

Minutes of Rule of Law Working Group

PHILIPPINE DEVELOPMENT FORUM

June 14, 2011

DOJ, Manila

1. **Opening messages.** The second 2nd working cluster meeting was formally opened with Assistant Secretary Geronimo Sy recognizing the presence of the different representatives from the executive branch, judiciary and development partners. *(Please see attached for the complete list of attendees).* USAID Mission Director Gloria Steele, who officially accepted the nomination of DOJ as its co-convenor, expressed her support for the DOJ and other justice sector agencies in promoting the rule of law as a critical component in economic development and the crucial role it plays in the inclusive growth strategy of the Aquino administration.



2. **Discussion on the Agenda.**
 - a. *Approval of the Minutes.* Assistant Secretary Sy asked the body to review and approve the minutes of the first PDF meet which was emailed to the attendees prior to the meeting. Initial arrangements on the PDF cluster meetings were to meet often until the body has decided that it is ready to meet on a quarterly basis.
 - b. *SWG Matrix.* Assistant Secretary Sy also asked the body to comment on the matrix which contains all the assistance of the different donor communities to the DOJ, including its attached agencies. The following were the initial comments and clarifications:

Mr. Scott Ciment of ABA ROLI noted that the Code of Conduct for Prosecutors is the project USAID has partnered with ADB rather than the Publication of the Revised Benchbook for Trial Courts, as reflected in the first draft of the matrix.

Mr. Karl Miranda of OSG commented that under the strategy framework of the justice sector program, 2.d.1 should also include OSG as stakeholders within DOJ alongside NBI, BPP and BUCOR.

Mr. Paul Schaefer of Hans Seidel Foundation noted that for the community-based dialogue sessions on human rights between AFP, PNP and CSO, the program timeframe should be from 2011-2013 and not 2011.

The members of the cluster group were given until **June 21** (Tuesday) to submit any other additional comments on their programs as contained in the matrix and changes in the directory including names of principal or permanent alternates.

- c. *Discussion on the Clustering of the Rule of Law Working Group under the Security Sector.* The rule of law cluster will continue to function under the Security cluster but will be cross cutting in all other sectors. The working group will just make the necessary linkage with other cabinet clusters as the need arises.
- d. *Elevation of the rule of law sub-working group to a working group.* ADB announced the upgrading of the rule of law sub-working group to a working group. DOJ however, has yet to formally accept the responsibility. The announcement will be done officially in the next Philippine Development Forum. As soon as the declaration has been made, the working group plans to meet every quarter or as the need arises. In the meantime, DOJ will conduct its separate cluster group meetings starting off with the US Embassy. Concerned agencies within and outside the department will be invited, when applicable. Assistant Sy also asked the secretariat to request from WB a brief write up on the difference between a sub-working group and a working group and its implication.

3. Reactions from the attendees

- a. *Involvement of the Judiciary in the Cluster Group Meet.* Associate Justice Juanito C. Castaneda, Jr. of the Court of Tax Appeals (CTA) and Judge Geraldine Faith Econg of the SC Project Management Office (PMO) expressed their concern over the role of the judiciary in the PDF as the PDF was created to serve as a vehicle for coordination between the executive branch and its development partners. Assistant Secretary Sy responded that the Judicial Sector Coordinating Council (JSCC) will convene on **June 15** and that the DOJ and DILG have been invited. Any inputs the judiciary raised during the cluster group meeting will be taken into account as DOJ attempts to integrate and coordinate its programs with the Supreme Court through the PMO. At a minimum, the invitation by the DOJ to the judiciary in the rule of law cluster group meetings is exploratory in nature and voluntary. The Department merely wants to consult with the judicial partners early on in the process as it begins to translate its goals to concrete

action plans. Whether a Memorandum of Agreement (MOA) is needed between the judiciary and executive is still subject to discussion. If the PDF is unable to make the direct link between the judiciary and the DOJ, the JSCC can serve as another avenue for DOJ to reach out to members of the court.

- b. *JSCC and PDF coordination concerns.* Judge Econg raised the matter regarding the absence of a secretariat in the JSCC. Assistant Secretary Sy then suggested using the Cluster Group's secretariat to be the JSCC's secretariat as well. The development partners like The Asia Foundation (TAF) have expressed no reservation on the initiative as long as there is commonality in the agenda. There was also a consensus of the importance of coordination and communication between the judiciary and the DOJ, particularly for efforts related to changes in the procedure where the Supreme Court, through its Rules Committee, is taking an active lead. Emphasis on the DOJ aligning its efforts with SC was likewise stressed, particularly on its initiative to revise the criminal code. DOJ has already received an invitation from the SC to participate in its Rules committee meetings.

4. Other matters

- a. *Secretariat.* USAID and ADB will meet to discuss the transfer of the secretariat work from ADB to USAID.
- b. *Assignment of Co-convenorship of the Anti-corruption and Governance Cluster.* There have been some changes in the partnership between the government and its co-convenor. The working group on governance and anti-corruption is chaired by Secretary Florencio Abad and now has WB as its co-convenor. Under the AC and Governance working group are the sub-working groups, namely the Government Procurement Policy Board with WB as its co-convenor and the Public Finance and Management, with AUSAID as its co-convenor. Assistant Secretary Sy requested ADB to facilitate to the DOJ the submission by WB of the new clustering.

- c. *DOJ's Current Programs.* DOJ informed the body of its on-going efforts. These are: (i) Leadership and Management Development Course *Program* under the Resident Legal Advisor Program of the US Embassy where prosecutors will be trained to be good managers and not just prosecutors conversant with the law, and (ii) Creation of a Criminal Code Committee responsible for revising and modernizing the penal and criminal justice system under Hans Seidel Foundation. The committee meets every Friday of the month at the Heritage Hotel. The timeline for the target completion of the drafting of the Code is one year. DOJ is also writing to both Senate and House of Representatives to convert the current Criminal Code Committee of the DOJ to a congressional TWG so that the inputs by the committee can already form part of the legislative process. On the EPJUST, DOJ will hold a separate meeting together with the DILG.
- d. *DOJ's Developmental Approach.* Assistant Secretary [Sy](#) emphasized the Department's developmental approach where all agencies from the smaller to bigger units will be empowered and consulted.
- e. *Role of Civil Society.* Asked by representatives of the role of civil society and the academe in the working group, Assistant Secretary Sy responded that DOJ wants to tap the brain power of the academe/civil society particularly on data research. DOJ wants to link up its field agents with the academe so that any inputs gathered while working together with them can be raised during the Criminal Justice Summit that DOJ is planning to host within the year.

Bulletin Board:

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Announcements

- June 14, 9:30 pm at Channel 5, DCA Nimfa Vilches discussing the Criminal Code
- Criminal Code TWG Meetings every Friday of the month at the Heritage Hotel from 9 am-12pm

Requests

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- Comments on the matrix from the working group members due on June 21
- Brief write up from WB on the difference between the working group from the sub-working group
- Final list of the membership and its co-convenorship of the AC and Governance Working
- Brief write up on the rule of law