



OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION

Year-End Report for CY 2020

Functional Mandate

The OADR was established under Republic Act (R.A.) No. 9285, otherwise known as the ADR Act of 2004, as an attached agency of the DOJ, with the following objectives:

- 1) Promote, develop and expand the use of ADR in the private and public sectors;
- 2) Assist the government to monitor, study and evaluate the use by the public and the private sector of ADR, and recommend to Congress needful statutory changes to develop; and
- 3) Strengthen and improve ADR practices in accordance with world standards.

To achieve the said objectives, R.A. No. 9285 defined the following powers and functions of the Office:

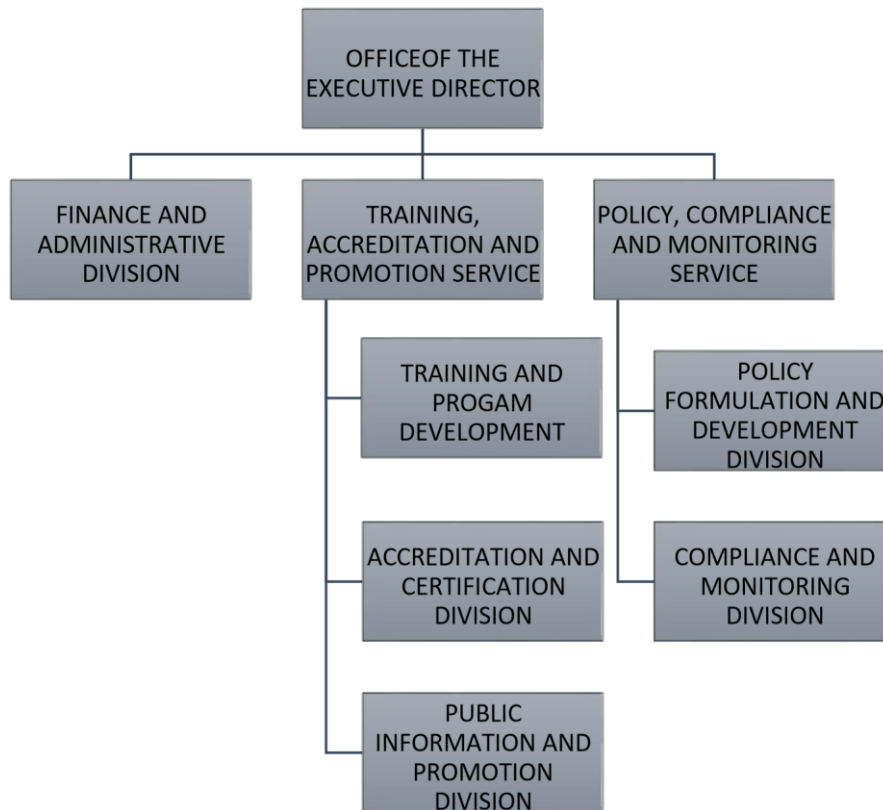
- 1) Formulate standards for training of the ADR practitioners and service providers;
- 2) Certify that such ADR practitioners and ADR service providers have undergone the professional training provided by the office;
- 3) Coordinate the development, implementation, monitoring, and evaluation of government ADR programs;
- 4) Charge fees for their services; and
- 5) Perform such acts as may be necessary to implement the provisions of the Act.

The core policy framework for implementation of the said functions are embodied by the following issuances:

- 1) DOJ Department Circular (D.C.) No. 98, series of 2009, The Implementing Rules and Regulations (IRR) of the ADR Act;
- 2) D.C. No. 49, series of 2012, Adopting Accreditation Guidelines for ADR Provider Organizations and Training Standards for Alternative Dispute Resolution Practitioners; and
- 3) Executive Order (E.O.) No. 97, series of 2012, Conferring Upon the OADR the Management, Development, Coordination, and Oversight of ADR Programs in the Executive Department, and for Other Purposes.

Institutional Framework and Development

The OADR's organizational structure, as approved by the Department of Budget and Management (DBM) in 2016, is as follows:



In CY 2020, OADR was still operating as a line program of the DOJ Proper. With the President’s appointment of its first Executive Director in January 2020, the Office has been working towards transition to attached agency operations as envisioned in the 2017-2022 Philippine Development Plan and DOJ Development Plan.

In line with this, the OADR aggressively pursued the recruitment and selection of personnel resulting in almost 70% of authorized plantilla positions filled by end of 2020. Moreover, the OADR secured approval from the Department of Information and Communications Technology (DICT) for essential ICT resources, as well corresponding budget realignment from the Department of Budget and Management (DBM) to cover the said resources and other operational requirements.

Development and documentation of initial operating processes and procedures were guided and facilitated by a technical assistance project with the Development Academy of the Philippines (DAP) for implementation of ISO 9001:2015 Quality Management System (QMS), with the OADR as among the beneficiary offices of the Government Quality Management Program.

As mandated in the IRR of R.A. No. 9285, the OADR initiated the reconstitution of its Advisory Council composed of a representative each from the mediation profession, arbitration profession, ADR organizations, the Integrated Bar of the Philippines, and the academe. The said Council shall advise the Executive Director on policy, operations and other relevant matters. The OADR-recommended reconstitution was approved by the Secretary of Justice in December 2020, immediately followed by initial policy consultations in the same month.

ADR Trainings

The IRR of R.A. No. 9285 enables the OADR, among others, to establish training programs for ADR providers/practitioners from the public and private sectors, and undertake periodic and continuing training programs for arbitration and mediation and charge fees. It may do so in conjunction with or in cooperation with the IBP, private ADR organizations, and local and foreign government offices/agencies and international organizations.

The OADR trained a total of 1,179 individuals from the public and private sectors through the conduct of six capacity-building activities. This total number of trained ADR practitioner doubles the agency's target of 600 trained individuals for the current fiscal year. Further, the participants came from both private and public sectors, of which the latter included sign ups from 122 government agencies and institutions. The activities, implementation dates and the number of participants are shown in the table below.

Activity	Date	No. of Participants
1 Online Training on Mediation for DepEd Officials (Main Office)	29 June to 10 July 2020	40
2 Online Training on Mediation for DepEd Officials – Munoz Division	6-10, 13-17 July 2020	71
3 Online Skills Training on ADR Mechanisms under the KP Law - Barangay Culiati	16-17 July 2020	41
4 Online Course on Arbitration for Lawyers	20-24, 27-30 July; 3 August 2020	91
5 Online Skills Training on ADR Mechanisms under the KP Law	27-28 August 2020	879
6 Online Basic Mediation Training for DOJAC, PAO and PPA	20, 24-26, 31 August; 1-4 September 2020	57
TOTAL		1,179

Because of the restrictions imposed during the pandemic, all activities were conducted online. All activities were structured learning exercises (SLE) using synchronous, blended approach. The modules were designed by ADR experts, who were contracted as resource persons in the capacity-building activities. Of the six activities, four were accreditation trainings, in compliance with the requirements of D.C. No. 49, s. 2012, specifically the minimum standards for the conduct of ADR trainings provided therein.

The other two were regarding Online Skills Trainings on ADR Mechanisms under the KP Law and were mounted primarily for Barangay Lupon members in Justice Zones of the Justice Sector Coordinating Council (i.e. Quezon City, Cebu, Angeles, Davao, Naga and Bacolod) in the context of its 2020-2022 Justice Sector Convergence Program funded under the General Appropriations Act. Comprehensive modules on interest-based mediation were used, as supplemented with a crash course on KP mechanisms.

The resource persons/facilitators were selected from the list of OADR-accredited and recognized practitioners. They provided all the training materials per the mandatory topics listed in Department Circular (D.C.) No. 49, s. 2012.

All sessions received excellent ratings from the participants. Resource persons and facilitators got the highest marks based on the submitted feedback. Apart from the quantitative scores, the trainees gave qualitative evaluations to the course as reference for continual improvement in the next training iterations.

Accreditation, Certification and Compliance Monitoring

In line with the OADR's function to manage, develop coordinate and oversee the ADR programs in the Executive Branch mandated under E.O. No. 97, s. 2012, the OADR accredits and certifies ADR provider organizations (APO) and individual practitioners to provide ADR services for government agencies pursuant in accordance with standards and requirements under D.C. 49, s. 2012. The said Circular further mandated the OADR to review and approve the training programs of accredited provider organizations (APO), and monitor the compliance to the established ADR standards.

A total of 30 applications for accreditation were evaluated, including resubmissions with complete requirements. After thorough evaluation, the OADR issued certificates of accreditation to four (4) private APOs, nine (9) individual ADR practitioners, and one (1) public ADR program. Certificates of recognition were also issued for a total of 112 recognized neutrals under the said APOs and public ADR program. The accredited private APOs, and public APO with certified ADR program, were as follows:

1. Conflict Resolution Group Foundation, Inc. (Core Group);
2. National Center for Mediation (NCM);
3. Philippine International Center for Conflict Resolution (PICCR);
4. Philippine Dispute Resolution Center, Inc. (PDRCI); and
5. Intellectual Property Office of the Philippines (IPOP) mediation program.

All accredited ADR service providers, public ADR program, and recognized neutrals are in the OADR's official roster posted online.

During the same period, the OADR reviewed and approved separate training programs for the Department of Environment and Natural Resources, Department of Agrarian Reform and Civil Service Commission as administered by the CoRe Group.

As initial compliance of the OADR to R.A. No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act, the frontline service procedures relating to accreditation services have been included in the DOJ's Citizen's Charter as posted and submitted to the Anti-Red Tape Authority (ARTA). The said procedures have been updated in the context of ISO-QMS establishment.

In accordance with D.C. 49, s. 2012, initial compliance monitoring procedures have been implemented particularly with respect to ADR trainings and mandatory website content of APOs.

Moreover, the OADR has developed proposed reporting and monitoring guidelines for accredited ADR service providers. Said reports have been administered covering CY 2020 for submission by the service providers.

Public Information and Promotion

In line with the objective of R.A. No. 9285 for the OADR to promote, develop and expand the use of ADR in the private and public sectors, and given the quarantine restrictions due to the pandemic situation, the Office aggressively pursued public information and promotion strategies using social media and online platforms.

Use of the OADR's Facebook (FB) Page was maximized, leveraging on the site's wide public use and reach. FB data from the start to end of 2020 shows that the likes increased by 515% from 2,938 to 18,173, and followers by 746% from 2,993 to 25,327. Apart from this, organic reach data (i.e. unique user views of posts in FB Page) shows that 49 articles with total reach of 269,375; the 52 videos with 1,287,190 reached; the 191 photos with 1,638,157 reached; and 79 advocacy materials with 61,397 reached.

The Office shifted all planned activities from onsite and online to offsite and online through the OADR Webinar Series (OWS) as flagship online advocacy program. Ten (10) episodes were conducted within the second half of the year with a total of 49,277 participants, including topics relating the different forms of ADR, Katarungang Pambarangay, ADR for intellectual property, and the OADR's strategic directions.

The first National ADR Convention, as among the priority initiatives of the DOJ and OADR for the year was conducted online on 02-04 December 2020 with 2,233 total participants. The topics covered relate to institutional framework of the OADR, ADR in the Judiciary and the private sector, online dispute resolution, indigenous dispute resolution, and the Katarungang Pambarangay.

Other relevant accomplishments are as follows:

1. Conducted a roadshow at the Eulogio "Amang" Rodriguez Institute of Science and Technology (EARIST), attended by three hundred eighty-seven (387) registered participants, before the pandemic quarantine;
2. Organized a press conference that convened thirty-nine (39) participants from the Justice and Court Reporters Association (JUCRA), the Justice Reporters Organization (JUROR), the OADR, and DOJ;
3. Circulated Press Releases to the Philippine Information Agency (PIA), and actively engaged other media organizations, including DZUP, (campus radio station owned and operated by the University of the Philippines Diliman);

4. Established partnerships with stakeholders including private ADR provider organizations (APOs) resulting to signing of Memoranda of Agreements, as well as government agencies and sectoral representatives; and
5. Actively engaged with the National Library of the Philippines (NLP) and the National Archives of the Philippines, towards operationalizing the ADR library or resource center.

Policy and Standards Development

In line with its functions to study develop ADR policies and standards, the OADR has undertaken a thorough review of the existing ADR policy framework, as well as consultations with institutional partners in the private sector relating to policy gaps and recommendations. The following policy recommendations were developed by the OADR, subject to the DOJ's approval and consultation with the Advisory Council:

1. Updated reporting requirement and procedures for all agencies in the Executive Branch, pursuant to E.O. 97, s. 2012;
2. Reporting and compliance monitoring guidelines for accredited ADR service providers;
3. Revised schedule of fees for accreditation services; and
4. Guidelines on internship and mentoring program for ADR practitioners.

Other policy-related initiatives undertaken were as follows:

1. Assessment of the pilot implementation of the 2019 National Prosecution Service Rules on Mediation; and
2. Policy engagement with the Department of Interior and Local Government (DILG) relative to the Katarungang Pambarangay, based on stakeholder inputs from the webinars conducted on the matter.

In line with the development of new reportorial requirements/procedures in compliance with E.O. 97, s. 2012, the OADR initiated and commenced work on its oversight functions in the Executive Branch. This will enable the OADR to exercise its monitoring, evaluation and research functions towards policy development for mainstreaming/expanding ADR within the public sector.

Challenges and Constraints

The strategic challenges that the OADR intends to address within its functional mandate are as follows:

1. Heavy work load of the criminal justice system, especially with the current Administration's campaign against criminality, illegal drugs, human trafficking and cybercrime, among others;
2. Growing population, consumer economy, business community and global trade increased the need for sound regulatory governance including the management of consumer and business disputes;

3. The root causes and risk factors of conflict at the local level persist, including community-level conflicts and land disputes;
4. Conflict management within government itself is mainly adjudicative and adversarial, and there is much room for maximized use of ADR in mechanisms for complaints, grievance and administrative justice;
5. Increasing international trade investments and commercial transactions require cross-border and online ADR mechanisms;
6. Pandemic situation resulting in increased use of e-commerce and internet transactions; and
7. Inadequate awareness and competency on the use and practice of ADR.

The said pandemic situation has provided an opportunity to widen the reach of the OADR in terms of promotion and training, with the use of online platform and methodologies. This has resulted to efficiency not just on the scope of nationwide reach, but also the much less cost. However, this same situation has not allowed face-to-face session/activities which are actually more effective than online with respect to ADR.

With the use of online platforms, the primary constraint is access to stable high speed internet connectivity especially while on alternative working arrangements, and lack of provision for connectivity for personnel while on work from home arrangement. Moreover, the OADR has yet to acquire its own ICT equipment (e.g. laptop computers, mobile work devices, video conferencing), based on the endorsement from the Department of Information and Communications Technology (DICT) and DBM-approved fund adjustments for the purpose.

For accreditation services, assessment of applications is limited by the minimum basic standards in D.C. 49, s. 2012, since the OADR has yet to establish more detailed ADR training program standards and fully implement the compliance monitoring. Payment of fees has been a challenge in receiving applications (i.e. in the absence of an online payment platform in the DOJ) due to rotational work schedules of DOJ personnel concerned.

With respect to the institutional framework, the program status of the OADR has limited the operational capacity and efficiency of the Office since almost all support processes are with the DOJ.

Moreover, the recruitment of personnel was delayed by several months due to the quarantine restrictions and problems encountered on the selection process. The OADR was eventually able to proceed with personnel recruitment in the latter part of the year. However, manpower now is way beyond the capacity of the current office space provided by the DOJ, necessitating strict rotational skeleton force duty and hence the urgency to transfer to a larger office space.

Strategic Directions and Agenda

Strategic Directions

1. Increase access to justice with expanded, mainstreamed and technology-enabled use of different ADR mechanisms in the public and private sectors through the following activities:
 - a. Targeted stakeholder engagement
 - b. Established training, apprenticeship and mentoring programs
 - c. Efficient certification and monitoring of accredited service providers
 - d. Formulation of necessary standards and policy proposals
2. Improve governance and economic justice by supporting ADR mechanisms especially relating to the following priority areas:
 - a. Consumer protection including e-commerce
 - b. Property rights
 - c. Business disputes
 - d. Contractual disputes (including government agencies)
3. Help sustain peaceful communities by promoting and/or supporting local dispute resolution mechanisms
 - a. Katarungang Pambarangay (KP)
 - b. Local offices/units of relevant national government agencies
 - c. Local government units
 - d. Indigenous conflict resolution

Program Agenda

1. Implementation of the following:
 - a. Monitoring guidelines for national government agencies
 - b. Monitoring guidelines for accredited ADR service providers
 - c. Revised procedures on processing of accreditation applications
 - d. Internship/mentoring for mediation and other conciliation-based ADR
 - e. Advocacy and trainings for priority sectors and policy agenda
2. Priority areas/sectors:
 - a. Consumer protection
 - b. Community-level dispute resolution mechanisms
 - c. Business/commercial dispute resolution
 - d. ADR in the academe and legal education
 - e. ADR in the legal profession and practice

Policy Agenda

1. Support for legislation on ADR for e-commerce and online ADR
2. Facilitate the adoption of KP arbitration procedures
3. ADR training standards and fees for the public and private sectors
4. Continual improvement of procedures on accreditation of ADR providers
5. Gender sensitivity standards for ADR programs and services
6. Policy improvements including legislation and administrative issuances
7. Support for the ratification of the Singapore Convention on Mediation

Management and Support Agenda

1. Competency trainings for personnel
2. Procurement of ICT and other capital/logistical resources
3. Transition to full attached agency operations including support processes
4. Filling of key vacancies
5. Rental of and transfer to new office and procurement of amenities
6. ICT system/s planning and design services
7. Quality Management System (QMS) implementation and ISO certification
8. Regular Advisory Council meetings
9. Management Committee meetings
10. Strategic and operations planning
11. Engagement of policy and program consultants
12. Organization and staffing improvements