

## INVESTING IN JUDICIAL REFORM

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IT IS IN THE ENLIGHTENED SELF-INTEREST of the business community to support judicial reform. Neo-classical theory says that business' contribution to society lies in its ability to create jobs and other social goods. Friedman even went to the extent of saying that "there is one and only one social responsibility of business — to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud."

However, the Philippine business community has moved on from the mere realization of profits to a more expansive view of its world. That world has come to include altruistic activities in various forms of engagement in what you call corporate social responsibility (CSR). This you have integrated into your business model and rebranding yourselves as entities that care for communities. Of late, however, I note that the Philippine business community has been paying closer attention to what I would call the more hard-core areas of CSR. You have found ways of binding yourselves to play by the rules to comply with the spirit and not just the letter of the law; for example, by signing integrity pledges and requiring ethics in the conduct of business even by your suppliers. And I identify the Integrity Initiative as one important vehicle for that policy to be carried out. Some of



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you have chosen to be measured by accountability and transparency performance standards set by external agencies, such as the Institute for Corporate Directors. In the context of your increasing awareness of the need to create a more rules-based environment for doing business, you have gone as far as to initiate a Judicial Reform Initiative (JRI).

Judicial reform measures should be made to rest on four pillars in the same way that the facade of the Supreme Court rests on four.

### **FIRST PILLAR: INSTITUTIONALIZED INTEGRITY AND INCREASED CREDIBILITY**

The judiciary has been described as the weakest or the least dangerous branch of government. Our power can be safely exercised only to the extent that the parties and the public at large have the faith and expectation that we will do our job under the Constitution – to render justice without fear or favor. The power proceeds from our perceived moral authority, which should be zealously safeguarded and protected against all threats, especially from within. That is why our reform efforts must start from restoring public trust and confidence by actions that show willingness to be transparent to the public without disrupting our confidential proceedings.

I have directed our Public Information Office to disseminate news of the series of disciplinary actions undertaken by the Court to discipline erring judges, lawyers, notaries, and court personnel. Our intention is to create a “chilling

effect” on wrongdoing in the Bar and the Bench, and thereby warn everyone concerned that this Court is absolutely serious in purging its ranks of miscreants. From 2012 to September 2014, we have imposed various disciplinary actions, including dismissals, on 115 trial court judges who comprise 5% of our judiciary. We have also in the same period, disciplined 177 lawyers, including disbarring and suspending many.

Our disciplinary actions are viewable on our website. In the near future, you need to click only one icon on our website to find the names of all the disciplined judges, employees, and lawyers.

You can also find on the Supreme Court website our judicial decisions; our annual reports; the financial reports that we submit to the COA, announcements of invitations to bid for procurement needs; awards of procurement contracts among others; and in the near future, summaries of the Statements of Assets, Liabilities and Net Worth of all members of the judiciary.

We have also made oral arguments before the Court accessible people by allowing them to hear live and recorded audio streaming of our oral arguments. In so doing, we allow the public to get free online civics lesson on governance.

For two years now, we have also been holding the *Ulat sa Hudikatura*, our version of the President’s State of the Nation address.

The Judicial and Bar Council (JBC) process for selection applicants is also transparent and applicant interviews for tertiary level

courts are open to the public and upon request of media networks, they are broadcast live.

### **SECOND PILLAR: PREDICTABILITY, RATIONALITY, SPEED, AND RESPONSIVENESS OF JUDICIAL ACTIONS.**

We cannot act speedily if our beginning inventory of cases is inhumanly high. We cannot be consistently rational and careful if our desks are bogged with too much to do in too little time. We need time to think, to create guidelines so court actions can be more predictable. Some of the reforms under this pillar, such as decongesting court dockets, are also measures under the third pillar. Internally, we have been discussing the urgent need to settle issues of jurisdiction and to reduce, if not eliminate, all sorts of confusion on which action can be filed at which court. We have been looking more closely at the constitutional definition of our jurisdiction in the context of the dramatic spiking of filings at the Supreme Court. Even as the Supreme Court is improving its output, the effort seems not sufficient to decongest our dockets; we also need to slow down the unrelenting increase in the number of filings.

On the need for speedy judicial actions, the realization of this goal would not be possible unless we first decongest our courts. As of December 2012 we have more than 600,000 pending cases in the first- and second-level courts. The goal is to reduce that figure by 30% in five years or by 2018. That is the figure which I believe we need to achieve, so we can be transported to a situation in which no judge has more than 300 cases in her docket, the number which I think would enable the Supreme Court to require continuous trial for criminal cases and eventually for all cases nationwide.

The results of our most creative intervention, the *Hustisyeah!* Projects have been dramatic. This project involves the inventory of all the case files in a court and the formulation and implementation

#### **ABOUT THE SPEAKER**

### **MARIA LOURDES P.A. SERENO**

Prior to becoming the Chief Justice in 2012, lawyer-academician Maria Lourdes Sereno was appointed in 2010 as a Justice of the Supreme Court. Before joining government, she was part of the largest law firm in the country; and was a professor at the UP College of Law for nearly 20 years where she taught Civil and Commercial Law. She was also previously appointed as legal counsellor at the World Trade Organizations’ Appellate Body Secretariat in Geneva. She earned her Economics degree at the Ateneo de Manila University; and Bachelor of Laws degree at the University of the Philippines as valedictorian. She also pursued her Masters of Laws at the University of Michigan. ■

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of action plans to expedite each specific case. In the 33 Quezon City courts where Hustisyeah! had been piloted, there has been a 30% reduction of the case load from a high of 32,173 cases as of December 2012 to 22,753 as of December 2014. The cost of decongesting a single court that has more than 500 cases is approximately P560,000 a year. Furthermore, to expedite the processes of services, the use of private couriers in lieu of the Philippine Postal Corporation was also deployed in Quezon City. In order to continue the use of private courier services we would need P1.1 million a year for the 33 courts in Quezon City that fell under the Hustisyeah! Project. Because of the use of the private courier services we have a turnaround time of only a few days.

The Court has likewise approved the piloting of assisting courts, whereby less congested courts from nearby jurisdictions help overburdened courts deal with the latter's heavier case loads. This project also highlights the comradeship of our judges in their common effort to bring justice more speedily to our people. It is very much a symbol of burden sharing that is happening among our ranks.

The second set of measures we are implementing to increase the speed of judicial actions is what I would call the future standards for rendering "Justice in Real Time."

- e-Courts are equipped with computer networks, with built-in automated case management software/systems allowing judges to prepare and issue printed resolutions and orders immediately after each hearing.

- Public kiosks installed at the entrance of select courts to facilitate easy monitoring of cases by the public on their status and progress.

- Raffling of cases is also to be done electronically, immediately upon filing, and lawyers and liti-

gants can observe from computer monitors the results of such e-raffling, removing human intermediation.

- An e-Filing system will also be eventually deployed to reduce cost and the heavy use of paper, and now we are studying an e-Payment system with secure on-line facilities,

- SMS notifications of schedules and court settings, which is happening now in Quezon City, as well as electronic calendaring and the electronic service of processes are expected to cut costs and delay;

By the end of 2015, eight months from now, we would have a total of 273 e-courts in nine cities accounting for 25% of the total nationwide caseload. The second phase will include deployment in other cities to cover 182 courts more and the total cases that these courts would cover would be 40% of the total cases nationwide. However, we need money to raise the rest of the country's courts. And this is where the business community's support for judicial reform becomes critical.

A Justice Zone is the ideal state, in which there is at least a minimum number of inter-agency coordinative reforms in an area or locality. The Supreme Court, the DOJ and the DILG have banded together through the Justice Sector Coordinating Council with the long-term goal of creating Justice Zones all over the country.

The target of a Justice Zone is to create an integrated seamless system that covers the entire lifetime of a criminal case, from case build-up to case adjudication to post-judgment incidents. The system will proceed along a smooth operations flowchart that depicts overall targets and milestones, and each agency's respective activities, targets, milestones, and the required inter-agency coordination when these activities intersect.

Last year, we launched the e-subpoena system in Quezon City. This is

part of the Justice Zone. It involves the simple e-mailing of the subpoena to police witnesses to attend a hearing. The e-mail notification is sent to the policeman's station as well as to the PNP Central Office. Many delays used to be attributed to non-appearance by police witnesses. But with the system in place, we have experienced a 97% compliance rate with the subpoena by police witnesses.

### **THIRD PILLAR: IMPROVING SYSTEMS, PROCEDURES, AND INFRASTRUCTURE**

The judiciary has taken the position that it should bear the responsibility for the construction of Halls of Justice. We have set aside money for three major infrastructure projects.

In 2013, that the Supreme Court was first allotted money in the amount of P1 million for its infrastructure requirements. We have sought to emphasize the independence of the branches of government in budget execution matters. It has thus become imperative for the judiciary to build its own infrastructure.

We need standardized court infrastructure to provide sufficient space for offices, trial rooms, equipment and records in the context of a nationwide automation program. And since we are a country vulnerable to natural calamities, we need to disaster-proof our courthouses as well. We also need to ensure energy efficiency and environmental compliance.

We have also recently approved the organization of 48 Family Courts, the first time that the Supreme Court is asking a budget to implement the 1997 mandate to create Family Courts. Until today, no budget has been given for Family Courts. This time, we'll be asking the necessary budget and we will ask for your help to push for that.

We have adopted the philosophy of management by clear objectives that are understood by all the key players. Each unit of the judiciary is now being asked to

identify Key Performance Indicators and to design a system whereby performance versus outcome is measured. And we are increasing the use of information and communication technology tools, especially management information tools. We have also undertaken process mapping by all units in the Supreme Court, including the PhilJA (Philippine Judicial Academy) and the JBC. We are undergoing a comprehensive organizational review, and we are instituting systems of audit and control.

The Judiciary is indeed undergoing a cultural transformation at the very heart of its belly. Every CEO knows that this journey of cultural transformation can be very dangerous that is why at the outset, I have articulated three reform and transformation principles that I believe will increase the chances of success of this reform journey. First, Judiciary reform is founded on the character of the Good Judge and his/her staff, and the faithful demonstration of this character. Second, Judiciary reform necessitates a process of internalizing the character of the Good Judge and the judicial staff and outwardly manifesting this character. Third, Judiciary reform must be measured by outcomes that are primarily the result of a successful process of internalizing the character of the Good Judge.

#### **FOURTH PILLAR: EFFECTIVE AND EFFICIENT HUMAN RESOURCES.**

What is involved here is a comprehensive human resource development program. We are transforming the present JBC into a top-rate head-hunter. JBC's processes are currently transparent; they're increasingly process-intensive. JBC is looking at the best models out there that are applicable to recruitment in the judiciary.

We are reviewing various training programs by the PhilJA. We want to ensure the effectiveness of these training programs intended for equipping our judges

and court personnel with proper know-how. Our goal is nothing less than to make the judiciary the best of the best, the gold standard for civil service.

I have also promised a more professional promotions track for our judges. We are still developing the metrics for measuring the performance of our more than 2,000 judges nationwide.

That is why ethics and the acquisition of trial and court management skills are being emphasized now more than feeding the judge with the substance of the law. The substance of the law, the judges can learn on their own, but how to address the day-to-day operational concerns of the courtrooms as well as how to preside over an actual trial—that is where we must ensure excellence through the proper training.

In the context of providing the optimal work environment for our judges, we are also studying their case carrying capacity, based on the philosophy that every judge is entitled to work-life balance. We want our judges to be productive and healthy until their mandatory retirement age of 70, aware that every day of inefficiency is a disservice to our people. I have asked our medical services to start designing a nationwide health and wellness program, in part to minimize the ancillary costs of poor health.

Our program also includes a review of the skills level of our clerks of court, sheriffs, process servers, interpreters, and administrative staff. They will undergo the appropriate training and monitoring program as well.

There are many more aspects of our human resource reform programs that cannot be discussed for lack of time. Let me just say that our goal is clear: to deliver our very best to our people, because, despite the constraints of public service, we need to be the very best.

#### **INVESTMENT IN JUDICIAL REFORM**

Last year, we saw the judiciary receive a 0.778% share of the



*The Makati Business Club invites guest speakers to its General Membership Meetings and MBC Briefings to discuss public issues and trends, whether local or global, that have an impact on Philippine development. MBC Forum highlights the speeches and discussions at these gatherings. The full text of speeches and other presentations may also be found at the MBC website, [www.mbc.com.ph](http://www.mbc.com.ph).*

2015 national budget, whereas our original proposal was to be given a budget of 1.25% of this year's budget of P2.6 trillion. Even this 1.25% request was a far cry from the 2% share that had been deemed ideal.

I am happy that many of you have signified support for judicial reform and for the necessary budget to sustain it. What I ask from you now is support for our need to build our own modern soft and hard infrastructures for justice. I ask you to join our cause for a modern judiciary. It must be a system that is intelligent, dignified, serious, and efficient. It should be one that speaks of the high value the Filipino places on a regime of governance under the rule of law.

To invest in the judiciary is not a losing proposition, never be a losing proposition. Any money invested in justice, any effort expended in making the system work, in bringing about judicial reform, is an investment in Filipino lives. It is an investment in a better future for our people. For as poignantly as we ask, what is a human being without a soul, we also want to ask what is a nation without justice for its people? ■

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