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Message

FROM THE CHIEF JUSTICE

Two thousand and eight marks a watershed year not only for the Supreme Court but for the entire Judiciary. To an unprecedented degree, we have reached out to the poor and marginalized of our people pursuant to the social mandate in our Constitution “to protect and enhance the right of all people to human dignity” and “to reduce social, economic, and political inequalities.” In particular, the Supreme Court has done so by flexing its singular rule-making power under the Constitution and by pursuing reform programs and activities while continuing to exercise its paramount duty as the final adjudicator over all legal disputes.

This Annual Report, submitted to Congress and the President as a constitutional requirement under Art. VIII, sec. 16, documents our efforts, both symbolic and substantial, in bringing justice and the Judiciary closer to our people. Let me recount a few: For the second time running, Supreme Court justices, officials, and employees have eschewed pomp and pageantry in favor of service as their mode of celebration of the Judiciary’s anniversary by conducting outreach activities to orphanages, maternity and half-way homes, etc. Entire complements of selected first–level courts, the Judiciary’s front-liners, from five of the poorest provinces in our country have undergone gender– and poverty-sensitization training under the European Commission-funded Access to Justice by the Poor Project participated in also by the other pillars of the criminal justice system.

Indeed the response of our magistrates and court officials and personnel to our crusade to widen the avenues to justice of our poor and downtrodden has been heartwarming as has also been the response across the entire spectrum of justice stakeholders. We witnessed this in the historic multi-sectoral Forum on Increasing Access to Justice: Bridging Gaps and Removing Roadblocks held last year over two days (June 30-July 1, 2008) simultaneously over three venues (Manila, Cebu, Cagayan de Oro) where representatives of basic sectors with sincerity and passion gave their inputs on how to make justice a living reality, instead of a cruel illusion, in their lives. We felt this in the case of local chief executives, local prosecutors, Public Attorney’s Office lawyers, jail wardens, and members of the Integrated Bar who have joined hands with us when we brought our Enhanced Justice on Wheels mobile courts to their communities for jail and docket decongestion, court-annexed mediation, medical and dental and legal aid missions, legal information dissemination, and dialogues. Equally heartwarming is seeing the poor and disadvantaged seek redress for the violations of their human rights through the relatively simple judicial remedies we have made available when in 2008 we promulgated, among others, the Rule on the Writ of Habeas Data (a complement to the earlier promulgated Rules on the Writs of Habeas Corpus and Amparo) and the Rule of Procedure on Small Claims Cases.

We have done all these things on a shoestring budget, and I believe that with the support of our friends in both the Executive and Legislative Departments in increasing our share of the national budget to at least two percent (2%), we can do even much more. We need only the means, for on the main, the hearts of our men and women in the Judiciary are already in the right place—to be of service to our people. In service, to borrow the words of one of the world’s greatest statesmen, Winston Churchill, “there is no room... for the dilettante, the weakling, for the shirker, or the sluggard. From the highest to the humblest tasks, all are of equal honor; all have their part to play.”
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2008: SC Brings Justice Closer to the People

Building on the momentum of what it had previously achieved in 2007, the Supreme Court can be said to have blazed even more new trails in 2008 in undertaking judicial reforms even as it continues to fulfill its traditional role of adjudicating legal disputes.

In its second full year under Chief Justice Reynato S. Puno’s leadership, the Supreme Court, among others, promulgated the much-anticipated Rule on the Writ of Habeas Data, the third in the trinity of judicial writs (the others being the writs of habeas corpus and amparo) protecting our people’s right to life, liberty, and security and threats thereto. Reliefs include the “deletion, destruction, or rectification of the erroneous data or information” by the public official or employee or of the private individual or entity engaged in the gathering, collecting, or storing of data or information regarding the person, family, home, and correspondence of the aggrieved party. (AM No. 08-1-16-SC, January 22, 2008) Human rights initiatives such as this earned the Supreme Court plaudits in the first-ever Universal Periodic Review held by the United Nations Human Rights Council on April 11, 2008 in Geneva, Switzerland and in Canadian parliamentary proceedings.

The High Court later oversaw an unprecedented forum held from June 30 to July 1, 2008 regarding the poor’s access to justice. Dubbed as the Forum on Increasing Access to Justice: Bridging Gaps and Removing Roadblocks, the gathering was described by a leading daily as no less than a “judicial revolution,” “an unprecedented foray into the raging issues of the day, not just as an adjudicator but as advocate” by the Supreme Court led by Chief Justice Puno.

LANDMARK RULINGS

The traditional role of adjudicator is, to borrow the phrase of the first Chief Justice of the US Supreme Court, John Marshall, “empathically the province and duty” of the Supreme Court by virtue of the judicial power vested in it by Art. VIII, sec. 1 of the Constitution.

In 2008, the following decisions of the Supreme Court highlighted its functions under the Constitution as the guardian of the rule of law, protector of our people’s rights, and spokesperson and educator of the republican and democratic ideals of our national way of life.

Sitting as the Presidential Electoral Tribunal (PET), the Supreme Court began the year by dismissing the entire election protest of Senator Loren B. Legarda against Vice-President Noli L. De Castro for the position of the second-highest elective position in the land. Among others, the PET held that the Senator effectively abandoned or withdrew her protest when she ran in the Senate, which term coincides with the term of the 2004-2010 Vice-Presidency. (PET Case No. 003, Legarda v. De Castro, January 18, 2008, Quisumbing, J.)

Holding fast to its primordial duty as the guardian of our people’s rights, the Court nullified the official statements of Justice Secretary Raul M. Gonzalez and the National Telecommunications Commission (NTC) warning the media against airing the alleged wiretapped conversation between President Gloria Macapagal-Arroyo and former Commission on Elections (Comelec) Commissioner Virgilio “Garcí” Garcillano re the 2004 presidential elections, holding that the statements constitute unconstitutional prior restraint on the exercise of freedom of speech and of the press. The Court declared that a governmental action that restricts freedom of speech and of the press based on content is given the strictest scrutiny, with the government having the burden of overcoming the presumed constitutionality by the clear and present danger rule. This rule applies equally to all kinds of media, including broadcast media. (GR No. 168338, Chavez v. Gonzalez, February 15, 2008, Puno, C.J.)

The Supreme Court also denied the motions for reconsideration filed by oil giants Chevron, Petron, and Shell; and the Department of Energy and reiterated its March 7, 2007 decision ordering the Manila City mayor to include broadcast media. (GR No. 167011, Domingo v. Rayala; GR No. 155840, Rayala v. Office of the President; GR No. 158700, Republic v. Rayala, February 18, 2008, Nachura, J.)

In a decision that struck a great blow for making the Filipino workplace gender-sensitive, the Court upheld the findings of both of the Office of the President and the Court of Appeals (CA) that then National Labor Relations Commission (NLRC) Chairperson Rogelio I. Rayala committed acts of sexual harassment against a female stenographic reporter at the NLRC and ordered his suspension. (GR No. 155831, Domingo v. Rayala; GR No. 155840, Rayala v. Office of the President; GR No. 158700, Republic v. Rayala, February 18, 2008, Nachura, J.)

By a 9-6 vote, it upheld the claim of executive privilege over communications between former Director General of the National Economic and Development Authority (NEDA) Romulo L. Neri and President Gloria Macapagal-Arroyo elicited by three questions in the Senate inquiry regarding the aborted US$329,481,290 contract entered into by the Government and Zhing Xing Telecommunications Equipment (ZTE) of the People’s Republic of China for the National Broadband Network (NBN) Project. The Senate investigation was prompted by allegations of bribery, corruption, and overpricing in the said Project. (GR No. 180643, Neri v. Senate Committee on Accountability of Public Officers and Investigations, March 25, 2008, Leonardo-De Castro, J.)

By a 9-6 vote, the Court declared that sec. 45 (j) of the Voter’s Registration Act of 1996, providing that violation of any of the provisions of RA 8189 shall be considered an election offense, is not void for vagueness. (GR No. 167011, Spouses Romualdez v. COMELEC, April 30, 2008, Chico-Nazario, J.)

Citing its previous rulings in Agan, Jr. v. Philippine International Air Terminals Co., Inc. (PIATCO) and Republic v. Gingoyon, the Court, among others, dismissed for lack of merit the petition for mandamus of Asia’s Emerging Dragon Corporation (AEDC), laying claim to the Ninoy Aquino International Airport International Passenger Terminal III (NAIA IPT III) Project. The Court noted, among others, that per the narration of facts in Agan, AEDC had failed to match the more advantageous proposal by the winning bidder PIATCO within the required period. Thus the nullification of the award to PIATCO did not revive the proposal of AEDC nor re-open the bidding. (GR No. 169914, AEDC v. DOTC; GR No. 174166, Republic v. DOTC, April 18, 2008, Chico-Nazario, J.)

By a vote of 9 to 6, the Court declared that sec. 45 (j) of RA 8189, The Voter’s Registration Act of 1996, providing that violation of any of the provisions of RA 8189 shall be considered an election offense, is not void for vagueness. (GR No. 167011, Spouses Romualdez v. COMELEC, April 30, 2008, Chico-Nazario, J.)

Voting 12-3, the Supreme Court dismissed for mootness three petitions challenging the constitutionality of the aforesaid ZTE-National Broadband Network Project, noting that President Arroyo had already informed China’s President Hu Jintao that the Philippine Government had decided not to continue with the...
In a 10-4 decision, the Court upheld as covered by the executive privilege on diplomatic communications the offers made by both the Philippine and Japanese governments during the negotiations of the Japan-Philippines Economic Partnership Agreements (JPEPA). (GR No. 170516, Akbayan v. Aquino, July 16, 2008, Carpio Morales, J.)

Voting 8-6, the Supreme Court held that only Congress can create provinces and cities because the creation of such necessarily includes the creation of legislative districts and that Congress exercises these powers through a law that Congress itself, not a regional or local legislative body, enacts. It thus declared unconstitutional the grant to the Regional Assembly of the Autonomous Region in Muslim Mindanao (ARMM) of the power to create provinces and cities by Congress under RA 9054. Consequently the Court voided Muslim Mindanao Autonomy (MMA) Act No. 201 passed by the aforesaid Regional Assembly creating the Province of Shariff Kabunsan out of certain municipalities in the First District of the Province of Maguindanao. (GR No. 177597, Sema v. Comelec and GR No. 178628, Marquez v. Comelec, July 16, 2008 Carpio, J.)

By a vote of 11-3, the Supreme Court found Malaya newspaper publisher Amado Macasat guilty of indirect contempt of court for writing a series of baseless and unfounded bribery reports against SC Justice Consuelo Ynares-Santiago, and fined the publisher PhP20,000. It held that while the freedom of speech and of the press is a preferred and protected liberty, the press should be equally mindful that “open justice” – or the public right to scrutinize and criticize government – should not go beyond the boundaries of healthy criticisms to become “harmful and irresponsible attacks that can threaten the independence of the Judiciary.” (AM No. 07-09-13-SC, In the Matter of the Allegations Contained in the Columns of Mr. Amado P. Macasat Published in Malaya Dated September 18, 19, 20 and 21, 2007, August 8, 2008, Reyes, J.)

The Supreme Court upheld the constitutionality of RA 9335, the Attrition Act of 2005, save for the provision creating a joint Congressional Oversight Committee to approve the implementing rules and regulations of the law for being violative of the principle of separation of powers. RA 9335 was enacted to optimize the revenue-generation capability and collection of the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BOC) and encourages BIR and BOC officials and employees to exceed their revenue targets by providing a system of rewards and sanctions through the creation of a Rewards and Incentives Fund and a Revenue Performance Evaluation Board. (GR No. 166715, Abakada Guro Party List v. Purisima, August 14, 2008, Corona, J.)

In a unanimous decision, the Supreme Court declared as unconstitutional sec. 145 of the National Internal Revenue Code levying higher taxes on cigarette brands that entered the market after 1996, but held invalid certain revenue regulations granting the Bureau of Internal Revenue the power to reclassify or update the classification of new brands every two years or earlier. (GR No. 163583, British American Tobacco v. Camacho, August 20, 2008, Ynares-Santiago, J.)

The Court affirmed the January 12, 2005 decision of the Siniloan, Laguna Regional Trial Court (RTC), Branch 33 granting the Petition for Correction of Entries in Birth Certificate of one Jennifer B. Cagandahan to change her name to Jeff Cagandahan and her gender to male. (GR No. 166676, Republic v. Cagandahan, September 12, 2008, Quisumbing, J.)

In its first amparo decision, the Supreme Court unanimously upheld the CA in granting the privilege of the writ of amparo to the brothers Raymond and Reynaldo Manalo who had escaped their military abductors after 18 months of detention and torture. Despite the brothers’ escape, the Court ruled that there is still a continuing violation of their right to security because of, among others, the apparent threat to their life, liberty, and security and the ineffective investigation on the part of the military. (GR No. 180906, The Secretary of National Defense v. Manalo, October 7, 2008, Puno, C.J.)

The Court held that except for its titled portions, the island of Boracay, famed for its powdery beach and stellar luxury resorts, is part of the public domain. It noted that prior to the issuance of Proc 1064 in 2006, Boracay was unclassified land of the public domain considered public forest land under PD No. 705. Proc. 1064 in turn classified Boracay into 400 hectares of reserved forest land and 628.96 hectares of agricultural land. The same also provides for a 15-meter buffer zone on each side of the center line of roads and trails, which are reserved for right of way and which shall form part of the area reserved for forest land protection purposes. (GR No. 167707, The Secretary of the Department of Environment and Natural Resources v. Yap; GR No. 173775, Sacay v. The Secretary of the Department of Environment and Natural Resources, October 8, 2008, Reyes, J.)

In its most closely contested decision of the year, the Supreme Court, voting 8-7, declared “contrary to law and the Constitution” the Memorandum of Agreement on the Ancestral Domain Aspect (MOA-AD) of the Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Tripoli Agreement on Peace of 2001. Among others, the Court censured the “furtive process by which the MOA-AD was designed” and the failure to carry out the pertinent consultation process as mandated by EO 3, RA 7160, and RA 8371. (GR No. 183591, The Province of North Cotabato v. Government of the Republic of the Philippines; GR No. 183572, City Government of Zamboanga v. Government of the Republic of the Philippines; GR No. 183893, City of Iligan v. Government of the Republic of the Philippines; GR No. 183951, Provincial Government of Zamboanga del Norte v. Government of the Republic of the Philippines; and GR No. 183962, Maceda v. Government of the Republic of the Philippines, October 14, 2008, Carpio Morales, J.) Earlier on August 5, 2008, a status quo order had been issued by the Court halting the MOA-AD’s signing ceremonies at Kuala Lumpur.
Voting unanimously, the Supreme Court declared as unconstitutional the provisions of RA 9165 (Comprehensive Dangerous Drugs Act of 2002) requiring mandatory drug testing of candidates for public office and persons accused of crimes. However, the Court upheld the constitutionality of the said RA with regard to random drug testing for secondary and tertiary school students, as well as for officials and employees of public and private offices. (GR No. 157870, Social Justice Society v. Dangerous Drugs Board and Philippine Drug Enforcement Agency, November 3, 2008, Velasco, J.)

The Court voided 16 Cityhood Laws for violation of the Constitution. The said Cityhood Laws, all enacted after the effectivity of RA 9009 which increased the income requirement for cityhood from PhP20 million to PhP100 million in sec. 450 of the Local Government Code (LGC), explicitly exempt respondent municipalities from the said increased income requirement. The Court ruled, however, that the creation of local government units must follow the criteria established in the Local Government Code and not in any other law. It also held that even if the exemption provision in the Cityhood Laws were written in Section 450 of the LGC, as amended by RA 9009, such exemption would still be unconstitutional for violation of the equal protection clause as the one-sentence exemption provision contains no classification standards or guidelines differentiating the exempted municipalities from those that are not exempted. (GR No. 176951, League of Cities of the Philippines v. Comelec; GR No. 177499, League of Cities of the Philippines v. Comelec; GR No. 178056, League of Cities of the Philippines v. Comelec, November 18, 2008, Carpio, J.)

In a unanimous 36-page decision, the Supreme Court ordered petitioner government agencies to coordinate the clean-up, restoration, and preservation of the water quality of the Manila Bay in line with the country’s development objective to attain economic growth in a manner consistent with the protection, preservation, and revival of our marine waters. The decision also required the said government agencies to each submit to the Court a quarterly progressive report of the activities undertaken in line with the principle of “continuing mandamus.” (GR Nos. 171947-48, MMDA v. Concerned Residents of Manila Bay, December 18, 2008, Velasco, J.)

The International Network for Environmental Compliance and Enforcement (INECE) Conference, a partnership of government and non-government enforcement and compliance practitioners from more than 150 countries, has hailed the decision as “a significant step forward in environmental law by holding not only the current government accountable for Manila Bay, but future administrations as well.” Durwood Zaelke, INECE Director and Institution for Governance & Sustainable Development President and Founder, in a February 2, 2008 letter to the Justices of the Philippine Supreme Court, said that the “Philippine Supreme Court has placed itself at the vanguard of environmental thinking and has become an international beacon of hope in the arena of environmental jurisprudence. With severe environmental degradation becoming the norm, the world increasingly needs the strong leadership you have demonstrated and support from the judicial system in order to restore and preserve the environment for future generations.”

The decision sets the stage for the Supreme Court’s Forum on Environmental Justice: Upholding the Right to a Balanced and Healthful Ecology early in 2009.

NOTABLE ADMINISTRATIVE ISSUANCES

It is not only in deciding cases that the Supreme Court in 2008 has had an impact on the administration of justice but also in its administrative and rule-making power as can be seen in the following issuances:

Administrative Circular No. 08-2008, Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases, issued on January 25, 2008, laid down a rule of preference for the imposition of fines only, rather than imprisonment, as the penalty in libel cases under specified circumstances. This has, in the words of National Press Club President Benny Antiporda, “turned out to be of great solace” to the press.

Indicating that the protection and preservation of our environment is at the forefront of the Judiciary’s concerns, the Supreme Court issued Administrative Order No. 23-2008, dated January 28, 2008, designating 117 environmental courts.

Pursuant to the constitutional policy to provide a “simplified and inexpensive procedure for the speedy disposition of cases and dispensation of justice,” the Supreme Court also formally established the Philippine Mediation Center Office (PMCO) and its Mediation Center Units. (Administrative Order No. 33-2008, Defining the Organization, Powers, and Functions of the PMCO and MCUs, February 12, 2008)

Instead of the relatively easily obtained community tax certificates, the Court amended the 2004 Rules of Notarial Practice to include an itemization of the types of current identification documents which may be presented as “competent evidence of identity” by signatories to documents or instruments to be notarized. These identification documents include, but are not limited to, passports, driver’s licenses, Professional Regulations Commission identification cards, National Bureau of Investigation (NBI) clearances, police clearances, postal IDs, voter’s IDs, Barangay certifications, Government Service and Insurance System (GSIS) e-cards, Social Security System (SSS) cards, Philhealth cards, senior citizen’s cards, Overseas Workers Welfare Administration (OWWA) IDs, OFW IDs, seaman’s books, alien certificate of registrations/immigrant certificate of registrations, government office IDs, certifications from the National Council for the Welfare of Disabled Persons (NCWDP), and Department of Social Welfare and Development (DSWD) certifications. (AM No. 02-8-13-SC, Re: 2004 Rules on Notarial Practice, February 19, 2008)
The Supreme Court has also approved the administrative circular, dated March 11, 2008, providing for the guidelines in the detail of locally-funded employees to the lower courts. Due to the confidentiality of court records and proceedings, these employees shall not be given duties involving custody of court records, the implementation of judicial processes, and other duties involving court proceedings.

It has issued a disqualification against clerks of courts in all cases, in which they or their immediate family members are involved. (AM No. 08-4-1-SC, Re Inhibition and/or Disqualification of Clerks of Court in All Levels, Under Section 1, Canon III of the Code of Conduct of Court Personnel and Section 1, Rule 137 of the Rules of Court, June 3, 2008).

Likewise the Supreme Court has amended par. 3 of Administrative Circular No. 84-2007, dated September 17, 2007, regarding instances when a member of a Division, not the ponente, was counsel or a partner or a member of a law firm that is or was counsel in a case before the said Division. Under the amendment, such member shall be recused, unless the member was no longer a partner or member of the law firm when the firm was engaged as counsel in the case and the member votes against the client of such firm. In any event, the mandatory inhibition shall cease after the lapse of 10 years from the resignation or withdrawal of the member from the law firm, unless the member personally handled the case when the member was a partner or member of the law firm. (AM No. 08-3-09-SC, Re Administrative Circular No. 84-2007 on Amendments in the Rules on Inhibition of Division Members and on Leaves and Vacancies in a Division, June 3, 2008)

On December 2, 2008, the Supreme Court issued the 2008 Rules of Procedure on Corporate Rehabilitation covering petitions for rehabilitation of corporations, partnerships and associations pursuant to Presidential Decree No. 902-A, as amended, as well as cases for rehabilitation transferred from the Securities and Exchange Commission to the Regional Trial Courts pursuant to Republic Act No. 8799, otherwise known as The Securities Regulation Code. (AM No. 00-8-10-SC)

INCREASING ACCESS TO JUSTICE BY THE POOR

After 2007’s successful national consultative summit seeking solutions to the problem of escalating extralegal killings and enforced disappearances in violation of our people’s civil and political or first-generation rights, the Court focused its attention in 2008 on our people’s socio-economic and cultural rights, described as second-generation rights. Thus from June 30 to July 1, 2008, it hosted the Forum on Increasing Access to Justice: Bridging Gaps and Removing Roadblocks. Held simultaneously in Manila, Cebu City, and Cagayan de Oro through the technology of video-conferencing, the historic Forum was attended by around 500 participants from marginalized sectors such as farmers, fisherfolks, and indigenous groups; and from government institutions, alternative law groups, and the private sector.

Fulfilling his vow to waste no time in putting into action the Judiciary’s suggested “doables” to increase access to justice gleaned from the Forum, Chief Justice Puno began by enhancing the Court’s Justice on Wheels Program. Through court hearings held in a mobile bus, the Court’s Enhanced Justice on Wheels (EJOW) Program addresses not only the backlog of criminal cases involving mostly poor accused who do not have the means to post bail but also the perennial problem of jail congestion. This is complemented by holding court-annexed mediation for the speedy resolution of civil disputes, medical/dental missions as well as legal aid clinics for jail inmates, information dissemination lectures to members of the marginalized sectors about their legal rights and to the barangay officials and residents of the local government units visited, and dialogues with judges and other justice stakeholders on their issues and concerns. In 2008, the Enhanced JOW Program has resulted in the release of 731 inmates; medical and dental services being availed of by 5,386 inmates; free legal aid given to 595 inmates; the successful mediation of 3,409 cases; and information dissemination lectures to 6,700 participants.

Responding to a study that 70% of the caseloads of the metropolitan trial courts involve small claims and that many of the litigants therein are poor, the Court has also promulgated, effective October 1, 2008, the Rule of Procedure on Small Claims Cases involving purely money claims of PhP100,000 and below. The Rule is distinguished by the following features: No attorneys are allowed and user-friendly forms are provided for every step of the proceeding. Decisions are required to be rendered on the first day of hearing and are final and unappealable except by a special civil action of certiorari to the Supreme Court,
which assures immediate and swift justice. Because of this inexpensive and expeditious procedure, the first 22 courts designated to hear small claims cases have been called by Chief Justice Puno as the “people’s courts.” It is expected that their number will soon increase.

On October 12, 2008, as part of the actions it took after the Forum, the Court issued AM No. 07-3-02-SC providing new guidelines on jail visitation and inspection with the primary objectives of (1) facilitating the expeditious resolution and/or dispensation of criminal cases involving adult prisoners or detainees and children in conflict with the law (CICL), (2) preventing or eliminating illegal or unnecessary detention; and (3) ensuring the promotion and protection of the dignity and well-being of adult prisoners and CICL.

The Court is likewise proceeding with the use of Filipino in court proceedings. On October 20 to 21, 2008, the first Seminar-Workshop sa Paggamit ng Filipino sa Hukuman was conducted by the Philippine Judicial Academy, in cooperation with the Marcelo H. Del Pilar College of Law of the Bulacan State University.

Also in the 2008 pipeline was the Integrated Bar of the Philippines-proposed Rule on Mandatory Legal Aid Service requiring members of the Bar to devote a certain number of hours every year to free legal aid as a pre-condition for their good standing.

These and other administrative issuances are grounded in the Court’s singular power under Art. XVIII, sec. 5 (5) of the Constitution to “[p]romulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged.”

STRENGTHENING THE INTEGRITY OF THE JUDICIARY

Parallel with the above efforts to increase access to justice by our people, the Supreme Court in 2008 continued to work to strengthen the integrity of the Judiciary, professionalize its ranks, and modernize its systems and processes to build up public trust and confidence in our courts.

On February 4, 2008, it launched the Strengthening the Integrity of the Judiciary (SIJ) Project to review, assess, and enhance the performance and efficiency of courts. The SIJ Project is the result of the Integrity Development Review for the Judiciary (IDR), an initiative of the Court to eliminate opportunities for corruption within the administrative aspect of the Judiciary by systematically examining its integrity measures, identifying institutional weaknesses that impinge on the over-all performance of the judicial branch, and assessing the functions of the courts in terms of their vulnerability to corruption. According to then Assistant Court Administrator Jose Midas P. Marquez, Chairperson of the Technical Working Group (TWG) for the IDR, the SIJ project is being implemented pursuant to Chief Justice Puno’s desire to reinforce the Judiciary’s credibility and increase the level of public trust in it. He emphasized that the project is a corruption reform measure wholly spearheaded, managed, and owned by the High Court.

The SIJ Project seeks to deliver the following inputs: a communication strategy to generate support for the initiative; a report on the results of the performance and integrity review survey; development of performance and integrity enhancement measures; implementation of the performance and integrity enhancement measures through trainings, workshops, and consensus-building; and a strategy for sustaining initiatives and gains, and guidebooks for the conduct of integrity and performance review in the lower courts.

On February 8, 2008, the Court also conducted its first-ever workshop for key judicial and non-judicial employees to assess the budgetary situation of the Judiciary. Partly to address the same, the Judiciary became part of the unprecedented Judiciary, Executive, and Legislative Advisory and Consultative Council established on May 13, 2008 by means of a Memorandum of Agreement between the nation’s top leaders.

In the meantime, the Court continued cleansing its ranks. The biggest casualty was no less than a Justice of the second-highest court of the land. CA Justice Vicente Q. Roxas was dismissed for violations of the canons of the Code of Judicial Conduct, grave misconduct, dishonesty, undue interest, and conduct prejudicial to the best interest of the service, with forfeiture of all benefits, except accrued leave credits if any, with prejudice to his re-employment in any branch or service of the government including government-owned and -controlled corporations. In addition to Roxas, four other CA Justices were subjected to disciplinary action ranging from admonition to suspension for their acts in a case concerning the Manila Electric Company, Inc. and the Government Service Insurance System. (AM No. 08-8-11-CA, Re: Letter of Presiding Justice Conrad M. Vasquez, Jr. on CA-GR SP No. 103692, September 9, 2008)

According to data provided by the Supreme Court Office of the Administrative Services, 29 SC employees have been disciplined, while two have been dropped from the rolls. The Docket and Clearance Division of the Office of Court Administrator-Legal Office on the other hand reported that there had been 45 second-level court judges penalized and eight others admonished, 29 first-level court judges penalized and three others admonished, and 212 lower court personnel and officials penalized and 10 others admonished for various administrative offenses for the year 2008.

For its part, the Office of the Bar Confidant reported that 167 lawyers have been penalized, while 63 were admonished and 14 were warned.

WHAT LIES AHEAD

In his Christmas 2008 message to the SC employees, Chief Justice Puno told them that in 2009, the Court will be closely watched because it will be called upon to decide cases directly affecting the fate of the nation. For that reason, and going by as well by what it has accomplished in 2008, the highest court of the land indeed bears watching in 2009.
This section features the SC Justices of the 2008 term including those who are now retired as well as the SC Justices who have succeeded the latter.
Chief Justice Reynato S. Puno

Chief Justice Puno is the 22nd Chief Justice of the Philippines. He is also the Chair of the Supreme Court First Division and ex officio Chair of both 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 age 40.

He chairs the Court Systems Journal and the Supreme Court Committee which digests the Court's decisions for distribution to members of the Judiciary. He likewise chairs the High Court's premier Committee on Revision of the Rules of Court that drafted the Rule on the Writ of Amparo, Rule on the Writ of Habeas Data, Rule on Violence against Women and their Children, Rule on Legal Separation, Rule on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages, Rule on Adoption, and Rules of Criminal Procedure, among others.

Chief Justice Puno obtained his Bachelor of Science in Jurisprudence and Bachelor of Laws degrees from the University of the Philippines in 1962. He served as editor in chief of The Philippine Collegian. He pursued his postgraduate 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 his Master of Laws at the University of California, Berkeley, California as valedictorian of his class, 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 as well as by the Hannam University, South Korea.

Among many 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 1996, and Ulirang Ama Awardee in 2005. In 2007, he was conferred the Press Freedom Award by the Philippine Association of Publishers, Person of the Year Award by the Manila Times, and Newsmaker of the Year by the Philippine Graphic magazine. He was UP’s 2008 Most Outstanding Alumnus and a recipient of the 2008 Most Outstanding Manila Award for Public Service.

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 Chairperson of the Administrative Board of the Knox United Methodist Church, the biggest and oldest Methodist Church in the Philippines.

A native of Manila, Chief Justice Puno was married to the late SC Clerk of Court Luzviminda D. Puno. They have three children: Reynato, Jr., Emmanuel, and Ruth.
Senior Justice
Leonardo A. Quisumbing

Justice Quisumbing concurrently serves as Chair of the SC Second Division and the Senate Electoral Tribunal. He is a consultant of 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 academic achievements by placing 12th in the 1966 Bar examinations. His writing stint started at the Manuel Luis Quezon University where he edited The Quezonian and where he graduated magna cum laude, A.B. Journalism. He has also 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 under President Corazon C. Aquino 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 former Commission on Human Rights Chairperson Dr. Purificacion V. Quisumbing. They have two children, Josefa Lourdes and Cecilia Rachel.
Justice Consuelo Ynares-Santiago

Justice Ynares Santiago is the concurrent Chair of both the SC Third Division and of the House of Representatives Electoral Tribunal (HRET). She is also a consultant to the Judicial and Bar Council.

Justice Ynares-Santiago served for 17 years as a trial judge and nine years as Court of Appeals justice. Her appointment to the Supreme Court on April 6, 1999 is eloquent proof of her outstanding and dedicated service, integrity, and competence.

She is a staunch advocate of children’s and women’s rights. She has attended and spoken in several local and international fora, including the Asian Justices Forum on the Environment (2007) in Manila; the 15th Annual International Judicial Conference (2007) in Michigan, USA; the Third Regional Seminar of Asian Constitutional Court Judges (2005) in Ulan Bator, Mongolia; 19th LAWASIA Conference (2005) in Queensland, Australia; the Judicial Administration and Reform Course (2002) in Sydney, Australia; the Judicial Colloquium on the Application of International Human Rights Law at the Domestic Level (1999) in Vienna, Austria; and the 15th Annual Global Conference of the International Women’s Forum (1999) in Washington D.C. She served as Bar examiner for Labor Law and Social Legislation in 1996, and Taxation in 1998. She is the recipient of several distinctions and awards in recognition of her multifarious contributions. She has also merited recognition as a Gintong Ina Awardee and recipient of the Ulirang Ina Sectoral Award for Law and Judiciary.

A native of Binangonan, Rizal, where she was born on October 5, 1939, she received the Pambayang Gawad Palosebo, the highest municipal award given to outstanding citizens of Binangonan, Rizal who have excelled in their professions and are role models for the youth. 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 Jenny Lind Allison, a Hotel and Restaurant Management graduate.

Justice Santiago earned her Bachelor of Laws degree from the University of the Philippines in 1962.
Justice Angelina Sandoval-Gutierrez  
(retired on February 28, 2008)

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 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. 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 the University of Southern California.
Born in Davao City, Justice Antonio T. 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 the Ateneo de Manila University in 1970.

In his student days, Justice Carpio was chairperson 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), Director of the UP 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 also the recipient of the *Distinguished Alumnus Award* from the Ateneo de Davao Alumni Association. In 2009, he was also conferred an Honorary Doctorate in Laws degree by the Ateneo de Davao University, where he had finished grade school and high school.

Justice Carpio is the Working Chair of the First Division, Chair of the Committee on Strengthening the Institutional Capacity of the Judiciary and Co-Chair of the Oversight Committee on Halls of Justice. He is Vice-Chair of the Committees on Legal Education and Bar Matters; Public Information; and Knowledge Sharing and Regional Cooperation. He is a member of the Committees on Legislative-Executive Relations; Management Committee for the Judicial Reform Support Project; Zero Backlog Cases; Security for the Judiciary; and the Senate Electoral Tribunal. Justice Carpio is also Chair of the Project Board for the *Judicial Reform Handbook* of the Asia Pacific Judicial Reform Forum.
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 the judicial ladder 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; and lecturer and resource person in various programs and seminars conducted under the auspices of the Supreme Court, the Philippine Judicial Academy, and the University of the Philippines (UP) Law Center.

Justice Austria-Martinez graduated from UP 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.
Justice Renato C. Corona

A former Chief Presidential Legal Counsel, Justice Corona was appointed to the Supreme Court on April 9, 2002. Prior to his government service, Justice Corona distinguished himself in banking and finance. He was at one time connected with the Tax Division of SGV & Co. and the Commercial Bank of Manila.

He finished his Bachelor of Arts with honors at the Ateneo de Manila University and his Bachelor of Laws at the Ateneo Law School where he ranked 5th in the class of 1974. He placed 25th highest out of 1,965 successful candidates in the Bar examinations that same year. He thereafter pursued his MBA at the Ateneo Professional Schools. In 1982, he obtained his Master of Laws degree as a scholar from Harvard Law School, with concentration on foreign investment policies and the regulation of corporations and financial institutions.

Justice Corona has 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.

He later joined the administration of President Gloria Macapagal-Arroyo, serving as Presidential Chief of Staff and Presidential Spokesperson and later, as Acting Executive Secretary.

He taught Corporation Law and other commercial law subjects at the Ateneo Law School for 17 years and wrote a regular column on tax and commercial law topics for several years. He was President of the Ateneo Alumni Association in 1991-1992. He was conferred the Philippine Legion of Honor Award (rank of officer) in 1998 and was named one of the Outstanding Manilans of 2005.

He is a member of the House of Representatives Electoral Tribunal.
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, that of 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 Senate 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 Adolfo S. Azcuna
(retired on February 16, 2009)

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 cum laude from the Ateneo de Manila. After placing fourth in the 1962 Bar examinations, 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 later 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 Office. 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.
Justice Dante O. Tinga
(retired on May 11, 2009)

Before his appointment to the Supreme Court on July 3, 2003, Justice Tinga served as Dean of the College of Law at the Polytechnic University of the Philippines (2001-2003) and the University of the East College of Law (1988-1992). He also served in Congress as Representative of the lone district of Taguig-Pateros for three consecutive terms from 1987 to 1998 where he was chosen by the Congress beat reporters as outstanding Congressman every year.

Prior to his public career, he engaged in extensive private law practice, first as senior attorney at the Araneta Mendoza & Papa Law Office and later, as senior partner at the Santiago Tinga & Associates, as managing partner at the Pimentel Cuenco Fuentes Tinga Law Firm, and as managing partner of the Tinga & Corvera Law Firm.

Born in Taguig, Rizal (now the City of Taguig in Metro Manila), Justice Tinga finished his law course in 1960 at the UE College of Law at the top of his class, graduating *magna cum laude*. He passed the Bar examinations in the same year, placing 15th in a field of more than 4,000 examinees with a grade of 87.7%. He obtained his Master of Laws degree in 1970 from the University of California at Berkeley on a fellowship grant, specializing in corporation law, securities regulation, and international business transactions.
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 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.

She is a member of the House of Representatives Electoral Tribunal.
Justice Presbitero J. Velasco, Jr.

Justice Velasco is the 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 in the said court 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 Chairperson 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 Chairperson and Past National Co-Chair 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 in 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 examinations in the same year with a Bar rating of 89.85%.
Justice Antonio Eduardo B. Nachura

Justice Nachura held two posts in the Executive Department prior to his appointment to the Supreme Court by President Gloria Macapagal-Arroyo on February 7, 2007.

In 2006, he was first named by President Arroyo as Chief Presidential Legal Counsel and later, as Solicitor General.

Justice Nachura also served for two terms in Congress as Representative of Samar’s 2nd District. He was also a prosecutor during the 2001 impeachment trial against deposed President Joseph E. Estrada. While in Congress, he 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.

Justice Nachura is a graduate of the San Beda College of Law and placed seventh in the 1967 Bar examinations. He was also the Dean of the Arellano University School of Law from 1992 to 1994. He served as member of the University of the Philippines Board of Regents and holds a Doctor in Public Management degree from the Pamantasan ng Lungsod ng Maynila.

In 2001, he was named Bedan of the Century by his alma mater. He is Chair of the 2009 Bar examinations.
Justice Ruben T. Reyes was Presiding Justice of the Court of Appeals when he was appointed to the Supreme Court on August 2, 2007.

Justice Reyes finished his Bachelor of Laws degree from the Manuel Luis Quezon University, where he also served as law council president. After passing the Bar in 1962, he engaged in private law practice for 11 years. He then joined the government as assistant city fiscal in 1975 and was top awardee for best resolution and disposition of cases. In 1984, he was named Regional Trial Court Judge of Bataan, and of Manila in 1987. He was awarded Outstanding RTC Judge in 1993. A year later, he was elevated to the CA. On December 23, 2005, he was appointed as its 50th Presiding Justice.

He was a 2007 Study Grantee on International Criminal Law in the Hague Forum for Judicial Expertise in Netherlands. He also took eight summer courses, including six study grants, in the US.

The Bar examiner in Legal Ethics and Practical Exercises in 2002, Justice Reyes was also a reviewer in Criminal Law, Remedial Law, and Legal Ethics and Practical Exercises in six law schools. He has authored the first Bar Reviewer on Special Penal Laws. The longest-serving president of the Philippine Association of Law Professors, he has initiated a nationwide series of law-teaching seminars for law professors.
Justice De Castro was appointed to the Supreme Court on December 3, 2007.

Her career in public service began when she was appointed as law clerk in the Supreme Court on February 19, 1973. 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 to the government panel in the Mindanao peace talks, 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 the easing of the docket of the Sandiganbayan and to the professionalization of its work force.

She is an alumna of the University of the Philippines where she finished her Bachelor of Arts cum laude in 1968 and Bachelor of Laws in 1972 at the top four of her class. She was Vice-Chancellor and a consistent member of the UP Law’s honor society, the Order of the Purple Feather, from 1969 to 1972 and staff member of the Philippine Law Journal.
Justice Arturo D. Brion
(appointed on March 17, 2008)

Justice Brion rejoined the Judiciary on March 17, 2008 when he was appointed Supreme Court Associate Justice after his two-year stint as Department of Labor and Employment (DOLE) Secretary. He was a justice of the Court of Appeals (CA) when he was named to head the DOLE.

Justice Brion began his law career by engaging in private law practice with the Siguion Reyna Montecillo & Ongsiako Law Office (1975-1982) while teaching at the Ateneo de Manila University Faculty of Law (1976-1981, and 1986). He entered government service in 1982 as Executive Director of the Institute of Labor and Manpower Studies under the Philippine Ministry of Labor until 1984, and went on to become Vice-Chair of the Labor and Employment Committee of the Mambabatas Pambansa, Philippine National Assembly. He became Deputy Minister of Labor for Legal and Legislative Affairs (1985-1986) before returning to private practice as Senior Partner of the Natividad Delos Reyes Maambong & Brion Law Firm (1986-1988), and subsequently of Siguion Reyna (1995-2001). He also 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.

In 2001, he was appointed DOLE Undersecretary for Labor Relations and a year after, Undersecretary of Foreign Affairs for Special Projects of the Department of Foreign Affairs. He likewise taught at the University of the Philippines School of Labor and Industrial Relations (2001-2002) and the Far Eastern University Institute of Law (2005-2006).

In July 2003, he was appointed CA Associate Justice and remained a Senior Member of the CA’s 15th Division until June 2006, when he accepted the task of leading the country’s Department of Labor and Employment.

He earned his Bachelor of Laws degree *cum laude* from the Ateneo in 1974. He was class valedictorian and recipient 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%.

In 2008, he, along with Chief Justice Reynato S. Puno, was named among the Outstanding Manilans.
Justice Diosdado M. Peralta
(appointed on January 16, 2009)

On January 14, 2009, then Sandiganbayan Presiding Justice Diosdado M. Peralta was named as Supreme Court Associate Justice. He is the third Sandiganbayan Presiding Justice to be appointed to the High Court.

Appointed to the Sandiganbayan in 2002, Justice Peralta was named its Presiding Justice on March 28, 2008. He was a member of the Special Division of the Sandiganbayan which convicted former President Joseph Estrada of plunder in September 2007.

A 2002 Judicial Excellence Awardee, he was a recipient of the Chief Justice Ramon Avanceña Award for Outstanding RTC Judge. He was also a given the Special Centennial Award in Criminal Law by the Integrated Bar of the Philippines and the SC, with the support of the Foundation for Judicial System, in 2001. In 2006, he was given the Ulirang Ama Sectoral Award on Law and Judiciary by the Ulirang Ama Foundation, Inc.

Justice Peralta finished his Bachelor of Science degree at the San Juan de Letran in 1974 before pursuing law at the University of Santo Tomas (UST) Faculty of Civil Law where he graduated in 1979. He is a professor and Bar reviewer in Criminal Law and Criminal Procedure at the UST Faculty of Civil Law, the Ateneo de Manila University, and the University of the East, among others.
Justice Lucas P. Bersamin has been serving as Court of Appeals Associate Justice since March 2003 when he was appointed to the Supreme Court.

Prior to his CA post, he was a Presiding Judge of the Quezon City Regional Trial Court, Branch 96. He was engaged in private legal practice before he was appointed as RTC judge in November 1986.

He was recipient of the Chief Justice Jose Abad Santos Award (Outstanding RTC Judge for 2002) during the 11th Judicial Excellence Awards (JEA). In the 2000 JEA, he bagged the Best Decision in Civil Law and Best Decision in Criminal Law awards, an unprecedented achievement that has yet to be duplicated.

He finished his law studies at the University of the East in 1973. He placed ninth in the Bar examinations given that same year with an average of 86.3%. He is a fellow at the Commonwealth Judicial Education Institute in Dalhousie University in Halifax, Canada.

In 2006, he was among the recipients of UE’s The 60 Most Outstanding Alumni Award during UE’s Diamond Jubilee Awards. He was UE’s Outstanding Alumnus in the Judiciary in 2001. In 1991, he was cited as Outstanding Alumnus in Government Service, Judiciary and Outstanding Alumnus in the Field of Law by the UE Alumni Association, Inc.

He was a professor at the Ateneo School of Law, the UE College of Law, and the University of Santo Tomas (UST) Faculty of Civil Law. He was special lecturer at the College of Law, University of Cebu in 2006.
Justice Mariano C. Del Castillo  
(appointed on July 29, 2009)

A 1971 graduate of the Ateneo de Manila University College of Law, Justice Del Castillo first joined the Judiciary in 1989 as Municipal Trial Court Judge of San Mateo, Rizal before he was promoted to Regional Trial Court Judge of Angeles City in 1992, and later as Regional Trial Court Judge of Quezon City in 1995, where he was appointed First Vice-Executive Judge. He was appointed CA Justice in 2001. He was active in the Philippine Judges Association where he has served as its Director, Vice-President for Administration, Senior Vice-President, and Executive Vice-President.

Likewise, he has held various positions in religious, civic, community, and non-governmental organizations. He taught Practice Court II at the Ateneo College of Law and lectures at the Mandatory Continuing Legal Education (MCLE) and Philippine Judicial Academy (PHILJA) seminars. He was also a pre-Bar reviewer in Legal Ethics and was the Chair/Editor in Chief of the Court of Appeals Journal.

Justice Del Castillo has had a zero backlog in the CA since 2004. In 2005, he was conferred the Best Performing Court of Appeals Justice for 2004 and the Justice George A. Malcolm Award by the Rotary Club of Manila. In 2007, he was conferred the Presiding Justice Award for Outstanding Performance.

Justice Del Castillo is married to former Ateneo Law Dean Atty. Cynthia Roxas-Del Castillo with whom he has two children, Anna Patricia and Xavier Paolo.
Justice Roberto A. Abad
(appointed on August 6, 2009)

Justice Abad was a Dean’s Lister at the Ateneo de Manila University where he earned his law degree. He first engaged in private practice, working for about a year at the Jose W. Diokno Law Office in 1968 before he joined the government working as Technical Assistant (1969-1973) and Associate Attorney (1974-1975) at the Supreme Court, supervised by then Chief Justice Fred Ruiz Castro.

In 1975, he joined the Office of the Solicitor General (OSG). In 1985, he was promoted to Assistant Solicitor General, a post he held for about a year before putting up his own law firm. He has been engaged in the practice of law for over 22 years.

No less than the late Chief Justice Roberto C. Concepcion, the first UST law graduate to top the Bar examinations and then UST Faculty of Civil Law Dean, recruited Justice Abad from the OSG in 1978 to teach Political Law at the UST. Subsequently, he also taught Constitutional Law, Administrative Law, Election Law, Law on Public Corporation, and Public International Law. He became a Bar reviewer in Political Law.

From 1988-1990, he worked as legal consultant for the Presidential Committee on the Nuclear Power Plant under the late Justice Secretary Sedfrey Ordoñez. Later, he worked as counsel for the Equitable Banking Corp. and its officers and branch managers during the impeachment trial of former President Joseph E. Estrada.

He authored two books, Practical Book in Legal Writing in 2002 and Fundamentals of Legal Writing in 2004. He was a contributing staff editor in the Supreme Court Reports Annotated (SCRA) from 1972 to 1996.

He has conducted a seminar and workshop in Legal Writing and Research in 2007 for the attorneys and investigators of the Office of the Ombudsman upon the invitation of the Philippine Judicial Academy (PHILJA), the United States Agency for International Development (USAID), the Rule of Law Effectiveness (ROLE), and CD Technologies Asia, Inc. Likewise, he lectured to the research attorneys of the Sandiganbayan and the Court of Tax Appeals regarding the preparation of judicial memoranda.

He also has rendered free legal aid for the Free Legal Assistance Group (FLAG), Department of Social Welfare and Development (DSWD), and the Angels of Hope Orphanage, Pulang Bunga, Silang, Cavite. He has also conducted weekend training for lay and religious catechists for the Archdiocese of Manila.

He is married to the former Victoria Martinez, a lawyer, with whom he has four children, namely, Liliarosa, Ma. Leila, Rex Niño, and Blessilda.
HIGHLIGHTS OF THE SUPREME COURT AND LOWER COURTS’

CY 2010 BUDGET PROPOSALS

Features:

Entering into its third year, this administration still faces greater challenges and opportunities as the Judiciary is continuously mapping out the strategies that would ensure bigger access to justice by the poor through improved responsiveness, efficiency, and probity. Hence, in preparing this budget which is Organization Performance Indicator Framework (OPIF)-compliant, we have adopted a rolling Medium-Term Expenditure Program (MTEP) committed to fund reforms in the management of fiscal affairs and administration of justice. The proposed budget framework will enable the better tracking of performance against plans and objectives and the more strategic planning and allocation of resources consistent with the MTEP in the future. The obligation budget stated below is 33.05 percent over the current year’s budget.

Revenues:

For CY 2010, the Supreme Court and Lower Courts will raise some P1,748,797,000.00 to finance the Cost of Living Allowance of the Judiciary personnel per PD 1949 and will sustain the advanced implementation of salary increases to justices, judges, and other officers with judicial rank per RA 9227. The total revenues cannot totally shield the Supreme Court and Lower Courts from inflationary pressures, statutory obligations, and other contingencies that may arise. Thus the proposed CY 2010 budget is crafted to temper a balanced budget.

Performance:

Putting together the proposed budget and the projected revenues, the Supreme Court and Lower Courts will be able to dispose of 348,240 cases for CY 2010.

The Budget:

For CY 2010, the Supreme Court and Lower Courts propose a budget amounting to P14,506,468,000.00, net of terminal leave and retirement benefits, an increase of 24.81% over the current budget of P11,623,022,000.00.

Activities of the proposed budget is presented in the attached budget forms. By allotment class, the proposed SCPLC budget is broken down as follows:
SCPLC Comparative Budget CY 2008 – 2010 By Allotment Class

<table>
<thead>
<tr>
<th>Particulars</th>
<th>CY 2008 Actual</th>
<th>CY 2009 Approved</th>
<th>CY 2010 Proposed</th>
<th>Inc./(Dec.) over CY’09</th>
<th>% of Inc./(Dec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>7,637,600</td>
<td>7,946,259</td>
<td>9,226,252</td>
<td>1,279,993</td>
<td>16.11</td>
</tr>
<tr>
<td>Maintenance &amp; Other Operating Expenses</td>
<td>1,449,753</td>
<td>2,998,941</td>
<td>4,439,051</td>
<td>1,440,110</td>
<td>48.02</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>0</td>
<td>52,438</td>
<td>178,212</td>
<td>125,774</td>
<td>239.85</td>
</tr>
<tr>
<td>Total Appropriations</td>
<td>9,087,353</td>
<td>10,997,638</td>
<td>13,843,515</td>
<td>2,845,877</td>
<td>25.88</td>
</tr>
<tr>
<td>Add: Retirement &amp; Insurance Premium</td>
<td>447,073</td>
<td>558,055</td>
<td>617,453</td>
<td>59,398</td>
<td>10.64</td>
</tr>
<tr>
<td>Total New Appropriations</td>
<td>9,534,426</td>
<td>11,555,693</td>
<td>14,460,968</td>
<td>2,905,275</td>
<td>25.14</td>
</tr>
<tr>
<td>Add: Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Locally-Funded Projects (IBP)</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. Foreign-Assisted Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GOP</td>
<td>10,815</td>
<td>1,811</td>
<td>0</td>
<td>(1,811)</td>
<td></td>
</tr>
<tr>
<td>Loan Proceeds</td>
<td>122,592</td>
<td>35,518</td>
<td>0</td>
<td>(35,518)</td>
<td></td>
</tr>
<tr>
<td>GOP (Grants)</td>
<td>0</td>
<td>0</td>
<td>15,500</td>
<td>15,500</td>
<td></td>
</tr>
<tr>
<td>Total Projects</td>
<td>163,407</td>
<td>67,329</td>
<td>45,500</td>
<td>(21,829)</td>
<td>32.42</td>
</tr>
<tr>
<td>Total Programs and Projects</td>
<td>9,697,833</td>
<td>11,623,022</td>
<td>14,506,468</td>
<td>2,883,446</td>
<td>24.81</td>
</tr>
<tr>
<td>Add: Retirement Gratuity/Terminal Leave</td>
<td>580,974</td>
<td>758,128</td>
<td>1,967,058</td>
<td>1,208,930</td>
<td>159.46</td>
</tr>
<tr>
<td>Total Proposed New Appropriations - SCPLC</td>
<td>10,278,807</td>
<td>12,381,150</td>
<td>16,473,526</td>
<td>4,092,376</td>
<td>33.05</td>
</tr>
</tbody>
</table>

BREAKDOWN OF INCREASES:
(in thousand of pesos)

Increase in Personal Services will remain at a modest rate of 16.11%. Maintenance & Other Operating Expenses, excluding Locally-Funded and Foreign-Assisted Projects, will account for 25.88% and Capital Outlay for 239.85% over current year’s appropriations. The increase in the regular appropriations is largely due to the following:

Personal Services

a. Adjustment in salaries consistent with EO 611 & EO 719 1,349

b. Increased wages of SC including HOJ casuals which for the last ten (10) years, the difference between actual and amount available have been charged against savings, proposed casuals for the Justice on Wheels, and Pilot Regional Court Administration Office in the 7th Judicial Region (RCAO-7). 17,352

c. Proposed conversion/upgrading of existing positions and proposed new positions for the Supreme Court and Lower Courts, the RCAO-7, newly created courts under various RAs but without corresponding funds, and the Child and Family Courts 1,000,590

d. Consequential increases in longevity pay, stop increment, compensation insurance premium, PHIC, HDMF, Pension, and Year-End Bonus brought about by salary increases under EO 611 & EO 719. There are also lower court judges whose annuities will commence in CY 2010. 68,206

e. Increased rates for Representation and Transportation Allowances as per RA 9524 186,994

f. Provision of PERA, Additional Compensation, Uniform / Clothing, and Productivity Allowances 5,202

g. Laundry, Subsistence & Hazard Pay to Public Health Workers per Magna Carta 300

Total Increase in Personal Services 1,279,993
As in the past years, this budget is not only about the present but also for the future. It will take advantage of existing resources but will remain prudent and focused towards things that impact most on all Filipinos, especially the poor. I submit this to the wisdom and authority of the Filipino people with the request to look on it with favor.

REYNATO S. PUNO
Chief Justice
The State of the 2008 Judiciary

Budget Overview
In 2008, the President signed a PhP1.227 trillion budget that committed the 10th largest amount to the Judiciary. A total of PhP10,274,798,000.00 went to the Supreme Court, the third-level courts, the lower courts (first- and second-level courts), and the Presidential Electoral Tribunal — a figure that represents .81% of government spending.
Though the largest amount ever allotted to the Judiciary—a PhP919.79M bump over the 2007 budget for our courts—the Judiciary’s 2008 budget reflects a troubling trend wherein the courts’ overall percentage of the national budget has remain unchanged. Though consistent with Art. VIII, sec. 3 of the Constitution that states that “appropriations for the Judiciary may not be reduced by the legislature below the amount appropriated for the previous year,” the past five years have seen minimal increases in the Judiciary’s cut of the national pie.

Just over nine billion pesos of the Judiciary’s 2008 budget went to the Supreme Court (including the Presidential Electoral Tribunal or PET) and the lower courts, an increase of PhP837.13 million from the previous year’s budget. This represents a PhP1.46 billion increase from the approved PhP6.75 billion 2006 budget. The third-level courts likewise received increases in their annual budgets, as shown in the following table:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SC, PET, &amp; Lower Courts</td>
<td>6,410,476,000</td>
<td>6,751,845,000</td>
<td>8,215,118,000</td>
<td>9,052,246,000</td>
</tr>
<tr>
<td>Court of Appeals</td>
<td>470,497,000</td>
<td>514,940,000</td>
<td>712,733,000</td>
<td>722,874,000</td>
</tr>
<tr>
<td>Sandiganbayan</td>
<td>155,962,000</td>
<td>197,406,000</td>
<td>230,367,000</td>
<td>301,403,000</td>
</tr>
<tr>
<td>Court of Tax Appeals</td>
<td>36,840,000</td>
<td>59,541,000</td>
<td>197,553,000</td>
<td>198,275,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,013,415,000</td>
<td>7,522,732,000</td>
<td>9,355,771,000</td>
<td>10,278,798,000</td>
</tr>
</tbody>
</table>

The Judiciary once more found itself among the top 10 recipients of government funding—a list that includes the Department of Education (PhP140.24 billion), the Department of Public Works and Highways (PhP94.73 billion), the Department of Interior and Local Government (PhP53.24 billion), the Department of National Defense (PhP50.93 billion), the Department of Agriculture with funding for the Agriculture and Fisheries Modernization Act (PhP24.71 billion), the Department of Transportation and Communications (PhP20.82 billion), the Department of Health (PhP19.77 billion), State Universities and Colleges (PhP19.64 billion), and the Department of Foreign Affairs (PhP10.1 billion).
PERSONNEL AND BUDGET BREAKDOWN

The Supreme Court and the lower courts it supervises—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 (RTC), and Shari’a District Courts (SDC)—employ 25,418 people, including judges and court personnel. Personal Services accounted for 76.2% of the SC budget, with a total allotment of PhP6.86 billion; Maintenance and Other Operating Expenses, 20% (PhP1.8 billion); Capital Outlay, 3.8% (PhP339.65 million.)

JUDICIAL VACANCY RATE

At the end of 2007, the vacancy rate of the positions for judges and justices was at 19.7%, with 452 vacancies in the 2,287 positions. In 2008, the JBC continued to focus on programs to reduce the vacancy rate and improve the quality of the nominees. In 2008 alone, it processed 3,552 applications for 240 judicial positions in the Supreme Court, the third-level courts, and the lower courts.
Despite the huge volume of applications and the emphasis on finding quality magistrates, the JBC managed to keep the vacancy rate at 22.66%, with 519 out of 2,290 judicial positions remaining vacant by the end of 2008.

ADJUDICATION: CASELOAD AND DISPOSITION

Our country’s courts face the same problems that have plagued it for years: a rising influx of cases, a staggering judge to population ratio of one judge for every 52,077 Filipinos, inadequate facilities, and limited financial resources. Despite these, our lower courts have continued to make the quick resolution of cases their top priority.

LOWER COURTS

At the end of 2007, our lower courts had a total of 674,917 pending cases. By December 31, 2008, that number stood at 642,649, a decrease of 32,268 pending cases. The decrease is significant considering that 333,597 new cases were filed in 2008—9,076 cases more than in 2007.

LOWER COURTS’ 2008 CASE INFLOW

<table>
<thead>
<tr>
<th>COURTS</th>
<th>PENDING CASES AS OF 12/31/07</th>
<th>NEWLY FILED</th>
<th>REOPENED</th>
<th>RCVD FROM OTHER SALAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>RTC</td>
<td>360,590</td>
<td>165,789</td>
<td>14,276</td>
<td>7,935</td>
</tr>
<tr>
<td>MeTCS</td>
<td>113,330</td>
<td>62,802</td>
<td>12,529</td>
<td>3,739</td>
</tr>
<tr>
<td>MTCCs</td>
<td>90,093</td>
<td>62,805</td>
<td>6,877</td>
<td>2,127</td>
</tr>
<tr>
<td>MTCs</td>
<td>60,574</td>
<td>23,334</td>
<td>2,391</td>
<td>622</td>
</tr>
<tr>
<td>MCTCs</td>
<td>49,967</td>
<td>18,604</td>
<td>2,184</td>
<td>709</td>
</tr>
<tr>
<td>SDCs</td>
<td>56</td>
<td>43</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>SCCs</td>
<td>307</td>
<td>220</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>674,917</td>
<td>333,597</td>
<td>38,266</td>
<td>15,130</td>
</tr>
</tbody>
</table>
The lower courts have posted modest gains in case disposition. In 2008 it disposed of 418,031 cases—1,052 more than the previous year. The cases are broken down as follows: 282,236 cases were decided or resolved; 116,560 were archived; and 19,235 were transferred to other courts. It is hoped that with the Judiciary’s modernization efforts, the pilot-testing of new docket-clearing initiatives like the Small Claims Courts, and the filling up of judgeships, this number will further improve in 2009.

LOWER COURTS’ 2008 CASE OUTFLOW

<table>
<thead>
<tr>
<th>COURTS</th>
<th>DECIDED/ RESOLVED</th>
<th>ARCHIVED</th>
<th>TRANSFERRED TO OTHER SALAS</th>
<th>PENDING CASES AS OF 12/31/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>RTC</td>
<td>134,985</td>
<td>45,221</td>
<td>10,272</td>
<td>358,112</td>
</tr>
<tr>
<td>MeTCS</td>
<td>51,370</td>
<td>35,241</td>
<td>4,397</td>
<td>101,392</td>
</tr>
<tr>
<td>MTCCs</td>
<td>53,882</td>
<td>24,022</td>
<td>2,611</td>
<td>81,387</td>
</tr>
<tr>
<td>MTCs</td>
<td>22,923</td>
<td>7,808</td>
<td>940</td>
<td>55,250</td>
</tr>
<tr>
<td>MCTCs</td>
<td>20,104</td>
<td>4,238</td>
<td>1,015</td>
<td>46,107</td>
</tr>
<tr>
<td>SDCs</td>
<td>29</td>
<td>0</td>
<td>0</td>
<td>70</td>
</tr>
<tr>
<td>SCCs</td>
<td>173</td>
<td>30</td>
<td>0</td>
<td>334</td>
</tr>
<tr>
<td>TOTAL</td>
<td>282,236</td>
<td>116,560</td>
<td>19,235</td>
<td>642,649</td>
</tr>
</tbody>
</table>

THE THIRD-LEVEL COURTS

On the whole, our third-level courts have improved their disposal rate vis-a-vis their disposition rates in 2007. While the Court of Appeals’ disposition rate slipped a bit from 42.9% in 2007 to 41.2% in 2008 the Sandiganbayan and Court of Tax Appeals posted improved disposition numbers, with the anti-graft court dramatically improving its disposition rate from 11.72% in 2007 to 22.8% in 2008. The Court of Tax Appeals for its part posted a modest increase from 33.8% to 36.4%.

<table>
<thead>
<tr>
<th></th>
<th>CASE INPUT</th>
<th>CASE OUTPUT</th>
<th>% OF CASE DISPOSAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Appeals</td>
<td>Judicial Matters</td>
<td>28,906</td>
<td>11,915</td>
</tr>
<tr>
<td>Sandiganbayan</td>
<td>Judicial Matters</td>
<td>2,805</td>
<td>641</td>
</tr>
<tr>
<td>Court of Tax Appeals</td>
<td>Judicial Matters</td>
<td>1,082</td>
<td>394</td>
</tr>
</tbody>
</table>
THE SUPREME COURT

Eleven thousand nine hundred forty-three new cases were filed with the highest court of the land in 2008. The High Tribunal disposed of more than half its caseload (7,032 cases), for a case disposal rate of 58.9%, which is a 7.7% improvement over that in 2007.

<table>
<thead>
<tr>
<th>Division</th>
<th>Judicial Matters</th>
<th>Administrative Matters</th>
<th>% of Case Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>EN BANC</td>
<td>737</td>
<td>338</td>
<td>46%</td>
</tr>
<tr>
<td></td>
<td>746</td>
<td>481</td>
<td>64%</td>
</tr>
<tr>
<td>FIRST DIVISION</td>
<td>3,556</td>
<td>1,967</td>
<td>55.31%</td>
</tr>
<tr>
<td></td>
<td>1,252</td>
<td>820</td>
<td>65.49%</td>
</tr>
<tr>
<td>SECOND DIVISION</td>
<td>3,800</td>
<td>2,538</td>
<td>66.81%</td>
</tr>
<tr>
<td></td>
<td>1,852</td>
<td>888</td>
<td>47.94%</td>
</tr>
<tr>
<td>THIRD DIVISION</td>
<td>4,062</td>
<td>1,661</td>
<td>40.89%</td>
</tr>
<tr>
<td></td>
<td>1,244</td>
<td>798</td>
<td>64.15%</td>
</tr>
</tbody>
</table>
Introduction

Two thousand and eight has been one of the most fruitful years in terms of judicial reform since the Court started implementing its Action Program for Judicial Reform (APIR) in 2000. The multi-sectoral Forum on Increasing Access to Justice: Bridging Gaps, Removing Roadblocks allowed the Court a first-hand look at the plight of the poor in a time of an economic crisis. This allowed a number of new reform activities to come to life, while a handful of already existing projects were enhanced and brought to a higher plane.

Enhancing Court Services and De-Clogging the Court Dockets

Case Management Information System (CMIS)

Supported by the United States Agency for International Development (USAID) through the Rule of Law Effectiveness (ROLE) Project, the Case Management Information System (CMIS) was finally launched on July 23, 2008. The CMIS helps the Judiciary un-clog congested dockets and helps solve delays in case management and resolution through the use of information technology.

Since its launching, the Technical Working Group of the Court’s Case Management System has monitored the implementation of the project throughout 2008. Training and orientation on the new system and its equipment were conducted in 2008. The high-tech equipment that makes the CMIS successful includes 50 desktop units, five laptop units, five HP high-speed scanners, and five manual-operated stenograph machines.

Regional Court Administration Office (RCAO)

The RCAO strengthens the institutional capacity of the Judiciary by decentralizing its administrative functions and responsibilities. In 2008, equipment worth as much as PhP6,000,000.00 was provided the pilot Regional Court Administration Office located at Region VII. Application of the RCAO in two other judicial regions is currently in the works. Procurement of information communication technology equipment for this project has also been approved by the Court in 2008.
Enhanced Case Flow Management (eCFM)

Also part of the Judicial Reform Support Project funded by the World Bank, the Enhanced Case Flow Management System was finally launched in 2008. The eCFM is a fully automated system that was developed to provide timely and reliable information to manage the lower courts more efficiently. In 2008, pilot operations of the eCFM and testing in the Pasay and Lapu-lapu City courts took place.

Judge-to-Judge-Dialogues

Judge-to-Judge Dialogues, which were held in Davao City and Naga City in January and February 2008, respectively, provided a venue for the exchange of perspectives and lessons on the judges’ roles and functions, as well as sharing of good practices towards the efficient administration of justice. Likewise, it focused on the problems and solutions in case delay and the power of judges during court proceedings.

ENHANCING ACCESS TO JUSTICE BY BRINGING JUSTICE CLOSER TO PEOPLE

Enhanced Justice on Wheels (EJOW)

After the June 30-July 1 Forum on Increasing Access to Justice, the Justice on Wheels Program was re-launched in June 30-July 1, 2008 and has come to be known as the Enhanced Justice on Wheels (EJOW). Living up to its new name, the EJOW now features decongestion activities, and medical and dental missions to detainees and dialogues with justice stakeholders on top of hearing cases and providing mediation services which JOW already provided. Its coverage has also expanded throughout the archipelago to the provinces of Rizal and Bulacan; Kalibo, Aklan; the cities of Caloocan and Quezon; Cebu Province; Digos, Davao del Sur; Tagum, Davao del Norte; Davao City; Bacoor, Cavite; Tacloban, Leyte; Olongapo, Zambales; Pasay City; Baler, Aurora; Sarangani Province; and the cities of Las Piñas and Tagaytay.

After merely six (6) months of operations in 2008, 731 inmates have been released; 5,386 individuals have benefited from the medical and dental missions; 133 cases have been successfully mediated with a success rate between 85% and 100%; 595 individuals have availed of free legal aid, and around 6,700 barangay officials and members of the local communities were educated in the lectures, fora, and information dissemination conducted in the EJOW visits.

Small Claims

In September of 2008, The Rule of Procedure for Small Claims Cases was promulgated. With the help of partners ABA-ROLI and USAID, twenty-two (22) pilot courts around the country have been implementing the new procedure. The promulgation of the new rule was a product of the aforesaid Forum on Increasing Access to Justice.

In its four (4) months of implementation in 2008, a total of 1,790 cases were filed. Forty-four percent of these cases were resolved immediately. This has earned the Rule a 90% satisfaction rating from the poor litigants. The Rule has also been translated into Filipino.

Access to Justice for the Poor (A2J) Project

Two thousand and eight is the last year in the implementation of the Access to Justice for the Poor Project. Funded by the European Commission, the A2J Project had three Gender and Poverty Sensitization Seminar-Workshops and Information, Education, and Communication (IEC) Skills Trainings with a very high participation rate of judges and court personnel and Municipal Court Information Officers (MCIOs). On June 30-July 1, 2008, with EC financing support the Court held the Forum on Increasing Access to Justice: Bridging Gaps, Removing Roadblocks which has served as a venue to identify constraints on access to justice and launch new initiatives to address these constraints, under the Court's singular rule-making power, among others.

Even after the Project, sustainability measures have been adopted so that the Project's gains may not be dissipated. On December 4, 2008, the Access to Justice Network Memorandum of Agreement was signed between the SC and the Department of Interior and Local Government for the establishment of the said Network.
Judicial Reform Initiative Support (JURIS) Project

Funded by the Canadian International Development Agency, the highlights of the Judicial Reform Initiative Support (JURIS) Project in 2008 were the establishment of the Philippine Mediation Center (PMC) on February 12, 2008 as a center for all Alternative Dispute Resolution (ADR) activities of the Court and the launch of the Judicial Dispute Resolution (JDR) Project in Makati, which included the training of 37 judges in the science of JDR.

KNOWLEDGE SHARING AND SHOWCASING BEST PRACTICES

Asia Pacific Judicial Reform Network.

Through the Asia Pacific Judicial Reform Network (APJRN), knowledge sharing and exchange of best practices within the Judiciary and with the Judiciaries of other countries continued. A total of five Distinguished Lecture Series were conducted in 2008. Four of the five lecturers were international luminaries in the fields of law and justice: H.E. Jose Hernando Santiago, President of the Supreme Tribunal and General Council of the Judiciary of the Kingdom of Spain; Hon. Taihakurei (Eddie) Durie, DCNZM, former Justice of the High Court of New Zealand; Dr. Jean-Marie Henckaerts, Chief of the Customary International Humanitarian Law Project International Committee of the Red Cross; and Hon. Fausto Pocar, Appeal Judge of the Former President of the International Criminal Tribunal for the Former Yugoslavia. The lone Filipino lecturer was Hon. Lauro L.Baja, former Philippine Permanent Representative to the United Nations.

CLEANSING OF THE COURT’S RANKS

Strengthening the Integrity of the Judiciary (SIJ) Project

The SIJ Project was one of the top priorities under Chief Justice Puno’s watch to restore the credibility of the Judiciary and increase the public trust. The SIJ Project was the result of the Integrity Development Review of the Judiciary (IDR), an initiative of the Court to eliminate opportunities for corruption within the administrative aspect of the Judiciary. The IDR examines the Judiciary’s integrity measures, identifies institutional weaknesses, and assesses the functions of the courts in terms of their vulnerability to corruption.

Under the IDR, the Court, in 2008, conducted, among others, the Focus Group Discussion on Whistle-Blowing, Reporting, and Investigation on Corrupt, Illegal, Improper, or Fraudulent Acts/Practices in the Judiciary which was participated in by randomly selected practicing lawyers and court officials and employees, as well as the Strategic Planning Workshop for all Chiefs of Offices. Likewise, there was automation of lower court personnel records.
OFFICES AND OFFICIALS OF THE SUPREME COURT
The Office of the Clerk of Court (OCC) *En Banc* is the core of the administrative machinery of the Court. Its function is to assist the Court in its delicate task of adjudicating with finality all justiciable disputes, both public and private. Its primary task is the preparation of the agenda for the Court *En Banc* weekly sessions. This office is headed by the Clerk of Court whose main responsibilities include the implementation of policies formulated and the work programs set by the Court through the Chief Justice; the general supervision over personnel and administrative matters; and the recommendation of courses of action on various matters ranging from personnel to non-judicial concerns. Besides these, the Clerk of Court also acts as the custodian of the Court’s funds, revenues, properties, and premises and is usually the liaison officer in all official matters in relation to other government agencies.
The Office of Administrative Services (OAS) plans, recommends, and implements personnel management and development programs, and handles the administrative service functions of the Supreme Court, including the Presidential Electoral Tribunal (PET), Judicial and Bar Council (JBC), the Philippine Judicial Academy (PHILJA), the PHILJA Development Center, Maintenance Sections of the Halls of Justice, and the Mandatory Continuing Legal Education Office (MCLEO).

The Fiscal Management and Budget Office takes charge of the fiscal, budget, accounting, and cashiering activities of the Court. This includes planning the budget, accounting work methods and procedure, preparing the estimates of the expenditures of the judiciary, managing the 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 Halls of Justice, PHILJA, PET, and the MCLEO.

The Office of the Chief Attorney is the legal research office of the Supreme Court. It primarily renders adjudicative support functions, such as planning, coordinating, including reviewing research and case studies. When the need arises, it performs tasks specifically assigned by the Chief Justice, Associate Justices, and the Clerks of Court.

The Office of the Reporter is tasked 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 provides the technical expertise behind the formulation of systems 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 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 and the improvement of systems already used either in the Supreme Court or in the lower courts.

The Office of the Bar Confidant (OBC) manages the conduct of the annual Bar examinations and takes custody of the Bar records and personnel record of lawyers. It helps the Court in disciplining lawyers by directly supervising the investigation of complaints against Bar candidates. The OBC is also tasked to monitor, update, and maintain Court statistical data pertaining to the Bar examinations and related matters, as well as to update the list of the members of the Bar.

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

The Supreme Court Library Services continuously evolves 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 the Model Centennial Law Library. With the launching of the SC E-Library on November 2004, it is now the sole government online digital law library in the Philippines.

Ms. Milagros S. Ong
Chief

MEDICAL AND DENTAL SERVICES

The Medical and Dental Services attends to the medical and dental needs of justices, officials, and employees of the Supreme Court as well as its component bodies such as the JBC and PHILJA. They also provide medical services during official court activities, such as the Bar examinations, and provincial seminars. The primary form of service is by 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.

Dr. Prudencio P. Banzon, Jr.
Chief

PRINTING SERVICES

The Printing Services Office addresses the printing requirements 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.

Mr. Edmundo M. Moredo
Head
Offices Under the Chief Justice
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, as well as administrative management.

The Public Information Office (PIO)’s primary task is to promptly disseminate as widely as possible news and jurisprudence from the Supreme Court in a manner that the public can easily comprehend. The primary objective of the PIO is to bring the Court closer to the people. It is an information-based office which cultivates good relations between the Court and the general public, including the media.
Other Offices

MANDATORY CONTINUING LEGAL EDUCATION OFFICE

Through 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 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, with the approval of the Supreme Court.

(Soc) Justice Carolina C. Griño-Aquino
Chairperson

SOCIETY FOR JUDICIAL EXCELLENCE

The Society for Judicial Excellence is in charge of the annual Judicial Excellence Awards for outstanding members of the Judiciary. In choosing the awardees, the Society, through its Board of Judges, evaluates the nominees based on criteria that determines their efficiency and effectiveness in carrying out their duties and responsibilities; their initiative, innovativeness, and resourcefulness in meeting the exigencies of the service; public perception in upholding judicial integrity and independence; their noteworthy contributions to the administration of justice; and leadership in the Judiciary and the community in terms of honesty, impartiality, diligence, avoiding impropriety and its appearance in all activities, and upholding judicial integrity and independence, as well as their noteworthy contributions to the administration of justice.

Atty. Ma. Luisa L. Laurea
Executive Director
Pursuant to Article VIII, section 6 of the 1987 Constitution, the Supreme Court exercises administrative supervision over all lower courts. To properly discharge the 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. Jose P. Perez 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 the Halls of Justice.
First created by the Supreme Court through Administrative Order 35-96 on March 16, 1996, and given statutory mandate by RA 8557 on February 28, 1998, the Philippine Judicial Academy (PHILJA) continued to maintain its status and its legacy as the Supreme Court’s implementing arm in the training of justices, judges, court personnel, lawyers, and aspirants to judicial posts, as well as being the nation’s watchdog in terms of excellence in the Judiciary.

For 2008, the PHILJA conducted 188 programs with 24,534 participants in orientation seminars for newly-appointed judges, clerks of court, seminars for the continuing legal education of court attorneys, and annual convention seminars of the various associations from the lower courts. PHILJA also handled special focus programs in workshops such as access to justice coupled with the Code of Conduct, Enhanced Justice on Wheels, human rights issues, as well as workshops on capacity building in environmental laws, agrarian justice, and election law, among others.

In partnership with the Italian Government and the Italian Embassy in Manila, the PHILJA held the International Conference on the International Criminal Court (ICC) on September 25 to 26, 2008 at the Renaissance Hotel, Makati City. This was attended by various representatives of key government and non-government institutions and organizations involved in policy decisions and implementation of foreign relations, human rights, peace, and governance. The Conference was designed as a knowledge sharing activity, tackling the relevance of the ICC in global, national, and regional situations, the role of the ICC in human rights, its operations, its complement to national courts, and its mechanisms for implementation.
In keeping with the PHILJA’s institutional contract to co-author a chapter in the *Judicial Reform Handbook*, which it entered into with the United Nations Development Programme Regional Center (UNDP RCB) in Bangkok last November 2007, the PHILJA nominated Court Administrator Zenaida N. Elepaño, who co-wrote the chapter on *Case Management and Delay Reduction*.

Besides these, several publications were issued by PHILJA in 2008. In the middle of the year, PHILJA completed and published the *Annotation of the Code of Conduct for Court Personnel*; and a *Manual for Executive Judges*. The Manual contains all pertinent issuances and latest jurisprudence of the Supreme Court, with practical guidelines and commentaries to assist Executive Judges in the discharge of their duties.

Continuing its efforts to foster progressive partnerships with other judicial institutions, on September 12, 2008, in Kuala Lumpur, Malaysia, the PHILJA entered into a Memorandum of Understanding with the Asian Mediation Association (AMA) for Mediation Centers in the People’s Republic of China and New Delhi, India.

Similarly, the PHILJA also facilitated the signing of the Memorandum of Cooperation between the Philippine Supreme Court and the Supreme People’s Court of the People’s Republic of China in Beijing in November 13, 2008 for the establishment of linkages between the PHILJA and the National Judicial College, the judicial education institute of China.
Judicial and Bar Council

Under the stewardship of Chief Justice Reynato S. Puno, the Judicial and Bar Council (JBC) has been unrelenting in the pursuit of its vision of a Council that is an independent, efficient, and a pro-active sentinel of judicial service, guided only by the principles of integrity, excellence, and competence.

From January to December 2008, the JBC processed a total of 3,552 applications: 3,256 applications for 225 vacancies in the lower courts, and 296 applications and recommendations for the 15 vacant judicial positions in the Supreme Court and the third-level courts. Out of the total number of applications processed, JBC psychologists and psychiatrists administered 423 psychological examinations and 424 psychiatric evaluations.

Interviews for judicial posts are generally conducted in Manila, but for 2008, the JBC conducted interviews and psychological and psychiatric evaluations for 705 applicants in the cities of Baguio, Tacloban, and Cebu. Public interviews for 160 candidates to judicial positions in the Supreme Court, the Court of Appeals, Sandiganbayan, and the Court of Tax Appeals were also conducted.

The creation of the 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 that for Ombudsman and Deputy Ombudsman.

Presidential Electoral Tribunal

The Presidential Electoral Tribunal (PET) is the sole judge of all contests relating to 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

In January 2008, the PET dismissed and terminated the election protest filed by Senator Loren B. Legarda against Vice President Noli De Castro, based on the recommendation in the Final Report of the Proceedings on the First Aspect of the protest submitted by former SC Justice Bernardo P. Pardo. The PET ruled that the dismissal was due to the lack of legal and factual basis involving the correction of errors of the certificates of canvass and election returns, and that Legarda has not adequately and convincingly rebutted the presumption that the Congress-retrieved election return copies used for the proclamation of the Vice President by it are duly executed in the regular course of official business.

The second aspect of the protest concerning the revision of ballots in 124,404 precincts was dismissed last June 2007 when the Senator failed to make the required deposit pursuant to Rule 33 of the PET.
2008 Significant Decisions

PET Case No. 003, Legarda v. De Castro, January 18, 2008, Quisumbing, J.

Sitting as the Presidential Electoral Tribunal (PET), the Supreme Court dismissed the entire election protest of Senator Loren B. Legarda against Vice-President Noli L. De Castro for the position of the second-highest elective position in the land. Among others, the PET held that the Senator effectively abandoned or withdrew her protest when she ran in the Senate, which term coincides with the term of the 2004-2010 Vice-Presidency.

GR No. 168338, Chavez v. Gonzalez, February 15, 2008, Puno, C.J.

The Court nullified the official statements of Justice Secretary Raul M. Gonzalez and the National Telecommunications Commission (NTC) warning the media against airing the alleged wiretapped conversation between President Gloria Macapagal-Arroyo and former Commission on Elections (Comelec) Commissioner Virgilio “Garci” Garcellano re the 2004 presidential elections. The Court held that the statements constitute unconstitutional prior restraint on the exercise of freedom of speech and of the press. The Court said that a governmental action that restricts freedom of speech and of the press based on content is given the strictest scrutiny, with the government having the burden of overcoming the presumed constitutionality by the clear and present danger rule. Per the Court, this rule applies equally to all kinds of media, including broadcast media.


The Supreme Court denied the motions for reconsideration filed by the Department of Energy and oil giants Chevron, Petron, and Shell; and reiterated its March 7, 2007 decision ordering the Manila City mayor to enforce Ordinance No. 8027 directing the removal of the terminals from Pandacan by the said oil companies. The said Ordinance reclassified portions of the Manila districts of Pandacan and Sta. Ana from industrial to commercial and directed certain business owners and operators, including the three oil giants to cease and desist from operating their businesses there.

GR No. 155831, Domingo v. Rayala; GR No. 155840, Rayala v. Office of the President; GR No. 158700, Republic v. Rayala, February 18, 2008, Nachura, J.

The Court upheld the findings of both of the Office of the President and the Court of Appeals that then National Labor Relations Commission (NLRC) Chairperson Rogelio I. Rayala committed acts of sexual harassment against a female stenographic reporter at the NLRC and suspended him from office.

By a 9-6 vote, the Court upheld the claim of executive privilege over communications between former Director General of the National Economic and Development Authority (NEDA) Romulo L. Neri and President Gloria Macapagal-Arroyo elicited by three questions in the Senate inquiry regarding the aborted US$329,481,290 contract entered into by the Government and Zhing Xing Telecommunications Equipment (ZTE) of the People’s Republic of China for the National Broadband Network (NBN) Project. The Senate investigation was prompted by allegations of bribery, corruption, and overpricing in the said project.

GR No. 169914, AEDC v. DOTC; GR No. 174166, Republic v. DOTC, April 18, 2008, Chico-Nazario, J.

Citing its previous rulings in Agan, Jr. v. Philippine International Air Terminals Co., Inc. (PIATCO) and Republic v. Gingoyon, the Court, among others, dismissed for lack of merit the petition for mandamus of Asia’s Emerging Dragon Corporation (AEDC), laying claim to the Ninoy Aquino International Airport International Passenger Terminal III (NAIA IPT III) Project. The Court noted, among others, that per the narration of facts in Agan, AEDC had failed to match the more advantageous proposal by the winning bidder PIATCO within the required period. Thus the nullification of the award to PIATCO did not revive the proposal of AEDC nor re-open the bidding.

GR No. 167011, Spouses Romualdez v. Comelec, April 30, 2008, Chico-Nazario, J.

By a vote of 9 to 6, the Court declared that sec. 45 (j) of RA 8189, the Voter’s Registration Act of 1996, providing that violation of any of the provisions of RA 8189 shall be considered an election offense, is not void for vagueness.

GR No. 178830, Suplico v. NEDA; GR No. 179317, Amsterdam Holdings, Inc. v. DOTC; GR No. 179613, Angeles v. DOTC, July 14, 2008, Reyes, J.

Voting 12-3, the Supreme Court dismissed three petitions challenging the constitutionality of the ZTE-National Broadband Network Project for mootness, noting that President Arroyo had already informed China’s President Hu Jintao that the Philippine Government had decided not to continue with the project.

GR No. 170516, Akbayan v. Aquino, July 16, 2008, Carpio Morales, J.

In a 10-4 decision, the Court upheld as covered by the executive privilege on diplomatic communications the offers made by both the Philippine and Japanese governments during the negotiations of the Japan-Philippines Economic Partnership Agreements (JPEPA).

GR No. 177597, Sema v. Comelec and GR No. 178628, Marquez v. Comelec, July 16, 2008, Carpio, J.

Voting 8-6, the Supreme Court held that only Congress can create provinces and cities because the creation of such necessarily includes the creation of legislative districts and that Congress exercises these powers through a law that the Congress itself enacts and not through a law that a regional or local legislative body enacts. It thus declared unconstitutional the grant to the Regional Assembly of the Autonomous Region in Muslim Mindanao (ARMM) of the power to create provinces and cities by Congress under RA 9054. Consequently the Court voided Muslim Mindanao Autonomy (MMA) Act No. 201 passed by the aforesaid Regional Assembly creating the Province of Shariff Kabunsuan out of certain municipalities in the First District of the Province of Maguindanao.

AM No. 07-09-13-SC, In the Matter of the Allegations Contained in the Columns of Mr. Amado P. Macasaet Published in Malaya Dated September 18, 19, 20 and 21, 2007, August 8, 2008, Reyes, J.

By a vote of 11-3, the Supreme Court found Malaya newspaper publisher Amado Macasaet guilty of indirect contempt of court for writing a series of baseless and unfounded bribery reports against SC Justice Consuelo Ynares-Santiago, and fined the publisher P20,000. It held that while the freedom of speech and of the press is a preferred and protected liberty, the press should be equally mindful that “open justice” – or the public right to scrutinize and criticize government – should not go beyond the boundaries of healthy criticisms to become “harmful and irresponsible attacks that can threaten the independence of the Judiciary.”

GR No. 166715, Abakada Guro Party List v. Purisima, August 14, 2008, Corona, J.

The Supreme Court upheld the constitutionality of RA 9335, the Attrition Act of 2005, save for its provision creating a Joint Congressional Oversight Committee to approve the implementing rules and regulations of the law for
violating the principle of separation of powers. RA 9335 was enacted to optimize the revenue-generation capability and collection of the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BOC) and encourages BIR and BOC officials and employees to exceed their revenue targets by providing a system of rewards and sanctions through the creation of a Rewards and Incentives Fund and a Revenue Performance Evaluation Board.

GR No. 163583, British American Tobacco v. Camacho, August 20, 2008, Ynares-Santiago, J.

In a unanimous decision, the Supreme Court declared as constitutional sec. 145 of the National Internal Revenue Code levying higher taxes on cigarette brands that entered the market after 1996, but held invalid certain revenue regulations granting the Bureau of Internal Revenue the power to reclassify or update the classification of new brands every two years or earlier.

GR No. 166676, Republic v. Cagandahan, September 12, 2008, Quisumbing, J.

The Court affirmed the January 12, 2005 decision of the Siniloan, Laguna Regional Trial Court (RTC), Branch 33 granting the Petition for Correction of Entries in Birth Certificate of one Jennifer B. Cagandahan to change her name to Jeff Cagandahan and her gender to male.


The Supreme Court unanimously upheld the Court of Appeals (CA) in granting the privilege of the writ of amparo to the brothers Raymond and Reynaldo Manalo who had escaped their military men abductors after 18 months of detention and torture. Despite the Manalos’ escape, the Court ruled that there is a continuing violation of their right to security because of the apparent threat to their life, liberty, and security and the ineffective investigation and protection on the part of the military.

GR No. 167707, The Secretary of the Department of Environment and Natural Resources v. Yap; GR No. 173775, Sacay v. The Secretary of the Department of Environment and Natural Resources, October 8, 2008, Reyes, J.

The Court held that except for its titled portions, the island of Boracay is part of the public domain. It noted that prior to the issuance of Presidential Proclamation (PP) 1064 in 2006, Boracay was unclassified land of the public domain considered public forest under PD No. 705. PP 1064 in turn classified Boracay into 400 hectares of reserved forest land and 628.96 hectares of agricultural land. The same also provides for a 15-meter buffer zone on each side of the center line of roads and trails, which are reserved for right of way and which shall form part of the area reserved for forest land protection purposes.


In its most closely contested decision in 2008, the Supreme Court, voting 8-7, declared “contrary to law and the Constitution” the Memorandum of Agreement on the Ancestral Domain Aspect (MOA-AD) of the Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Tripoli Agreement on Peace of 2001. Among others, the Court noted the “furtive process by which the MOA-AD was designed” and the failure to carry out the pertinent consultation process as mandated by EO 3, RA 7160, and RA 8371.


Voting unanimously, the Supreme Court declared as unconstitutional the provisions of RA 9165 (Comprehensive Dangerous Drugs Act of 2002) requiring mandatory drug testing of candidates for public office and persons accused of crimes. However, the Court upheld the constitutionality of the said law with regard to random drug testing for secondary and tertiary school students, as well as for officials and employees of public and private offices.

GR No. 176951, League of Cities of the Philippines v. Comelec; GR No. 177499, League of Cities of the Philippines v. Comelec; GR No. 178056, League of Cities of the Philippines v. Comelec, November 18, 2008, Carpio, J.

The Court voided 16 Cityhood Laws for violation of the Constitution. The said Cityhood Laws, all enacted after the effectivity of RA 9009 increasing the income requirement for cityhood from PhP20 million to PhP100 million in sec. 450 of the Local Government Code (LGC), explicitly exempt respondent municipalities from the said increased income requirement. The Court ruled, however, that the creation of local government units must follow the criteria established in the Local Government Code and not in any other law. It also held that even if the exemption provision in the Cityhood Laws were written in Section 450 of the LGC, as amended by RA 9009, such exemption would still be unconstitutional for violation of the equal protection clause as the one-sentence exemption provision contains no classification standards or guidelines differentiating the exempted municipalities from those that are not exempted.

GR No. 180986, Altres v. Empleo, December 10, 2008, Carpio-Morales, J.

The Court held that whenever a certification as to availability of funds is required for purposes other than actual payment of an obligation which requires disbursement of money, Section 474(b)(4) of the Local Government Code applies, and it is the ministerial duty of the city accountant to issue the certification. On the other hand, sec. 344 of the Local Government Code requiring a certification of availability of funds from the city treasurer applies only when there is already an obligation to pay on the part of the local government unit.
Following the rule that in construing penal statutes, as between two reasonable but contradictory constructions, the one more favorable to the accused should be upheld, the Court ruled that in cases of estafa under Art. 315 of the Revised Penal Code, the basis for fixing the minimum term is the prescribed penalty and not the imposable penalty as well as sustained the Gabres ruling that the incremental penalty rule is analogous to a modifying circumstance.

GR No. 162335 and 162605, Manotok v. Heirs of Barque, December 18, 2008, Tinga, J.

Notwithstanding the entry of judgment already made in favor of respondent heirs of Homer L. Barque concerning 342,945 square meters of prime property, the Court En Banc resolved to proceed with a re-evaluation of these cases on a pro hac vice basis to make certain the stability of the Torrens system by ensuring clarity of jurisprudence in this field. It therefore remanded the case to the Court of Appeals for further hearing and reception of evidence.

GR Nos. 171947-48, MMDA v. Concerned Residents of Manila Bay, December 18, 2008, Velasco, Jr., J.

In a unanimous 36-page decision, the Supreme Court ordered petitioner government agencies to coordinate the clean-up, restoration, and preservation of the water quality of the Manila Bay in line with the country’s development objective to attain economic growth in a manner consistent with the protection, preservation, and revival of our marine waters. The decision also required the said government agencies to each submit to the Court a quarterly progressive report of the activities undertaken in line with the principle of “continuing mandamus.”

GR No. 179895, Topacio v. Ong, December 18, 2008, Carpio Morales, J.

To protect the sanctity of dealings by the public with persons whose ostensible authority emanates from the State, and without ruling on the conditions for the interplay of the de facto doctrine, the Court declared that Sandiganbayan Justice Gregory S. Ong may turn out to be either a de jure officer who is deemed, in all respects, legally appointed and qualified and whose term of office has not expired or a de facto officer who enjoys certain rights, among which is that his title to said office may not be contested except directly by writ of quo warranto, which contingencies all depend on the final outcome of the Regional Trial Court petition filed by Justice Ong to correct his birth certificate to show that he is a natural-born Filipino.


For lack of publication of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation in newspapers of general circulation, the Court enjoined the Senate of the Philippines and/or any of its committees from conducting any inquiry in aid of legislation centered on the “Hello Garci” tapes. It held that the publication of the Rules of Procedure in the website of the Senate or in pamphlet form available at the Senate is not sufficient under the Tañada v. Tuvera ruling which requires publication either in the Official Gazette or in a newspaper of general circulation.

http://www.arrakoen.ch/phpima027b%20Manila%20Bay.jpg
THE RULE ON THE WRIT OF HABEAS DATA
A.M. No. 08-1-16-SC, January 22, 2008

Under the leadership of Chief Justice Reynato S. Puno, the Supreme Court promulgated the much-anticipated Rule on the Writ of Habeas Data which took effect on Constitution Day, February 2. The writ is the third in the trinity of judicial writs (the others being the writs of habeas corpus and amparo) protecting our people’s right to life, liberty, and security; and like the writ of amparo, is a prerogative writ and does not preclude the filing of separate criminal, civil, or administrative actions.

Reliefs include the “deletion, destruction, or rectification of the erroneous data or information” by the public official or employee or of the private individual or entity engaged in the gathering, collecting, or storing of data or information regarding the person, family, home, and correspondence of the aggrieved party.

GUIDELINES IN THE OBSERVANCE OF RULE OF PREFERENCE IN THE IMPOSITION OF PENALTIES IN LIBEL CASES
Administrative Circular No. 08-2008, January 25, 2008

This Circular directs all courts and judges concerned to impose the penalty of a fine, instead of imprisonment, under specific circumstances in libel cases.

The policy behind this Circular does not remove imprisonment as an alternative penalty for the crime of libel. All courts and judges must still exercise their sound discretion and consider the unique circumstances of each individual case in determining the proper imposable penalty. In deciding to impose the lone penalty of fine, judges must base their decision on what would best serve the interests of justice.

DESIGNATION OF SPECIAL COURTS TO HEAR, TRY, AND DECIDE ENVIRONMENTAL CASES

Upon the recommendation of the Philippine Judicial Academy, “for improved environmental adjudication in the country,” the High Court designated 117 courts as “green courts” to hear cases involving violations of laws protecting the country’s natural resources and to speed up their resolution.
These special courts will try and decide violations of environmental laws which include, but are not limited to, the Revised Forestry Code (PD 705), Marine Pollution (PD 979), Toxic Substances and Hazardous Waste Act (RA 6969), People's Small-Scale Mining Act (RA 7076), National Integrated Protected Areas System Act (RA 7586), Philippine Mining Act (RA 7942), Indigenous People’s Rights Act (RA 8371), Philippine Fisheries Code (RA 8550), Clean Air Act (RA 8749), Ecological Solid Waste Management Act (RA 9003), National Caves & Cave Resources Management Act (RA 9072), Wildlife Conservation & Protection Act (RA 9147), Chainsaw Act (RA 9175), and Clean Water Act (RA 9275).

Fifteen of the 117 environmental courts are Regional Trial Courts (RTCs) from the National Capital Judicial Region (NCJR), while the other environmental courts are from the 12 judicial regions. The Court also designated certain Metropolitan Trial Courts (MeTCs) and Municipal Trial Court in Cities (MTCCs) as environmental courts.

DEFINING THE ORGANIZATION, POWERS, AND FUNCTIONS OF THE PMCO AND MCUS


Pursuant to Supreme Court (SC) En Banc Resolution AM No. 08-2-5-SC-PHILJA, dated February 12, 2008, and upon the recommendation of the Philippine Judicial Academy (PHILJA) Board of Trustees, the Supreme Court approved Administrative Order No. 33-2008, formally organizing the Philippine Mediation Center Office (PMCO) and Mediation Center Units (MCUs).

The formal establishment of the PMC strengthens the constitutional policy of the state to “provide a simplified and inexpensive procedure for the speedy disposition of cases and dispensation of justice.” Its creation also gives people more access to Alternative Dispute Resolution (ADR) Mechanisms which include a broad range of dispute resolution options “outside the traditional administrative, judicial, or legislative decision-making process.”

2004 RULES ON NOTARIAL PRACTICE
AM No. 02-8-13-SC, February 19, 2008

The Supreme Court En Banc promulgated AM No. 02-8-13 SC to simplify, clarify, and modernize the rules governing notaries public; foster ethical conduct among them; and promote, serve, and protect the public interest.

Beginning August 1, 2004, it will no longer be sufficient for a person seeking notarization to merely present the community tax certificate or cedula to a notary public. In its amendment of the 2004 Rules, the Court requires the presentation of other acceptable identification issued by an official agency bearing a photograph and signature of the signatory as a condition for notarization. Examples of this identification would be a current Driver’s License, Passport, Voter’s ID or SSS ID. The IDs must be presented to the notary public and a copy will be retained and attached to the notary public’s books, together with the notarized documents.

INHIBITION AND/OR DISQUALIFICATION OF CLERKS OF COURT IN ALL LEVELS, UNDER SECTION 1, CANON III OF THE CODE OF CONDUCT OF COURT PERSONNEL AND SECTION 1, RULE 137 OF THE RULES OF COURT
AM No. 08-4-1-SC, June 3 2008

The Court provided for guidelines in the detail of locally-funded employees to the lower courts. The guidelines issued a disqualification against all clerks of courts in all cases in which they or their immediate families are involved. These employees shall not be given duties involving custody of court records, implementation of judicial processes, and other duties involving court proceedings.

RULE OF PROCEDURE FOR SMALL CLAIMS CASES
AM No. 08-8-7-SC, October 1, 2008

The Rule governs the procedure for civil claims before first-level courts [Metropolitan Trial Courts (MeTC), Municipal Trial Court in Cities (MTCC), Municipal Trial Court (MTC), and Municipal Circuit Trial Courts (MCTC)] which are exclusively for the payment or reimbursement of a sum of money not exceeding P100,000.00, exclusive of interest and costs. The key feature of the Rule is an inexpensive, informal, and simple procedure of settling disputes involving purely money claims than the regular civil process. Every aspect of the process is designed to allow a person to handle his/her case from start to finish quickly and inexpensively. There are ready-made forms available and strict procedural rules, including the rules of evidence, do not apply. Since the primary objective of the Rule is to provide a simple procedure that will allow the judge to resolve cases expeditiously, lawyers are not allowed to appear at the hearing to represent the parties unless they are the plaintiff or the defendant. However, since the process is still a legal process, the parties and their authorized representatives can still consult with a lawyer to assist them to prepare for the hearing or for other matters outside the hearing.

2008 RULES OF PROCEDURE ON CORPORATE REHABILITATION
AM No. 00-8-10-SC, December 2, 2008

These Rules cover petitions for rehabilitation of corporations, partnerships, and associations pursuant to Presidential Decree No. 902-A, as amended as well as cases for rehabilitation transferred from the Securities and Exchange Commission to the Regional Trial Courts pursuant to RA 8799, otherwise known as The Securities Regulation Code.

The new Rules seek to improve and expedite the court procedures for petitions for rehabilitation or re-organizations of corporations, partnerships, and associations to help debtors recover from financial difficulties while at the same time attempting to ensure fair treatment of creditors.
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. Rule on the Writ of Habeas Data (AM No. 08-1-16-SC, January 22, 2008); 2. Rule of Procedure for Small Claims Cases (AM No. 08-8-7-SC, September 9, 2008); and 3. Rules of Procedure on Corporate Rehabilitation (AM No. 00-8-10-SC, December 2, 2008).

The Supreme Court Program on Awards and Incentives for Service Excellence (PRAISE) 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 as the 2008 Model Employees were Ms. Estrella D. Eje and Atty. Richard O. Pascual in the supervisory and non-supervisory categories, respectively. Special awardees were Atty. Gorgonio B. Elarmo, Jr. for Communication Excellence; Mr. Efren R. Jarlos for Leadership; Mr. Hernani P. Molines for Innovation; and Mr. Pedro A. Malig-on, for Commitment to Service. Also honored were Service Awardees and retirees Justice Angelina Sandoval-Gutierrez, Court Administrator Zenaida N. Elepaño, Deputy Court Administrator Antonio H. Dujua (term extended from December 2008 to October 31, 2009), Deputy Clerk of Court Atty. Ma. Piedad F. Campaña, Ms. Petrita C. Arguelles, Mr. Escolastico L. Galura, Ms. Claudita T. Montoya, Ms. Resurreccion M. Ilagan, Ms. Lutgarda E. de Leon, Mr. Valeriano P. Pobre, Mr. Efren R. Jarlos, Ms. Zenaida N. Recto, Atty. Amelia T. Guillaumun, Mr. Serafin T. Estel, and Ms. Rachel Edna F. Florendo for their loyalty to the Court.

To continuously upgrade information and communication technology (ICT), the Committee on Computerization and Library (CCL) launched the Judiciary portal www.judiciary.gov.ph which includes the websites of the Supreme Court, Court of Appeals, Court of Tax Appeals, and Sandiganbayan. The new Judiciary email was also established. The CCL also started the transfer of the E-Library hosting to the Judiciary Data Center.

The CCL has finalized the first component of plans to develop the Judiciary’s ICT capability with its assessment of the Judiciary’s current status and recommendations of appropriate application systems. The formulation of the five-year plan aims to enhance the Judiciary’s efficiency and effectiveness by ensuring greater and quicker public access to justice.
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 Php 42,774,518.53 for both SC and lower court employees.

The Technical Working Group (TWG) of the Small Claims Court Pilot Project drafted the Rule of Procedure for Small Claims Cases which was subsequently promulgated by the Supreme Court on September 9, 2008. The TWG also conducted a seminar for judges of the 22 pilot small claims courts prior to the launch of the Rule. The TWG oversaw the implementation of the Rule, which took effect on October 1, 2008. It thus required the pilot courts to submit monthly reports on their small claims cases; prepared a checklist consisting of questions for judges and parties to answer; and made visits to the courts, observed actual hearings, and conducted interviews with the judges, court personnel, and litigants. The TWG also led information drives in different barangays for barangay officials, specially the Lupon Tagapamayapa. The TWG will submit a report to the Supreme Court on the implementation of the Rule from the period of October 2008 to January 2009.

The Committee on Gender Responsiveness in the Judiciary (CGRJ), in cooperation with the United Nations Development Fund for Women (UNIFEM), conducted a Knowledge Sharing Seminar for justices, judges, and women’s groups from Thailand and Vietnam on January 14 – 19, 2008 with the theme “Gender Equality and the Judiciary: Sharing the Philippine Judiciary's Experience in implementing its Gender and Development Program to the Judiciaries in Southeast Asia,” among other seminars and focus group discussions. The CGRJ also coordinated with the SC Office of Administrative Services in the implementation of 11 gender sensitivity training and orientation sessions on the Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary for SC employees, male and female alike, from April to November.

The CGRJ provided the following data for 2008:

### Gender Statistics of Justices/Judges in the Judiciary as of December 31, 2008

<table>
<thead>
<tr>
<th>Court</th>
<th>Female</th>
<th>Male</th>
<th>Total No. of Incumbent Judges</th>
<th>Total No. of Vacancies</th>
<th>Total No. of Judicial Positions</th>
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<tr>
<td>Supreme Court</td>
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<tr>
<td>Court of Appeals</td>
<td>19</td>
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<tr>
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<td>228</td>
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<tr>
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<td>5</td>
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<td>51</td>
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<td>1,186</td>
<td>1,762</td>
<td>528</td>
<td>2,290</td>
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</table>
The Court Systems Journal Committee printed out 34,400 copies of monthly case digests and 8,660 copies of six issues of the Court Systems Journal. Among the published volumes are special edition volumes for retiring Justices Angelina Sandoval-Gutierrez and Ruben T. Reyes. The Public Information Office acts as Secretariat for the Court Systems Journal.

The Society for Judicial Excellence’s 2008 Outstanding Judges and Clerks of Court are Judge Erlinda Nicolas-Alvaro (Chief Justice Cayetano Arellano Awardee), Judge Lorifel Lacap Pahimna (Chief Justice Jose Abad-Santos Awardee), Judge Henry D. Arles (Chief Justice Ramon Avanceña Awardee), Judge Erlinda Nicolas-Alvaro (Best Decision in Civil Cases), and Judge Leonor Gerona Romeo (Best Decision in Criminal Cases).

The Committee on Public Information (CPI), through its Technical Working Group (TWG) of the European Commission-funded Access to Justice by the Poor Project, produced Filipino translations of the brochures on the stages of civil and criminal actions, court system of the Philippines, the Chief Justices of the Philippines, the Justices of the Supreme Court, and the history of the Supreme Court. Through its TWG on Information, Education and Communication Materials Development (IEC TWG), it also produced Filipino translations of the Action Program for Judicial Reform (APJR) brochures on the APJR, Court Administration Management Information System (CAMIS), Case Flow Management (CFM), E-Library, Halls of Justice (HOJ), and Justice on Wheels (JOW). These brochures were distributed to, among others, the Access to Justice by the Poor Project Municipal Court Information Officers and visitors of the Court.

The awarding ceremonies for the SC’s national essay writing contest, with the theme “The Rule of Law and its Role in National Development,” was also held by the CPI through its IEC TWG, in sponsorship with the Philippine Association of Law Schools (PALS), during SC’s 107th anniversary celebration on June 11, 2008.

Also under the Access to Justice by the Poor Project, the Access to Justice Network (AJN) Memorandum of Agreement (MOA) between the SC and the Department of Interior and Local Government (DILG) was signed by Undersecretary Austere Panadero (DILG) and Court Administrator Jose P. Perez (OCA-SC) on December 4, 2008. The MOA aims to institutionalize the AJN as a multi-stakeholder network of service providers in the provincial, municipal, and barangay levels. The network provides a venue for discussion of issues related to access to justice by the poor, particularly women and children. Its main functions are information dissemination, limited policy making or policy advocacy, continuing education, subject to the constitutional limitation on the separation of powers safeguarding the independence and integrity of the Judiciary.

The Committee on Enhanced Justice on Wheels (EJOW Committee) mobile courts have made 25 stops nationwide and have been deployed in Manila, Aklan, Caloocan City, Quezon City, Cebu, Davao del Norte, Davao del Sur, Davao City, Cavite, Tacloban City, Zambales, Pasay City, Aurora, Sarangani, Las Piñas, and Tagaytay City. From these venues, 731 inmates were ordered released, 5,386 were given medical and dental treatment, 595 benefited from free legal advice, and 6,700 local barangay officials participated in the information campaigns. The EJOW Committee also utilized the mobile courts to ensure that there is no disruption of services in the typhoon-ravaged city of Kalibo, Aklan to serve as a temporary venue for the hearing of cases of the Regional and Municipal Trial Courts of Kalibo from July 18 to September 30, 2008.
Significant Fora, Conferences, Seminars, and Workshops

Forum on Increasing Access to Justice: Bridging Gaps, Removing Roadblocks

Chief Justice Reynato S. Puno spearheaded the Forum held simultaneously on June 30 and July 1 through video-conferencing in Manila (269 participants), Cebu City (100 participants), and Cagayan de Oro City (127 participants). The Forum focused on the people’s socio-economic and cultural rights, often called “second-generation rights, which the Chief Justice described as equally important as the people’s civil and political rights as well as indispensable to the latter’s enjoyment. In his closing remarks, the Chief Justice promised that the Supreme Court “will not lose even a fraction of time before aggregating the ideas proposed in this Forum and putting the doables into our rule books,” referring to the Court’s expanded power under Art. VIII, sec. 5 (5) of the Constitution to promulgate rules on, among others, the protection and enforcement of constitutional rights; pleadings, practice, and procedure in all courts; the admission to the practice of law; the Integrated Bar; and legal assistance to the underprivileged. Other recommendations outside the Court’s jurisdiction were forwarded to the relevant government agencies for their appropriate action.

Forum on the Rule on Writ of Habeas Data

Chief Justice Puno led this Forum held on February 1, 2008. The Rule, a remedy to protect and individual’s right to privacy, was issued pursuant to the Court’s expanded rule-making power under the Constitution, which nonetheless cannot diminish, increase, or modify substantive rights. It was promulgated both as an independent remedy to enforce the right to informational privacy and the complementary “right to truth” as well as an additional remedy to protect the right to life, liberty, or security of a person.
International Conference on the International Criminal Court

The Philippine Judicial Academy (PHILJA), in partnership with the Italian Government through the Embassy of Italy in Manila, conducted the International Conference on the International Criminal Court on September 25 and 26, 2008, at the Renaissance Makati City Hotel, Makati City. The activity was designed as a knowledge-sharing activity to tackle the ICC’s (a) relevance in the context of global, regional, and national situations; (b) role in the protection of human rights; (c) operations; (d) complementarity with national courts; and (e) mechanisms for implementation.

Seminar on Election Laws for Judges and Clerks of Courts

The Seminar on Election Laws for Judges and Clerks of Courts was conducted by the Philippine Judicial Academy (PHILJA) in partnership with the United States Agency for International Development (USAID) and the International Foundation of Election Systems (IFES) on January 8, 2008 at the College of Saint Benilde Hotel, Malate, Manila. Judges and branch clerks of court of designated election courts from different judicial regions were among those who attended. The Seminar was aimed at enabling the participants to differentiate between acceptable and unacceptable pleadings in election cases; distinguish between the spheres of jurisdiction and competence of the courts and of the Commission on Elections in election cases; relate provisions of election laws and election rules to disputes frequently referred to the courts for disposition; and identify techniques for the speedy resolution of election cases.

CODI and Gender Sensitization Seminar-Workshops

The PHILJA trained more than 100 judges and court personnel members of the various Committees on Decorum and Investigation (CODIs) in the Judiciary in writing reports and conducting investigations on sexual harassment cases, while providing them with a solid backgrounder on the multi-faceted nature of sexual harassment and the laws that address the same. These Seminar-Workshops were held at the Bayview Hotel in Ermita, Manila on February 28 to 29 for the SC and appellate courts; on May 6 and 7 for the National Capital Judicial Region and Southern Tagalog Region; and in Cebu City on March 10 and 11 for Region 11.

The following Gender Sensitization trainings and related information and education activities were spearheaded by the Philippine Judicial Academy (PHILJA) and the Office of the Administrative Services (OAS), in coordination with the Committee on Gender Responsiveness: the CEDAW and gender sensitization seminars held in the cities of Baguio, San Fernando, Cebu, and Davao through the funding support of the ABA-ROLI for a total of 320 participants; trainings for 228 participants from the Supreme Court, Sandiganbayan, Court of Appeals Cebu, Court of Appeals Cagayan de Oro, and selected trial courts in Manila, Cebu, and Tacloban, Leyte; regular sessions on gender sensitivity and orientation on the Rule on Administrative Procedure in Sexual Harassment for the Supreme Court personnel; the Seminar-Workshop for the Members of the Committee on Decorum and Investigation (CODI) of the National Capital Judicial Region (NCJR), Bulacan, Rizal, and the Officials and Lawyers of the Office of the Court Administrator (OCA) on May 15 and 16, 2008, Bayview Park Hotel, Manila.

Distinguished Lecture Series of 2008

The Distinguished Lecture Series is a knowledge sharing activity instituted by the Supreme Court through the Committee on Knowledge Sharing and Regional Cooperation. This activity, spearheaded by PHILJA and the Program Management Office, provides a forum for intellectual discussions on key issues in the legal and judicial sphere led by distinguished lecturers from the local and international legal community. On February 20, the Special Convocation for the Conferment of the Degree of Doctor of Laws (Honoris Causa) and the first in the Distinguished Lecture Series of 2008 titled Reform of the Spanish Civil Code: Basis and Content were held. The second lecture, by Chief Justice Taihakurei (Eddie) Durie DCNZM (ret.) High Court of New Zealand on The New Zealand Experience of Resolving Indigenous and Land Issues in the Context of a Treaty Settlement Process, was held on March 10. The next three lectures were as follows: The Metes and Bounds of the Philippine Territory by Ambassador Lauro L. Baja, Jr. held at the Far Eastern University in Manila on June 27; the
International Committee of the Red Cross Study on Customary International Humanitarian Law: Issues on State Responsibility and Command Responsibility by Dr. Jean-Marie Henckaerts, Head of the ICRC Project on Customary IHL, held at the Renaissance Makati City Hotel on September 25 and 26; and Command Responsibility from International Criminal Tribunals to National Jurisdictions by Judge Fausto Pocar, Appeal Judge and Former President of the International Criminal Tribunal for the Former Yugoslavia, held last November 27 simultaneously via video-conferencing at the Court of Appeals Auditorium, Manila, and at the Pearlmont Inn in Cagayan de Oro City.

**Seminar-Workshop sa Paggamit ng Filipino sa Hukuman**

On October 20 and 21, the PHILJA Seminar-Workshop sa Paggamit ng Filipino sa Hukuman was held at the Bulacan State University in Malolos, Bulacan. The activity was aimed at drafting a curriculum for the training of judges, prosecutors, lawyers, and court personnel on the use of Filipino in court proceedings as part of the Court’s efforts to bring justice closer to the people.

**Multi-Sectoral and Skills Building Seminar-Workshop on Human Rights Issues: Extralegal Killings and Enforced Disappearances**

This Workshop, organized by the PHILJA in partnership with the Philippine Commission on Human Rights and the Australian Agency for International Development, was held on October 10. Among the topics were the doctrine of command responsibility and the new Rules on the Writ of Amparo and the Writ of Habeas Data. Similar workshops were held for Batch 2 of the 4th Judicial Region on May 8 and 9 at the Traders Hotel, Roxas Boulevard in Pasay City and for the first batch of the 5th Judicial Region on May 22 and 23 Avenue Plaza Hotel, Magsaysay Avenue, Naga City.

**Judge-to-Judge Dialogues**

To provide a venue for the exchange of perspectives and lessons on their roles and functions, and share good practices towards the efficient administration of justice, Judge-to-Judge Dialogues were held in Davao City and Naga City in January and February, respectively. The Dialogues, which were conducted by the Program Management Office in coordination with the PHILJA and the Office of the Court Administrator with funding assistance from the USAID through ABA-ROLL, focused on problems and solutions in case delay and the power of judges during court proceedings.

**Other Significant Seminars and Workshops**

- **The 1st Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary**
  January 25, 2008, Training Center, SC Centennial Building in Ermita, Manila

- **The 5th National Convention and Seminar of the Court Stenographers Association of the Philippines**
  May 5 to 7, Quezon Convention Center, Lucena City

- **The 5th National Convention and Seminar of the Philippine Association of Court Interpreters**
  May 7 to 9, Bohol Tropics Hotel, Tagbilaran City, Bohol

- **The 6th Convention and Seminar of the Philippine Association of Court Social Workers**
  May 14 to 16, The Baluarte, Vigan, Ilocos Sur

- **The Seminar-Workshop on Capacity-Building on Environmental Laws and Procedures for Lawyers of the Department of Environment and Natural Resources (DENR)**
  May 19 to 23, Sulu Hotel, Diliman, Quezon City

- **Career Enhancement Program (Level 5) for RTC and First-Level Court Judges for Region IX**
  May 27 to 29, Top Plaza Hotel, Dipolog City
With the aim of promoting public confidence in the Judiciary, the Supreme Court in 2008 continued its crusade to purge erring magistrates and court officials and personnel.

In an unprecedented exercise of its disciplinary power over its ranks, the Supreme Court took administrative action ranging from admonition and reprimand to dismissal on five justices of the Court of Appeals (CA) who were found to have committed irregularities and improprieties in the handling of the case between the Manila Electric Co. and the Government Service Insurance System. One justice was dismissed from service for “violations of the Canons of the Code of Judicial Conduct, grave misconduct, dishonesty, undue interest and conduct prejudicial to the best interest of service.” Another was suspended for two months without pay after having been found guilty of simple misconduct and conduct unbecoming a justice of the CA. A third justice was severely reprimanded “for his failure to act promptly and decisively in order to avert the incidents that damaged the image of the CA,” and another was reprimanded after he was found guilty of simple misconduct with mitigating circumstance. A fifth justice was admonished after she was found guilty of conduct unbecoming a justice of the CA and was enjoined by the Court “to be more circumspect in the discharge of her judicial duties.” (AM No. 08-8-11-CA, Re: Letter of Presiding Justice Conrado M. Vasquez, JR. on CA-G.R. SP NO. 103692, September 9, 2008)
A Regional Trial Court (RTC) judge from Occidental Mindoro who incurred “unexplained absences” was suspended without pay for six months after he was found guilty of gross inefficiency, serious misconduct, and gross neglect of duty for issuing an order directing without qualification the revision of all the ballot boxes protested in an election case in contravention of a Commission on Elections (Comelec) Order covering only certain ballot boxes in specified precincts. The Court added that such an erroneous interpretation of the Comelec Order would have been avoided had the judge actually been in his official station from June 5, the date of the erroneous order, to June 11, 2002. (AM No. RTJ-08-2100, Pangilinan v. Jaurigue, Jan. 31, 2008)

A court aide of the Municipal Circuit Trial Court of Villaverde-Quezon, Nueva Vizcaya was dismissed from service after he was found guilty of grave misconduct for having had carnal knowledge of a 14-year old girl. Stressing that the act of the dismissed court aide “is deplorable and must be abhorred,” the Court said that “Such revolting act has no place in the Judiciary, the true temple of justice.” (AM No. P-02-1666, Ramos v. Bicad, October 10, 2008)

Stressing that misappropriation of Judiciary funds constitutes dishonesty and grave misconduct, the High Court dismissed from service a cash clerk from the RTC – Office of the Clerk of Court in Cabanatuan City who admitted misappropriating the amount of PhP600,051.81, supposedly to help an ailing sister. Stressing that personal problems cannot justify the misuse by any court employee of judicial funds in their custody, the Court ordered her to refund the said amount pertaining to the Sheriff Judicial Development Fund and the amount of PhP1,000 pertaining to the Sheriff General Fund (now the Special Allowance for the Judiciary). (AM No. P-03-1748, OCA v. Puno, September 22, 2008)

A court stenographer who, despite having received memoranda and orders from a judge directing her to transcribe her stenographic notes in several cases with a warning that she shall be held in contempt and ordered arrested should she fail to comply therewith, still refused to render due compliance was dismissed from service by the High Court for gross neglect of duty. (AM No. P-04-1765, Banzon v. Hechanova, April 8, 2008)

Also dismissed from service was a process server who failed to expeditiously serve the summons in a case for declaration of nullity of marriage, and who admittedly received PhP3,000 from the complainant in the said case for travel expenses in serving the summons in violation of the procedures laid down by the Court. (AM No. P-06-2192, Sardillo v. Baloloy, June 12, 2008)

A utility worker at the RTC in Baybay, Leyte was fined PhP30,000 from his retirement benefits for grave misconduct after he dishonestly and in bad faith kept for himself a ring and a bracelet belonging to a co-worker of his. (AM No. P-07-2399, Palero-Tan v. Urdaneta, Jr., June 18, 2008)

Reminding the members of the Bench that, as dispensers of justice, they should observe judicial temperament at all times and avoid using vulgar and insulting language, the High Court reprimanded a judge from Caloocan for her use of intemperate language in her pleadings in an administrative case against her. The Court emphasized that “the judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions. This is the price that judges have to pay for accepting and occupying their exalted positions in the administration of justice.” (AM No. 06-9-545-RTC, Re: Conviction of Judge Adoracion G. Angeles, Jan. 31, 2008)

A clerk who was maintaining an illicit relationship with a man other than her husband was suspended for six months and one day for disgraceful and immoral conduct. (AM No P-06-2143, Re: Anonymous Letter-Complaint against Cardozo, June 12, 2008)

A judge who had been previously dismissed from service for gross misconduct, gross ignorance of the law, and incompetence was fined PhP40,000 by the Supreme Court for dishonesty, in connection with the sale of a beach lot wherein he acted as broker-agent. The Court also considered the administrative case against the former judge as a disciplinary proceeding against him as a member of the Bar, resulting in his disbarment. (AM No. RTC-04-1894, Cañada v. Suerte, February 22, 2008)

For punching in at least five other court employees’ daily time cards, a Bulacan sheriff was suspended from service for 10 months for dishonesty. (AM No. P-08-2494, Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC-Br.80, Malolos City, November 27, 2008)

Emphasizing the duties of court sheriffs “to proceed with reasonable speed to enforce the writ (of execution) to the letter, ensuring at all times that the implementation of the judgment is not unjustifiably deferred,” the Court fined a sheriff from Sta. Cruz, Laguna PhP5,000 for simple neglect of duty. (AM No. P-05-2054, Dacdac v. Ramos, April 30, 2008)
A court stenographer, who had another person take the Civil Service Commission Sub-Professional eligibility test using her name, was dismissed from service for dishonesty. (AM No. P-05-2005, OCA v. Bermejo, March 14, 2008)

The Supreme Court was also not remiss in disciplining errant members of the Bar, for “Of all classes and professions, the lawyer is most sacredly bound to uphold the laws. He is their sworn servant; and for him, of all men in the world, to repudiate and override the laws, to trample them underfoot and to ignore the very bonds of society, argues recreancy to his position and office, and sets a pernicious example to the insubordinate and dangerous elements of the body politic.” Thus, a lawyer, who had been previously penalized with a three-year suspension and subsequently suspended for six months for committing acts of defraudation, was disbarred for conspiring with others in an unlawful network of recruiting innocent persons to invest in a foreign currency trading business when in fact no such business existed. (AC No. 7747, Yu v. Palaña, July 14, 2008)

For grave misconduct and infidelity in the custody of properties in custodia legis, a lawyer was suspended from the practice of law for one year, after he was found to have taken custody of a Nissan Sentra and a Volvo without authority of the court. (AC No. 7820, Salomon, Jr. v. Frial, September 12, 2008)

Suspension from the practice of law for one year, revocation of notarial commission, and prohibition from being committed as a notary public for one year were the penalties imposed by the High Court on a lawyer who notarized a Special Power of Attorney in the absence of the affiant. “Doing away with the essential requirement of physical presence of the affiant does not take into account the likelihood that the documents may be spurious or that the affiants may not be who they purport to be,” noted the Court. “A notary public should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein.” (AC No. 5851, Dela Cruz-Sillano v. Pangan, November 25, 2008)

The Supreme Court clarified the rotation of leadership governing the Integrated Bar of the Philippines (IBP). In a resolution, the Court En Banc affirmed the election of Atty. Rogelio A. Vinluan on April 25, 2007 by the IBP Board of Governors, as the Executive Vice-President (EVP) for the term 2007-2009, ruling that his election did not violate the “rotation rule,” as embodied in sec. 47, Art. VII of the IBP by-laws, which states that all IBP regions must take turns in having a representative as EVP, who shall automatically succeed to the IBP presidency.

The Court ruled that the case of Vinluan is an exception to the rotation rule and sustained the action of the Board of Governors in proceeding with the election of its EVP wherein Atty. Vinluan emerged as the winner. It took note of the fact that since the predecessor of Vinluan had voluntarily relinquished her post as EVP seven days after she was elected and had failed to take her oath of office, the election of said predecessor cannot be considered “one turn” under the rotation rule. (AM No. 07-3-13-SC, In Re: Compliance of IBP Chapters with AO No. 16-2007, Letter-Compliance of Atty. Ramon Edison C. Batacan, February 28, 2008)
### Data on Administrative Complaints

#### Justices

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<th>SC Justices</th>
<th>CA Justices</th>
<th>Sandiganbayan Justices</th>
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#### Lower Court Judges

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<thead>
<tr>
<th></th>
<th>RTC Judges</th>
<th>MeTC, MTCC, MTC, &amp; MCTC Judges</th>
<th>SDC Judges</th>
<th>SCC Judges</th>
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<tr>
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#### Court Personnel

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<th>SC Personnel</th>
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<td>Dismissed from Service</td>
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<td>0</td>
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<td>Reprimanded</td>
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### Court Personnel

<table>
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<th>Court Personnel</th>
<th>RTC, MeTC, MTCC, MTC, &amp; MCTC</th>
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<tr>
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### SDC Personnel | SCC Personnel

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<tr>
<td>Cases Decided</td>
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<table>
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<tbody>
<tr>
<td>Disbarred</td>
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<tr>
<td>Suspended from the Practice of Law</td>
</tr>
<tr>
<td>Suspended Notarial Commission</td>
</tr>
<tr>
<td>Reprimanded</td>
</tr>
<tr>
<td>Fined and Reprimanded</td>
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<tr>
<td>Admonished</td>
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<tr>
<td>Fined and Admonished</td>
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</tr>
<tr>
<td>Warned</td>
</tr>
<tr>
<td>Fined</td>
</tr>
<tr>
<td>Ordered Arrested</td>
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<tr>
<td><strong>TOTAL</strong></td>
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Source: Docket and Clearance Division, Legal Office, OCA and the Complaints and Investigation Division, OAS

### LAWYERS

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<td>Admonished</td>
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<td>Censured</td>
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<td>Warned</td>
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<td>Ordered Arrested</td>
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<td><strong>TOTAL</strong></td>
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Source: Office of the Bar Confidant

Note: Admonition and Warning are not penalties.
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 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.

In March 28, 2008, the Supreme Court promulgated a decision, clarifying the effect of the 10% salary increase under EO 611 on the SAJ of justices, judges and court officials with equivalent rank of Court of Appeals justices or Regional Trial Court judges. The decision, penned by then Justice Ruben T. Reyes, ruled that the SAJ is to be considered as an implementation of any subsequent increase in salary rates. This would include the 10% increase in basic salary under EO 611. Hence, the 10% increase in basic salary shall be made to apply to justices, judges, and other court personnel of ranks equivalent to Court of Appeals justices and Regional Trial Court judges but will be sourced from the SAJ funds and result in a corresponding 10% reduction in SAJ. Accordingly, 10% were deducted from the monthly SAJ of incumbent justices, judges, and Judiciary officials with the equivalent ranks of CA justices and RTC judges, corresponding to the 10% increase in their basic salary as authorized under EO 611; and their 10% salary increase was sourced from the SAJ fund.
The same decision, however, pointed out that the continued long-term implementation of Section 6, RA 9227 would defeat the very purposes for which the said law was passed, more particularly to attract lawyers to the Judiciary through an attractive compensation package. As it turns out, the net effect of converting 10% of the monthly SAJ to basic salary is a corresponding decrease in the monthly income of incumbent justices, judges, and Judiciary officials with equivalent rank. This is because the 10% increase in their salary, formerly part of their SAJ, is now subject to income taxation. As such, they are receiving less than before, since their salaries are already subject to tax. Other court personnel who are not direct beneficiaries under RA 9227, on the other hand, may be expected to benefit with higher additional allowance, in view of the expected increase in the surplus by reason of the 10% deduction from the monthly SAJ of incumbents. Further, other Judiciary personnel would have likewise received the same 100% increase in their salaries without any corresponding decrease in allowance.

While the Court is bound to express the provisions of the law, and the said ruling is guided by an obligation to be consistent with the wording of the law as well as previous rulings of the Court on the nature of the SAJ fund, the said decision also encouraged that future legislation be made to rectify RA 9227. It further expressed that the distortion in pay that the law may very well cause can be addressed properly by future amendatory legislation.

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

**Shuttle Bus Service**

To extend additional economic benefits to Court employees, the Supreme Court provided 10 shuttle buses which help Court personnel save 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 19,694 various medical services in 2008, of which 57 percent were medical consultations/treatment, 17 percent were dental consultations/treatments, 16 percent were physical therapy, and five percent were blood pressure monitoring.

Two hundred fifty-six subjects, mostly new applicants or appointees, for different positions in the SC, underwent psychological tests. The SC Clinic likewise conducted 211 pre-employment physical examinations and 107 neuro-psychiatric evaluations.

Of the 11 ailments commonly encountered at the SC Clinic, respiratory illness made it to the top of the list, with 36 percent. Immunologic ailments followed with 11 percent and gastro-intestinal disorder comprising 10 percent of reported cases. Other common ailments experienced by the employees were musculoskeletal, neurologic, cardiovascular, dermatological, miscellaneous, renal, endocrine/metabolic, and obstetrics/gynecology.

The SC Clinic also conducted a total of 3,279 various dental services last year, of which 19 percent were gingivitis/gum treatment, and permanent filling, and 13 percent were tooth treatment.

Likewise, the Clinic staff performed simple tooth extraction on 307 employees, and attended to 423 procedural cases, 355 cases of oral prophylaxis, 202 cases of temporary tooth filling, 101 post-operative cases, 87 cases of oral consultations, and 12 dental x-rays.

Activities conducted by the SC Clinic in line with its health program included a lecture on adult vaccination, anti-flu and anti-hepatitis vaccinations in July and August, and an annual check-up for the employees, in cooperation with its health service provider MEDSERV. The SC Clinic also initiated a blood-letting activity in June 5, 2008, in cooperation with the Philippine National Red Cross.
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 established 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, situated 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 and 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 currently 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.