

Enhanced Judicial Autonomy, Accountability, Efficiency, and Improved Administration of Justice

Presentation to the Philippines Development
Forum: Working Group on Governance and
Anti-Corruption
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Issues

- Fiscal and Administrative Autonomy of the Judiciary
- Effective Administration of Justice
- Long Term Justice Sector Strategy

Fiscal and Administrative Autonomy of the Judiciary

- Philippine Constitution mandates that Judiciary shall have fiscal autonomy
- Fiscal autonomy currently undermined by
 - Failure of DBM to automatically release allocation from national budget to Judiciary. Budget release currently subject to overall national gov't priorities, spending regulations applied to government agencies without fiscal autonomy and DBM review and approval
 - DBM control of budget of appellate and special courts
 - Non-transparent and lack of systematic support from LGUs

Fiscal and Administrative Autonomy of the Judiciary

- Financial accountability undermined by
 - Central management of administrative and financial management functions for the more than 2,000 local courts. Results in large backlog of requests long delays in payment, suspension of key services, and requests to LGUs for support

Fiscal and Administrative Autonomy of the Judiciary

- Supreme Court developed new administrative structure, systems and functions to promote fiscal and administrative autonomy.
 - Focus on decentralization. Requires:
 - Decentralized units (SC, appellate and special courts, PhilJa, JBC and OCA and new regional court administrative offices to be overseen by new Central Court Administrative Office and Central Court Financial Management Office) to be established
 - New business processes and procedures to be developed and implemented.

Administration of Justice

- Delays in administration of justice caused by constraints within the Judiciary
 - Case congestion and delay in case processing
 - Need for caseload management reforms within the courts. SC developing caseload management system.
 - Barangay Justice System (BJS) is not effectively integrated into judicial process – many settlements re-litigated
 - Limited funds available to inter-connect courts (internet) to avail of e-library, e-payment system, electronic submission of court documents

Administration of Justice

- **Delays in administration of justice caused by constraints within other pillars of justice**
 - Case congestion and delays in prosecution
 - Absence of case management systems for Prosecutors to track the status of probable cause cases (preliminary investigations)
 - Insufficient capacity
 - Absence of sufficient training program for prosecutors
 - Inadequate access to research materials to develop cases (prosecutors, court of tax appeals)

Administration of Justice

- **Delays in administration of justice caused by constraints within other pillars of justice**
 - Poor coordination and collaboration with respect to information sharing
 - Core information needed with respect to persons who have been accused/detained/convicted often not readily available.
 - Gaps in required information often not detected, resulting in incomplete files
 - Processes for collecting, storing, retrieving and sharing information often differ
 - Privacy and security also a concern

Long Term Justice Sector Strategy

- Impact of judicial reforms depends on effectiveness of other pillars of justice
 - Pillars of justice working group, chaired by SC, recently formed
 - Proposed integrated roadmap for justice sector reforms recently prepared
 - Evaluation of APJR shortly
- Integrated reform agenda
 - Recommendations from evaluation of APJR need to be reconciled with roadmap
 - Capacity and funding constraints need to be identified
 - Reform agenda needs to be prioritized

Thank you