



# NEW JUDICIAL REFORMS IN PHILIPPINES AIM TO ADDRESS NEEDS OF POOR

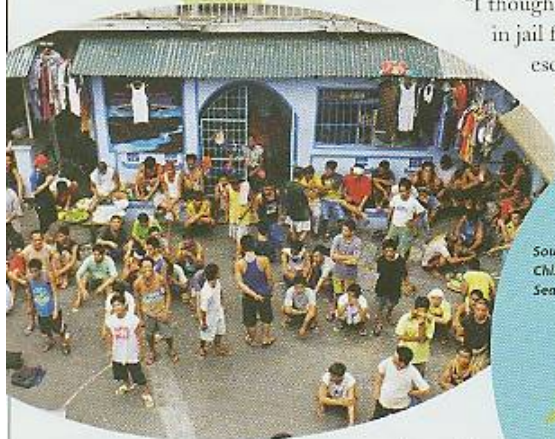
Better access to justice and information seen as key to a fair society

BY RED BATARIO

MANILA, PHILIPPINES

**T**here is a 49-year-old man making a living doing odd jobs in and around Manila who is a fugitive from justice. More than 11 years ago, he escaped from his municipal detention cell in the Visayas islands. He was a *sacada*, a migrant worker employed seasonally by sugarcane plantations as a cane cutter who was accused of stealing P500 (about US\$10) from his supervisor. Unable to post bail, he was sent to jail where he spent the next seven months waiting for trial.

"I thought they would keep me in jail forever. That's why I escaped," he says with downcast eyes.



Courtyard of a jail in Quezon City. Jails in the Philippines are overcrowded and inadequate.

Below: Raymund Narag was imprisoned for seven years before he was acquitted in a murder case. Now he is assisting the court reform programme.

About 95 percent of prisoners in the Philippines are poor and penal conditions are, by all accounts, deplorable. The conditions that Raymund Narag, 29, endured in his seven years in prison are indelibly etched in his mind: cells crammed to the rafters, inmates suffering from various diseases, abominable food, and endless delays in court proceedings. When Mr. Narag stepped out of the Quezon City jail sometime in



2002, he was determined to do two things: work to improve penal conditions and win back the love of his girlfriend. Since recently marrying "the love of his life,"

he is now focused on prison reform.

Mr. Narag, who graduated cum laude with a degree in public administration before his incarceration, was one of five who were acquitted in the killing in 1994 of a rival fraternity member during a brawl on the campus of the University of the Philippines. But his first-hand experience behind bars has put him in a position to assist a new reform programme led by the Philippine Supreme Court and UNDP to identify and institute judicial reforms that will promote access to justice for the poor and disadvantaged.

## Blueprint for reform

Away from the public eye, the Supreme Court has been leading the way in pursuing reforms in the judiciary that many see as an uphill battle given the intense politicking and public preoccupation with early campaigning in the run-up to the May 2004 elections. But the failed impeachment moves against Chief Justice Hilario G. Davide, Jr. in late 2003 that were widely perceived as politically motivated also demonstrated the public's ability to rally behind an institution perceived as the last bulwark of democracy.

Working a punishing 12-hour day that starts at 5:30 am, Chief Justice Davide hews to a vision that calls for a judiciary "that is independent, effective and efficient, and worthy of public trust and confidence; and a legal profession that provides quality, ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call to public service."

"It is a vision shared by the court," Justice Davide says. "I just put it down in writing as my own guide, the idea being that reform should not only be a proposal or pursuit of the court for the justices but all those involved in the justice system."

"The UNDP grant," Justice Davide says, "helped us draw up what we now call the Blueprint of Action for the Judiciary to outline many of the reform proposals to be undertaken by the court during my tenure which should be



Philippines Supreme Court Chief Justice Hilario G. Davide, Jr. has spearheaded an effort to overhaul the country's courts to improve the quality of justice and expand access.

until 20 December 2005." The blueprint, he says, led the donor community to "provide us assistance in an overwhelming show of support."

### Opening the judiciary to public scrutiny

The new reform effort has mobilized many sectors of the Philippines criminal justice system. In the cramped offices of the Sentro ng Alternatibong Lingap Panligal (SALIGAN), an alternative law group doing developmental legal work with farmers, workers, the urban poor, women, and local communities, Executive Director Marlon J. Manuel notes that although the reform efforts cannot be accomplished easily, he hopes that civil society groups, government officials, lawyers, law schools, the poor and marginalized "will develop a keen interest in those efforts."

"I see the reform initiatives as an opportunity for us," he says, to articulate the needs of the poor despite what he calls the enormity of the challenge in reforming the judiciary and the whole judicial system.

The reform initiative, according to Deborah Landey, UNDP Resident Representative in the Philippines, has provided the "baseline data" needed for guiding the Supreme Court's judicial reform agenda. "For the first time in the Court's history," she says, "the formulation of the Blueprint has opened the gates of the judiciary to public scrutiny and allowed reforms to take place."

"The variety of issues raised by the marginalized sectors on access to justice during the series of dialogues with court justices and judges," she says, "were critical in setting the reform priorities of the judiciary."

In the cramped offices of SALIGAN, Executive Director Marlon J. Manuel presides over a meeting on how alternative law groups like his can address the demand side of the country's justice reform programme especially in relation to empowering the poor.



### Reducing prison overcrowding

Prison overcrowding is one of the most pressing issues. A 10-year-old study of over 600 jails in the country found that inmates in more than half of the institutions were deprived of the basic needs of food, shelter and living space, water and lighting, and the problem has attracted local lawyers.

The Integrated Bar of the Philippines, an organization of lawyers involved in providing legal assistance to the poor and the vulnerable, has set up a National Center for Legal Aid that assists in the legal requirements of indigents.

"Right now we have a pilot project funded by UNDP for jail decongestion in Quezon City and Pasig City that began last

September and I am happy to say that as of today, we were able to release 42 from those two jails," says Victoria Gonzalez-De

Los Reyes, Senior Deputy Director for legal aid of the bar association. Some of the released were

found to be innocent while the rest, she says, were already beyond the impossible penalty but spent several months in prison because of the delay in the administration of justice.

According to Gerald V. Bernabe, programme manager of Caritas—Manila's Prison Justice and Development Program, 5,200 inmates are packed like sardines into the 1,800-capacity city jail, located next to a slum.

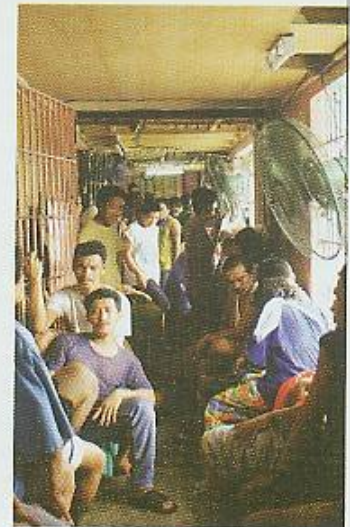
Through the prison programme, Caritas-Manila has been largely successful in attracting volunteers to join its prison ministry and to focus on the concept of Restorative Justice, which works to facilitate the reintegration of offenders back into the community after their release. The programme allows "sharers," people who can relate their own life experiences with the inmates, to visit the prison once a month.



Above: Victoria Gonzalez-De Los Reyes says 42 inmates, many who have served more time than their alleged crimes would warrant, have been released.

Left: A meeting of Caritas, an NGO working to reduce prison overcrowding.

Below: Inmates packed into cramped quarters in Quezon City jail.





# Philippines

## AT A GLANCE

Population: 77.2 million

Area: 300,000 sq km

Human Development Ranking: 85 of 173 countries

Public expenditure on education: 4.2%\*

Public expenditure on health: 1.6%\*

Military expenditure: 1.0%\*

Women in parliament: 17.2%

GDP per capita: \$3,840

\*Percent of GDP

Source: Human Development Report 2003

### Widespread distrust of the system

A survey of detainees in Philippine jails showed that "a large percentage of inmates indicated that they are not aware of the appropriate procedures to follow upon detention" and found widespread distrust and low levels of confidence in the justice system.

The Public Attorney's Office says it is able to provide adequate and affordable access to justice for its poor clients despite financial constraints. But Evelyn Toledo-Dumdum, Director of the Program Management Office of the Supreme Court, says the bigger problem is that poor people just don't know their rights. "The court reforms are aimed at the poor and marginalized, especially women and children, who normally

have difficulty because of their status in life and most of them, in fact, don't know what their rights are."

According to Ms. Landey, there are clear links between human rights and poverty reduction. "Our reform programme is only the beginning to remove obstacles and barriers to better access to justice by the poor and marginalized. There is also a clear link between human rights and good governance, and the extent to which human rights are protected in a country will not only depend upon the nature of government but also on the laws and quality of governing institutions." ■

*Red Batario is a freelance journalist in the Philippines and is the Executive Director of the Manila-based Center for Community Journalism and Development.*

Right: Evelyn Toledo-Dumdum, Director of the Supreme Court's Management Office.



Below: The Philippines Supreme Court building in Manila.

