

Legal & Justice Reform in the Philippines

The Asia Foundation advances the rule of law as it is fundamental to a just, prosperous, and democratic society. For over 25 years, the Foundation has led efforts to strengthen the rule of law in the Philippines through strategic reforms that promote efficiency in the administration of justice, build the capacity of justice actors, and increase access to justice. The Foundation works closely with courts and other justice sector organizations at the national and local levels to institutionalize legal reforms.



PROMOTING JUDICIAL EFFICIENCY

Burgeoning caseloads, which contributes to delays in case disposition, has been a key challenge in the Philippine judicial system. The Asia Foundation offers an informed understanding of the issue by undertaking business process mapping and reengineering, caseload and case carrying capacity analyses in the Supreme Court and the anti-graft court Sandiganbayan. These empirical studies examine causes of congestion and delay, and provide evidence-based recommendations to improve judicial efficiency.

In previous years, the Foundation helped introduce alternative dispute resolution mechanisms which effectively minimized lawsuits filed in courts. Building on earlier initiatives, the Foundation works with the Supreme Court to implement a case-decongestion project in 178 overburdened courts in Manila and Cebu. By developing individualized case decongestion plans and targeting priority cases, the project reduced pending caseloads by at least 14 percent, removing more than 36,000 cases from court dockets.

To expedite adjudication, the Foundation supports the implementation of the continuous trial system for criminal cases. With the Philippine Judicial Academy, the Foundation organizes nationwide trainings on new trial procedures for judges, prosecutors, lawyers and court personnel.

BUILDING JUSTICE SECTOR CAPACITY

To sustain reform efforts, The Asia Foundation remains committed to developing the capacity of justice sector institutions. The Foundation is working with the Supreme Court of the Philippines to develop a medium- to long-term reform agenda, including (1) institutionalizing integrity and increasing the credibility of the bench and the bar; (2) promoting appropriate, speedy, and predictable judicial actions; (3) improving judicial infrastructure and systems; and (4) building the judiciary's human resources capacity.

To strengthen judicial processes, the Foundation works with judges and legal experts to revisit jurisprudence, review rules and propose amendments that will improve case management, streamline



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Through a massive case decongestion effort, The Asia Foundation helped to reduce case backlog by 14% in 178 courts nationwide.

As the Supreme Court prepares for full implementation of a continuous trial system, the Foundation helped train more than 3,000 prosecutors, public attorneys, lawyers, mediators, and court personnel on the revised trial rules.

presentation of evidence, and facilitate the issuance of special writs. To uphold gender-sensitivity within the judiciary, the Foundation supports the conduct of a gender audit of Supreme Court decisions. The Foundation continues support for judicial education by equipping Sandiganbayan justices on anti-graft laws.

With the National Prosecution Service, the Foundation helps train newly recruited prosecutors on basic penal laws, procedures, and trial techniques so they can efficiently and effectively handle criminal cases. To enhance prosecutorial capacity to secure convictions, the Foundation supports case-build up conferences that enable prosecutors to learn investigation and prosecution best practices from colleagues and experts.

INCREASING ACCESS TO JUSTICE

Integral to The Asia Foundation's reform programs are initiatives that increase public understanding of legal institutions and processes, and consequently foster trust and confidence in the justice system. With the Supreme Court, the Foundation informs citizens of procedures for seeking redress using both traditional and innovative communication platforms. Information materials include web-based instructional videos on simplified procedures for small claims, automated hearings and e-courts. The Foundation monitors stakeholder perception of the judiciary and the legal profession through periodic nationwide surveys conducted by the Social Weather Stations.

To expand delivery of legal services, the Foundation partners with lawyers' organizations and a nationwide network of civil society groups for paralegal trainings and legal consultation missions in communities. These organizations facilitate dialogues with local officials, prosecutors, law enforcers, and other government agencies to make legal processes more responsive. The Foundation is piloting a mobile lawyering system where citizens can call a hotline for real-time legal advice. To promote legal aid, the Foundation helped organize a National Legal Aid Summit. Following summit recommendations, the Foundation works with law schools to institutionalize legal aid clinics throughout country. Apart from offering free legal assistance, the clinics mainstream practical experience and public service into the law curriculum.

IMPROVING CHILD PROTECTION

The Asia Foundation integrates the universal obligation to protect children in its programming, employing a three-pronged strategy to (1) protect children from abuse; (2) prosecute offenders and deliver justice to victims; and (3) promote children's rights and welfare.

The Foundation assists the Inter-Agency Council Against Trafficking in developing strategies for advocacy and prosecution of online sexual exploitation of children cases; supports training for judges, prosecutors, law enforcement, social workers, hospital and shelter front-liners, and other stakeholders on the investigation, prosecution and management of child abuse; and helps develop appropriate facilities and intervention models for child abuse cases in courts, hospitals and shelters in Metro Manila, Cebu City and Cagayan de Oro City.

In hotspot provinces, the Foundation partners with anti-human trafficking networks to organize multi-sector task forces composed of government, church and community representatives to educate the public, help identify victims, and provide immediate legal and welfare assistance to child victims and their families. In addition, the Foundation supports an online hub that provides age-appropriate materials on cyber safety and enables online reporting of abuse. To promote juvenile justice, the Foundation works with a coalition of child rights advocates to develop multi-media advocacy strategies and materials about the Juvenile Justice and Welfare Act.

PROMOTING HUMAN RIGHTS

The promotion of human rights is a key component in the thrust of The Asia Foundation to promote the rule of law. The Foundation views the protection and promotion of human rights as a prerequisite and ongoing condition for a just and open society. Throughout the years, the Foundation has continuously monitored the status of human rights protection and advancement in the Philippines. Through its government partners and network of lawyers' and peoples' organizations, the Foundation has implemented successful initiatives in enhancing awareness and advancement of human rights protection.

In the Philippines, The Asia Foundation's programs are also funded by the U.S. Department of State, the U.S. Agency for International Development, Australia's Department of Foreign Affairs and Trade, the UK's Department for International Development, the British Foreign Commonwealth Office, UNICEF, the Canadian Department of Foreign Affairs, Trade and Development, and private organizations, companies, and individuals.

The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia. Headquartered in San Francisco, The Asia Foundation works through a network of offices in 18 Asian countries and in Washington, DC. Working with public and private partners, the Foundation receives funding from a diverse group of bilateral and multilateral development agencies, foundations, corporations, and individuals.

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