



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION

**Annual Report on the Implementation of Executive Order No. 97, s. 2012
for Calendar Year (CY) 2020**

This report contains information on the implementation of Executive Order No. 97, s. 2012 (E.O. 97), re: "Revoking Executive Order No. 523, s. 2006, and Conferring Upon the Office for Alternative Dispute Resolution (OADR) the Management, Development, Coordination, and Oversight of Alternative Dispute Resolution (ADR) Programs in the Executive Department" (copy attached as Annex A).

ADR Program Oversight

The OADR initiated key developments on ADR program oversight in the Executive Branch in accordance with the provisions of E.O. 97.

Frontline operating procedures for accreditation and certification of ADR provider organizations (APOs) and practitioners were established and implemented pursuant to DOJ Circular No. 49, s. 2012 (DC 49). As a result, applications for accreditation of four (4) private APOs, one (1) public ADR program, and nine (9) ADR practitioners were all processed and approved, while 112 ADR neutrals of the said APOs and public ADR program were recognized.

By virtue of their accreditation and recognition, the said organizations and individuals constitute the pool of ADR practitioners certified by the OADR to have met the minimum competency and quality standards to provide ADR services for government agencies. These services include the development and administration of ADR programs and procedures.

The OADR developed new procedures with rationalized data set for monitoring ADR programs and procedures of government agencies pursuant to E.O. 97. Initial procedures for monitoring the compliance of accredited APOs to the minimum standards were also developed pursuant to DC 49.

Specifically in the DOJ, the OADR continued to assist the National Prosecution Service (NPS) and oversee the pilot implementation of the 2019 Rules on NPS Mediation with funding/logistical support from the European Union. The said pilot implementation ended in June 2020, followed by an assessment in September 2020 and ensuing report for the Secretary of Justice.

As mandated by E.O. 97, the Office coordinated with the Philippine Judicial Academy, and requested/secured pertinent information on the Court-Annexed Mediation. Likewise, the OADR coordinated with the Department of Interior and Local Government for ADR training program/s for the Katarungang Pambarangay System as part of the Justice Sector Convergence Program.

Further details on the said initiatives, other accomplishments and strategic directions are in the attached CY 2020 Annual Report of the OADR (Annex B).

ADR Programs and Procedures

CY 2020 reports on ADR programs and procedures were formally requested from agencies in the Executive Branch. The request was done through letters from the Secretary of Justice for 22 Department-level agencies, and from the OADR Executive Director for 295 other national government agencies (NGAs) and government-owned and controlled corporations (GOCCs).

As detailed in Annex C, submissions were received from 216 agencies. Based on the said submissions, 113 agencies were assessed to have functional programs or procedures in CY 2020 with ADR systems defined under Republic Act No. 9285 (R.A. 9285), otherwise known as the ADR Act of 2004. The following table summarizes the received and processed submissions:

Particulars	NGAs	GOCCs	Total
Agencies with submissions	135	81	216
Agencies with ADR focal person/s	115	67	182
Agencies with functional ADR programs/procedures	75	38	113
Agencies with ADR for disputes involving the institution	55	34	89
Agencies with ADR for disputes among external parties	27	8	35
Forms of ADR reported			
Mediation/conciliation	72	37	109
Arbitration	6	3	9
Negotiation		1	1
Customary laws	1		1
Community/stakeholder dialogue	1	1	2

The detailed table of agencies with reported ADR programs and procedures with corresponding statistics is attached as Annex D, including resolution of disputes involving employees and external parties. As part of the said table, the reported ADR programs/procedures on complaints, claims and controversies relative to the mandated core services of the concerned agencies are as follows:

Agency	ADR Program/Procedure	Cases Settled
Department of Agrarian Reform	Mediation/conciliation for agrarian-related conflicts	57,170
Department of Budget and Management – Procurement Service	Arbitration for complaints/disputes/claims of suppliers/contractors against client agencies	1
Department of Education Philippine High School for the Arts	Mediation under the child protection policy	1
Department of Energy Power Sector Assets and Liabilities Management Corporation	Arbitration for Administration and Concession Agreements	1
Department of Environment and Natural Resources Laguna Lake Development Authority	Conciliation/negotiation for land management and disposition Mediation/conciliation of cases with disputing external parties	191 4
Department of Finance – Central Board of Assessment Appeals	Mediation/conciliation for possible compromise agreement on appeal cases	-
Department of Human Settlement and Urban Development Human Settlements Adjudication Commission	Conciliation of real estate management and home owners' association disputes	52

Agency	ADR Program/Procedure	Cases Settled
Social Housing Finance Corporation	Mediation between member-beneficiaries and officers of community associations Community dialogue with participation of agencies concerned	9 1
Department of Information and Communications Technology – National Privacy Commission	Mediation for complaints relating to the Data Privacy Act	83
Department of Interior and Local Government – Bureau of Jail Management and Penology	Mediation for disputes among inmates or against BJMP personnel	9
Department of Justice National Prosecution Service (Cebu) DOJ Action Center Office of the Government Corporate Counsel Public Attorney's Office Parole and Probation Administration	Mediation for civil aspect of certain cases Mediation for disputes and claims Mediation and arbitration for transaction-related disputes/claims among GOCCs Mediation/conciliation services Mediation in restorative justice program	18 14 - 74,658 1,485
Department of Labor and Employment National Labor Relations Commission National Conciliation and Mediation Board Overseas Workers Welfare Administration Professional Regulations Commission	Conciliation-mediation for employee-employer conflicts Conciliation-mediation for employee-employer conflicts; Voluntary arbitration Conciliation-mediation for labor claims by OFWs Conciliation in administrative complaints against registered professionals	15,140 2,483 583 2,397 15
Department of Social Welfare and Development - National Commission on Indigenous People	Use of customary laws to settle cases among parties in the same indigenous cultural communities/indigenous peoples	6
Department of Trade and Industry Construction Industry Authority of the Philippines Cooperative Development Authority Intellectual Property Office of the Philippines Philippine Economic Zone Authority	Mediation for consumer complaints relating to the Consumer Act Mediation: construction contract disputes Arbitration: construction contract disputes Voluntary arbitration within and among cooperatives Mediation for intellectual property complaints/disputes Mediation/conciliation of labor disputes in registered business enterprises	10,573 - 10 1 41 49
Other Executive Offices - NGAs Energy Regulatory Commission Commission on Higher Education Games and Amusement Board Movie and Television Review and Classification Board	Mediation for electricity consumer complaints Mediation for complaints against or involving higher education institutions Mediation as requested by parties Arbitration as provided in contracts registered with the agency Stakeholder dialogue on movie/ television controversies and disputes	1,224 94 8 2 2
Other Executive Offices - GOCCs Bangko Sentral ng Pilipinas Bases Conversion and Development Authority (BCDA) Credit Information Corporation	Mediation in the consumer assistance Mediation and arbitration for disputes among locators Negotiation (online dispute resolution) for disputes on credit reports/information	no data - 234

Agency	ADR Program/Procedure	Cases Settled
Philippine Charity Sweepstakes Office	Arbitration with agent corporations	-
Subic Bay Metropolitan Authority	Mediation/conciliation for professional and labor relations and disputes	86
Constitutional Offices Commission on Human Rights	Mediation/conciliation for complaints not involving serious human rights violations	5
Office of the Ombudsman	Mediation and conciliation in requests for assistance and minor non-graft cases	no data

With the pandemic restrictions in 2020, some agencies initiated and made available the use of online ADR proceedings, including the Intellectual Property Office of the Philippines, Human Settlements Adjudication Commission, and National Labor Relations Commission.

Action Plan

Many of the agencies have requested orientations, training and guidelines for the establishment, improvement and implementation of their respective ADR programs. As such, the OADR has planned and programmed for CY 2021 the following:

- 1) Targeted stakeholder/sector engagements on priority ADR areas, i.e. consumer protection, property rights, academe, and local dispute resolution;
- 2) Webinars for orientation and dialogue on the legal, policy, institutional and procedural framework on ADR for the public and private sectors; and
- 3) Competency trainings on arbitration, mediation and ADR program development/management.

As mandated under E.O. 97, the OADR has developed and issued the guidelines on the design, establishment, implementation, management and monitoring of ADR programs in the Executive Branch (copy attached as Annex E). Apart from this, the following will be pursued by the Office relative to the public sector ADR framework:

- 1) Updating of administrative issuances including the accreditation and certification of ADR services providers for government agencies;
- 2) Amendment of R.A. 9285 that will cover, among others, the updating of legal/policy framework on the use of ADR in the public sector; and
- 3) Development of ADR governance framework including the roadmap, communication strategy, and competency standards.

For all the said initiatives, the OADR will continue to inclusively work with relevant stakeholders both in the public and private sectors.

Date: 01 June 2021