

**Department of Justice**  
**DEVELOPMENT PLAN**  
**2011-2016**

## **Background and Overview**

In line with the thrusts of the government as contained in the Social Contract Agenda and the Philippine Development Plan (PDP), the Department has formulated its own development plan for the years 2011-2016. The plan will serve as the road map for reforms, innovations and priorities in the administration of justice aimed towards strengthening the rule of law in the country. The plan includes the following:

1. Narrative document with the following parts:
  - a. Institutional framework – summarizes the mandates and core services of the Department’s constituent and attached agencies/units;
  - b. Assessment and Challenges – provides a brief assessment of the justice system in the context of the rule of law; and
  - c. Strategic framework – contains the assessment, goals, strategies and planned courses of action of the Department.
2. Strategy matrix – summarizes the strategies and planned courses of action in tabular form for easy reference.
3. Results matrix – contains the indicative outcome/output indicators and targets of the plan following the organizational performance indicator framework (OPIF) approach as basis for implementation, monitoring and evaluation.
4. Budget matrix – contains the specific programs, projects and activities covered by the plan and corresponding indicative funding requirements on top of the existing resources.

## **Part I. Institutional Framework**

The Department is at the forefront of the justice system through the provision of various justice services to the public and legal services to the government, in partnership with other Executive Agencies, the Judiciary and Legislature. Executive Order No. 292 s. 1987, otherwise known as the Administrative Code of 1987, provide for the following general mandates as applicable to the present functional structure of the Department<sup>1</sup>, as follows:

1. Serve as the principal law agency of the government, both as legal counsel and prosecution arm;
2. Administer the criminal justice system in accordance with the accepted processes thereof consisting in the investigation of the crimes, prosecution of offenders and administration of the correctional system;
3. Implement the laws on the admission/stay of aliens, citizenship and land titling system; and
4. Provide free legal services to indigent members of the society.

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<sup>1</sup>The Administrative Code also mandates the Department to settle land disputes involving small landowners and members of indigenous cultural communities, which is the mandate of the Commission on the Settlement of Land Problems (COSLAP). However, the COSLAP has been deactivated pursuant to the Rationalization Plan as modified and approved by the Department of Budget and Management (DBM) in June 2010.

The Department's frontline Agencies, Services and special programs are as follows:

1. *DOJ Proper (Office of the Secretary)* – Under the Office of the Secretary of Justice are Undersecretaries and Assistant Secretaries as senior officials, the National Prosecution Service, Legal Staff and Board of Pardons and Parole as the frontline units, and the Internal Audit Service, Financial Service, Administrative Service, Planning and Management Service, and Technical Staff as the internal management and support units. The Witness Protection Program and Victim Compensation Programs are the primary special services of the Department.
  - a. *National Prosecution Service (NPS)* (under the DOJ Proper) – It is mandated by RA No. 10071 otherwise known as the Prosecution Service Act of 2010 to be primarily responsible for the preliminary investigation and prosecution of all cases involving violations of penal laws. This involves determination of probable cause and prosecution of offenders including cases with which the NPS has concurrent jurisdiction with the Office of the Ombudsman.
  - b. *DOJ Legal Staff* – It was created by R.A. No. 2705 and mandated by EO No. 292 s. 1987 to, among others, assist the Secretary of Justice in the performance of his duties as Attorney General of the Philippines and as ex-officio legal adviser of government-owned or controlled corporations or enterprises and their subsidiaries, and to prepare and finally act for and in behalf of the Secretary on all queries and/or requests for legal advice or guidance coming from government officials and employees as well as private parties.
  - c. *Board of Pardons and Parole (BPP)* – It is mandated by Act No. 4103 of 1933 and Executive Order No. 83 s. 1937 to grant parole to prisoners, recommend to the President the grant of absolute pardon, conditional pardon and commutation of sentence, and take part in the rehabilitation of the parolees/pardonees through the Technical Service of Parole and Probation Administration which acts as the service arm of the BPP.
  - d. *Witness Protection, Security and Benefit Program (WPSBP)* – As provided by RA No. 6981, the program is intended to encourage persons who have witnessed or have knowledge of the commission of crimes to testify before a court or quasi-judicial body, or an investigating authority, by protecting them from reprisals and from economic dislocation.
  - e. *Board of Claims (BOC)* – Created by virtue of RA No. 7309, it is mandated to administer the *Victims Compensation Program* which provides a certain amount of monetary compensation to victims of violent crimes and unjust imprisonment or detention and victims of, with the objective of recompensing, to a certain extent, the damage to the lives of those who suffered from lawlessness and grave injustice.
2. *Bureau of Immigration (BI)* – It is responsible for the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940, otherwise known as Commonwealth Act No. 613, as amended, and tasked to adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure, and ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement pursuant to RA No. 9208 Anti-Trafficking in Persons Act of 2003 and its implementing rules and regulations.

3. *Bureau of Corrections (BUCOR)* – Originally created by Reorganization Act No. 1407 of the Philippine Commission as Bureau of Prisons under the Department of Instruction, its mandate is to effective rehabilitation and safekeeping of national prisoners—defined as convicts with sentences of at least three (3) years and one (1) day imprisonment and above<sup>2</sup>.
4. *Land Registration Authority (LRA)* – It is mandated under PD No. 1529, as amended, to issue decrees of registration and certificates of title and register documents, patents and other land transactions for the benefit of landowners, agrarian reform beneficiaries and the registering public in general. It implements and protects the Torrens system of land titling and registration and serves as the central repository of all land records involving registered or titled lands.
5. *National Bureau of Investigation (NBI)* – It is mandated by RA No. 157, as amended, to investigate and detect crimes and other offenses against Philippine laws upon its own initiative or as properly requested, act as national clearing house of criminal and other information for use of all prosecuting and law-enforcement agencies, provide technical aid to such agencies as well as the courts, and establish/maintain an up-to-date scientific crime laboratory and conduct researches in furtherance of scientific knowledge in criminal investigation.
6. *Office of the Government Corporate Counsel (OGCC)* – It is mandated by R.A. 2327, R.A. 3838, P.D.1415 and other legislations and executive orders to be the legal counsel of government-owned and/or controlled corporations (GOCC's) and its subsidiaries, other corporate off-springs and government acquired asset corporations—representing government corporations before courts and quasi-judicial bodies, rendering legal opinions, reviewing contracts, investigating administrative cases against officials of government corporations, arbitrating disputes among government corporations, and exercising control and supervision over the legal departments of these corporations with the authority to allow the hiring of private lawyers by them.
7. *Office of the Solicitor General (OSG)* – As an attached agency of the Department, it is mandated by EO No. 292 s. 1987 to represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents who are suing or are being sued in their official capacities before the local court system and in international fora in any litigation, proceeding, investigation, or matter requiring the services of a lawyer, and also serves as the counsel of the People of the Philippines before the appellate courts.
8. *Parole and Probation Administration (PPA)* – It is mandated by PD No. 968 and EO no. 292 s. 1987 to administer the probation system and supervise prisoners who, after serving part of their sentence in jails, are released on parole or are granted pardon with parole conditions, as well as investigate/supervise the suspended sentence for the first time minor drug offenders pursuant to RA No. 9165 otherwise known as the “The Comprehensive Dangerous Drugs Act” of 2002.

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<sup>2</sup>Convicts with less imprisonment sentences and detainees with cases pending resolution are in local jails under the jurisdiction of the Bureau of Jail Management and Penology (BJMP) of the Department of Interior and Local Government (DILG) or the provincial governments (the 65 provincial and 23 sub-provincial jails are under the respective local government units).

9. *Presidential Commission on Good Government (PCGG)* – It is mandated (a) by EO No. 1 s. 1987 to assist the President in the recovery of ill-gotten wealth of former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and close associates, whether in the Philippines or overseas, investigate corruption cases as the President may assign and adopt safeguards to ensure that the aforementioned practices shall not be repeated, and institute adequate measures to prevent the occurrence of corruption; and (b) by virtue of EO No. 432 s. 2005, PCGG has been empowered to assume the task of investigation, filing and prosecution of cases for recovery of claims arising out of non-performing loans whether behest or non-behest. EO No. 643 s. 2007 placed the PCGG under the administrative supervision of DOJ.
  
10. *Public Attorney's Office (PAO)* - As an attached agency for policy and program coordination purposes, it is mandated by EO No. 292 s. 1987 as amended by RA 9406 to extend free legal services to indigent persons or to the immediate members of their families in civil, administrative, labor and criminal cases, which services include judicial and quasi-judicial representation, mediation and counseling, jail visitation, inquest assistance, and miscellaneous legal advice and documentation.
  
11. *Office for Alternative Dispute Resolution (OADR)* – Established as an attached agency of the Department by RA 9285 otherwise known as the “Alternative Dispute Resolution Act of 2004”, it is mandated to promote, develop and expand the use of ADR in the private and public sectors, and assist the government to monitor, study and evaluate the use by the public and the private sector of ADR, and recommend to statutory changes to develop, strengthen and improve ADR practices in accordance with world standards. The OADR has yet to have a staffing structure to be provided by the DBM.

Headed by the Secretary of justice or attached to the Department are certain inter-agency bodies created by law or Executive issuance, wherein the secretariat and/or annual budgets are with the Department.

1. *Inter-Agency Council Against Trafficking (IACAT)* – Created by RA No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”, the Council is composed of the Secretary of Justice as the Chair, DSWD Secretary as Co-Chair, and members from particular line Departments/Agencies and NGOs. The Secretariat and budget are with the DOJ. The IACAT is mandated to formulate, promulgate, initiate, coordinate and monitor policies, programs, projects, activities and other courses of action that will prevent and suppress trafficking in persons, as well as monitor/coordinate the implementation of RA 9208.
  
2. *Juvenile Justice and Welfare Council (JJWC)* – Created by RA No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006”, the Council is attached to the DOJ with an undersecretary of the DSWD as Chair and members from particular line Departments/Agencies and NGOs. The Secretariat and budget are with the DOJ. The JJWC is mandated to oversee the implementation of RA 9344 and formulate, recommend, and undertake/ coordinate/monitor/assist in the implementation of policies, strategies, programs, projects and activities of the juvenile justice and welfare system.

3. *Special Committee for the Protection of Children (SCPC)* – Created by EO No 275 s. 1995, the Committee is composed of the Secretary of Justice as Chair with the DSWD Secretary as Co-Chair and members from particular line Departments/Agencies and NGOs. The SCPC is mandated to report to the President actions taken to address specific issues on child abuse and exploitation brought to its attention, direct agencies to immediately respond to problems and report on actions taken, and perform other functions as necessary.

The functional mandates and services of the Department shall be organized into the following cluster framework.

1. Law enforcement – Interrelated processes aimed at implementing the law including interdiction, detection and investigation of crimes/offenses, prosecution of offenders, as well as protection and assistance for victims and offenders.
  - a. Detection and investigation – This is a primary function of the NBI.
  - b. Immigration enforcement – The BI enforces the Philippine Immigration Law and certain provisions of the Anti-Trafficking in Persons Act (RA 9208).
  - c. Criminal prosecution – The NPS investigates criminal complaints and prosecutes accused person/s before the courts. The WPSBP supports this by providing protection and incentives to vital witnesses.
  - d. Public defense and assistance – The PAO provides legal assistance for victims of crimes and persons investigated or accused who do not have access to the services of a lawyer.
  - e. Special protection - The Department takes the lead in the protection of vulnerable groups especially women and children through the IACAT, JJWC and SCPC.
2. Corrections – This involves retribution, deterrence, restraint and rehabilitation of criminal offenders and their eventual restoration, as well as compensation for victims of violent crimes and unjust imprisonment.
  - a. Safekeeping and rehabilitation of offenders– The BUCOR ensures that national prisoners serve their sentence and are rehabilitated while in custody to prepare them for reintegration into the mainstream society.
  - b. Pardon, parole and probation – The BPP grants parole to qualified offenders and recommends pardon/Executive Clemency. The PPA conducts pre-parole/probation investigation and supervises offenders granted parole, pardon and probation as well as first-time minor drug offenders for rehabilitation and reintegration.
  - c. Victims compensation – The government provides monetary compensation for victims of violent crimes and unjust imprisonment through the Victims Compensation Program implemented by the BOC.

3. Legal services – Provision of various legal services for the government, its corporations and the public.
  - a. Legal services for the government – The Office of the Chief State Counsel (DOJ Legal Staff) assists the Secretary of Justice in the discharge of functions as Attorney General. The Office of the OSG and OGCC serve as legal counsel of the government and its corporations, respectively.
  - b. Free legal assistance for the public – The PAO provides free legal services primarily to indigents, other qualified persons and, in the exigency of the service, to other persons when called upon by proper government authorities subject to existing laws, rules and regulations<sup>3</sup>.
  - c. Land registration – The LRA, through its quasi-judicial and regulatory functions, protects the legal rights of land owners by implementing the Torrens system of land titling and registration.
  - d. Asset recovery – The PCGG recovers and administers ill-gotten wealth of former President Ferdinand Marcos, among other related legal functions.
  - e. Alternative dispute resolution – The OADR is mandated to promote, develop and expand the use of alternative dispute resolution mechanisms in the private and the public sectors.

## **Part II. Assessment and Challenges**

### **A. Rule of Law and the Justice System in the Philippines**

In a human rights perspective, rule of law is more than a mechanical or narrow or rigid application of laws and rules; it is equity, fairness, justice and impartiality in determining conflicting claims. It is fair and just legal framework coupled with impartial and effective implementation. The principle of the rule of law requires: (a) that conflicts be resolved impartially, on the basis of fact, and in accordance with law, and without improper influence or pressure; (b) availability and accessibility of independent and impartial judicial or administrative forums to act on conflicts; (c) provision of appropriate remedies and effective redress mechanisms; and (d) inclusion of efficient monitoring mechanisms to ensure impartial and just implementation of laws, rules and regulations.<sup>4</sup>

The United Nations Secretary-General in 2004 described rule of law a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.<sup>5</sup>

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<sup>3</sup> The mandate of PAO fall under both law enforcement and legal services.

<sup>4</sup> National Economic and Development Authority (NEDA), *Human Rights Based Approach to Development Planning: Toolkit - Human Rights (PANTHER) Principles in Development Planning* (2011) 22.

<sup>5</sup> Report of the United Nations Secretary-General: *The rule of law and transnational justice in conflict and post-conflict societies* (2004).

Establishing the rule of law is fundamental to achieving communities of opportunity and equity—communities that offer sustainable economic development, accountable government, and respect for fundamental rights. Without the rule of law, medicines do not reach health facilities due to corruption; women in rural areas remain unaware of their rights; people are killed in criminal violence; and firms’ costs increase because of expropriation risk. The rule of law is the cornerstone to improving public health, safeguarding participation, ensuring security, and fighting poverty.<sup>6</sup>

According to the 2010 World Justice Project Rule of Law Index<sup>7</sup>, the Philippines falls within the bottom half of the 35-country rankings—even when compared to similarly situated countries—particularly in the areas of stable laws, access to justice, and corruption. As shown in Table 1, the Philippines ranked last or close to the bottom among seven (7) indexed East Asian and Pacific countries. The country ranked last in the factors of “order and security”, “fundamental rights”, and “effective criminal justice”, and second to the last in the “absence of corruption”, “clear, publicized and stable laws”, “regulatory enforcement”, and “access to civil justice”. Even the Philippines’ best score in “open government”, which is fifth of seven, was unremarkable and below expectations of one of the oldest democracies in the region<sup>8</sup>. Compared with similarly situated countries in terms of income (lower middle), the Philippines still did not fare excellently on the average but rather at the middle (Table 1).

**Table 1. World Justice Project Rule of Law Index, 2010: Philippine Scores and Ranking**

Factor	Score	Global Ranking	Regional Ranking	Income Group Ranking
1. Limited government powers	0.57	17/35	6/7	3/12
2. Absence of corruption	0.45	26/35	6/7	8/12
3. Clear, publicized and stable laws	0.43	24/35	6/7	8/12
4. Order and security	0.64	20/35	7/7	5/12
5. Fundamental rights	0.50	26/35	7/7	8/12
6. Open government	0.38	19/35	5/7	4/12
7. Regulatory enforcement	0.52	20/35	6/7	7/12
8. Access to civil justice	0.48	28/35	6/7	9/12
9. Effective criminal justice	0.53	20/35	7/7	5/12

Rule of law is an essential element of good governance. As among the World Governance Indicators (WGI), rule of law is measured through perceptions on the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence<sup>9</sup>. Since 2000 until 2009, the percentile rank of the Philippines in the WGI Rule of Law indicator remained within the lower half (Chart 1).

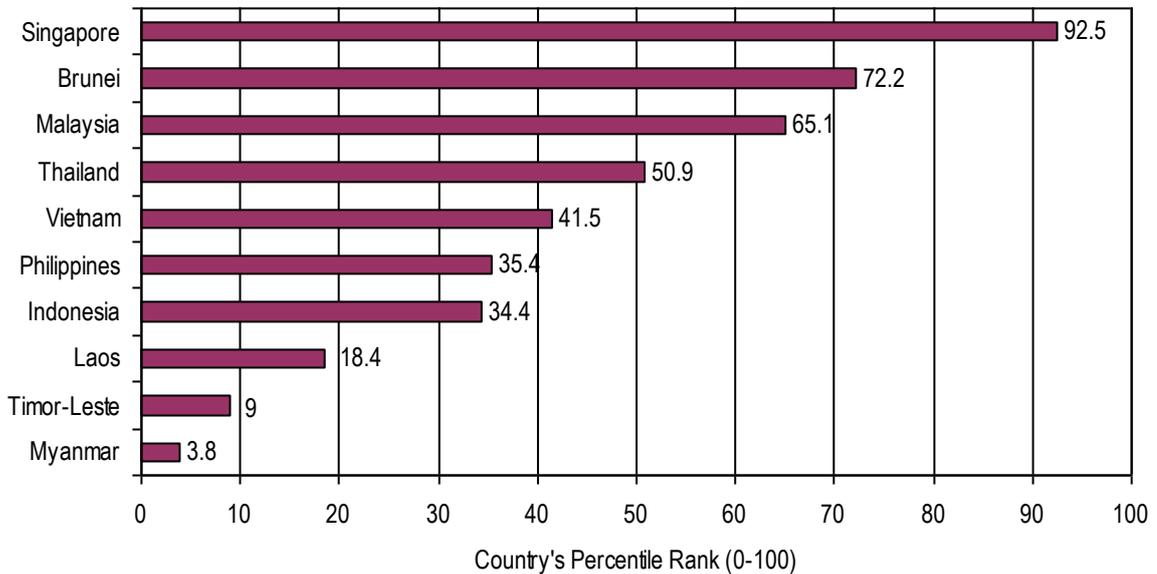
<sup>6</sup> Mark David Agrast et al, *The World Justice Project: Rule of Law Index, 2010* (Washington DC: The World Justice Project, 2010) 1.

<sup>7</sup> The World Justice Project (WJP) Rule of Law Index is a quantitative assessment tool which started in 2008, offering a detailed and comprehensive picture of the extent to which countries adhere to the rule of law in practice. The *Index* provides data (from a global poll of the general public and detailed questionnaires administered to local experts) on 10 dimensions of the rule of law: limited government powers; absence of corruption; clear, publicized, and stable laws; order and security; fundamental rights; open government; regulatory enforcement; access to civil justice; effective criminal justice; and informal justice. These ten factors are further disaggregated into forty nine sub-factors. The 2010 Index covers 35 countries that account for 45% of the world’s population. For details, visit [www.worldjusticeproject.org](http://www.worldjusticeproject.org).

<sup>8</sup> NEDA, *Philippine Development Plan, 2011-2016*, p. 211.

<sup>9</sup> Daniel Kaufman et al, *The Worldwide Governance Indicators: Methodology and Analytical Issues (Policy Research and Working Paper)* (Washington DC: The World Bank Development Research Group Macroeconomics and Growth Team, 2010) 4. (*continued in page 8*)

**Chart 1. Percentile Ranks of Southeast Asian Countries  
2009 Worldwide Governance Indicators - Rule of Law**



Rule of law also has an important role in economic development particularly on sound business environment and investor confidence requiring regularity, predictability and expediency in the justice/legal system. In the 2010-2011 Global Competitiveness Index (GCI)<sup>10</sup>, the Philippines was at the bottom 20% of the 139-country Index ranking for judicial independence, efficiency of the legal framework in settling disputes of private businesses, and efficiency of the legal framework for private businesses challenging the legality of government actions and/or regulations. In the Ease of Doing Business Survey Index<sup>11</sup>, the Philippines ranked 118 out of 183 economies on enforcing contracts particularly the efficiency of the judicial system in resolving commercial dispute.

Arangkada Philippines 2010<sup>12</sup> notes that most opinion surveys of businessmen and investors rank corruption as the most serious problem affecting investment climate since this adds to business cost. It was observed that the country's rank in the Transparency International Corruption Perception Index dropped to the bottom list of 14 Asian countries, falling behind India, Indonesia and Vietnam, receiving the same score in 2010 as Bangladesh, Zimbabwe and Nigeria, and just a tenth of a point above Pakistan. The WGI and GCI respectively show the Philippines having the weakest corruption control in Southeast Asia and identified corruption as the most problematic factors for doing business in the country. Besides corruption, the dismal enforcement and judicial processes relative to smuggling is identified as another major concern to domestic and foreign business.

<sup>9</sup> (continued from page 7) The WGI is a research project of the World Bank since 1996 to develop cross-country indicators of governance. The WGI consist of six composite indicators of broad dimensions of governance covering over 200 countries since 1996: Voice and Accountability, Political Stability and Absence of Violence/Terrorism, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. These indicators are based on several hundred variables obtained from 31 different data sources, capturing governance perceptions as reported by survey respondents, nongovernmental organizations, commercial business information providers, and public sector organizations worldwide.

<sup>10</sup> Klaus Schwab, *Global Competitiveness Report, 2010-2011*, (Geneva: World Economic Forum, 2010)

<sup>11</sup> The World Bank and International Finance Corporation, *Doing Business 2011: Comparing Business Regulation in 181 Countries* (Washington DC: The International Bank for Reconstruction and Development / The World Bank, 2010).

<sup>12</sup> The American Chamber of Commerce of the Philippines, Inc., *Arangkada Philippines 2010* (Makati: The American Chamber of Commerce of the Philippines, Inc., 2010), 289-293.

## B. Institutional Challenges in the Justice System

In a 2003 diagnostic study sponsored by the United Nations Development Programme (UNDP)<sup>13</sup> identified the following key issues in the Philippine justice system:

1. Delay and quality of justice;
2. Lack of access to justice;
3. Poor public confidence in the country's system of justice;
4. Lack of staff infrastructure, technology, and basic facilities;
5. Need to improve overall management capacity and resources;
6. Unattractive compensation, emoluments, and benefits;
7. Inadequate training; and
8. Lack of information technology systems and expertise.

A published 2009 report by the Asian Development Bank<sup>14</sup> identified the following common justice sector challenges which are mostly similar or parallel to the above mentioned issues:

1. Resource constraints;
2. Delays in justice administration;
3. Capacity to undertake reforms;
4. Oversight and accountability;
5. Fiscal autonomy and accountability;
6. Human resources management; and
7. Access to justice.

Besides the said issues and challenges, the 2011-2016 PDP noted that the other major reasons for the lack of responsiveness of the justice system include its fragmentation and the presence of archaic laws and rules<sup>15</sup>. While the justice system and its components are composed of interconnected processes under the legal and judicial framework, the agency compartmentalization has resulted to system fragmentation which causes the prevailing functional overlaps/redundancy, resource inefficiency, poor cooperation/coordination, disjointed reforms, and delays in justice services.

Such fragmentation is clearly seen in the weak cooperation between law enforcement and prosecution. The law enforcer ought to actively engage the prosecutor in presenting the case verified to be meritorious. He also has to actively take a stand in court in securing the conviction of the offender and to see that the appropriate correctional remedy is imposed. However, once the law enforcers file a case, they lose interest as their performance is generally measured by the successful filing and not the conviction. The prosecution, on the other hand, abhors weak cases as this will ultimately result in the cases being dismissed or archived—a point against the prosecution and not the law enforcement.<sup>16</sup>

The old and fragmented laws contribute as well to the weak justice system. The Revised Penal Code of 1932, for example, is no longer responsive to the present societal landscape, including the principles, felonies and penalties. Many penal laws have since been enacted thereby resulting to confusion among law enforcers and litigants.

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<sup>13</sup> Supreme Court of the Philippines, *Strengthening the Other Pillars of Justice through Reforms in the Department of Justice: Diagnostic Report* (Manila: Supreme Court of the Philippines, 2004) 7-9.

<sup>14</sup> Asian Development Bank (ADB), *Background Note on the Justice Sector of the Philippines*. (Mandaluyong: Asian Development Bank, December 2009) 57-61.

<sup>15</sup> NEDA, *Philippine Development Plan, 2011-2016*, p. 212.

<sup>16</sup> Geronimo L. Sy, "Rethinking the Five Pillars of the Criminal Justice System: Towards a New Model," *Philippine Journal of Public Administration*, Vol. XLIX No. 3 & 4, July-October 2005, pp. 318-319, 322-323.

In the past decade, there were efforts to pursue justice system reforms in a programmatic manner in addressing such issues and challenges rather than piecemeal reform actions. Initially, justice sector funding and external support largely focused on the Judiciary and the Philippine National Police (PNP) through the Action Program for Judicial Reform and the PNP Transformation Program that commenced in 2001 and 2006, respectively. Also in 2006, the DOJ commenced work on the Organizational Development Program for the NPS. Towards the end of the decade, national government resources and donor support for reforms in the DOJ increased.

The said reform programs generally covered institutional strengthening, capability enhancement, integrity development and access to justice. To date, the said programs succeeded in implementing certain reforms such as improvement/rationalization of systems and procedures, establishment/revision of codes of conduct, human resource development programs, and development of electronic information systems.

There were also efforts to strengthen justice sector cooperation and adopt a sector-wide reform approach. These include the establishment of the Judiciary-Executive-Legislative Advisory Consultative Council (JELACC) and the Justice Sector Coordinating Council (JSCC)<sup>17</sup>, formulation of a medium-term development plan for the criminal justice system, and initial study and discussions on the establishment of a National Justice Information System (NJIS).

Despite some successes in said reform efforts, the fundamental issues and challenges in the justice system persist and several factors appear to explain this. Some observers have identified the vicious circle of limited implementation ability, inadequate investment in increasing capability, and weak accountability for failure to implement planned actions in a timely manner as the immediate cause<sup>18</sup>.

The following strategic framework contains more detailed discussion of the said institutional reforms and challenges within the DOJ together with corresponding courses of action according to strategic areas and thrusts for the justice system.

### **Part III. Strategic Framework**

The Department shall pursue a strategic framework that is built on the spirit of the Philippine Constitution, adopting the ultimate goal of a humane and just society. Towards this end, the DOJ takes part in the sector goal of a strengthened rule of law in the country particularly in terms of the following principles:

1. Equitable, fair and impartial administration of justice – administration of justice that applies the law and resolves conflict without prejudice resulting from political influence, corruption, discrimination, insensitivity and institutional deficiencies; and
2. Available, accessible and acceptable justice system – a system that is adequate, inclusive, responsive and sensitive to the rights of victims, accused, offenders, marginalized/vulnerable groups, and the general public.

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<sup>17</sup> Establishment of the JELACC was formalized through a Memorandum of Agreement by the President, Senate President, Speaker of the House of Representatives, and Chief Justice in 2008; while the JSCC was established based on the *Joint Declaration of the Justice Sector Agencies in Support of the Effective and Efficient Administration of Justice* by the Supreme Court, DOJ and DILG in 2010.

<sup>18</sup> ADB, *Background Note on the Justice Sector of the Philippines*, p. 30.

In this context, the Department shall continue to pursue an effective and efficient administration of justice as organizational goal/outcome involving the following principles:

1. Enhanced responsiveness, expediency, transparency and accountability in the administration of justice through good governance; and
2. Improved access to justice especially by the poor and vulnerable groups.

Achievement of the said goals will be measured in terms of the following:

1. Fulfillment of mandates – responsiveness and quality of services;
2. Expeditious services – timely resolution of cases and delivery of services; and
3. Institutional efficiency – optimal and appropriate utilization of resources.

To achieve these goals and targets, the following strategies, programs, projects and activities shall be collectively and individually pursued by the DOJ Agencies and units.

A. Strategy: Good governance in the system

An integrated approach shall be adopted in instituting cross-cutting reforms in the Department, aimed at increasing the performance and integrity of the institution. This shall focus on strengthening human resources and internal management systems to improve efficiency and combat graft and corruption.

1. Professionalize the Department's bureaucracy

To professionalize the ranks of the DOJ, a proactive program to attract, select and retain the best and the brightest shall be developed and implemented. Recruitment and promotion based on merit and fitness shall be observed. Performance-based rewards system at the office and individual levels shall be put in place as well as a positive approach to retain the best performers and encourage optimal productivity.

2. Implement good governance reforms

Various reform measures have been undertaken by the Department, but in a fragmented and unsustained manner. While there are high level government policies directing various governance reforms, political will and resources have been a challenge in instituting reforms. The Department shall pursue the following reform measures that will constitute the Department's Good Governance Index.

a. Zero Backlog Policy

The policy entails the goal of addressing backlogs in cases and frontline transactions, particularly those that are beyond the prescribed/standard process timelines through the conduct of inventories and audits, strict performance monitoring, and systems for sanctions and rewards. The OSG and OGCC implemented their Zero Backlog Policies, taking steps to address backlogs in their services particularly naturalization and contract reviews/legal opinions for government corporations, respectively.

b. Integrity Development Review

Integrity development efforts were undertaken by agencies of the Department. By 2010, the NBI, BI, NPS and PAO had their own agency/office-specific codes of conduct, translating existing integrity and anti-corruption laws/policies into their peculiar operations and structure and putting in place implementing mechanisms. The BI, NBI, NPS, OSG and PAO developed and/or revised their operations manuals entailing thorough review and rationalization of internal and service processes. The said measures are consistent with the Integrity Development Action Plan (IDAP) which was the national anti-corruption program of the previous administration, for which the DOJ Proper, BI and BUCOR actively participated.

The IDR is a comprehensive assessment of corruption risks, vulnerability and control in government agencies focusing on internal policies, systems and procedures. It was originally developed and spearheaded as a project by the Office of the Ombudsman covering 16 Agencies that are revenue generating, high procuring and with big infrastructure projects. The BUCOR and LRA were among the said agencies, resulting to assessment and recommendations on corruption vulnerability in the national prison and land registration system. The rest of DOJ agencies have yet to undergo the IDR.

c. Rationalization plan

The Government Rationalization Program is mandated under EO No. 366 s. 2004, directing the strategic review of Department/Agency functions and organization, and requiring the submission and implementation of rationalization plans. The Department submitted a consolidated plan to the DBM in 2006. The PAO, OSG and NPS have been exempted from the program with the enactment of RA No. 9406, 9417, and 10071, respectively.

In 2010, the DBM partially approved the DOJ rationalization plan particularly the DOJ Proper and the COSLAP, wherein the latter has been deactivated and absorbed by the former. The rationalization plans of the rest DOJ Agencies are still pending review/approval by the DBM, hence revisions and improvements may still be submitted. The Department will pursue the improvement and approval of the Agency RPs.

d. Full implementation of the Anti-Red Tape Act

RA 9485 mandates the reengineering of systems and procedures to reduce bureaucratic red tape and processing time for frontline services, setting up Agency service standards or the "Citizen's Charter" for posting and publication, and improved access to the said frontline services through standard procedures for applications/requests, extended service hours, limit in signatories, ID cards and public assistance/complaint desks. As of 2010, most of the DOJ Agencies have already implemented the law including the development and posting of their Citizen's Charters in all service offices/units.

e. Performance management system

The DOJ was among the first Departments that adopted the Organizational Performance Indicator Framework (OPIF) implemented by the DBM. However, the inability to track, monitor and report work flow, information and statistics in a reliable and timely manner has prevented the implementation of performance and resource management systems. Also, the lack of reliable and timely reporting of data has been a significant constraint in planning and management oversight. This will have to be addressed as a prerequisite to effective performance monitoring, reporting and evaluation.

Besides the OPIF, the DOJ Agencies have so far implemented certain components of the performance management system prescribed by CSC. The Department will work towards the full implementation of the performance management system (PMS) prescribed CSC<sup>19</sup>, consisting of the following sub-systems:

- (1) Career Executive Service Performance Evaluation System (CESPES) – individual performance of third level officials;
- (2) Performance Evaluation System (PES) – individual performance of first and second level employees; and
- (3) Office Performance Evaluation System (OPES) – collective performance of employees in an office or division

The BUCOR and PPA has been implementing the performance contract approach in PES. The BI has developed its customized PMS-OPES. The rest of the agencies will pursue the development of their performance management systems as prescribed by oversight agencies.

f. Resource management

In accordance with government policies, reforms and priorities, the Department will work towards improving efficiency and accountability in managing the very limited resources particularly in planning, allocation, programming and utilization. The aim is to improve absorptive capacity, rationalize allocation, increase productive capability, minimize waste, and strengthen systems and management integrity. The Department will then work on following areas:

- (1) Resource standards – establishment of standard resource requirements such as manpower/staffing, funding, office space, office equipment/furniture/fixtures, supplies and materials, service vehicles, and other physical resources;
- (2) Government Procurement Reform Act – strict compliance to procurement procedures and process timelines under RA 9184;
- (3) Expenditure and fund management – institutionalization of performance-based budgeting, medium-term expenditure framework, and the planning, programming and budgeting system;
- (4) Electronic New Government Accounting System (e-NGAS) – adoption and use of the system in financial processes; and
- (5) Internal Control Systems – involves the strengthening of internal controls primarily for the management of government resources.

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<sup>19</sup> The CSC and DBM have been working on harmonizing and integrating the OPIF and PMS.

g. Information systems strategic plan (ISSP)

The ISSP is required by the DBM in the allocation/utilization of funds for information and communication technology (ICT) programs and projects. For the past several years, various ICT development efforts were undertaken by the DOJ Agencies as part of their respective ISSPs or independent projects. The DOJ Proper, BUCOR, BI, PPA and OSG have developed their respective ISSPs, but only the DOJ Proper has received sustained budget appropriations so far.

While the Agencies may pursue the development and approval of respective ISSPs involving multi-year plans/projects for the establishment and/or strengthening of various information systems, the Department will develop an integrated ICT framework in the context of justice sector reform and coordination to ensure consistency and interoperability as well as maximize resources in the development and implementation of ISSPs.

h. Integrated communication plan

This is a comprehensive plan covering internal and external communications in the organization, including public information strategies, programs, projects and activities, internal communication procedures, information security protocols, and media relations. There has yet to be an integrated and agency-level communication plans that will cover public information, media relations, transparency mechanisms, information security, among others.

i. ISO compliance and certification

As part of the quality management improvement program of the government pursuant to EO No. 605 s. 2007, public organizations are encouraged to adopt ISO 9001:2008 Quality Management Systems. So far, it is the OSG that has successfully secured ISO certification particularly for its case management system and services.

j. Feedback, monitoring and evaluation mechanisms

These refer to the means of facilitating and processing feedback from clients and the general public (e.g. feedback forms, comment/suggestion boxes, client satisfaction surveys, public forums, web-based feedback) as a form of monitoring and evaluating Agency operations. Consistent with the Anti-Red Tape Act and/or quality management system improvement, the BI, PAO, OSG and PPA have implemented client feedback mechanisms for comments, complaints, evaluation and suggestions from clients.

3. Institute measures to combat graft and corruption within the institution

In order to address corruption within the Department, integrity development programs, policies and systems shall continue to be instituted and implemented. These will include establishment/strengthening of complaints mechanisms and internal affairs units, background and lifestyle checks, internal control systems, monitoring and evaluation, and other accountability and transparency mechanisms.

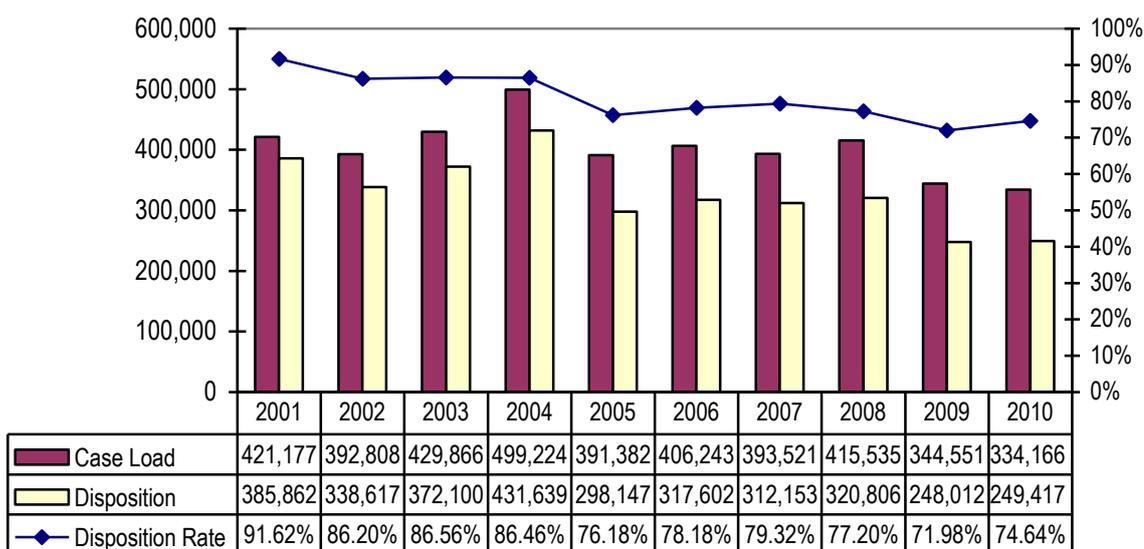
B. Strategy: Enhance the detection and investigation of crimes/offenses, and prosecution and rehabilitation of offenders

The Department will strengthen and rationalize its criminal justice processes/services in order to combat syndicated, heinous, high profile and transnational crimes, expedite the resolution and filing of cases, improve conviction rates and reduce the incidence of recidivism (offenders recommitting crimes). Besides being a critical aspect of the rule of law, this strategy is vital in improving peace and security in the country.

1. Enhance the effectiveness of criminal investigation and prosecution

As shown in Chart 1, overall case disposition rate for preliminary investigation (determination of probable cause) failed to exceed the 80% disposition rate level since 2005. Prior to the said year, reported disposition rates were at least 86%. While there are regions that have had high disposition rates, majority posted significantly lower resulting to low overall rates. Disposition rates were low despite an observed decrease in case load<sup>20</sup> indicating low productivity.

Chart 2. Preliminary Investigation Case Load and Disposition



As to the effectiveness of criminal prosecution, a UNDP diagnostic study in 2003<sup>21</sup> calculated the conviction rate at 18% in 2002 based on the number of convictions vis-à-vis the total cases disposed by the trial courts (convictions, dismissal, acquittal, archival, others) per statistics from the NPS. For 2009 and 2010, available data in the Department shows that convictions accounted for 24%-25% of all decided cases (convictions, dismissal and acquittal), but such calculation differs from that in the UNDP study. Such low conviction rate scenario implies inefficiency in the justice system where resources are unnecessarily spent for prosecution in court. This is often being attributed to weak cases filed by prosecutors, ineffective prosecution, and/or the doctrine of probable cause adopted<sup>22</sup>.

<sup>20</sup> Case load significantly decreased in 2009 due to the rationalized case docketing and reporting system.

<sup>21</sup> Strengthening the Other Pillars of Justice through Reforms in the Department of Justice. 2003.

<sup>22</sup>The Revised Manual for Prosecutors (2008) defines probable cause for the purpose of filing of cases in court as “a reasonable ground or presumption that a matter is or may be well-founded; such a state of facts in the mind of the prosecutor as would lead a person of ordinary caution and prudence to believe, or entertain an honest or strong suspicion, that a thing is so.” (continued in page 16)

However, high dismissal and archival rates and low acquittal rates are also noted in the UNDP study and the 2009-2010 statistics. The study discussed that though not supported by empirical data, the high dismissal rate is attributed to settlement of cases between parties, while the probable reason for high archival rate is the lack of witnesses needed. If such is indeed the case, then other factors and stakeholders beyond the Department are to be considered in addressing low conviction rates.

Such performance in criminal investigation and prosecution are largely attributed to resource gaps and weak institutional capability. On case build up particularly within the Department, the NBI is mandated to establish and maintain an up-to-date scientific crime laboratory and conduct researches in the furtherance of scientific knowledge in criminal investigation. However, many of the technical instruments/equipment in the NBI crime laboratory are either no longer functional or already obsolete. In fact, the Philippine National Police has more up-to-date equipment. The technical effectiveness of the NBI can significantly improve if its technical equipment can be upgraded given the better trained and experienced technical personnel.

In order to improve physical evidence gathering and reduce dependence on testimonial evidence during case build up and prosecution, scientific/technical investigation capability will have to be strengthened. Along with this, an Automated Fingerprint Identification System will be developed. The Department through the NBI intends to upgrade the central crime laboratory and establish additional laboratories one (1) each in Northern Luzon, Visayas, Northern Mindanao and Southern Mindanao. The Clearance System for criminal records will also be enhanced with the inclusion of biometrics, digital face capture, online application, electronic payment, mobile clearance, online validation and integration with the Philippine National Police (PNP) clearance system.

To maximize limited government resources and enhance inter-operability, apparent overlaps in the law enforcement functions of the NBI and the PNP will have to be addressed. In support of all of these efforts for strengthening law enforcement, legislation of the NBI Modernization Act will be pursued.

On the part of prosecutors, there have been earlier efforts to involve them in case build up together with the law enforcement and line agencies concerned particularly for tax evasion, smuggling and extra-judicial killing cases to help ensure efficiency and success in prosecution. This approach will be reviewed and enhanced for possible institutionalization especially for priority cases/crimes. Such will however be dependent on the increase in the number of prosecutors given their limited number and field presence.

Until 2010, the Witness Protection Program received the same budgetary levels with minimal incremental increases and augmentation. The Program will have to be strengthened for increased coverage and benefits as well as enhanced protective capability of the program in terms of security personnel, equipment, mobility and safe houses. The Whistleblowers Act will also be advocated to encourage and provide increased protection for whistleblowers and witnesses.

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<sup>22</sup> (continued from page 15) Supreme Court Justice Roberto A. Abad noted in his paper/article, "Our Road Map Through Change," that the DOJ lowered the threshold for filing of cases in court from "prima facie evidence" to "probable cause" and the gap between "probable cause" and "proof beyond reasonable doubt," as required for conviction, is very wide. Because of this, 1) very few unworthy cases are filtered out; 2) having no evidence that can convict, the public prosecutors seek postponements, hopefully, to get more evidence; 3) courts are deluged with criminal cases that ought not to have reached their dockets.

The Department will spearhead the codification of penal laws into one accessible document using simple concepts and understandable language that is attuned with prevailing mores. As a parallel undertaking, initial work on the review and codification of preliminary investigation procedures has been undertaken. Further studies shall be made to determine the threshold of probable cause to minimize the high rate of dismissal of complaints filed in court and thus channel efforts and resources to prosecute high impact cases and those of national significance. For this purpose, the Preliminary Investigation Law (RA 5180 as amended by PD 911) will have to be repealed and a substitute law enacted.

To facilitate monitoring of cases and expedite the resolution thereof, the Prosecution Case Management System of the NPS will be enhanced and rolled out to prosecution offices nationwide. The NBI will also proceed with the development and roll out of its Case Information Monitoring System.

2. Strengthen measures against foreign terrorists, offenders and other unwanted aliens through effective immigration enforcement and border management

In collaboration with local and international law enforcement agencies, the BI helps ensure the tranquility of the State against foreigners whose presence or stay may be deemed threats to national security, public safety, public morals and public health. At the same time, the BI also institutes measures to attract foreigners to the country either as tourists or investors.

In view of this, the BI will review and enhance its systems, transactions and service processes. The BI will focus the simplified Visa issuance system on assuring the authenticity of supporting documents by proactive and post validation fraud detection checks. The security features of the I-Card will be enhanced. Also, a biometric system is planned to be installed in all international ports.

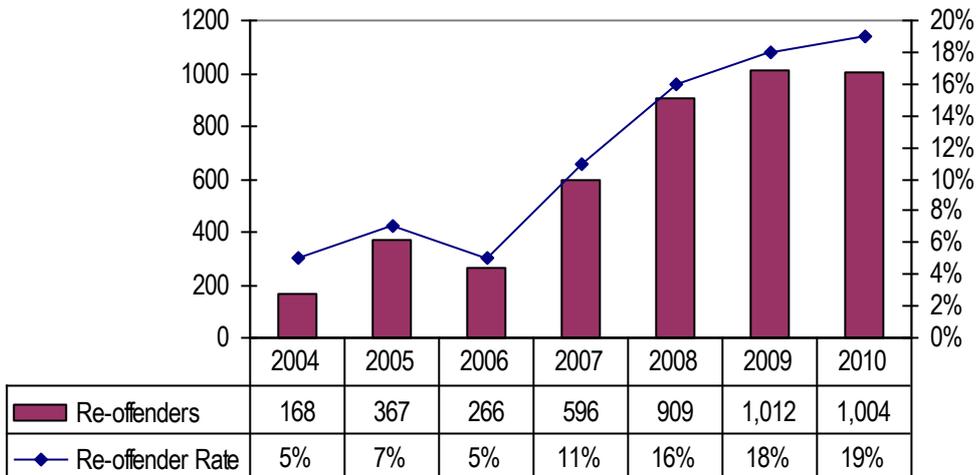
To identify and track undocumented foreigners in the country, the BI plans to undertake a nationwide mapping of aliens. Later on, an integrated and automated alien registration and monitoring database will be developed, which may include or link with the I-Card system. This will not only facilitate immigration transactions but also facilitate the tracking of unwanted and undocumented foreigners.

The 1940 Philippine Immigration Act is no longer responsive to globalization, transnational terrorism and criminal operations, human and illegal drug trafficking. To provide the appropriate legal/policy framework for this as well as to support the aim of strengthening foreign tourism and investments, enactment of a new Philippine Immigration Law will be pursued.

3. Improve prison management and offender rehabilitation

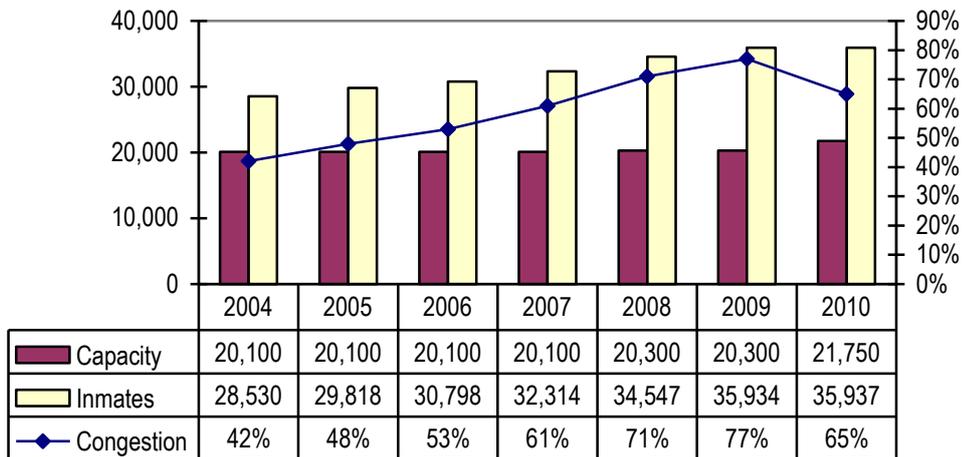
A key indicator of effectiveness of the corrections system is recidivism or incidence of re-offenders, thereby increasing criminality and jail/prison congestion. The BUCOR measures this as the number of re-offenders vis-à-vis the total admissions in the national prisons. As shown in Chart 1, re-offender rate continued to increase from 5% in 2004 to 19% in 2010. Such alarming trend can be attributed, at least to a certain extent, to the failure of the government to rehabilitate prisoners and prepare their reintegration into the mainstream society. It is to be noted however that other factors beyond government's correctional system such as poverty, social stigma and discrimination against offenders contribute to this phenomenon.

**Chart 3. Re-offender Rate in National Prisons**



As much as available resources will allow, efforts will be undertaken towards secure, safe and humane conditions in the national prisons. These include modern security equipment and upgrade of custodial procedures including escorting inmates for court hearings as well as prison search operations and visitations. Provision of basic needs as well as health and wellness services will be improved to reduce prison morbidity and mortality. Heavy prison congestion will also have to be addressed. As shown in Chart 2, the number of inmates continually increased while prison capacity remained almost the same until 2009 when additional dormitories were constructed and the total number of inmates did not increase.

**Chart 4. Overall Inmate Congestion in National Prisons**



Besides expanding prison facilities (to be discussed later), congestion can be mitigated through effective inmate monitoring, deployment and release. For this purpose, the Department will work towards complete and up-to-date inmate information that are easily and securely stored, processed, retrieved and generated. Full computerization of inmate records and other prison management processes will be pursued. This will facilitate data generation, inmate monitoring and evaluation, as well as prompt and correct release of inmates (with completed sentence) and submission of inmate records to the BPP for possible parole and executive clemency.

The inter-agency Jail Decongestion Program will be sustained and revitalized. The BUCOR will expedite inmate releases as well as reclassification of inmates and granting colony status to and transfer of qualified inmates from the most congested prisons. The BPP will sustain expeditious processing of inmate carpentas and parole/executive clemency applications. The PAO will continue to provide legal assistance to inmates in both national prisons and local jails. The PPA will continue to assist inmates in availing of probation, parole and executive clemency.

While decongestion is aggressively pursued, the Department will work on improving its rehabilitation programs and services to help minimize recidivism and facilitate successful return to mainstream society. The BUCOR will strengthen its own inmate rehabilitation programs—education, therapeutic, recreation, religious, livelihood and employment. The Bureau will also encourage more joint ventures to employ more inmates and develop prison lands to maximize food production and land utilization.

The PPA for its part will sustain and continually improve its own community-based rehabilitation programs<sup>23</sup> for its client parolees, probationers, pardonees and first time minor offenders, including the Volunteer Probation Aide (VPA) Program. For this purpose, a training center for clients and integrated training program for probation officers and VPAs will be pursued.

To support these efforts, legislation and policy improvements are being pursued. The 1917 BUCOR charter should be updated to modernize the national prison system especially in the aspect of its organization. Further, enactment of a Recognizance Law, amendment of the PPA charter, and the review/improvement of the rules for parole, probation and Executive Clemency will be pursued to support jail decongestion and strengthen restorative justice.

#### 4. Strengthen cooperation, collaboration and partnerships among stakeholders

Recent efforts to pursue a unified reform framework for the justice sector focused on the area of criminal justice. The 2007-2010 medium-term development plan for the criminal justice system was formulated with participation from justice sector agencies as spearheaded by the Supreme Court and supported by the UNDP. The Asian Development Bank (ADB) supported a sector-wide approach through the Governance in the Justice Sector Reform Program (GJSRP)<sup>24</sup> and sponsored the establishment of the JSCC as among the recommendations under the said Program.

The Department for its part has actively participated in the said efforts and successfully established, expanded and strengthened its external partnerships. Partnerships with foreign development institutions have been established and assistance secured particularly on the areas of institutional strengthening, integrity development and criminal justice.

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<sup>23</sup> The PPA employs the Therapeutic Community modality for rehabilitation of drug offenders, Restorative Justice process which aims to reconcile and empower the offenders, victims and community, and Volunteer Probation Aide program for individualized community-based treatment of offenders and prevention of recidivism.

<sup>24</sup> The GJSRP is a policy attachment to a \$300 million dollar program loan from the ADB to the Philippine Government in 2008-2009.

On information sharing, the National Crime Information System more than a decade ago was an attempt to automate criminal data management using a single integrated system across all the criminal justice agencies, thereby facilitate information sharing among them. With its non-completion, agencies proceeded in developing their own IT systems. The development of the NJIS will be pursued this time to develop and integrate the individual agency systems and facilitate criminal justice data management and sharing among the government agencies concerned.

Particularly for prosecution and law enforcement, coordination between them has been strengthened in the recent years. Under the Run After Tax Evaders (RATE) and Run After the Smugglers (RATS) programs, coordination and procedures between prosecutors and lawyers of the Bureaus of Internal Revenue and Customs were improved. For extra-judicial killings, policies on the involvement of prosecutors in case buildup were issued. Harmonized law enforcement and prosecutorial procedures were also put in place for human trafficking, women and child protection, juvenile justice and environmental protection. Law enforcement Agencies and other stakeholders were also involved in the formulation the Revised Prosecutors Manual.

The Department continues to maximize and expand its partnerships with other Agencies, local government, civil society and international funding institutions on all the herein strategies and activities. The DOJ will be a key player in sector reforms through the JSCC, JELACC and Philippine Development Forum, among other fora.

#### C. Ensure adequate, acceptable, fair, stable and predictable legal framework and services

Together with good governance and enhanced criminal justice processes/services, the overall legal framework and services is critical for strengthening the rule of law. Resources will have to be adequate, sustainable and appropriately distributed. Services must be accessible to all including the poor and vulnerable groups. There has to be utmost fairness in resolving disputes and rendering services. The organization and its operations should be stable through highly competent personnel and effective support systems. Policies and other courses of action must be consistent and predictable.

##### 1. Increase service capability through adequate resources

A critical gap in the justice sector especially in the Executive Branch is manpower and staffing structures which largely remained at status quo in the face of growing population, increasing complexity of laws, and emergence of new forms of crimes, conflicts and human rights issues. This, together with other resource constraints, ineffective recruitment and human resource development, and lack of unified governance reform framework significantly contributed to the slow and inefficient justice processes/services. This has also tied down justice providers to routine service tasks, leaving little room for institutional strengthening and developmental work. The resource constraints on the part of national government have also resulted to dependence on local government support.

For example, many of the provincial and city prosecution offices nationwide heavily rely on local government resources in terms of support staff and physical resources (office, supplies and equipment), thereby exposing them to conflict of interest, influence peddling and compromise and, thus, undermining their quasi-judicial independence. This also makes resources for local NPS offices unpredictable and unstable given the highly political environment in local governments as well as the resource constraints therein.

Table 1 shows that the staffing complement (authorized plantilla positions) remained the same except for significant increases for the PAO and OSG due to the initial implementation of RAs 9406 and 9417, and reduction for the BPP as a result of the DBM-approved Rationalization Plan of the DOJ Proper. There has been an increasing trend in the clientele and workload of the BI, NBI and BUCOR in the face of static staffing complement. The number of international passengers has significantly increased by 3.4 million or about 31% (10.8 to 14.2 million) just for the past five (5) years. Detection and investigation cases of the NBI increased by 5,795 or about 7.5% (77,432 to 83,227). National inmates under the BUCOR increased by 3,139 or about 16.7% (30,798 to 35,937).

**Table 1. Staffing and Workload Analysis - DOJ Criminal Justice Agencies/Services**

Particulars	2006	2007	2008	2009	2010
<b>1. Bureau of Immigration</b>					
No. of immigration officer positions	620	620	620	620	620
No. of passengers in international air/seaports	10,839,143	11,960,412	12,610,807	12,077,463	14,218,123
Average no. per immigration officer position	17,482	19,291	20,340	19,480	22,932
<b>2. National Bureau of Investigation</b>					
No. of Investigator Positions	934	934	934	934	934
No. of detection and investigation cases	77,432	76,822	80,739	82,620	83,227
Average no. per investigator position	83	82	86	88	89
<b>3. National Prosecution Service</b>					
No. of prosecutor positions	2,398	2,403	2,404	2,406	2,410
No. of cases for determination of probable cause	406,243	393,251	415,535	339,107	340,000
Average No. of cases per prosecutor position	169	164	173	141	141
No. of cases handled in court	1,120,184	1,073,776	1,053,744	990,467	950,000
Average No. of cases per prosecutor position	467	447	438	412	394
Total No. of cases handled	1,526,427	1,467,027	1,469,279	1,329,574	1,290,000
Average no. per prosecutor position	637	610	611	553	535
<b>4. Public Attorney's Office</b>					
No. of lawyer positions	1,048	1,048	1,048	1,407	1,407
No. of cases handled (free legal representation)	656,342	599,076	666,676	591,358	624,524
Average no. per lawyer position	626	572	636	420	444
<b>5. Office of the Solicitor General</b>					
No. of lawyer positions	191	191	421	421	421
No. of cases (appealed criminal cases)	17,794	17,882	17,806	18,983	18,918
Average no. per lawyer position	93	94	42	45	45
<b>6. Bureau of Corrections</b>					
No. of prison guard positions	1,461	1,461	1,461	1,461	1,461
No. of inmates	30,798	32,314	34,547	35,934	35,937
Average per prison guard position	1:21	1:22	1:24	1:25	1:25
Prison guard to inmate ratio (at 8 hour shifts)	1:63	1:66	1:72	1:75	1:75
No. of reformation officer positions	258	258	258	258	258
Correctional Officer to Inmate ratio	1:119	1:125	1:134	1:139	1:139
<b>7. Board of Pardons and Parole</b>					
No. of parole officer positions	21	21	21	21	12
No. of petitions/communications/reports/carpetas	28,936	30,340	26,002	28,127	24,780
Ave. no. of work per parole officer position	1,378	1,445	1,238	1,339	2,065
<b>8. Parole and Probation Administration</b>					
No. of probation officer positions	887	887	887	887	887
No. of supervision and investigation cases	64,604	64,589	60,537	62,978	51,050
Average no. per probation officer position	73	73	68	71	58

Table 2 shows increasing trend in workload of the DOJ Legal Staff. Per reported data, the increase has been largely on quasi-judicial services especially the grant of special non-immigrant Visas to foreigners, among others. The legal services workload of the OSG and PAO as well as the registration transactions of the LRA had incrementally increased. The case load of the OGCC decreased in 2010 significantly due to the conduct of legal audit and implementation of zero-backlog policy therein.

**Table 2. Staffing and Workload Analysis – Legal and Other Services**

Particulars	2006	2007	2008	2009	2010
<b>DOJ Legal Staff</b>					
No. of lawyer positions	33	33	33	33	33
No. of requests for legal services	13,147	10,404	10,816	11,719	16,513
Average no. per lawyer position	398	315	328	355	500
<b>Office of the Government Corporate Counsel</b>					
No. of lawyer positions	49	49	50	57	57
No. of client corporations	103	120	158	367	367
Average no. of corporations per lawyer position	2	2	3	6	6
No. of cases handled	8,425	8,577	11,362	11,731	3,225
Average no. of cases per lawyer position	172	175	227	206	57
<b>Office of the Solicitor General</b>					
No. of lawyer positions	191	191	421	421	421
No. of cases handled	259,558	267,967	284,641	288,963	305,301
Average no. of cases per lawyer position	1,359	1,403	676	686	725
<b>Public Attorney's Office</b>					
No. of lawyer positions	1,037	1,048	1,048	1,407	1,407
No. of clients served (legal assistance/services)	4,609,627	4,382,611	4,839,988	4,154,587	4,802,494
Average no. of cases per lawyer position	4,445	4,182	4,618	2,953	3,413
<b>Presidential Commission on Good Government</b>					
No. of lawyer positions	7	7	7	7	7
No. of cases handled	274	273	273	273	273
Average no. of cases per lawyer position	39	39	39	39	39
<b>Land Registration Authority</b>					
No. of registry positions	311	311	311	311	311
No. of deeds registered and titles issued	3,041,142	3,129,543	3,267,948	3,304,557	3,333,170
Average no. per registry position	9,779	10,063	10,508	10,626	10,718

Expanding the staffing complements to optimal levels will be pursued including the full implementation of the RAs 9406, 9417 and 10071 expanding the PAO, OSG and NPS, respectively. Adequate manpower will facilitate increased access to justice, expeditious case disposition and prosecution, and improved legal services.

Improvements in and/or approval of Agency Rationalization Plans that are still pending with the DBM will be pursued. This is to align staffing structures with changes in strategic thrusts and cope with service workload, provide adequate support staff complement, and allow filling of vacant positions. Staffing expansion that cannot be accommodated under the rationalization program such as additional lawyers, investigation agents, prison guards, and immigration officers will be pursued through the usual organization and budgeting procedures.

With this thrust of expanding core service personnel is the need to upgrade and expand physical infrastructure and provide adequate facilities. The DOJ Proper and PAO are having difficulties in housing prosecutors, lawyers and staff in the halls of justice and significantly relies on local government provision. The BI requires a new building that is responsive to its expanded functions. The OSG is currently spending much for renting additional office spaces to house its additional Divisions and personnel under RA 9417. The NBI has limited space and buildings to further accommodate its operations and criminal records. The OGCC has been renting an office building in a client facility. The BUCOR severely lacks prison dormitories to accommodate the increasing number of inmates. The BUCOR is also facing the appropriation of its lands (particularly in Muntinlupa City) to other purposes such as urban housing and road expansion, as well as the heavy funding requirement for the transfer of the National Bilibid Prison to Tanay, Rizal.

During the recent years, most of the Department's Agencies were able to improve some of their office/service facilities including additional and/or renovated buildings and offices, within their available resources or through partnerships/donations. The LRA so far has constructed 54 Register of Deeds buildings as of 2010. The NBI was able to secure new equipment for DNA analysis, augmenting the existing outdated machines. The BI installed modern facilities for their operations in the central office and various ports. The BUCOR was able to install surveillance equipment to enhance prison security.

The Department intends to carry out infrastructure programs/projects and facility upgrade to ensure they are adequate, efficient, accessible, safe and compliant to environmental standards, as well as sufficient and decent office space for personnel which will improve their work conditions and productivity. Separate central office buildings/facilities in different Metro Manila locations are planned for construction, acquisition and/or rehabilitation. However, one of the envisioned projects is a single DOJ building or facility that can house the central offices of DOJ Agencies that will strengthen internal management and operational coordination, increase efficiency through reduced logistical costs, facilitate integration of systems and procedures including ICT, and enhance access to justice by allowing transactions with the public in a single location. Other major infrastructure projects include the construction and rehabilitation of halls of justice nationwide as well as prison dormitories and facilities.

As resources will allow, adequate transportation equipment will be provided. For this purpose, refueling programs will be developed and implemented as a rational and efficient approach in providing/maintaining vehicles to cope with logistical requirements for management and operations.

Amendments to the charters of the DOJ Legal Staff, OSG, and OGCC and will be pursued intended to improve the responsiveness of their organization and staffing complement vis-à-vis their respective legal services, considering their increasing role in upholding the government's legal interests both local and international.

## 2. Strengthen and integrate capacity building and justice policy development

The Department and its Agencies lacked enough personnel adequately skilled in governance reforms and change management involving highly technical processes in organization, management, systems/process development and resource management. These resulted from ineffective hiring and personnel development, as well as inadequate funds allocated to capacity enhancement.

Programs and facilities will be enhanced or established to improve, sustain and integrate capacity building and policy development. In this context, the Department aims to establish a Justice Policy, Research and Training Institute as the central facility for personnel education, extensive technical/legal research, and development of government policies including legislation relative to the justice system. This is to ensure the responsiveness of the legal framework to crime trends and prevailing/changing social conditions and sustain innovations/reforms in the justice system. The institute will serve as knowledge hub for the justice sector and serve as a venue for cooperation and participation among stakeholders in the administration of justice.

### 3. Curb and discourage influence peddling

To ensure equality and fairness in the administration of justice, the Department will institute measures that will ensure consistency of policies and legal services. In the context of good governance reforms, these will include transparent and consultative approach in policy making and standardization of legal, quasi-judicial and administrative processes. In addition, the strict implementation of merit-based recruitment and promotion will professionalize the Department's bureaucracy and reduce political patronage and "utang na loob."

### 4. Improve internal management and support through ICT

The Department will maximize ICT as a vital management tool and support to operations. All Agencies of the Department have functional websites and these will be enhanced and integrated through a single portal. Nationwide connectivity of all offices and units will be pursued. The case monitoring/management systems developed by the NPS, NBI and OSG will be enhanced and/or rolled out nationwide. The NBI will enhance its clearance system with the addition of biometric features and pursue the development of its Automated Fingerprint Identification System. The BI will continue the digitization of paper-based documents. The DOJ Proper will sustain and maximize the use of the electronic New Government Accounting System introduced by the Commission on Audit. The LRA's Land Titling Computerization Project, intended to expedite and secure the registration of land titles, was about 66% complete as of 2010 and targeted to all 168 Registries of Deeds within 2012.

The Department will also continue with the computerization of administrative/support services including human resource, property and records management, as well as other frontline services. The ICT capability of the Department will be strengthened through establishment and/or strengthening of ICT units as well as service/equipment outsourcing. An integrated approach for ICT development will be undertaken to ensure interoperability and avoid unnecessary system redundancies and information overlaps, thereby maximizing limited resources.

### 5. Increase access to justice especially by the poor and vulnerable groups

The Department will carry out measures that will empower claimholders to have greater access to justice including redress, legal assistance/services, conflict resolution and protection of human rights. Legal fees will be reviewed and rationalized. Free legal assistance and services for the poor will be sustained and expanded through the nationwide DOJ Action Center program and community-based/barangay level legal assistance programs/services.

Measures will be undertaken to ensure the sensitivity and responsiveness of the Department to vulnerable groups including women, children, indigenous peoples and persons with disability in terms of policies, systems, processes and services consistent with international conventions and commitments. The Department will actively take part in sectoral efforts such as gender and development and child rights. The Victims Compensation Program will also be strengthened and expanded to allow greater access by victims of violent crimes and unjust imprisonment.

#### 6. Strengthen alternative dispute resolution

In 2009, the Implementing Rules and Regulations of RA 9285 otherwise known as the ADR Act of 2004 was issued. Since then, efforts were made to implement the law including advocacy, information dissemination, publications and securing resources as well as the creation of the OADR which the law prescribed to be an Agency attached to the Department. Operating budget for the OADR has been provided since 2010. The Department will seek to fully operationalize the OADR pursuant to RA 9285, through additional funding from government and adequate staffing structure. Extensive work will be undertaken to develop/improve ADR systems and policies and professionalize the practice thereof. The OADR will also work towards addressing the weakness of our justice system in settling commercial disputes through arbitration.

Meanwhile, various ADR mechanisms will be instituted and/or improved such as those undertaken by the NPS, PPA, PAO, OSG and OGCC in relation to their respective mandates and areas of concern. This is seen to result to amicable settlement of more personal, corporate and commercial disputes and decongestion of case dockets, allowing the justice system to focus on serious crimes and vital legal issues.

#### D. Strengthen special protection measures

##### 1. Priority cases

The identified priority cases are those involving graft and corruption, extra-legal killings, human trafficking, illegal drugs, tax evasion and smuggling. The DOJ Proper and the NBI have rationalized/reorganized their task forces for the investigation and prosecution relative to such crimes/cases. Specifically for human trafficking, the IACAT has been provided budget appropriations for 2010 and 2011. In line with the thrusts of the present Administration, the Department will intensify the detection, investigation and prosecution of the said priority cases. Resources will be channeled for this effort and internal systems and processes improved. Inter-agency and multi-sectoral cooperation/coordination mechanisms will be strengthened.

##### 2. Land rights

The LRA aims to revitalize the inter-agency Task Force Titulong Malinis to strengthening efforts against the proliferation of fake or fraudulently issued certificates of title. The Task Force investigates land titles of doubtful authenticity and refers cases to the NBI for further investigation and the OSG for initiation of cancellation proceedings in court. The LRA will proceed with digitization of certificates of title through voluntary conversion of old certificates into the new computerized version. In the interest of improving land registration processes and to avoid tedious, time consuming and expensive court proceedings, amendment of PD 1529 otherwise known as Property Registration Decree and/or codification of land-related laws may be pursued as well.

### 3. Juvenile justice

Pursuant to RA 9344, the JJWC Secretariat has been provided with annual budget and full staffing complement starting 2007. The Council intends to localize the National Juvenile Intervention Program and to harmonize the management of children in conflict with the law (CICL) and the implementation of juvenile intervention and diversion programs. Advocacy efforts to stop the amendment of RA 9344 and call for its full implementation will also be intensified.

Coordination, monitoring and evaluation of juvenile intervention programs will be likewise strengthened. The Council intends to establish a national information management system on CICL cases for monitoring of legal and social services and to support the formulation of policy agenda, program development and plans of action. Finally, technical advice and assistance on the law's implementation including the intervention programs, local systems, structures, standard setting and handling of specific cases of CICL will be continuously provided.

### 4. Economic justice

The President, in his 2010 State of the Nation Address, called for competition/anti-trust measures that will address monopolies, cartels and other unfair trade practices. This is consistent with the Administration's Social Contract Agenda which includes the thrust of creating conditions conducive to growth and competitiveness of private businesses.

In line with this, the Department intends to file and prosecute major anti-trust cases and aims to establish an Office for Competition to curb cartel which is most pernicious during periods of economic crisis, including other abusive business practices. The DOJ will also undertake a review and assessment of existing anti-trust laws vis-à-vis international best practices and introduce innovations/amendments to institute or strengthen the appropriate state measures/regulations that are responsive to the recent business/corporate practices.

### 5. Environmental justice

In line with the President's Social Contract Agenda, the Department is committed to do its part in protecting the environment in the context of sustainable development, disaster risk reduction, and climate change adaptation. Hence, investigation and prosecution of environmental crimes will be intensified in partnership with regulatory and law enforcement agencies. Moreover, the various environmental laws will be mapped together with other Agencies concerned to guide law enforcers and prosecutors.

### 6. Cybercrime

The Department intends to actively take part in the effort against cybercrime due to its increasing incidence in many forms such as fraud, financial or identity theft, harassment, pornography, exploitation, terrorism and violation of privacy. The NBI intends to establish a Cyber Center to upgrade its anti-cyber crime capability, since the agency currently has very limited resources and expertise to detect and investigate such crimes. The Department Proper, for its part, plans the creation of an Office for Cybercrime to intensify the prosecution of such cases and facilitate the development of the country's legal framework against cyber crime. The enactment of an anti-cybercrime law or executive issuance will also be pursued.