTC</th>
<th>MCTC</th>
<th>SDC</th>
<th>SCC</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>2</td>
<td>145</td>
<td>27</td>
<td>28</td>
<td>84</td>
<td>141</td>
<td>5</td>
<td>22</td>
<td>452</td>
</tr>
</tbody>
</table>

LOWER COURTS

At the end of 2006, our lower courts had a total of 714,782 pending cases. By December 31, 2007, that number stood at 675,368, a decrease of 39,414 pending cases. The decrease is significant considering that 324,521 new cases were filed in 2007.

Despite the limitations brought about by the Judiciary’s limited physical, financial, and human resources, in 2007 it disposed of 416,979 cases as follows: 273,299 cases were decided or resolved; 119,790 were archived; and 23,890 were transferred to other courts.
THE COURT OF APPEALS, THE SANDIGANBAYAN, AND THE COURT OF TAX APPEALS

These three courts, not unlike our lower courts, have also faced a deluge of cases. In 2007, the Court of Appeals handled 30,867 cases; the Sandiganbayan, 2,627; while the Court of Tax Appeals, 1,198.

|Court of Appeals| Judicial Matters| 30,867 | 13,245 | 42.9% |
|Sandiganbayan   | Judicial Matters| 2,627  | 308    | 11.72%|
|Court of Tax Appeals| Judicial Matters| 1,198  | 405    | 33.8% |

THE SUPREME COURT

The Court had a 16,188 caseload in 2007. Of this number, the High Tribunal disposed of more than half of its cases—8,303 cases, a case disposal rate of 51.2%.

|EN BANC         | Judicial Matters| 752    | 311    | 41%   |
|                | Administrative Matters| 766    | 492    | 64%   |
|First Division  | Judicial Matters| 3,223  | 1,865  | 58%   |
|                | Administrative Matters| 1,109  | 698    | 63%   |
|Second Division | Judicial Matters| 3,918  | 2,257  | 58%   |
|                | Administrative Matters| 1,592  | 750    | 47%   |
|Third Division  | Judicial Matters| 3,726  | 1,318  | 35%   |
|                | Administrative Matters| 1,102  | 612    | 50%   |
Throughout 2007, the Supreme Court’s Action Program for Judicial Reform (APJR) headed for its first year of implementation, after undergoing a six-year programming period from August 2001 to August 2006 wherein diagnostic studies, reform designs, and project pilot-tests had been carried out.

The Court, through the Program Management Office (PMO), was presented with the challenge to instill focus, quality, and responsiveness to the APJR’s operations. Taking advantage of new and emerging opportunities and creating a balance between the evolving needs of the Judiciary and the continuing reform advocacies became crucial components of the overall reform process.

REFORM PARTNERS

Throughout 2007, the Court worked to improve the status of ongoing projects and started new ones. Continuing and new projects were pursued in coordination with development partners such as the Asian Development Bank (ADB), Australian Agency for International Development (Aus AID), Canadian International Development Agency (CIDA), European Commission (EC), United Nations Development Program (UNDP), the United States Agency for International Development (USAID) through the Asia Foundation (TAF), American Bar Association – Rule of Law Initiative (ABA-ROLI), and the Rule of Law Initiative and Effectiveness (ROLE), and the World Bank (WB).

New partnerships were likewise established with the Belgian Development Cooperation (BDC), Deutsche Gesellschaft fur Technische Zusammenarbeit (GTZ), Hanns Seidel Foundation (HSF), Korea International Cooperation Agency (KOICA), Netherlands Development Cooperation (NDC), Swiss Agency for Development and Cooperation (SDC), and the Swedish International Development Agency (SIDA).
I. REGULAR ACTIVITIES

a. Access to Justice for the Poor Project

The Access to Justice for the Poor Project aims to enhance the access to justice of poor and vulnerable groups, especially women and children, by increasing their knowledge about basic rights and the justice system and by capacity-building of members of the pillars of the criminal justice system.

The Project is piloted in 36 selected municipalities under the jurisdiction of 17 first-level circuit courts separately located in the provinces of Oriental Mindoro, Camarines Sur, Capiz, Lanao del Norte, and Sultan Kudarat.

The OCA issued OCA Circular No. 16-2007 effective February 21, 2007 designating the Clerks of Courts of the said 17 courts as Municipal Court Information Officers (MCIOs). A Training Needs Assessment (TNA) for the MCIOs was conducted in Sultan Kudarat on March 22, 2007 at Koronadal City attended by members of the Project Technical Working Group (TWG), Consultants, Project Coordinator, and the MCIOs of the Shari’a courts of Tacurong and Palimbang and MCTC of Bagumbayan-Esperanza.

To assess the training needs of MCIOs, Focus Group Discussions (FGDs) were held in Sultan Kudarat, Capiz, Lanao del Norte, Oriental Mindoro, and Camarines Sur.

The Project’s SC TWG, headed by then Deputy Court Administrator Jose P. Perez, and composed of representatives from the Office of the Court Administrator, the Philippine Judicial Academy, the SC Public Information Office, and the SC Program Management Office, also drafted the Information, Education, and Communication (IEC) Guidelines for Municipal Court Information Officers, to define the parameters of the MCIOs’ IEC activities. The IEC Guidelines were approved by the Court En Banc in a Resolution dated March 13, 2007 and took effect on April 2, 2007 though Memorandum Circular No. 07-2007.

Among the IEC materials developed for the Project were 1,000 tarpaulins and 25,000 brochures on the Stages of Criminal and Civil Actions in Philippine Courts, which were formally launched on April 3, 2007. These materials would later be translated into Filipino for better understanding and appreciation of court litigants in the project areas.

Fifteen out of the 17 MCIOs were able to successfully complete their IEC Skills Training, while 127 judges and court personnel out of the 146 targeted participants in the project first-level courts attended the Gender and Poverty Sensitization Seminar-Workshops.

b. Case Administration Management Information System (CAMIS)

PHASE I of the CAMIS Project successfully developed the software for receiving, logging, and monitoring statistical reports on caseload and caseflow information through the funding assistance of CIDA. The Court Management Office-OCA, specifically its Statistical Reports Division (SRD), operates and manages this electronic database.

The System enabled the pilot courts in the cities of Makati, Manila, and Calamba to enter data directly into the system database through the web-based application called CAMIS.net as well as online submission of monthly reports of cases.

The System generates statistical information that measures backlog, case delay, judicial performance, caseload trends, and disposition rates. CAMIS improved the core facility required by courts to enhance operational capacity and performance. More importantly, it contributed to the speedy and
efficient recording, processing, tracking, and filing of cases.

The SC, through Memorandum Order No. 46-2006 created a body named CAMIS Rollout Implementation Team to plan, synchronize, coordinate, manage, and monitor the system’s roll out to the lower courts. The Committee on Computerization and Library (CCL), however, decided to temporarily postpone the rollout of the CAMIS.net primarily due to the development of the Enhanced Case Flow Management System (eCFM). The eCFM is envisioned to interface with CAMIS for a universal systems solution to Judiciary-wide Information and Communication Technology (ICT).

CAMIS.net operations, however, continue in the pilot courts of Manila, Makati, and Quezon City.

c. Enhanced Case Flow Management (eCFM)

To sustain the initial steps in the development and modernization of Philippine courts, the Court saw the need to enhance the system to include more case tracking features and data generation. Hence, an offshoot project called Enhanced CFM or eCFM was developed to establish a Judiciary-wide ICT system increasing efficiency in the management of dockets of all first- and second-level courts. The eCFM Project involves the design, development, testing, pilot implementation, and process and system documentation of the eCFM System that is integrated with the existing CAMIS of the OCA, e-Payment, and other applications like calendar, reporting modules, and transaction modules.

Towards the end of 2007, the eCFM System’s core functionalities, set-up servers, and integrate major applications like calendar, reporting modules, and transaction modules had been developed.

On March 8, 2007, the CCL approved the eCFM Manual, the User Manual and the Pilot Implementation Plan in Pasay City for recommendation to the SC Ex Banc.

The orientation and training for judges, clerks of court, and branch clerks of court was held from June 19 to 22, 2007. The training includes the orientation of judges, clerks of court and branch clerks of court on the new system as well as the hands-on training and demonstration of the running application. An orientation on the new system was also conducted for representatives from the Public Attorney’s Office (PAO), prosecutors, as well as Integrated Bar of the Philippines (IBP) members, and other private lawyers.

d. e-Register Project

The e-Register Project, on the other hand, will work as an interim worksheet to replace the manual logging of reports by court staff. The data to be produced by the e-Register can be integrated to the enhanced Caseflow Management (e-CFM) System that will soon be introduced in the Lapu-Lapu City HOJ.

e. Justice on Wheels (JOW)

The first mobile court has been operational since December 20, 2004. The second mobile court was deployed to Tagbilaran City, Bohol in a turnover ceremony on October 13, 2006. The third mobile court was deployed in the province of Rizal and Bulacan for court-annexed mediation in September and December 2007, respectively. By the end of 2007, the mobile courts posted an average mediation success rate of 97%.

f. Regional Court Administration Office (RCAO) Pilot Project

The RCAO Project aims to decentralize the functions of the Office of the Court Administrator to facilitate judicial operations in major regions.
of the country and will be piloted in the seventh judicial region covering Cebu, Bohol, Negros Oriental, and Siquijor. It will be based in the Lapu-Lapu City Hall of Justice.

### Strategic Gender and Development (GAD) Mainstreaming Plan for the Philippine Judicial System

The **Strategic Gender and Development (GAD) Mainstreaming Plan for the Philippine Judicial System** was reviewed to help the Committee on Gender Responsiveness in the Judiciary (CGRJ) to set milestones for the year. One of the activities identified for implementation in 2007 is the celebration of Women’s Month in March.

Women’s Month provided an opportune time for the Supreme Court to launch its gender mainstreaming campaign in the Judiciary. Several activities implemented during the Women’s Month included the participation of the SC delegation in the celebration spearheaded by the National Commission on the Role of Filipino Women (NCRFW), an exhibit on the Women of the SC which showcased all female justices and heads of offices, and training on gender sensitivity for SC lawyers.

In the following months, the CGRJ intensified its activities for the year. Through the support of the *En Banc*, the Committee was able to secure the approval of significant Court issuances that promote gender-responsiveness in the Judiciary. These consist of the approval of the composition of a Committee on Decorum and Investigation (CODI) in the SC; the establishment of CODI in the Appellate Courts; gathering and generation of sex-disaggregated data; and the use of gender-fair language in all communication of the Court. Other activities of the CGRJ include Gender Sensitivity and the Court training for Judges, and the Pilot Gender Sensitivity Training (GST) and Anti-Sexual Harassment for Supreme Court Employees. Coordination and networking with other GAD advocates was strengthened with the continuous participation of the SC in the Official Development Assistance-Gender and Development (ODA-GAD) Network and in the activities of the NCRFW.

A gender audit framework was developed by the Subcommittee on Gender Audit and will be used in the evaluation of all administrative matters of the Court.

### II. SPECIAL PROJECTS

#### a. Knowledge Sharing

i. Under the guidance on the Committee on Knowledge-Sharing and Regional Cooperation, the Court actively engaged in knowledge sharing activities, among which were knowledge visits with the development partners by PMO staff. The objectives of the visits were to: 1) better appreciate each development partner’s mandate, thrust, vision-mission goals, and other organizational information; 2) learn more about knowledge management systems and practices of the development partners; and 3) foster a culture of knowledge sharing of best practices among institutions and agencies involved in judicial reform.

#### b. Judicial Reform Handbook

The **Judicial Reform Handbook Project** was conceived during the 1st APJRF RTD held in Sydney, Australia hosted by the High Court of Australia, the Federal Court of Australia, the Supreme Court of New South Wales, and the New South Wales Judicial Commission.

The Handbook is the expected output of the “Strengthening the APJRF Project,” funded by the UNDF and is intended to serve as a tool for judiciaries across the Asia-Pacific Region to improve the administration of justice as a means of strengthening the rule of law and access to justice.

SC Justice Antonio T. Carpio accepted the invitation of Justice Kenneth Hayne AC of the High Court of Australia, head of the APJRF Secretariat, to serve as Chairperson of the Judicial Reform Handbook Project Board. The Project Board will be responsible for coordinating the Handbook’s production management process and will act as the management and oversight committee for the project’s implementation.
The Office of the Clerk of Court (OCC) En Banc is the nucleus or the centerpoint of the whole administrative machinery of the Court. It assists the Court in its delicate task of adjudicating with finality all justiciable disputes, public and private. One of its primary tasks is the preparation of the agenda of the Court En Banc in their weekly sessions. This office is headed by the Clerk of Court whose main responsibilities include the implementation of the policies formulated and the work programs set by the Court, through the Chief Justice; general supervision over personnel and administrative matters; and recommendation of courses of action on various matters ranging from personnel to non-judicial concerns. In addition, the Clerk of Court is the custodian of the Court’s funds, revenues, properties, and premises and is usually the liaison officer in all official matters and in relation to other government agencies.

Since the Court sits also in Divisions of five members each, three Offices of the Division Clerk of Court have been constituted to perform the administrative functions of the adjudicatory power of the Court.
OFFICE OF ADMINISTRATIVE SERVICES

The Office of Administrative Services (OAS) plans, recommends, and implements personnel management and development programs and administrative service functions of the entire Supreme Court, including the Presidential Electoral Tribunal (PET), Judicial and Bar Council (JBC), Philippine Judicial Academy (PHILJA), the Maintenance Sections of the Halls of Justice, the PHILJA Development Center, Inc., and the Mandatory Continuing Legal Education Office (MCLEO).

FISCAL MANAGEMENT AND BUDGET OFFICE

The Fiscal Management and Budget Office takes charge of the fiscal, budget, accounting and cashiering activities of the Court. This includes planning the budget and accounting work methods and procedures, preparing the estimates of the expenditures of the Judiciary, managing Court expenditures, and submitting budget estimates and financial reports. It is tasked with all financial transactions of the Supreme Court including those of the JBC, the Office of the Court Administrator (OCA), all the Halls of Justice, the PHILJA, the PET, and the MCLEO.

OFFICE OF THE CHIEF ATTORNEY

The Office of the Chief Attorney is the legal research office of the Supreme Court. It renders adjudicative support functions, such as planning, coordinating, and reviewing research and case studies. From time to time, it performs tasks specially assigned by the Chief Justice, the Associate Justices, and the Clerks of Court.

OFFICE OF THE REPORTER

The Office of the Reporter is charged with the publication of the Philippine Reports, containing the decisions of the Supreme Court. It also prepares synopses, syllabi, and topical indices for the Philippine Reports, Monthly Decisions, and Monthly Digests.
The Management and Information Systems Office is the information technology arm of the Supreme Court. It is tasked with providing technical expertise on the formulation of system design studies and application system development as well as support services on hardware maintenance. Its goal is to support and guide the Court in establishing a state-of-the-art information technology infrastructure to further its modernization program. It consults the Committee on Computerization on policies and implementation of new technology or the improvement of systems already used either in the Supreme Court or in lower courts.

The Office of the Bar Confidant manages the conduct of the annual Bar examinations, takes custody of the bar records and personal records of lawyers; assists the Court in disciplining lawyers; directs and supervises the investigation of complaints against bar candidates; monitors, updates, and maintains Court statistical data pertaining to the Bar examinations and related matters; and updates the list of the members of the Bar.

The Judicial Records Office (JRO) manages and superintends activities in connection with judicial processes from the filing of cases to the promulgation of decisions, entry of judgment, and remand of records of cases disposed of. It controls the receipt, processing, reporting, and distribution of pleadings filed before the Court. It takes custody of rollos and records of cases, including transcripts and exhibits. It prepares and keeps data or statistics on judicial cases.
LIBRARY SERVICES

Ms. Milagros S. Ong
Chief

The Supreme Court Library Services is continuously being developed towards maintaining the highest standard of collection and services for the mission/vision of the Supreme Court and the whole Judiciary and for judicial reform. It has maintained and further improved its standards of being a Model Centennial Law Library. With the launching of the SC E-Library last November 19, 2004, it is now the sole government online digital law library in the Philippines.

MEDICAL AND DENTAL SERVICES

Dr. Prudencio P. Banzon, Jr.
Chief

The Medical and Dental Services attends to the medical and dental needs of Supreme Court justices, judges, officials and employees as well as of its component bodies such as the JBC and PHILJA. They also provide medical services during official activities, such as the Bar examinations and out-of-town seminars. The main form of service is by way of consultation and treatment. Medications are dispensed free whenever appropriate. Other services rendered are pre-employment and annual physical examinations, laboratory testing, psychological testing, and physical therapy.

PRINTING SERVICES

Mr. Edmundo M. Moredo
Head

The Printing Services addresses the printing requirements and needs of the Supreme Court, the Court of Appeals, the Sandiganbayan, and the lower courts, including attached institutions such as the PHILJA, the JBC, and the MCLEO.
The Program Management Office (PMO) was created by the Supreme Court to coordinate and manage the implementation of the technical and administrative aspects of the judicial reform program. Its activities focus on project development, resource mobilization, advocacy for reform, procurement and contract management, project implementation and monitoring, financial management, and administrative management.

Atty. Ediberto A. Davis
Judicial Reform Program Administrator
(March 3, 2008 - present)

Ms. Evelyn Toledo-Dumdum
Judicial Reform Program Administrator
(May 15, 2002 - Feb. 19, 2008)

The Public Information Office (PIO)’s primary task is to disseminate, as promptly and as widely as possible, news about the Supreme Court and its decisions and provide the public with judicial information in a manner that they can easily comprehend. The primary objective of the PIO is to bring the Court closer to the people. It is not a public relations outfit but an information-based office which cultivates the Court’s good relations with the media and the general public.

Atty. Jose Midas P. Marquez
Assistant Court Administrator and Chief
(March 20, 2007 - present)
OIC (Jan. 8, 2007 - March 19, 2007)

Atty. Maria Victoria Gleoresty Sp. Guerra
Director IV and Assistant Chief

Atty. Ismael G. Khan, Jr.
Assistant Court Administrator and Chief
(July 1, 1999 - Jan. 7, 2007)
MANDATORY CONTINUING LEGAL EDUCATION OFFICE

In the resolution in Bar Matter No. 850 promulgated on August 22, 2000, the Court adopted the “Rules on Mandatory Continuing Legal Education for Members of the Integrated Bar of the Philippines” ("MCLE Rules") in order that lawyers in the country may be kept abreast with law and jurisprudence, maintain the ethics of the profession, and enhance the standards of the practice of law. For this purpose, the Court promulgated Administrative Order No. 113-2003 creating a Mandatory Continuing Legal Education Office to carry out the objectives of the mandatory continuing legal education program. The MCLEO also sets the schedule of MCLE fees in consultation with the IBP Board of Governors and with the approval of the Supreme Court.

SOCIETY FOR JUDICIAL EXCELLENCE

The Committee on Judicial Excellence is in charge of the annual Judicial Excellence Awards for outstanding members of the Judiciary. In choosing the awardees, the Committee on Judicial Excellence, through the Board of Judges, considers the nominees’ efficiency and effectiveness in carrying out their duties and responsibilities; their initiatives, innovativeness, and resourcefulness in meeting the exigencies of the service; public perception in terms of honesty, impartiality, diligence, avoiding impropriety, and appearance of impropriety in all activities, and upholding judicial integrity and independence; their noteworthy contributions to the administration of justice; and leadership in the Judiciary and the community.
Pursuant to Article VIII, section 6 of the 1987 Constitution, the Supreme Court exercises administrative supervision over all lower courts. To properly discharge this constitutional mandate, the Court is assisted by the Office of the Court Administrator (OCA), which was created under PD 828, as amended by PD 842, and further strengthened in a Resolution of the Supreme Court dated October 24, 1996.

The OCA is tasked with the supervision and administration of the lower courts all over the country and all of their personnel. It likewise reports and recommends to the Supreme Court all actions that affect lower court management, personnel and financial administration, and administrative discipline. Christopher O. Lock heads the OCA.

The OCA is assisted by five line offices: the Office of the Administrative Services, the Court Management Office, the Financial Management Office, the Legal Office, and the Office on Halls of Justice.

OFFICE OF THE COURT ADMINISTRATOR

Jose P. Perez
Court Administrator
(July 10, 2008 - present)
Deputy Court Administrator
(Jan. 19, 2001 - July 9, 2008)

Zenaida N. Elepaño
Court Administrator
Nov. 21, 2007 - July 9, 2008
Deputy Court Administrator
Sept. 8, 1995 - Nov. 20, 2007

Christopher O. Lock
Court Administrator
(May 3, 2006 - October 24, 2007)
Deputy Court Administrator
(August 6, 2008 - present)
Assistant Court Administrator
(Sept. 27, 2006 - August 5, 2008)

OFFICIALS OF THE SUPREME COURT
The Philippine Judicial Academy (PHILJA) continued to live up to its mandate as a “training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts” and as “the Supreme Court’s implementing arm and the nation’s watchdog in the pursuit of excellence in the Judiciary.”

In 2007, the PHILJA conducted a total of 144 seminars to 14,358 participants. These included orientation-seminars for newly appointed judges, clerks of court, as well as seminars for the continuing legal education for court attorneys. It also held special focus programs such as seminar-workshops on agrarian justice, access to justice, drugs laws, election laws, and extrajudicial killings.

The PHILJA, together with the University of the Philippines Institute of Judicial Administration and in collaboration with the USAID and the ABA-Rule of Law Initiative, also launched the New Code of Judicial Conduct Annotated.

The PHILJA also helped facilitate the holding of the 3rd Metrobank Foundation Professorial Chair Lecture held on April 20, 2007 at the Court of Appeals Auditorium featuring CA Justice Sixto C. Marella, Jr. who lectured on Corporate Governance: Law and Jurisprudence as holder of the 2006 Metrobank Foundation Professorial Chair in Commercial Law.

The PHILJA-sponsored Distinguished Lecture, Series of 2007 featured German Ambassador Axel Weishaupt, Deputy Chief Justice of the Supreme Constitutional Court of Egypt Dr. Adel Omar Sherif, and international human rights lawyer Abigail Hansen-Goldman of the European Commission who talked on Comparative Study of Philippine and German Laws on Succession, Interpreting Islamic Shari’a in Modern Age – The Contribution of the Supreme Constitutional Court of Egypt, and The Writ of Amparo – An International Perspective, respectively.

In addition, the PHILJA released its regular publications such as the PHILJA Judicial Journal and PHILJA Bulletin, as well as its other publications, such as Greening the Judiciary: Learning Modules on the Environment and Environmental Law Training Manual.

The PHILJA was first created by the Supreme Court under Administrative Order No. 35-96 on March 16, 1996, and given statutory mandated by RA 8557 on February 26, 1998.
Under the stewardship of then newly-appointed Chief Justice Reynato S. Puno as its Ex Officio Chair, the Judicial and Bar Council (JBC) continued with its daunting task of evaluating who merits the recommendation for appointment to the Judiciary, taking into great consideration the virtues and qualities of “competence, integrity, probity, and independence” of each and every applicant to any vacant judicial post.

In 2007, the JBC conducted public interviews at the Supreme Court for 14 applicants to the Supreme Court, 79 applicants to the Court of Appeals, and eight applicants to the Ombudsman. Likewise, it held panel interviews of 72 applicants to the lower courts. While interviews are generally conducted in Manila, some interviews and psychiatric evaluations of applicants were also held in the provinces, particularly in Cebu City and Davao City. All in all, the JBC has processed a total of 2,225 applications, which do not include applications turned down during first preliminary evaluations.

As of December 31, 2007, the JBC has succeeded in bringing down to 452 the total number of vacancies or 19.76 percent of the 2,287 total number of judicial positions.

Keeping up with today’s technology, the JBC maintains and updates its website http://jbc.supremecourt.gov.ph to make itself more accessible to the public and promote transparency in the SSS (search, screening, selection) processes, and provide a feedback mechanism for the public.

The creation of the Judicial and Bar Council (JBC), which is under the administrative supervision of the Supreme Court, was an innovation in the 1987 Philippine Constitution. Its principal mandate is to recommend to the President at least three nominees for every vacant judicial position as well as vacant positions of Ombudsman and Deputy Ombudsman.
The Presidential Electoral Tribunal (PET) is the sole judge of all contests relating to the election, returns, and qualification of the President and Vice-President. It is composed of the Chief Justice of the Supreme Court as Chairperson and the 14 Associate Justices as Members. Officially supervising and administering the activities of the PET is Clerk of Court Atty. Ma. Luisa D. Villarama.

Pending before the PET in 2007 is a vice-presidential protest filed by Loren Legarda questioning the election and proclamation of Noli de Castro as Vice-President of the Philippines in the May 10, 2004 national elections (PET Case No. 003). Legarda contested election returns involving 9,007 precincts and ballots involving 124,404 precincts. She indicated as her pilot areas the provinces of Cebu, Pampanga, and Maguindanao, involving a total of 14,959 ballot boxes.

In May 2007, protestant Legarda was required to deposit PhP3,914,500 for expenses necessary for the continuation of the revision of ballots. When she failed to pay the same on the due date, protestee de Castro moved to dismiss the protest. Despite being granted an extension to pay the necessary deposit she still failed to do so. Thus, in its Resolution dated June 5, 2007, the Tribunal resolved to (a) partially grant de Castro’s aforesaid motion to dismiss pursuant to Rule 33 of the 2005 PET Rules; and (b) dismiss the second aspect of the protest (revision of ballots), for protestant’s failure to make the required deposit.

In June 2007, Hearing Commissioner and former SC Justice Bernardo P. Pardo submitted to the Tribunal a Report of the Proceedings of the First Aspect, which involved the correction of manifest errors of the Certificates of Canvass and Election Returns from Congress sitting as the National Board of Canvassers.

In October 2007, Justice Pardo submitted his Final Report of the Proceedings on the First Aspect. After a thorough analysis of the parties’ memoranda and the results of the proceedings on the protest, he recommended the dismissal of the First Aspect.
The Supreme Court denied petitioner Raul Lambino’s motion for leave to file a second motion for reconsideration of the Court’s 8-7 October 25, 2006 decision upholding the Commission on Elections (Comelec) in denying due course to Lambino, et al.’s initiative petition to change the Constitution by shifting to a unicameral-parliamentary form of government. The Court held that the motion for leave is a prohibited pleading under the 1997 Rules of Civil Procedure, as amended. It accordingly noted without action Lambino’s second motion for reconsideration and said that no further pleadings will be entertained. The Court noted that the second motion for reconsideration is a mere reiteration of Lambino’s first motion, which the Court had already denied with finality on November 21, 2006.

The Supreme Court upheld the Sandiganbayan’s refusal to lift the order of sequestration and approve the Stock Purchase Agreement between the Presidential Commission on Good Government (PCGG) and the Government Service Insurance System over around 14 million shares of stock of the San Miguel Corporation. It directed the anti-graft court to once and for all resolve ownership of the said shares, considering the case’s two-decade pendency.

The Supreme Court held that there is probable cause to hold Herminio Disini, a friend and golfing partner of then President Ferdinand E. Marcos, for trial for violation of RA 3019, The Anti-Graft and Corrupt Practices, for his alleged turnover of shares of stock of two subsidiaries of the Herdis Group, Inc. to the latter.
GR No. 148246, Republic v. Tuvera, February 16, 2007, Tinga, J.

The Supreme Court reversed the Sandiganbay’s dismissal on demurrer to evidence of the case for restitution and damages instituted in 1988 by the Republic, through the Presidential Commission on Good Government, against former Marcos Presidential Executive Assistant Juan C. Tuvera, Tuvera’s son Victor, and Twin Peaks Development Corp. (Twin Peaks) and ordered the three to jointly and severally pay to the Republic of the Philippines one million pesos temperate damages, and one million pesos exemplary damages, plus costs of suit. The Court found that Twin Peaks obtained its timber license agreement through fraudulent and illegal means highlighted by Juan Tuvera’s abuse of his position as Presidential Executive Assistant and that the consequent exploitation of 26 hectares of forest land is a grave case of unjust enrichment at the expense of the Filipino people and of the environment.


The Supreme Court held that the question of whether PDs 949 and 1803 had intended the petrochemical complex in Limay, Bataan to be the exclusive site of any and all petrochemical plants had already been settled in its resolution of October 24, 1989 in GR 88637, wherein it declared that “these presidential decrees do not provide that the Limay site shall be the only petrochemical zone in the country, nor prohibit the establishment of a petrochemical plant elsewhere in the country.”

GR No. 156052, Social Justice Society v. Atienza, Jr., March 7, 2007, Corona, J.

The Court granted the petition for mandamus of Social Justice Society (SJS) and Manila residents Vladimir T. Cabigao and Bonifacio S. Tumbokon to compel then Manila City Mayor Jose “Lito” Atienza, Jr. to enforce Ordinance No. 8027 and order the immediate removal of the oil terminals from the Manila district of Pandacan.

GR No. 153675, Government of Hong Kong Special Administrative Region v. Judge Olalia, Jr., April 19, 2007, Sandoval-Gutierrez, J.

Overturning the precedent set in Government of the United States v. Judge Purganan limiting the right to bail to criminal proceedings, the Supreme Court ruled that a potential extraditee may be granted bail on the basis of “clear and convincing evidence” that the person is not a flight risk and will abide with all the orders and processes of the extradition court. The Court felt a re-examination was necessary in view of, among others, the various international treaties giving recognition and protection to human rights to which the Philippines is a party.

GR No. 159306, Rosal v. Comelec; GR No. 177271, BA-RA 7941 v. Comelec; GR No. 177314, Rosales v. Comelec, May 4, 2007, Garcia, J.

The Supreme Court ordered the Comelec to immediately disclose and release the names of the nominees of party-list groups or organizations accredited to participate in the party-list elections on May 14 in keeping with the public’s right to information on matters of public concern.
GR Nos. 172070-72, Ladlad v. Velasca, June 1, 2007, Carpio, J.

The Supreme Court ordered the Regional Trial Court, Branch 150 of Makati City to dismiss the criminal cases for rebellion against six party-list representatives and four private individuals after finding that the prosecutors were “guilty of pre-judgment, a determination to file the Information even in the absence of probable cause.”

GR No. 160188, Valenzuela v. People, June 21, 2007, Tinga, J.

The Court ruled that theft can never be frustrated as its element of “unlawful taking, or apoderamiento, is deemed complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same.”


The Supreme Court held that the Ombudsman’s administrative disciplinary power under RA 6770 and the Constitution is not merely recommendatory and thus the Ombudsman has the power to directly remove from government service an erring public official other than a member of Congress and the Judiciary.

GR No. 166984, Nieto v. Court of Appeals, August 7, 2007, Chico-Nazario, J.

The Supreme Court allowed the withdrawal of the petition arising from the dispute over the control of the Philippine Overseas Telecommunications Corporation (POTC) and the Philippine Communications Satellite Corporation (PHILCOMSAT) and Philcomsat Holdings Corporation (PHC) due to an amicable settlement.


The Supreme Court held that the Securities and Exchange Commission has jurisdiction to order the making of a tender offer and that the Mandatory Tender Offer Rule covers even indirect acquisition.

GR No. 172454, Uniwide Holdings, Inc. v. Cruz, August 9, 2007, Carpio Morales, J.

The Supreme Court held that the exclusive venue stipulation does not apply where there are causes of action other than breach of the parties’ contract containing the said stipulation.

GR No. 158754, People v. Sandiganbayan, August 10, 2007, Garcia, J.

The Supreme Court upheld the Sandiganbayan’s grant of bail to Senator Jose “Jinggoy” Estrada on the ground that the prosecution’s evidence against him for the crime of plunder was not strong.

GR No. 164527, Chavez v. NHA, August 15, 2007, Velasco, Jr., J.

The Court upheld as valid, legal, and constitutional the 1993 Joint Venture Agreement (JVA) between the National Housing Authority (NHA) and R-II Builders, Inc. and all other agreements in relation to the JVA for the reclamation and development of the Smokey Mountain dumpsite into a low-cost housing project under the Smokey Mountain Development and Reclamation Project (Project).

GR No. 170656-170657, Metropolitan Manila Development Authority v. Viron, August 15, 2007, Carpio-Morales, J.

The Supreme Court held that the MMDA is without authority to order the closure of provincial bus terminals along Epifanio de los Santos Avenue (EDSA) and major thoroughfares of Metro Manila not only because no authority to implement the Greater Manila Transport System Project under EO 179 has been granted nor legislative or police power been delegated to it, but also because the elimination of the terminals does not satisfy the standards of a valid police power measure.

GR No. 173034, Pharmaceutical and Health Care Association of the Philippines v. Duque, Oct. 9, 2007, Austria-Martinez, J.

The Supreme Court declared null and void sections 4(f), 11, and 46 of the Department of Health’s Revised Implementing Rules and Regulations of the Milk Code, which call for an
absolute ban on advertising, promotions, sponsorships or marketing materials and activities for breast milk substitutes and provides for administrative sanctions not found in the law, respectively, for being *ultra vires*.

**GR No. 121666, Commissioner of Internal Revenue v. Manila Electric Company (MERALCO), October 10, 2007, Carpio Morales, J.**

The Supreme Court upheld both the Court of Tax Appeals and the Court of Appeals in ordering a tax refund or, in the alternative, the issuance of a tax credit certificate to MERALCO in the amount of PhP107,649,729.00 for overpaid taxes.

**GR No. 171053, Sehwani, Inc. and/or Benita’s Frites v. In-N-Out Burgers, Inc., October 15, 2007, Ynares-Santiago, J.**

The Supreme Court, among others, upheld the cancellation of Certificate of Registration for the mark “IN-N-OUT” (the inside of the letter “O” formed like a star) issued to petitioner Sehwani, Inc. in favor of respondent In-N-Out Burgers, Inc. Aside from the specific provisions of RA 8293 (*The Intellectual Property Code of the Philippines*), the Court also relied on *The Convention of Paris for the Protection of Industrial Property (The Paris Convention)*, to which the Philippines is a signatory, and the 1999 *Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks*, wherein the World Intellectual Property Organization (WIPO) General Assembly and the Paris Union agreed to a nonbinding recommendation that a well-known mark should be protected in a country even if the mark is neither registered nor used in that country.

The Court said that the latter two have the force and effect of law, for under Section 2, Article II of the Constitution, the Philippines adopts the generally accepted principles of international law as part of the law of the land and that to rule otherwise would be to defeat the equitable consideration that “no one other than the owner of the well-known mark shall reap the fruits of an honestly established goodwill.”

**GR No. 170633, MCC Industrial Sales, Inc. v. Ssangyong Corp., October 17, 2007, Nachura, J.**

The Supreme Court held that since a facsimile transmission is not an “electronic data message” or an “electronic document,” and cannot be considered as electronic evidence, with greater reason, a photocopy of such a fax transmission is also not electronic evidence.
GR No. 153051, PCGG v. Sandiganbayan, October 18, 2007, Sandoval-Gutierrez, J.

The Supreme Court ruled that the PCGG is not exempt from complying with valid subpoenas in judicial, legislative, and administrative proceedings.

GR No. 174689, Silverio v. Republic, October 22, 2007, Corona, J.

The Supreme Court denied a transsexual’s petition to change his gender and first name in the Civil Registrar for lack of legal basis and merit.

GR No. 152685, Philippine Long Distance Company (PLDT) v. National and Telecommunications Company (NTC), December 4, 2007, Velasco, Jr., J.

The Supreme Court upheld the Supervision and Regulation Fee (SRF) assessments of the NTC on petitioner PLDT’s stock dividends. Under CA 146, The Public Service Act, the NTC is authorized to collect from public telecommunications companies SRF of PhP0.50 for every PhP100 or a fraction of the capital and stock subscribed or paid for of a stock corporation, partnership, or single proprietorship of the capital invested, or of the property and equipment, whichever is higher. The Court noted that the PLDT stockholders, “by receiving stock dividends, are forced to exchange the monetary value of their dividends for capital stock, and the monetary value they forego is considered the actual payment for the original issuance of the stocks given as dividends. Therefore, stock dividends acquired by shareholders for the monetary value they forego are under the coverage of the SRF…”

GR Nos. 17353-56, PCGG v. Tan, December 7, 2007, Sandoval-Gutierrez, J.

The Supreme Court declared null and void and of no legal effect the writs of sequestration issued by the Philippine Commission on Good Government (PCGG) over the shares of stock of Lucio C. Tan, et al., in Allied Banking Corporation for lack of prima facie evidence sufficient to warrant the sequestration of the shares of stock of Tan, et al. as ill-gotten wealth.

GR No. 167173, Standard Chartered Bank (Philippine Branch) v. Senate Committee on Banks, Financial Institutions, and Currencies, December 27, 2007, Nachura, J.

The Supreme Court denied for lack of merit the petition of Standard Chartered Bank (Philippine Branch) and the latter’s officers to stop the inquiry of respondent Senate Committee, chaired by Senator Edgardo J. Angara, into the former’s alleged selling of unregistered foreign securities in violation of RA 8799, The Securities Regulation Code. The Court stressed that the exercise of sovereign legislative authority, of which the power of legislative inquiry is an essential component, cannot be made subordinate to a criminal or administrative investigation before a court or a quasi-judicial body.
SIGNIFICANT RULES, GUIDELINES, CIRCULARS, ORDERS

RE: PROCEDURE IN EXTRAJUDICIAL AND JUDICIAL FORECLOSURE OF REAL ESTATE MORTGAGES
A.M. NO. 99-10-05-0, March 10, 2007

These additional rules of procedure in extrajudicial and judicial foreclosure of real estate mortgages prohibit the issuance of temporary restraining orders or writs of preliminary injunction on extrajudicial foreclosures of real estate mortgages on the allegation that (1) the loan secured by the mortgage has been paid or is not delinquent unless the application is verified and supported by evidence of payment, and (2) the interest on the loan is unconscionable, unless the debtor pays the mortgagee at least twelve percent per annum interest on the principal obligation.

RE: SC ACCESS TO JUSTICE FOR THE POOR PROJECT INFORMATION, EDUCATION, COMMUNICATION (IEC) GUIDELINES FOR MUNICIPAL COURT INFORMATION OFFICERS
A.M. No. 05-2-01-SC, March 13, 2007

These Guidelines provide a framework for (1) scoping out court information permissible for access by; and (2) disseminating the allowable court information to people — litigants, general public, lawyers, and the partner agencies of the Access to Justice for the Poor Project — who seek and can be provided access to court information for valid interests and objectives.


These Rules govern the filing of pleadings, practice and procedure in election protests and petitions for quo warranto before courts of general jurisdiction and courts of limited jurisdiction relating to elective municipal and barangay officials, respectively.

RESOLUTION: PRESCRIBING GUIDELINES ON THE CONDUCT OF ELECTIONS OF JUDGES’ ASSOCIATIONS • May 30, 2007

These Guidelines were promulgated to ensure that the different judges’ associations would prudently manage and undertake honest and clean elections of their officers. The Guidelines stress that candidates for any elective office in judges’ associations shall refrain from and avoid campaign activities and situations that might bring the Judiciary into disrepute or give rise to embarrassment on the part of the associations and their membership. The Guidelines also enumerated prohibited acts and practices relative to elections such as providing or giving food, drinks, hotel, or motel accommodations, and giving money or other material consideration, all for the purpose of influencing a member to vote for or against a certain candidate. Maintaining booths within the venue of the convention which distribute campaign materials, soliciting and taking from parties or other persons electoral campaign propaganda and cash for campaign funds, and utilizing the services of court personnel and equipment such as fax and photocopying machines in producing and distributing campaign materials are also strictly prohibited.
Likewise, officials of the courts and the Office of the Court Administrator are prohibited to intervene in the elections of the judges’ associations or engage in any partisan election activity.

Failure to comply with the Guidelines will constitute a serious administrative offense and shall be dealt with in accordance with Rule 140 of the Revised Rules of Court. Court officials and personnel who violate these guidelines are also administratively liable.

GUIDELINES ON THE SOLEMNIZATION OF MARRIAGE
BY THE MEMBERS OF THE JUDICIARY
ADMINISTRATIVE ORDER NO. 125-2007,
August 9, 2007

These Guidelines aim to lay down rules that will enable solemnizing authorities of the Judiciary to secure and safeguard the sanctity of marriage as a social institution.

PROVIDING AN INTERIM SECURITY PROCEDURE
TO IMPROVE THE SECURITY FOR JUSTICES AND JUDGES
MEMORANDUM CIRCULAR NO. 10 – 2007,
August 23, 2007

Recognizing that members of the Judiciary are continuously exposed to violent attacks from would-be assassins and that there were no existing security protocols to be followed by justices and judges in case of threats to their security or safety, the Supreme Court designated Deputy Court Administrator (DCA) Reuben P. Dela Cruz and Atty. Allan C. Contado as contact persons of all justices and judges in case of threats to the magistrates’ security or safety are present, and advised justices or judges who have received any such threat or suspects that their lives are in danger to immediately communicate such matter to either or both contact persons.

RULE ON DNA EVIDENCE
A.M. No. 06-11-5-SC, October 15, 2007

This Rule applies whenever DNA evidence is offered, used, or proposed to be offered or used as evidence in all criminal and civil actions as well as special proceedings.

The Rule allows the appropriate court to, at any time, either at its own instance or on application of any person who has a legal interest in the matter in litigation, and after due hearing and notice to the parties, order DNA testing. It also makes orders granting the DNA testing immediately executory and unappealable. Any petition for certiorari initiated therefrom will not in any way stay the implementation thereof, unless a higher court issues an injunctive order.

The Rule also allows to the prosecution or any person convicted by final and executory judgment a Post-conviction DNA testing, without need of prior court order, provided that (a) a biological sample exists, (b) such sample is relevant to the case, and (c) the testing would probably result in the reversal or modification of the judgment of conviction. The convict or the prosecution may file a petition for a writ of habeas corpus in the court of origin, the Court of Appeals or the Supreme Court, or with any member of these Courts, if the results of the post-conviction DNA testing are favorable to the convict.

DNA profiles and all results or other information obtained from DNA testing are confidential. Except upon order of the court, a DNA profile and all results or other information obtained from DNA testing will only be released to specified persons enumerated under the rules.

THE RULE ON THE WRIT OF AMPARO
A.M. No. 07-9-12-SC, October 24, 2007

Invoking its expanded rulemaking power under Article VIII, §5(5) of the 1987 Constitution, the Supreme Court promulgated the Rule on the Writ of Amparo, which is a remedy available to any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity.

The petition for the writ of amparo may be filed on any day and at any time with the Regional Trial Court of the place where the threat, act, or omission was committed, or with the Sandiganbayan, the Court of Appeals, and the Supreme Court. The filing is free of charge. Upon the filing of the petition, the court, justice or judge shall immediately order the issuance of the writ if on its face it ought to be issued. The writ shall also set the date and time for summary hearing of the petition which shall not be later than seven days from the date of its issuance.

Unlike in petitions for habeas corpus, a general denial from the respondent is not allowed under the rule. The respondent is required to give a full explanation and account in the return which shall be submitted to the court to ensure that he shall make a detailed return, which will not only seek the persons liable but also help in the determination of their compliance with the standard of conduct required of them. The court, justice, or judge may also grant any of the following interim reliefs: temporary protection order, inspection order, production order, and witness protection order.

The writ of amparo imposes a higher standard of diligence (extraordinary diligence) on public officers or employees than on private individuals or entities (ordinary diligence). There shall be no presumption of regularity on the part of the public
This Rule ensures that the rights of children charged with violation of any of the offenses under the Comprehensive Dangerous Drugs Act of 2002 are well protected, and that their interests and those of their family and the community are adequately balanced.

The Rule requires a mandatory drug test for children charged before the prosecutor’s office with a criminal offense not penalized by Republic Act 9165, but with an imposable penalty of imprisonment of not less than six years and one day. Also, children who are or suspected to be drug dependents may personally or through their parent, guardian or relative within the fourth degree of consanguinity or affinity apply to the Dangerous Drugs Board, its duly recognized representative, or a Department of Health (DOH)-accredited physician, for treatment and rehabilitation of the drug dependency. The Board or physician shall then submit the matter to the court, which shall immediately order that the child be examined for drug dependency. If the results show that the child is a drug dependent, the court shall order that the child undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six months.

The Rule also exempts from criminal liability, subject to conditions, a child drug dependent under the voluntary submission program who is finally discharged from confinement. Nevertheless, a child drug dependent under the voluntary submission program who is discharged as rehabilitated by the Center or DOH-accredited physician, but does not qualify for exemption from criminal liability may be charged under the Dangerous Drugs Act. However, the court may order that the child be placed on probation and that he or she undergo community service in lieu of imprisonment and/or fine, without prejudice to the outcome of any pending case filed in court.

Any child found to be dependent on dangerous drugs who refuses to apply under the voluntary submission program shall, upon petition by the Board or any of its authorized representatives, be confined for treatment and rehabilitation in any Center duly designated or accredited by the DOH.

If a child charged with an offense where the imposable penalty is imprisonment of less than six years and one day is found, at any stage of the proceedings, to be a drug dependent, the prosecutor or the court shall suspend all further proceedings and transmit copies of the records of the case to the Dangerous Drugs Board. In the event the Board determines, after the medical examination, that public interest requires that such child drug dependent be committed to a Center for treatment and rehabilitation, it shall file a petition for commitment.

Finally, the Rule provides that if a child is a minor at the time of the commission of the offense and is found guilty thereof, the court shall determine and ascertain any civil liability. However, instead of pronouncing the judgment of conviction, the court shall place the child under suspended sentence, without need of application. Suspension of sentence shall still be applied even if the child is already eighteen years of age at the time of the conviction. While under suspended sentence, the Dangerous Drugs Board shall exercise supervision and rehabilitation surveillance over the child.

AMENDMENTS TO RULES 41, 45, 58, AND 65 OF THE RULES OF COURT
A.M. No. 07-7-12-SC, December 4, 2007

Among others, these Amendments now include the Court of Tax Appeals (CTA) in the list of courts from which an appeal may be taken directly to the Supreme Court. The Amendments also provide that in election cases involving an act or an omission of a municipal or a regional trial court, petitions for certiorari, prohibition or mandamus shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction. Also, the Amendments provide for additional sanctions in case of abuse of the processes under Rule 65; in such event, the court may award in favor of the respondent treble costs solidarily against the petitioner and counsel, in addition to subjecting counsel to administrative sanction. Courts may also now impose motu proprio, based on res ipsa loquitur, other disciplinary sanctions or measures on erring lawyers for patently dilatory and unmeritorious Petitions for Certiorari.


Effective December 11, 2007, clients of the Public Attorney’s Office (PAO) are unconditionally exempted from paying docket fees and other fees incidental to instituting an action in court. Through this circular, the Office of the Court Administrator revoked the conditions previously imposed in the availment of the exemption from payment of court docket fees by PAO clients. Previously, PAO clients still need to execute affidavits declaring their gross income and that they do not own any real property worth more than PhP300,000, pursuant to Section 19, Rule 141 of the Revised Rules of Court.
Significant Accomplishments of SC COMMITTEES

Under the leadership of Chief Justice Reynato S. Puno, the Committee on Revision of the Rules of Court drafted the following Rules which were subsequently approved by the Supreme Court En Banc: 1. Re: Revised Upgrading Schedule of the Legal Fees in the Supreme Court and the Lower Courts under Rule 141 of the Rules of Court, which was formulated by the Ad Hoc Committee on Legal Fees and upon SC approval was pilot tested in the National Capital Region and in the cities of Cebu, Mandaue, and Lapu-Lapu; 2. Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials; 3. Prescribing Guidelines on the Conduct of Elections of Judges’ Associations; 4. Resolution Adopting the Guidelines in the Implementation of Section 1, Rule 141 of the Rules of Court, as amended; 5. Rule on Children Charged under Republic Act No. 9165 or The Comprehensive Dangerous Drugs Act of 2002; 6. Rule on the Writ of Amparo, as amended; 7. Rule on DNA Evidence; and 8. Amendments to Rules 41, 45, 58, and 65 of the Rules of Court.

2007 also posted many gains for the Committee on Justice on Wheels (JOW Committee). From January to June, the mobile courts were able to hear a total of 83 cases in the Regional Trial Courts of Valenzuela, Pasig, and Muntinlupa and 26 cases in the Bohol Trial Courts. In August, the Chief Justice approved the Mobile Court-Annexed Mediation (MCAM) program which the JOW Committee implemented together with the Philippine Judicial Academy. Under MCAM, mobile court buses were stationed at Bulacan and Rizal to undertake court-annexed mediation as these provinces lack Philippine Mediation Centers. By the end of 2007, the mobile courts posted an average mediation success rate of 97%, with 199 out of 201 cases for mediation successfully mediated in San Jose del Monte, Bulacan, while 258 out of 280 mediated cases met similar success in Taytay and Antipolo, Rizal.

New technologies within the judicial system were implemented by the Committee on Computerization and Library (CCL) for 2007. The eCourt Project was launched in the cities of Marikina and Makati, which resulted in these pilot eCourts’ access to advanced communication technologies such as digital presentation of evidence, access to online court libraries and other database, video and audio recording of proceedings, remote connection to external entities via Internet, videoconferencing,
and computer-aided transcription. The *Enhanced Case Flow Management System (E-CFM)* also became operational through pilot tests in the RTC and MeTC of Pasay City. The E-CFM has since facilitated the courts’ management of the stages in the movement of a case from filing to disposition, through the system’s eRaffling and eCalendaring features. The *ePayment System*, which electronically assesses, records, and monitors the collection of filing fees in the lower courts, also started operations in the same Pasay courts after a pilot test among the clerks of court of the Makati City RTC and MeTC.

The CCL also facilitated the migration of all applications and hardware within the SC, CA, and SB from the old data center to the Judiciary Data Center (JDC) in implementation of the JDC and ICT Network Infrastructure Project (JDCINIP). Pilot offices within the SC were also able to use the *Computerized Document Tracking System*.

In addition to the training of stenographers in the SC, CA, SB, and CTA on the use of *Computer Aided Transcription* machines, the CCL also approved a total of 497 new equipment such as desktop computers and dot matrix and laser printers to be distributed to the SC and the lower courts.

To address threats to the security of justices and judges, the *Committee on Security* drafted the following memorandum orders and circulars subsequently approved for implementation by the Chief Justice: 1. Administrative Circular No. 29-2007, the *Creation of Provincial Committees on Security and Providing for the Composition Thereof*, establishing Committees of Security in each of the judicial regions nationwide; 2. Memorandum Circular No. 10-2007, *Providing An Interim Security Procedure to Improve the Security for Justices and Judges*, directing justices and judges to contact the Task Force Judiciary Protection under Deputy Court Administrator Reuben P. Dela Cruz upon receipt of threats to their security; and Memorandum Order No. 42-2007, *Providing An Interim Security Protocol for the First- and Second-Level Courts*, crafting a list of security measures designed to prevent and/or minimize the threat of attacks against judges and employees of the lower courts. By the end of 2007, the *Committee on Security* has neared the completion of a Security Manual for the Judiciary with the help of the National Bureau of Investigation and the *Rule of Law Effectiveness Project* of the United States Agency for International Development.

The *Legislative-Executive Relations Committee (LERCOM)* successfully petitioned Congress to include in the Judiciary budget certain items of appropriation that were excluded by the DBM in its recommended budget. This resulted in the increase in the Judiciary’s budget for 2007 by more than half a billion pesos.

The *Committee on Public Information (CPI)*, with the help of the European Commission, facilitated a *Training Needs Assessment* for Municipal Court Information Officers (MCIOs) in project areas. 17 clerks of court were also designated as MCIOs. The CPI also produced *Information, Education, and Communication (IEC) Guidelines for MCIOs* brochures as well as information wallsheets and brochures on the *Stages of Civil and Criminal Actions in the Philippines* in coordination with the SC Technical Working Group on the *Access to Justice for the Poor Project*. Other SC publications were also produced by the *Committee on Advanced Syllabi* which printed the *Monthly Case Digests of Supreme Court Decisions* and the *Court Systems Journal* in addition to books authored by the SC Justices.

The CPI, through the Technical Working Group on the Development of IEC Materials and in partnership with the Philippine Association of Law Schools, also launched the National Essay-Writing Contest with the theme “The Rule of Law and its Role in National Development.”

The *Committee on Gender Responsiveness in the Judiciary (CGRJ)* conducted two entrepreneurship seminars in 2007 in line with the annual *Women’s Month Celebration*. The CGRJ also conducted training on Gender Sensitivity and an *Anti-Sexual Harassment* orientation for court employees. A presentation of the background on the CGRJ was also given to Shari’a Court judges with the aid of the Canadian International Development Agency. The CGRJ also coordinated with the United Nations Development Fund for
Women in the conduct of Knowledge-Sharing with the Judiciary from Thailand and Vietnam. Similarly, the CGRJ received technical assistance from the European Commission in the conduct of a capacity building for the Committee on Decorum and Investigation (CODI) Training.

Support services to the employees of the SC and the lower courts were continuously provided by the mandated SC committees. Among these are the Shuttle Bus Committee, which ferried SC employees to and from its fixed routes while also serving the transportation needs of the various offices, groups, and organizations of the High Court, and the Supreme Court Health and Welfare Plan Committee which processed and evaluated medical claims amounting to PhP46,442,748.70 for both SC and lower court employees.

The Supreme Court Program on Awards and Incentives for Service Excellence Committee, in addition to its annual recognition of model employees and compulsory retirees of the Court, gave special awards to deserving court officials and personnel. Awarded were Atty. Emily San Gaspar-Gito and Mr. Robert L. Angelias as the 2007 Model Employees in the supervisory and non-supervisory categories, respectively, together with special awardees Atty. Maria Felicidad S. Mendiola for Communication Excellence; Mr. Basilio P. Canapi for Leadership; Atty. Edralin C. Reyes for Innovation; and Mr. Alberto P. Solante, Jr., for Commitment to Service. The Society for Judicial Excellence, on the other hand, introduced the Don Antonio P. Madrigal Award, the highest award for Outstanding Municipal Trial Court Judge, during the 2007 Awarding Ceremonies for Outstanding Judges and Clerks of Courts which cited Judge Manuel M. Barrios (Chief Justice Cayetano Arellano Awardee), Judge Roger B. Patricio (Chief Justice Jose Abad Santos Awardee), Judge Maria Filomena D. Singh (Don Antonio P. Madrigal Awardee), Judges Manolo A. Brotonel and Francisco A. Seville, Jr. (First-Level Court Judges Awardees), and Atty. Mauro R. Munoz and Mrs. Teodora dela Rosa-Balboa (Clerks of Court Awardees).

In addition to overseeing the review of employee performance ratings, the SC Performance Evaluation Committee conducted a training course which resulted in a new system, the Performance Management System for Court Personnel (PMS-COLIPER), that will eventually manage the performance of employees of the entire Judiciary. The Office of the Court Administrator-Performance Evaluation Review Committee similarly approved the Continuous Improvement Performance and Accomplishment Gauge (CIPAG), which revised the performance evaluation system for the lower courts.

New committees created in 2007 are the Oversight Committee on the Integrated Bar of the Philippines, Special Committee on Memorial Rites, High Level Policy Group for the SC Case Management System Project, Executive Committee to Administer and Manage an Integrity Development Review for the Judiciary, and Special Committee to Review the Plantilla Positions and Salary Grades of Officials and Employees of the Judiciary.
Summit on Extrajudicial Killings and Enforced Disappearances

Chief Justice Puno led the Judiciary in conducting the National Consultative Summit on Extrajudicial Killings and Enforced Disappearances – Searching for Solutions on July 16 and 17 at the Manila Hotel, gathering around 400 delegates and observers from all branches of government, the Armed Forces of the Philippines, the Philippine National Police, the Commission on Human Rights, religious groups, the academe, non-government and people’s organizations, media, and the international community.

Two of the Summit’s “fruits” are the SC Rules on the Writs of Amparo and of Habeas Data.

More than the “prodigious inputs,” however, the Chief Justice saw the Summit as a demonstration that “Filipinos can be one and that therefore there is no reason to abandon hope in the Filipino.”

Lecture-Forum on the Rule on the Writs of Amparo and Habeas Data

The Lecture-Forum on the Rule on the Writ of Amparo was held on October 15, 2007 at the Court of Appeals Auditorium in response to the call of the Chief Justice for a more active role on the part of the Judiciary in the prevention and resolution of cases involving extrajudicial killings and enforced disappearances. A total of 233 magistrates attended the activity. Video Conference on the Rule on the Writ of Amparo for Regional Trial Court Judges, Clerks of Court, and Branch Clerks of Court Conducted on November 12, 2007, the Video Conference featured Supreme Court Justices Adolfo Azcuna and Antonio Eduardo Nachura as lecturers, while Chief Justice Reynato S. Puno led the expert panel for the open forum.

Regional Trial Court Judges, Clerks of Court and Branch Clerks of Court from the 3rd, 4th, 7th and 11th judicial regions participated in the activity. The Court of Appeals of Cebu and Office of the Court Administrator also sent representatives.

The Manila host site had 135 participants, while the Cebu and Davao remote sites accommodated 84 and 30 participants, respectively.

Seminar-Workshop for Judges on Extrajudicial Killings and Enforced Disappearances

The first Seminar-Workshop for Judges on Extrajudicial Killings and Enforced Disappearances was successfully conducted in partnership with the Commission on Human Rights, on May 7 to 8, 2007, at the Coral Ballroom A, Manila Pavilion Hotel, United Nations Avenue, Manila.
The Seminar-Workshop sought to address the concerns of Judges, among others, on the procedure in identifying and deciding cases of extralegal killings.

**Seminar-Workshop on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Gender Sensitivity, and the Courts**

In 2007, PHILJA conducted seven Seminar-Workshops on CEDAW, Gender-Sensitivity and the Courts for the Supreme Court, Court of Appeals, Sandiganbayan, and Court of Tax Appeals lawyers; selected judges and clerks of court of the National Capital Judicial Region (NCJR); and court personnel of the Sandiganbayan. A total of 240 judges, lawyers, and court personnel attended the seminar.

The Seminar-Workshops had the support of the Ateneo Human Rights Center and the United Nations Development Fund for Women (UNIFEM).

Held under the auspices of the SC and the PHILJA, in partnership with the Committee on Gender Responsiveness in the Judiciary, the Subcommittee on Training and Capacity-Building, the Ateneo Human Rights Center, and the United Nations Development Fund for Women, the Seminar-Workshops seek to enhance the court personnel’s knowledge on how the CEDAW can be considered for application in Court issuances, develop their awareness and skill in using gender-fair language, and increase the awareness and deepen the understanding of women’s rights under the CEDAW.

**Wildlife Crime Workshop for Filipino Judges, Prosecutors**

May 10 and 11 saw the conduct of the first national Judiciary Workshop on Wildlife Crime and Prosecution, the first national wildlife crime workshop for Filipino judges and prosecutors in identified wildlife crime hotspots (Metro Manila and the provinces of Davao, Palawan, General Santos, and Sarangani). The event was held at the PHILJA Development Center in Tagaytay City.

Speakers were from the ASEAN-Wildlife Enforcement Network (ASEAN-WEN), Presidential Anti-Organized Crime Commission of the Office of the President, Department of Environment and Natural Resources, Bureau of Fisheries and Aquatic Resources, Bureau of customs National Bureau of Investigation, United States Department of Justices, Supreme Court of Indonesia, United States Agency for International Development (USAID), USAID Philippine Mission, Asian Environmental Compliance and Enforcement Network, the United States Embassy and the USAID Regional Environment Office (Bangkok).

The Workshop will be used as a guide for the development of similar training programs to be held in Indonesia and Thailand under the ASEAN-WEN activities.

**Second APJRF RTC**

Members of the Philippine Delegation from the Supreme Court actively participated in the 2nd Asia Pacific Judicial Reform Forum Round Table Discussion (APJRFRTD) hosted by the Federal Court of Malaysia at the Palace of Justice in Putrajaya, Malaysia from May 27 to 20.

The RTD reviewed judicial reform programs being implemented in several member-countries for adoption of best practices by judiciaries across the region.

Justice Angelina Sandoval-Gutierrez presented a paper on “Access to Justice Initiatives in the Philippine Judiciary,” while Justice Adolfo S. Azcuna chaired the session that drafted the APJRF Constitution.

Justice Antonio T. Carpio, for his part, chaired the session on the APJRF Judicial Reform Handbook, one of the highlights of the 2nd RTD. The Handbook will serve as a tool for judiciaries across the asia-pacific region to improve the administration of justice, and promote and strengthen the rule of law and access to justice. Philippine Judicial Academy Chancellor Ameurfina A. Melencio-Herrera shared the Philippine experience on Judicial Education during the RTD.

The APJRF was established during the conclusion of the International Conference and Showcase on Judicial Reforms (ICSJR) held from November 28 to 30, 2005 in Manila to facilitate knowledge sharing and exchange of judicial reform initiatives and best practices in the Asia-Pacific Region.

It aims to promote the sharing of high-priority, quality judicial reform policy, and programming information. It also advocates dialogue among justices, judges, judicial educators, and judicial reform program officers in a concerted, mutually supportive effort to promote judicial independence and the rule of law.

The first RTD was held from March 16 to 17, 2006 in Sydney, Australia and was hosted by the High Court of Australia, the Federal Court of Australia, the Supreme Court of New South Wales, and the New South Wales Judicial Commission.

**Study Tours of Foreign Jurisdictions**

The SC hosted the following Study Tours for foreign delegations who wanted to learn the Philippine’s experience in implementing its

The above delegations also met with their respective counterparts from the Judicial and Bar Council (JBC), PHILJA, Sandiganbayan, Ombudsman, Department of Justice, Integrated Bar of the Philippines, law schools, as well as the donor community.

Judge-To-Judge Dialogues

To exchange perspectives and lessons on their roles and functions as well as share good practices towards the efficient administration of justice, a series of Dialogues were continuously held among justices and judges in the Philippine Judiciary to exchange perspectives and lessons on their roles and functions as well as share good practices towards the efficient administration of justice.

The Dialogues, which provided a forum to discuss the problems, challenges, and solutions in case administration, were conducted by the PMO in coordination with PHILJA and the Office of the Court Administrator, with funding assistance from US AID through the American Bar Association-Rule of Law Initiative (ABA-ROLI).

Three Dialogues were conducted from February to November 2007 in Manila, Tacloban City, and Zamboanga City, respectively. The topics covered problems and solutions in case delay and the power of judges during court proceedings.

Code of Ethics


By the end of the year, 66.69% of court personnel were oriented since the Codes were promulgated by the Court in April 2004.

These seminars were undertaken by the PMO in coordination with PHILJA, with funding support from WB and USAID through ABA-ROLI.

Judicial Reform Advocacy: Orientation-Workshop on the Code of Conduct for Court Personnel

In partnership with the United States Agency for International Development (USAID), ABA-ROLI and the PMO, the PHILJA conducted a total of 27 Orientation-Workshops on the Code of Conduct for Court Personnel for 3,798 court employees in Zamboanga, Davao, General Santos, Pangasinan, Tuguegarao, Nueva Ecija, Bohol, Naga, Bacolod, Bulacan, and Tacloban from May to November 2007.

Distinguished Lecture Series Of 2007

Three Distinguished Lectures were completed in 2007 as part of the continuing knowledge sharing initiatives of the SC under the APJR. The Distinguished Lecture Series is being implemented by the PHILJA under the guidance of the Committee on Knowledge Sharing and Regional Cooperation.

The first Lecture was held on June 29, 2007 at the University of San Carlos, Cebu City with H.E. Axel Weishaupt, Ambassador of the Federal Republic of Germany, speaking on the topic “Comparative Study of the Philippine – German Laws on Succession.”

Deputy Chief Justice Adel Omar Sherif of the Supreme Constitutional Court of Egypt, lectured on the topic “Interpreting Islamic Shari’a in Modern Age – The Contribution of the Supreme Constitutional Court of Egypt” for the second Lecture on July 19, 2007 at the Ateneo de Davao University.

Abigail Hansen Goldman, Judicial Guarantee Advisor of the International Committee of the Red
Cross, for her part, delivered the third Lecture on December 7, 2007 at the University of the East. Her topic was “The Writ of Amparo—An International Perspective.”

**Orientation Seminar-Workshop for Newly-Appointed Judges**

Seven (7) Orientation Seminar-Workshops for a total of 302 newly-appointed judges were held in 2007 at the PHILJA Development Center, Tagaytay City.

The 10-day Orientation Seminar-Workshops were aimed at preparing the newly-appointed judges for assumption to office and the effective discharge of their official duties as well as to enhance their adjudicative, administrative, and management skills, as well as their research, communication and decision-writing skills.

The Orientation Seminar-Workshops also provided the judges a more intense study of substantive and procedural laws from a judicial viewpoint to further develop their legal proficiency. It also sought to instill a sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

**Orientation Seminar-Workshop for Newly-Appointed Clerks Of Court**

Five Orientation Seminar-Workshops participated in by a total of 236 newly-appointed clerks of court were offered in 2007.

The Orientation Seminar-Workshops prepared the Clerks of Court for assumption to office and the efficient and effective performance of their administrative and adjudicative support functions.

The Orientation Seminar-Workshops provided Clerks of Court with extensive lectures explaining the Manual for the Clerks of Court, the Code of Conduct for Court Personnel, as well as the preparation and management of court records. The Orientation Seminar-Workshops also updated them with the latest developments in law, jurisprudence and administrative policies to effectively assist their judges in the systematic management of the courts.

**Regional Judicial Career Enhancement Program**

To meet the professional enhancement needs of judges and court personnel, particularly to keep them abreast with the important updates in law and jurisprudence, the Regional Judicial Career Enhancement Program (RJCEP) Level 5, the highest level of RJCEP in the PHILJA, was held in three regions in 2007. A total of 299 judges attended the Program held from September 12 to 24 in Legaspi City, October 24 to 26 in Tacloban City, and December 14 to 16 in Cagayan de Oro City.

The Program provided workshops on frequently-encountered problems in substantive and procedural laws.

**Continuing Legal Education for Court Attorneys**

Two Continuing Legal Education Programs participated in by 96 court attorneys in Cagayan de Oro City and in Cebu City were held in 2007. The Programs consisted of updates on new statutory enactments and jurisprudence in Family Law, Constitutional Law, Labor Law, Commercial Law, and Current Problems in Legal Ethics and the Code of Conduct for Court Personnel.

The Programs enabled court attorneys to earn credit units for subjects taken up in compliance with the provisions of the Mandatory Continuing Legal Education Program.

**Seminar on Democracy and Law at the Service of the Human Person**

A total of 31 participants – Court of Appeals Justices, Regional Trial Court Judges, practicing lawyers, members of the Academe, representatives from the Commission on Human Rights, and Values for Development Foundation, Inc. (VDFI) members – attended the Seminar on Democracy and Law at the Service of the Human Person on February 15 to 16, 2007 at the Eduardo Aboitiz Development Study Center in Cebu City.

Conducted in collaboration with the VDFI, the Seminar brought together professionals in the government and the private sector to deepen their convictions on ethical values in work, family and society, and to bolster socio-economic, political, and cultural development.

The Seminar focused on the following topics: (1) Philosophy of Law in Historical Perspective: From Ancient Times to the 21st Century; (2) Civics and the Law: Building Nationhood; (3) Roundtable Discussion on the “Past, Present and Future for Strengthening the Rule of Law in the Philippines”; (4) Democracy and Development: The Role of the 21st Century Judge in Governance; (5) Tolerance, Respect and Multi-Culturalism; (6) Democracy, Law and the Human Person [based on Karol Wojtyla (Pope John Paul II)’s philosophy on the meaning of the human person as the origin, subject and purpose of the law and democracy]; and (7) Workshop on “Developing Good Citizenship Values.”
Seminar on Strengthening the Implementation of the Code of Muslim Personal Laws of the Philippines

The Seminars on Strengthening the Implementation of the Code of Muslim Personal Laws of the Philippines were conducted in cooperation with The Asia Foundation and USAID. These seminars emphasized the imperative need to lessen, if not eradicate, the ignorance of judges and lawyers on the Islamic Law (PD 1083).

The last three (3) in a series of five (5) of these Seminars were conducted in 2007.

A total of 106 participants composed of Shari’a judges and court personnel, lawyers from the Public Attorneys’ Office and National Bureau of Investigation, and representatives from the Commission on Human Rights and the Department of Interior and Local Government attended the last three seminars.

Orientation Seminar-Workshop on Comparative Analysis between the Family Code and the Code of Muslim Personal Laws

A total of 77 participants composed of Regional Trial Court Judges of Region I, and representatives from the Office of Muslim Affairs, National Bureau of Investigation and Commission on Human Rights attended the Orientation Seminar-Workshops on Comparative Analysis between the Family Code and the Code of Muslim Personal Laws.

The Seminars were conducted to revisit the provisions of the Family Code and the Code of Muslim Personal Laws (CMPL) because their significant distinctions have considerable implications on the administration of the CMPL and access to justice of Muslims in the Philippines. The Orientation Seminar-Workshops also aimed to help in the sharing and dissemination of the salient features of the CMPL.

Security Training Seminar

PHILJA, in coordination with the Supreme Court Committee on Security, the OCA, PMO, and the National Bureau of Investigation, and in partnership with the Rule of Law Effectiveness, conducted the Personal Security Training for Judges on December 5 to 7, 2007 at the PHILJA Development Center, Tagaytay City.

Thirty-three (33) select first- and second-level judges from across the nation attended the three-day Seminar. The Seminar got a 100% profitability rating. The judge-participants agreed that it increased their knowledge on security measures, self-protection and recognition of imminent threats. It familiarized them on the technical aspects of firearms, ammunitions, bombs, explosives and gun-handling.

Seminar-Workshop on Juvenile and Domestic Relations Justice for Single Sala Courts

The PHILJA, in partnership with the United Nations Children’s Fund (UNICEF), implemented the program Juvenile and Domestic Relations Justice for Single Sala Courts (Advanced Level), the thrust of which was to update and familiarize judges and branch clerks of court on recent laws, Supreme Court Rules and jurisprudence relating to family, women and children. PHILJA conducted three (3) skills-based seminar-workshops under this program. A total of 211 judges and lawyers attended.

Seminar-Workshop on Dangerous Drugs Law for Judges, Prosecutors, and Law Enforcers

The Supreme Court of the Philippines and the PHILJA, in partnership with the Dangerous Drugs Board by virtue of a Memorandum of Agreement, have conducted a total of six Seminar-Workshops on Dangerous Drugs Law for Judges, Prosecutors and Law Enforcers for the year 2007. All the programs in the series have the same topics relating to the classification of drugs; overview of substantive and procedural law and jurisprudence relating to RA 9165 and 9344; search and seizure; treatment and rehabilitation; controlled delivery and handling, custody and destruction of seized dangerous drugs; and controlled precursors and essential chemicals. It was proposed that a Multi-Agency Task Force should be formed by the Dangerous Drugs Board to draft an operations manual to address all the issues and concerns, and guide all the stakeholders in the performance of their duties.

A total of six hundred fourteen (614) judges, prosecutors and law enforcers joined this seminar.

Seminar on Election Law for Judges and Clerks of Court

In partnership with the International Foundation on Election Systems, the Academy conducted five Seminars on Election Laws for Judges and Clerks of Court. Some private election practitioners were invited to attend and give their reactions.

The seminar focused on Election Contests (including Quo Warranto Proceedings), specifically on the Rules of Procedure in Election Contests involving Elective Municipal and Barangay Officials.
A total of nine hundred ninety-five (995) judges and clerks of court joined this seminar.

**Multi-Sectoral Seminar-Workshop on Agrarian Justice**

PHILJA conducted two Seminar-Workshops on Agrarian Justice in 2007. The first was for the Provinces of Leyte and Samar held on May 23 to 25, 2007 at the La Rica Hotel, Tacloban City; and the second was for the Province of Iloilo conducted on November 27 to 29, 2007 at the Centennial Resort Hotel and Convention Center, Jaro, Iloilo City with 48 and 51 participants, respectively. The participants consisted of judges, prosecutors, Public Attorneys’ Office lawyers, representatives from Department of Agrarian Reform, Commission on Human Rights, people’s organizations and non-governmental organizations, and officers from the Philippine National Police.

The Seminar-Workshops were conducted in partnership with the Agrarian Justice Foundation, Inc. and in collaboration with the Department of Agrarian Reform and the Department of Justice. Other organizations that supported the seminar-workshops were the Interchurch Organization for Development Cooperation and the Initiative for Dialogue and Empowerment through Alternative Legal Services.

**Seminar-Workshop on Discernment**

One hundred sixteen participants composed of judges, prosecutors, government lawyers, social workers, and representatives from the Department of Social Welfare and Development (DSWD), and Philippine National Police (PNP) attended the Seminar-Workshop on Discernment held on November 19 to 20, 2007 at the Amigo Terrace Hotel, Iloilo City. This Seminar-Workshop was conducted in partnership with the Alternative Law Group, Inc.-Visayas Cluster.

The Seminar-Workshop on Discernment aimed to establish a consensus towards formulating guidelines in determining discernment in children for adoption in the training of family court judges on the Juvenile Justice and Welfare Act (RA 9344).

**Roundtable Discussion - Court and the Economy**

The Roundtable Discussion on Law and Economics was held on April 19, 2007 at the John Hay Trade and Cultural Center, Baguio City in partnership with the Ateneo Law School, Ateneo de Manila Department of Economics, in cooperation with the British Embassy.

This activity was attended by the following jurists, economists and academicians: For the Judiciary: Chief Justice Reynato S. Puno; Supreme Court Justices Angelina Sandoval-Gutierrez, Antonio T. Carpio, and Adolfo S. Azcuna; Court of Appeals Justices Jose L. Sabio, Jr., Jose C. Reyes, Jr., Andres B. Reyes, Jr., Arturo G. Tayag, and Myrna Dimaranan-Vidal; For the Business and Private Sector: His Excellency United Kingdom Ambassador Peter Beckingham, Dr. Cielito F. Habito, and Dr. Enrique P. Esteban; To Give the Legal Perspective: Fr. Joaquin G. Bernas, SJ, Dean Cesar L. Villanueva, and Dr. Victor S. Venida.

This activity was capped by the ceremonial presentation and turnover of the Reference Manual for Capacity Building on Law and Economic Development Issues for the Philippine Judiciary and by the launching of the Center for International Law at the Ateneo School of Law.

**Roundtable Discussion on Islam and the Rule of Law**

The Roundtable Discussion on Islam and the Rule of Law was held on June 26, 2007 at the Supreme Court Training Room, Centennial Building, Supreme Court, Manila with 24 participants.
composed of members of the Academy’s Constitutional Law Department, the Shari’a and Islamic Jurisprudence Department, and court lawyers of the Supreme Court and Court of Appeals.

The lead speaker, Dr. Anver M. Emon, is a Professor in the Faculty of Law, University of Toronto, Canada. He specializes in Islamic Law and conducts several research projects focusing on medieval and modern Islamic Legal Theory and History. He conducts public lectures in cooperation with selected host institutions in Metro Manila, Zamboanga, Marawi, Cotabato, and Davao to promote Islamic Law and jurisprudence in the mainstream legal system of the country.

Dr. Emon discussed the Early History of Islam and Shari’a as well as the Islamic Legal Theory in order to carry out his objective to promote Islamic Law and jurisprudence in the mainstream legal system. He expounded on four (4) channels (Theology, Islamic mysticism-Sufism, Philosophy and Shari’a Law) that could be used towards a more global comprehension and understanding of Islam.

Asian Justices Forum on the Environment: Asian Experience to Strengthen Environment Adjudication in Asia Held on July 5 and 6 in Manila, the Forum featured top jurists from seven countries in Asia who shared experiences to strengthen environmental adjudication in the region.

Organized by the Supreme Court and PHILJA, the Forum was attended by chief justices and judges from Australia, India, Indonesia, Sri Lanka, Thailand, United States, and the Philippines, among others.

In his keynote speech during the Forum, Chief Justice Reynato S. Puno underscored the importance of the Johannesburg Principles approved in the Global Judges Symposium on Sustainable Development in August 2002, which states that “an independent judiciary and judicial process is vital for the implementation, development, and enforcement of environmental law.”

The Forum was supported by the USAID through the Asian Environmental Compliance and Enforcement Network, the United Nations Environment Programme, Asia Pacific Jurist Association, the USEPA, and the Supreme Court PMO.

The Forum served as a venue for justices, judges, and legal experts to share experiences on strategies and best practices for the strengthening of human and institutional capacity of courts in environmental protection, with the principal goal of allowing the Supreme Court of the Philippines to impart a framework for establishing green benches.

7th International Society on the Prevention of Child Abuse and Neglect (ISPCAN) Asian Regional Conference

The 7th International Society on the Prevention of Child Abuse and Neglect (ISPCAN) Asian Regional Conference was held on September 23 to 26, 2007 at the Sofitel Philippine Plaza for the benefit of the PHILJA and the Asia Pacific Judicial Educators Forum (APJEF). The Conference, entitled “I AM FOR THE CHILD, Ako Para Sa Bata,” was organized by the International Society for Prevention of Child Abuse and Neglect (ISPCAN), and the Child Protection Unit Network (CPU-Net).

Eight APJEF member countries responded to the invitation and participated in the conference, namely: Australia, Bangladesh, Guam, Indonesia, Myanmar, Nepal, Pakistan, and Thailand.

The Conference aimed to enhance the competence of Asian judges and judicial institutes on the following themes: (1) child physical and sexual abuse; (2) children in conflict with the law (CICL); (3) children in natural disasters; and (4) child sex tourism and trafficking. Plenary and simultaneous workshop sessions were held on the said topics.

Workshop on Judicial Education on the Use of the Capacity Enhancement Training Modules for the Handling of Child Abuse and Exploitation Cases

PHILJA conducted and facilitated the Workshop on Judicial Education on the Use of the Capacity Enhancement Training Modules for the Handling of Child Abuse and Exploitation Cases on September 25, 2007 at the Visayas Room, Sofitel Philippine Plaza.
The year 2007 saw the continued efforts of the Supreme Court to purge the Judiciary of corruption and incompetence so as not to run the risk of losing the confidence of the public.

Effective April 1, spouses of incumbent justices were banned by the Supreme Court from working as coterminous employees in the Judiciary (AM No. 07-3-02-CA, In re: Rule Banning the Employment of Spouses of Justices in the SC, CA, Sandiganbayan and CTA as Coterminous Employees, March 6, 2007). “To enforce the letter and the spirit of the New Code of Judicial Conduct for the Philippine Judiciary calling for an ethical judiciary that is above suspicion,” the Supreme Court issued a prohibition against the employment of spouses of Justices in the Supreme Court, Court of Appeals, Sandiganbayan, and Court of Tax Appeals. Spouses who were presently employed and covered by the rule were deemed resigned at the close of office hours on March 31.

The Supreme Court more than substantiated its drive to discipline its own ranks by imposing administrative sanctions on several erring court officials and employees. Earlier in the year, a Justice of the Court of Appeals (CA) was dismissed from service by the Supreme Court for exhibiting gross ignorance of the law and manifesting undue interest in a case. The said Justice was also meted a three-month suspension for unduly delaying the resolution of numerous pending motions for reconsideration. (AM No. 06-6-8-CA, Re: Complaint Against Justice Elvi John S. Asuncion; AM No. 06-44-CA-J, Padilla v. Justice Asuncion, March 20, 2007)

For their involvement in a “case-fixing” incident, four CA employees were also dismissed by the Court after they were found guilty of grave misconduct. The Court adopted the report of Investigating CA Justice Martin Villarama stating that the evidence on record satisfactorily established that respondents – two utility workers, a court stenographer, and a court attorney – “acted in conspiracy and actively cooperated with one another” to defraud and mislead a complainant in a case into believing that they can “facilitate” the resolution or secure a favourable judgment in the said case. The High Court said that the dismissed employees’ behaviour “constitutes a serious violation of their sworn duties as employees of this Court and which undermines the public’s faith and trust in the administration of justice.” (AM No. 04-5-20-SC, In re: Affidavit of Frankie N. Calabines, March 14, 2007)

Mindful that its supervision over all court officials and employees begins in its own turf, the Supreme Court suspended for one month without pay its former Chief of Security for simple neglect of duty, after the failure of the latter to report a missing page of the security logbook containing an
an incident report on the theft of electrical wires within the premises of the Court, and to undertake the necessary corrective actions thereon. The Court also imposed the same penalty on a watchman who made a re-assignment of personnel without taking precautionary measures, thus exposing the Court to security risks. (AM No. 2007-09-SC, Re: Report on the Alleged Theft of Electrical Wires, July 17, 2007)

Dismissed from service was a Municipal Trial Court judge who was found guilty of gross ignorance of the law for the fourth time. The High Court held that the judge’s practice of issuing orders dubbed as “Detention Pending Investigation of Cases” in criminal cases instead of requiring the accused to execute a written waiver of rights under the Revised Penal Code falls short of the measure of responsibility expected from a judge. “When the gross inefficiency springs from a failure to consider so basic and elemental a rule, a law, or a principle in the discharge of his or her duties, a judge is either too incompetent and undeserving of the exalted position and title he or she holds, or the oversight or omission was deliberately done in bad faith and in grave abuse of authority,” stressed the Court. (AM No. 03-1462-MTJ, Español v. Toledo-Mupas, April 19, 2007)

A Regional Trial Court (RTC) judge was also dismissed for committing acts of lasciviousness against two of his female subordinates. He was also ordered to show cause why he should not be disbarred as a member of the Philippine Bar. In holding the judge guilty of gross misconduct and immorality prejudicial to the best interest of service, the Court found that the former’s “severely abusive and outrageous acts” of persistently soliciting sexual favors from a court stenographer and a clerk “unmistakably constitute sexual harassment because they necessarily…result in an intimidating, hostile, or offensive environment for the employees.” (AM No. RTJ-06-1982-1983, Tan v. Pacuribot, December 14, 2007)

Another judge was also dismissed for gross misconduct and immorality for teasing a waitress in a videoke bar about her “scanty dress,” kissing her on the cheek and another waitress behind the ear, and attempting to enter the bathroom while one of the waitresses was inside. (AM No. MTJ-05-1616, Jamin v. De Castro, October 17, 2007)

The High Court meted the ultimate penalty of dismissal on another RTC judge for gross insubordination and gross misconduct unbefitting a member of the judiciary. It was found that the judge had met in private with the defendant in a child support case after sentencing the latter to four months imprisonment and a PhP30,000 fine for indirect contempt. After the said private meeting, the dismissed judge issued an ex-parte order reducing to PhP5,000 the fine imposed on defendant and, subsequently, dismissed the complaint against him for insufficiency of evidence. Prior to her dismissal, the said judge had already been penalized by the Court four times in separate administrative cases. (AM No. RTJ-06-1974, Edaño v. Asdala, July 26, 2007)

A judge was fined PhP25,000 for gross ignorance of the law or procedure for admitting into evidence in an election protest uncertified photocopies of contested ballots, and another PhP25,000 for manifest bias and dishonesty amounting to grave misconduct for allowing the clerk of court of his branch to be a witness for the protestee in the said election case and a counsel for the protestee to testify despite the objections of the opposing party. (AM No. RTJ-06-2004, Salazar v. Marigomen, October 19, 2007)

Another judge who was also found to have been grossly ignorant of the law was fined PhP21,000 after the Court found that she dismissed a criminal complaint against two accused in a rape case after the said accused paid their individual civil liability, in violation of the well-established principle that payment of civil liability does not extinguish criminal liability. (AM No. RTJ-02-1735, Spouses Cabico v. Dimaculangan-Querijero, April 27, 2007)

The Court twice meted the penalty of three-month suspension without salary and benefits on a Municipal Circuit Court judge within a month, in two separate administrative cases. The judge was first found guilty of gross inefficiency when he failed to render a decision in a case for more than five months, and later inhibited himself
from the said case. (AM No. MTJ-06-1642, Arcenas v. Avelino, June 15, 2007) The said judge was thereafter found guilty of undue delay in the disposition of cases after he had allowed a civil case which was governed by the Rules on Summary Procedure to remain undecided for almost 10 years. Apart from his then ongoing three-month suspension, the said judge was also fined PhP20,000. (AM No. MTJ-07-1672, Bernaldez v. Avelino, July 9, 2007)

“Judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied.” Thus, a judge was dismissed for gross neglect of official duty, stark inefficiency in the performance of official functions, and manifest indifference to his responsibilities concerning speedy disposition of cases for failing to decide or resolve within the reglementary period 228 cases assigned to his sala. (AM No. MTJ-06-1661, Office of the Court Administrator v. Legaspi, Jr, January 25, 2007)

The Court imposed the penalty of three-month suspension without pay on a judge for undue delay in rendering decisions, aggravated by the fact that he made untruthful statements in his Monthly Certificates of Service (AM No. RTJ-05-1936, Office of the Court Administrator v. Trocino, May 28, 2007); and a fine in the amount of PhP20,000 on another judge for undue delay in the disposition of a civil case faller under the Rules on Summary Procedure for rendering a decision in the said case only after the lapse of three years, which was clearly beyond the 30-day period prescribed by the Rules. (AM No. MTJ-07-1662, Balajedeong v. Del Rosario, June 8, 2007)

For intentionally misrepresenting the date of promulgation of the decision in a case, a Makati judge was fined PhP40,000 for violating the Canons of the Code of Judicial Conduct and SC Administrative Circular No. 4-2004 in connection with making untruthful statements in her monthly reports. (AM No. RTJ-06-2010, Mondala v. Mariano, January 25, 2007)

Stressing that the use of disrespectful language among the members of the bench will never be countenanced, the Supreme Court reprimanded a judge for her use of intemperate language in her pleadings in an administrative case against her (AM No. 06-9-545-RTC, Re: Conviction of Judge Adoracion G. Angeles, January 31, 2008). Another judge was reprimanded and fined PhP5,000 for conduct unbecoming of a judge after he was found to have embarrassed persons and used insulting and insensitive language in his court. (AM No. RTJ-05-1955, Re: Anonymous Complaint Against Judge Francisco C. Gedoria, Jr., May 25, 2007)

For telling a woman in open court to open her arms and legs next time she sees her husband, a judge was found guilty of vulgar and unbecoming conduct, and was fined PhP5,000. (AM No. RTJ-07-2038, Guanzon v. Rufon, October 19, 2007)

The request of a Metropolitan Trial Court judge for judicial clemency in connection with his application for judgeship in one of the vacant RTC branches in Metro Manila was granted after the Court found that the former “expressed sincere repentance for his past malfeasance.” The said judge had previously been found guilty of gross ignorance of the law in 2004 and was fined PhP20,000. While Rule 2, Sec. 5 of the Rules of the Judicial and Bar Council disqualifies from being nominated for appointment to any judicial post those who have been found guilty of an administrative case where the penalty imposed is at least a fine of not more than PhP10,000, the Court said that the judge’s repentance and “his 12 years of service in the judiciary may be taken as proof of his dedication to the institution.” (AM No. 07-7-12-SC, Re: Letter of Judge Augustus C. Diaz, Appealing for Judicial Clemency, September 19, 2007)

A clerk of court was dismissed from service and disbarred for grave misconduct and dishonesty after a financial audit revealed that she had incurred a cash shortage of PhP12,085,831.61 owing to non-collection/undercollection of filing fees on some extrajudicial foreclosure cases, non-collection of advertising fees, non-remittance of posting fees, non-collection/undercollection of sheriff’s commission, non-collection of entry fees on 91 extrajudicial foreclosure cases, and non-remittance of sheriff’s fees. It was also found that the dismissed clerk of court had issued a decision and an order, making it appear that they were duly issued by the trial court. (AM No. P-04-1821, Dela Cruz v. Luna, August 2, 2007)
A clerk of court who failed to remit funds that were entrusted to her in a civil case was suspended for one year without pay, with the High Court emphasizing that failure of a public officer to remit funds upon demand by an authorized officer constitutes *prima facie* evidence that such public officer has put such missing funds or property to personal use. (AM No. P-06-2276, Vilar v. Angeles, February 5, 2007)

“No position demands greater moral righteousness and uprightness from its occupant than a judicial office,” emphasized the Supreme Court in a resolution concerning the dismissal from service of a clerk and the forfeiture of retirement benefits of a retired clerk. The two were found guilty of dishonesty and grave misconduct for having appropriated for their personal use monies, totalling PhP4,099,351.09 from the Judiciary Development Fund, the Fiduciary Fund, the Clerk of Court Fund, and the Sheriff’s General Fund of the Regional Trial Court to which they were connected. (AM No. P-04-1924, Office of the Court Administrator v. Laya, April 27, 2007)

In dismissing from service a court interpreter for falsification of official documents and dishonesty after she punched another court interpreter’s time card, the Court underlined that the punching of a court employee’s daily time record “is a personal act of the holder” which cannot and should not be delegated to anyone else. (AM No. P-07-2311, Garcia v. Bada, August 23, 2007)

“An administrative proceeding is predicated on the holding of an office or position in the Government.” In holding that the rule that the resignation or retirement of a public official or employee renders the administrative case moot and academic applies in a case against a retired court stenographer, the Court said that it had already lost its jurisdiction over the respondent at the time the case was filed, which was over a month after her retirement. (Min. Res. AM No. P-01-1509, Office of the Court Administrator v. Villanueva, June 13, 2007)

His actions of sending letters to a party in a civil case which “created the impression that relief can be obtained from the courts without the filing of a case” resulted to a clerk of court being fined by the High Court in the amount of PhP10,000 for conduct prejudicial to the best interest of service. (AM No. P-04-1926, Spouses Inot v. Rimando, April 19, 2007)

The Court suspended an interpreter for two months for conduct unbecoming an employee after he had intentionally bumped a woman, hit her left breast, and kicked the said woman when she fought back. (AM No. P-07-2313, Nicopior v. Vasquez, April 27, 2007)

A sheriff in Cebu City was suspended for one year without pay and fined PhP20,000 for grave misconduct after he had insinuated to the complainants in a civil case that a pay-off of PhP50,000 could defer the execution, and after he had demolished the property subject of the execution despite being informed of a court order enjoining said demolition (AM No. P-05-2016, Salazar v. Barriga, April 19, 2007), while another sheriff was suspended for six months without pay for simple neglect of duty for failing to implement a court order directing him to proceed with the public sale of levied properties in a civil case. (AM No. P-07-2310, Sulapas v. Basco, April 19, 2007)

Underscoring that dishonesty by misrepresentation and falsification of an official document necessitates dismissal from service even for the first offense, the Court dismissed from service a clerk of court who stated in her Personal Data Sheet that she had finished her Accounting course in 1981 when she was only able to do so in 1997. (AM No. P-99-1348, Aglugub v. Perlez, October 15, 2007)

A former CA Division Clerk of Court was ordered to pay a fine equivalent to his salaries for one year after he was found guilty of grossly immoral conduct for maintaining an illicit relationship with a fellow married CA employee. The Court noted that the respondent should have been meted the penalty of dismissal had he not resigned from service on August 12, 2006. (AM No. CA-07-21-P, Valdez v. Dabon, June 22, 2007)

Giving birth out of wedlock does not, by itself, warrant disciplinary action against a judicial employee. In absolving a utility worker from the
charge of immorality for having given birth when she and the child’s father were both single, the Court said that the employee’s behaviour would have been “disgraceful and immoral” had the father of the child been married to another woman as such a scenario would contravene the sanctity of marriage. (AM No. P-07-2333, Anonymous v. Radam, December 19, 2007)

The Supreme Court En Banc clarified the effect of RA 9048 while finding a retired judge guilty of gross ignorance of the law for having acted on more than 300 cases for corrections of entries filed before the RTC of Paniqui without fully complying with the procedural requirements under the Rules of Court. The Court held that what local civil registrars have is primary, not exclusive, jurisdiction over such petitions, with RA 9048 prescribing the procedures that petitioners and local registrars should follow. Thus, trial courts still have jurisdiction over petitions for correction of clerical errors in the civil registry, notwithstanding the enactment of RA 9048, the law authorizing local civil registrars to correct clerical errors in an entry and change the first name in a civil registry in administrative proceedings. (AM No. 06-7-414-RTC, Re: Final Report on the Judicial Audit Conducted at the RTC, Br. 67, Paniqui, Tarlac, October 19, 2007)

In fulfilment of its duty to preserve the integrity of the practice of law, the Supreme Court also imposed sanctions on several members of the Philippine Bar in 2007.

For carrying on “a different ballgame” outside his marriage, the then Commissioner of the Philippine Basketball Association (PBA), a member of the bar, was disbarred by the Supreme Court for grossly immoral conduct, violation of his oath of office, and violation of Canons 1 and 7 of Rule 1.01 of the Code of Professional Responsibility. The Court found that the erstwhile PBA Commissioner, a married man, in carrying on an extra-marital affair with a married woman prior to the judicial declaration that her marriage was null and void, “showed disrespect for an institution held sacred by the law” and “betrayed his unfitness to be a lawyer.” (AC No. 7136, Guevarra v. Eala, August 1, 2007)

Suspension for a total of three years: this was the penalty imposed by the Court on a lawyer for misconduct and violation of Canons 21, 10, and 1 of the Code of Professional Responsibility, after he appeared as counsel against a former client in a related action, and when he presented as evidence in a case a certificate of title that had already been cancelled. The said lawyer was also found to have sired three illegitimate children. (AC No. 5439, Samala v. Valencia, January 22, 2007)

The Supreme Court revoked the notarial commission of a lawyer and suspended her for six months from the practice of law for having notarized a document which she knew contained a material falsehood. (AC No. 6270, Heirs of Spouses Villanueva v. Beradio, January 22, 2007)

In reprimanding and sternly warning a lawyer for disclosing privileged information given to her by a friend and co-worker during a legal consultation, an information which the said lawyer later used against her said co-worker in court, the Court stressed that the purpose of the rule of confidentiality is to protect the client from possible breach of confidence as a result of a consultation with a lawyer. (AC No. 6711, Hadjula v. Madianda, July 3, 2007)

A lawyer shall not write a threatening demand letter lest he be reprimanded. The Supreme Court found a lawyer guilty of violating Rule 19.01 of Canon 19 of the Code of Professional Responsibility by writing his client’s former employer in an illegal dismissal case wherein he threatened to “file and claim bigger amounts including moral damages, as well as multiple charges such as tax evasion, falsification of documents, and cancellation of business license to operate due to violation of laws” should the latter fail to pay the amounts they propose as settlement. (AC No. 7298, Pena v. Aparicio, June 25, 2007)

A former Public Attorney’s Office (PAO) lawyer was found guilty of violating the lawyer’s oath, Canon 1, Rule 1.01 and Canon 18, Rule 18.01 of the Code of Professional Responsibility for handling a private case while still employed with the government. His name was ordered stricken from the Roll of Attorneys. He was also ordered
to return to complainant the amount of PhP5,000 with interest at the legal rate. The Court said that as a PAO lawyer, he should not have accepted attorney's fees from the complainant as the PAO was created for the purpose of providing free legal assistance to indigent litigants. (AC No. 6788, Ramos v. Imbang, August 23, 2007)

A lawyer who refused to deliver to a client a check representing a court award in the amount of PhP1,060,800 was suspended by the Court from the practice of law for six months for violation of the attorney's oath and for serious professional misconduct. It was only after he had been ordered by the lower court to hand over the check that the lawyer partially delivered the amount of PhP502,838.79 to his client, while retaining PhP557,961.21 as payment for his attorney's fees. (GR No. 169079, Rayos v. Hernandez, February 12, 2007)

The Supreme Court also approved the Rules of Procedure of the Commission on Bar Discipline, Integrated Bar of the Philippines.

The Rules, provide, among others, for the institution of complaints for disbarment, suspension, or discipline of attorneys; forms of pleadings, notices, and appearances; the venue and assignment of cases; the holding of a mandatory conference; and contempt powers of the Investigating Commissioner.

The Court has held that dual citizens may practice law in the Philippines by leave of the Supreme Court and upon compliance with certain requirements, which will restore their good standing as members of the Philippine Bar. The Court, however, stressed that “no automatic right to resume law practice accrues” to a Filipino lawyer who has re-acquired Philippine citizenship in accordance with RA 9225, even if such lawyer is “also deemed never to have terminated his membership in the Philippine bar.” The Court pointed out that RA 9225 provides that a person wishing to practice a profession under the law must “apply with the proper authority for a license or permit to engage in such practice.” (BM No. 1678, Petition for Leave to Resume the Practice of Law, Benjamin M. Dacanay, December 17, 2007)

Under the proceedings, which shall be confidential in character and summary in nature, the Investigating Commissioner is given only 30 calendar days from the date of the order declaring the submission of the case for resolution to submit the report.

In the mandatory conference, the parties will discuss before the Investigating Commissioner admissions, stipulation of facts, and definition of issues. Non-appearance at the mandatory conference or at the subsequent clarificatory questioning date, if any, shall be deemed a waiver of the right of the absent party to participate in the proceedings. (Min. Res., Bar Matter No. 1755, Re: Rules of Procedure of the Commission on Bar Discipline, September 25, 2007)
### Data on Administrative Complaints on Court Officers

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*SC Justices are impeachable officers.

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### LAWYERS

**Number of Lawyers Disciplined by the SC in 2007**

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*Source: Office of the Bar Confidant*

### COURT PERSONNEL

**Cases Filed:** 249  
**Complaint Dismissed:** 139  
**Penalty**  
- **Admonished:** 8  
- **Benefits Forfeited:** 2  
- **Censured:** 0  
- **Dismissed from Service:** 24  
- **Fined:** 37  
- **Reprimanded:** 39  
- **Suspended:** 38  
**TOTAL:** 148

*Source: Office of the Bar Confidant*

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*Source: Docket and Clearance Division, Legal Office, OCA and the Complaints and Investigation Division, OAS*
Special Allowance for the Judiciary (SAJ)

The SAJ is a special allowance equivalent to the 100 percent individual basic monthly salaries under the Salary Standardization Law, granted to justices, judges and other Judiciary officials holding a similar rank. Created in 2003 by RA 9227, An Act Granting a Special Allowance for Justices, Judges, and those Holding Ranks Equivalent to Justices of the Court of Appeals and the Regional Trial Court, the SAJ was implemented over the span of four years, spreading uniformly the special allowance in amounts equivalent to 25 percent of the basic salaries covered for each installment.

As provided by RA 9227, the surplus from the collections in excess of the amount needed to fund the special allowances granted to justices, judges, and all other positions in the Judiciary with the equivalent rank of justices of the Court of Appeals and judges of the Regional Trial Court may be used by the Chief Justice of the Supreme Court to grant additional allowances exclusively to other court personnel not covered by the benefits granted under the said law.

Funding for the SAJ is derived from the legal fees originally prescribed, imposed, and collected under Rule 141 of the Rules of Court prior to the promulgation of the amendments under PD 1949, Judiciary Development Fund Decree, and increases in 1989 current fees and new fees which may be imposed by the Supreme Court after the effectivity of RA 9227 on November 11, 2003.

Additional Cost of Living Allowance from the Judiciary Development Fund (JDF)

The JDF was established in 1984 by PD 1949 for the benefit of the members and personnel of the Judiciary, to help ensure and guarantee the independence of the Judiciary as mandated by the Constitution and public policy and required by the impartial administration of justice. Derived from the increase in legal fees, and from other sources, such as Bar examination fees, interest on deposits of its income, confiscated bail bonds, income from publications of the Supreme Court Printing Press, and rentals of facilities in the Halls of Justice, the JDF is used to augment the allowances of members and personnel of the Judiciary and to finance the acquisition, maintenance, and repair of office equipment and facilities. PD 1949 provides that at least 80 percent of the JDF shall be used for cost of living allowances, and that no more than 20 percent of the said Fund shall be used for office equipment and facilities.

The 80 percent of the JDF is given monthly to all qualified employees in proportion to their basic monthly salaries. Employees with a basic monthly salary of less than PhP7,000 are given the biggest share. The JDF allocated for employees of the same salary grade is the same across all courts. Court employees who have rendered at least six months of service in the Judiciary are entitled to the full amount of the allowance, while court personnel who have rendered less than six months of service as of the cut-off date are entitled to the pro-rated amounts of the JDF.
Personal Economic Relief Assistance (PERA) and Additional Compensation Upon assumption of duty, each employee receives these amounts at Php500 each, or a total of Php1,000 per month.

**Productivity Incentive Benefit**

This benefit is based on the productivity and performance of employees, as evaluated by the heads of their respective offices. Entitled to this benefit are court employees who have had a performance rating of at least “satisfactory” and have rendered actual government service for at least one year.

**Year-End Bonus and Cash Gift**

Every December, Court employees receive a bonus equivalent to the actual base monthly salary as of October 31, and a cash gift of Php5,000. Employees who have been in the service from January 1 to October 31, and those who have rendered at least four months of service inclusive of leaves of absence with pay are entitled to this benefit.

**Loyalty Award**

The Loyalty Award is conferred to Court employees who have rendered an initial 10 years of service in the Judiciary and every five years thereafter.

**Shuttle Bus Service**

To extend additional economic benefits to Court employees, the Supreme Court provided 10 shuttle buses which help Court personnel save up on transportation expenses. Each shuttle bus has a fixed route in the areas of Las Piñas, Cainta, Valenzuela, Novaliches, Fairview, Laguna, Cavite, and Marikina.

**Medical and Dental Services**

The SC Clinic provided a total of 20,651 various medical services in 2007, of which 60 percent were medical consultations/treatment, 19 percent were physical therapy, 10 percent were laboratory testing, and 6 percent were routine blood pressure testing.

598 subjects underwent psychological tests, the volume of which comprised new applicants or appointees to different positions in the SC. The SC Clinic likewise conducted 168 pre-employment physical examinations and 103 neuro-psychiatric evaluations.

Upper respiratory tract infections topped the medical conditions attended to by the SC Clinic last year, accounting for 30 percent of the cases reported. This was followed by metabolic disorder including diabetes which accounted for 17 percent of the total medical cases, and gastro-intestinal disorder comprising 11 percent of reported cases.

The SC Clinic also performed a total of 3,174 various dental services in 2007, of which 20.29 percent were gum treatment, 17.01 percent were permanent filling, and 14.56 percent were tooth treatment.

Likewise, the Clinic staff attended to 322 cases involving simple tooth extraction, 320 cases of oral prophylaxis, 177 cases of oral consultations, 167 cases of temporary tooth filling, and 64 cases of post surgical care.

Last year, the SC Clinic spearheaded a blood-letting activity in cooperation with the Philippine General Hospital Blood Bank, a lecture on breast cancer, and nutrition counseling. It also conducted a two-day anti-flu vaccination drive that employees availed of for Php290, which was reimbursable from the SC Health and Welfare Plan.
The Philippine Judiciary is a hierarchical organization consisting of four levels.

**FIRST LEVEL**

Occupying the first level of the hierarchy are the first-level courts comprised of the Metropolitan Trial Courts (MeTCs), which are created in Metropolitan Manila; the Municipal Trial Courts in Cities (MTCCs), in every city which does not form part of Metropolitan Manila; the Municipal Trial Courts (MTCs) established in each of the other cities or municipalities; and Municipal Circuit Trial Courts (MCTCs), created in each circuit comprising such cities and/or municipalities as grouped by law.

At the same level are the Shari’a Circuit Courts (SCC). Shari’a Courts have been established in Islamic regions and provinces to interpret and apply the Code of Muslim Personal Laws (PD 1083). Their decisions are appealable to the Shari’a Appellate Court, which, however, is yet to be organized.

**SECOND LEVEL**

The second tier consists of the Regional Trial Courts (RTCs) established in each of the 13 regions in the Philippines. Each RTC may be single-sala or composed of several branches. RTCs act as trial courts and may receive evidence from the parties of the case. They also exercise appellate jurisdiction over decisions of the MeTCs, MTCCs, MTCs, and MCTCs in their respective territorial jurisdictions.

Also at the same level are the Shari’a District Courts (SDC). Their decisions are appealable to the Shari’a Appellate Court.

Since the Shari’a Appellate Court has not yet been organized, decisions of SDCs may be brought to the Supreme Court through a special civil action of certiorari if the issue is one of jurisdiction or through a petition for review on certiorari as a mode of appeal under Rule 45. (GR No.159210, Macaraig v. Balindong, September 20, 2006)

**THIRD LEVEL**

**COURT OF APPEALS**

At the third level is the Court of Appeals (CA), which exercises its powers, functions, and duties through 23 Divisions of three members each. The CA’s 18th, 19th, and 20th Divisions comprise the CA Visayas, located in Cebu City; while the 21st, 22nd, and 23rd Divisions make up CA Mindanao,
situates in Cagayan de Oro City. The CA is assigned to review cases elevated to it from the RTCs as well as quasi-judicial agencies such as the Civil Service Commission, Securities and Exchange Commission, National Labor Relations Commission, and the Land Registration Authority.

The CA also reviews cases where the sentence is reclusion perpetua or life imprisonment, as well as decisions of the Office of the Ombudsman in administrative disciplinary cases. The CA is a collegiate court and may sit en banc only for the purpose of exercising administrative, ceremonial, or other non-adjudicatory functions. Being essentially an appellate court, it generally resolves cases only on the basis of records, but in certain instances, it may also try cases, conduct hearings, and receive evidence.

The Philippine Judicial System also includes two special courts: the Sandiganbayan and the Court of Tax Appeals.

**SANDIGANBAYAN**

The Sandiganbayan is an anti-graft court that tries public officers with a salary grade of 27 and above – including their co-accused private persons – charged with criminal cases involving graft and corrupt practices as well as corresponding civil cases for the recovery of civil liability. The Sandiganbayan is composed of a Presiding Justice and 14 Associate Justices who sit in five divisions of three Justices each. Like the CA, its decisions are directly appealable to the Supreme Court.

**COURT OF TAX APPEALS**

Under RA 9503, the CTA is composed of a Presiding Justice and eight Associate Justices, and may sit en banc or in three divisions of three justices each. Republic Act 9282, which took effect on March 30, 2004, has elevated the status of the CTA to that of the CA. It has exclusive jurisdiction to review on appeal decisions in cases involving disputed assessments, refunds of internal revenue taxes, fees, or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue Code or Tariff and Customs Code. It also exercises original jurisdiction over all criminal offenses arising from violations of the Tax or Tariff Codes and other laws administered by the Bureau of Internal Revenue or the Bureau of Customs.

**FOURTH LEVEL**

**SUPREME COURT**

At the apex of the judicial hierarchy is the Supreme Court. It is composed of a Chief Justice and 14 Associate Justices who sit En Banc or in three divisions of five members each. It has the power to settle actual controversies involving rights that are legally demandable and enforceable, and to determine whether or not there has been grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government.

The Supreme Court is considered “the court of last resort” since no more appeals can be made from a judgment or decision on the merits rendered by this court. A decision of a Supreme Court division is considered a decision of the entire Court. Decisions of the Supreme Court are considered as part of the law of the land.