

# **EXECUTIVE SUMMARY**

## **1 SIGNIFICANCE OF THE ACTION PLAN**

- 1.1.1 Achieving and maintaining peace and order is key to our country's economic growth and global competitiveness. It is the foundation upon which individual human creativity and industry can be unleashed and translated into collective productivity and national socio-economic and political development. Peace and order builds investor confidence, enables choice, enterprise and productive economic activity to flourish, and provides the environment for sound human development.
- 1.1.2 Peace and order is not just for the economy. It is also a means to prevent and overcome poverty as poverty is closely related to lack of access to justice, when the poor has no means to seek redress from injustice done to them. Injustice and lack of access to justice not only deepen human poverty, but also increase the potential for violent conflict.
- 1.1.3 The Five-year Master Plan of Action for Peace and Order, 1997-2001 was initiated in 1996 and was approved by then President Fidel V. Ramos. But timeframe for the action plan has ended. Time is ripe to take stock of the situation and formulate as well as agree on the vision, goals and development strategies for the next period. The conduct of this UNDP technical assistance to review the institutional framework and operating systems of the agencies in the Department of Justice responsible for criminal justice and social defense and formulation of this reform program indicates recognition of the need to embark on an institutional development and reform effort, in coordination with the Judicial Reform Program which is now in full swing.

## **2 PURPOSE OF THE ACTION PLAN**

- a) Articulate a vision for continuously improving criminal justice and social defense systems.
- b) Define the development goals, expected outcomes, key result areas and performance targets for the proposed development and reform initiatives.
- c) Identify and define the strategic reforms that will enable the achievement of the defined vision.
- d) Formulate the reform program management mechanism required for efficient and effective management of reform implementation.

### **3 DELIMITATIONS**

- 3.1.1 As each integral part must be fitted into the whole so will reforming the criminal justice system require an integrated and coordinated approach and implementation program participated in by key agencies responsible for performing the various functions. The reform program has the following limitations:
- a) Need for assessment of the policy, legal and legislative framework as integral part of the action plan for reform
  - b) Several components of the criminal justice system which are external to the DOJ and Judiciary are integral parts of this DOJ initiated action plan for reform
- 3.1.2 This action plan addresses these delimitations by adopting the enunciated comprehensive approach to reforming the criminal justice and social defense system. In particular it identifies an integrated set of institutional studies and reforms, capacity development and other strategic reforms measures on a system-wide rather than agency specific basis.

### **4 CHALLENGES AND REFORM ISSUES**

#### **4.1 REFORM CHALLENGES**

- 4.1.1 The proposed reform program will address the following reform challenges:
- a) Terrorism, transnational organized crimes and corporate fraud present new requirements in the legal framework and institutional capacities in the criminal justice system
  - b) The criminal justice system and particularly our law enforcement agencies must prove that they are worthy of the public's trust and confidence.
  - c) The criminal justice system, particularly law enforcement agencies must prove that they are neutral and non-discriminatory particularly against the poor and marginalized population.
  - d) More effective institutional mechanisms must be established to strengthen and insulate our criminal justice system against the undue influence of the powerful and against corruption
  - e) To be effective, the government must adopt an integrated, holistic and well coordinated approach to reforming the criminal justice system
  - f) Reforms in the criminal justice and social defense system require tremendous resources that allocated government budget resources cannot provide

- g) The success of the reform will depend on a strong, determined and sustained leadership and institutional continuity

## **4.2 REFORM ISSUES**

- 4.2.1 The reform above challenges will be addressed by directly addressing the following reform issues:
  - a) Need to review the legal framework on criminal justice
  - b) Need to integrate and strengthen the institutional framework for law enforcement
  - c) Need to considerably strengthen the capacities of law enforcement and prosecution institutions
  - d) Need for case decongestion strategy, improve resource management efficiency and mobilize resources for prosecution and social defense agencies

## **5 VISION, GOALS, OBJECTIVES, EXPECTED OUTCOMES AND KEY RESULT AREAS**

### **5.1 VISION**

#### **SOCIETAL VISION**

- 5.1.1 The previous 5-year Master Plan of Action for Peace and Order, 1997-2001, provides a vision, a picture of a Filipino society that the criminal justice system will contribute in realizing:

*“ A safe, peaceful and progressive Philippines through partnership and shared responsibility in attaining peace and order.”*

- 5.1.2 This action plan for reform, which covers a 6-10 year timeframe, adopts that vision, and intends to realize it through strategic reforms in the criminal justice and social defense systems.

#### **REFORM VISION**

*A system that has gained the trust and confidence and active cooperation of the public by virtue of its effectiveness in combating and preventing criminality, and in providing security to our communities; its integrity and relentless pursuit and protection of truth and justice; and its established capacity to render accessible, speedy, fair, impartial and affordable*

## 5.2 DEVELOPMENT GOALS

- a) To reduce the incidence of crime.
- b) To improve crime solution rate and efficiency.
- c) To firmly establish within the criminal justice institutions due respect for human rights and the rule of law.
- d) To achieve effective community participation in crime prevention, control and solution.
- e) To achieve effective collaboration with other states in transnational crime prevention, control and solution.
- f) To enhance the national and international credibility of the system, perception of its neutrality and non-discrimination particularly against the poor, as well as public trust and confidence.
- g) To ensure equal access to justice particularly by the poor and marginalized groups.

## 5.3 Reform Objectives

- a) To develop and put in place an integrated and coordinated policy, legal and institutional framework for the country's criminal justice system.
- b) To improve overall system capacity to combat criminality and effectively address terrorism, transnational crimes and emerging global crime issues that affect internal peace and order as well as security.
- c) To strengthen the social defense system towards improving access to justice.
- d) To provide stronger and more effective mechanisms for government - community collaboration for crime prevention, control and solution.
- e) To enhance mechanisms for public accountability of the criminal justice and social defense system.

## 5.4 REFORM OUTCOMES INDICATORS AND TARGETS

OUTCOME INDICATOR	TARGET BY YEAR OF IMPLEMENTATION
1. Efficient and Effective Crime Resolution and Management	

- Crime resolution rate	90% by year 3
- Reduced incidence of impunity (% of legal arrests)	0% of arrests by year 3
- Reduced incidence of escapes from prisons	0% starting year 3
2. Improved access to criminal justice	
- Reduced incidence of torture	0% starting year 3
- Reduced incidence of illegal arrest and detention	Complaints decreasing annually by 30% starting year 3
- Reduced number of prisoners overstaying in jails	Incidence decreasing annually by 30% starting year 3
- No. of poor litigants with access to legal counsel	100% starting year 3
-Improved living conditions in jails (space, amenities, social support standards compliance)	Compliance to standards improving by 10% annually starting year 3
3. Effective international cooperative mechanisms	
- Rate of solution in international crimes committed in the country	Increase by 10 annually by year 3
- Number of countries with extradition treaties with the Philippines	Increase by 2 countries annually starting year 2
- No of countries with formal mechanisms for crime information exchange and resource sharing	Increase by 2 countries annually starting year 2
4. Improved public credibility, and public trust and confidence	Annual increase of 10% starting year 2
5. Increased community-government partnership in crime prevention, control and solution	

- No of cities with working partnerships	3 cities annually starting year 1
- No of cities experiencing reduction in crime incidence	3 cities annually starting year 4
6. Improvements in Institutional Accountability	
- Cases against law enforces resolved	100% resolution within year of complaint filing starting year 4
	100% enforcement if disciplinary decisions enforced starting year 4

## 5.5 KEY RESULT AREAS

5.5.1 Proposed reforms affecting the entire law enforcement system of the government, prosecution, corrections and social defense, were identified and organized along these key result areas.

- a) Policy, Legal and Legislative Framework
- b) Institutions Development
- c) Capacity Building
- d) Resource Mobilization and Management

## 6 REFORM STRATEGIES AND MEASURES

### 6.1 GUIDING PRINCIPLES

#### CRIMINAL JUSTICE SYSTEM PRINCIPLES

6.1.1 The further development and eventual implementation of this action plan for reforms in the criminal justice and social defense systems will be guided by the following principles:

- a) Speed and timeliness

- b) Gender, ethnic, religious and cultural neutrality
- c) Integrity and Accountability
- d) Truth and justice
- e) Access
- f) Independence in the analysis of facts and pursuit of truth

## ORGANIZATIONAL PRINCIPLES

6.1.2 The reform program will design and implement several reforms in the institutional framework and internal capacities of the criminal justice and social defense agencies, to be guided by the following organizational principles:

- a) Efficiency
- b) Accountability, transparency and appropriate disclosure
- c) System-based operations, information based-decisions
- d) Vertical and horizontal compartmentalization of functions
- e) Decentralization with stronger oversight management
- f) Integration
- g) Competitive and performance based remuneration
- h) Fitness-based recruitment, merit-based progression

## 6.2 Proposed Reform Measures

### POLICY AND LEGAL FRAMEWORK

- a) Review and reform of the legal and legislative framework on criminality and preparation of Omnibus Crime Bill
- b) Review of local and international laws on organized crime, transnational crimes and terrorism and development legislative agenda and proposed legislation and policies
- c) Study of policies on extradition, inter-country mutual assistance, and transfer of proceedings in criminal cases and design as well

as implementation of intercountry mechanisms, programs and agreements

- d) Review and reform of rules and procedures for investigation within the context of human rights
- e) Preparation and implementation with selected countries of model inter-country agreements on cooperation specifically in exchanging relevant information concerning terrorists

## INSTITUTIONS DEVELOPMENT

- a) Review, reengineering and integration of the criminal justice system
- b) Review and reengineering of the jurisdictional delineation between the PNP and NBI and other law enforcement agencies based on the recommended institutional framework
- c) Design and establishment of an oversight body on law enforcement within the context of the recommended institutional framework
- d) Reengineering of the internal functions, structure and operating systems of the NBI , PNP, maritime law enforcement agencies, and NPS based on the recommended institutional framework
- e) Design of specific procedures of operational linkages for specific crime cases among the pillars of the criminal justice system
- f) Integration and reengineering of the correction and rehabilitation system institutions
- g) Detailed review and reengineering of the social defense system, including potential integration of the legal assistance functions of government in the PAO
- h) Integration of the correctional system/reorganization – oversight vs. implementation
- i) Development and implementation of performance monitoring and review mechanisms and indicators for the criminal justice system

## CAPACITY DEVELOPMENT

### *TECHNOLOGY, PHYSICAL AND FINANCIAL RESOURCES*

- a) Modernization of the NBI crime laboratory
- b) Review, redesign, and implementation of the National Crime Information System network



- c) Formulation of equipment (communication, transport and technical equipment) standards for policemen, investigators and agents, and other law enforcers
- d) Review and reengineering of the internal crime information management system within the NBI and its connectivity to the NCIS
- e) Review and reengineering of the internal crime information management system within the PNP and its connectivity to the NCIS
- f) Review and reengineering of the internal crime information management system within the maritime law enforcement agencies and its connectivity to the NCIS

#### *HUMAN RESOURCES DEVELOPMENT*

- a) Reengineering of the staffing pattern and remuneration systems of the NBI, NPS, and PAO
- b) TNA, design and conduct of a continuing training program for investigators, and agents of NBI, prosecutors, public attorneys and correction personnel
- c) Updating/formulation of code of ethics for investigators and agents, policemen, correction personnel and prosecutors
- d) Design of improved mechanisms for providing security to criminal justice system personnel (prosecutors, judiciary, victims and witnesses in terrorist cases)
- e) Design and implementation of mechanisms for establishment of professional relationships with counterparts in other countries

#### *OPERATING SYSTEMS*

- a) Review and improvement of internal operating policies and procedures for mission-critical operations in the PNP, NBI, NPS, other law enforcement agencies, correction agencies, and PAO
- b) Design and installation of comprehensive and improved inter-pillar workflows on the investigation, prosecution and litigation of crime cases
- c) Development of tracking system on the status and terms of prisoners (process reengineering component) and computerization

- d) Development of crime tracking system (process reengineering component) and data base of crime cases, including specific information on the crime, suspect, victims, evidence, and other data related to individual crime cases
- e) Review and improvement of case management systems and caseload management processes for NPS and PAO
- f) Design of case management procedures and documentation and training of barangay justice system personnel, including training on mediation
- g) Strengthening of the Witness Protection Program
- h) Improvement of the operating systems and programs for correctional institutions, including the establishment of diagnostic center, establishment of specialized correctional institutions, formulation of prisoner education and capacity building and entrepreneurship/skills building program, psycho-social and re-integration enabling interventions

#### *GENERAL PUBLIC AND MEDIA*

- a) Review of existing programs and design as well as pilot implementation of police-community partnerships in crime prevention, control and solution towards safer cities
- b) Design and conduct of collaborative mechanisms with media for enhanced public information and education on crime prevention and access to services of law enforcement agencies
- c) Design and implementation of programs for strengthening community participation and responsible media

#### *INTER-COUNTRY RELATIONS*

- a) Design and piloting of collaborative mechanisms, procedures and model agreements on information sharing, investigation partnership, and other related areas on transnational crime management

#### *KNOWLEDGE BUILDING AND CONTINUING LEARNING CAPACITY*

- a) Review of comparative experiences in other jurisdictions, including inter country studies and tours, and exchange programs
- b) Design and establishment of a National Crime Management

Institute

- c) Design and establishment of a Prosecution Academy
- d) Design and installation of crime research and development center within the National Crime Management Institute
- e) Development and implementation of a crime research agenda
- f) Building knowledge on terrorism and transnational crimes through research, information exchange, comparative best practice, data base development

## RESOURCE MOBILIZATION AND MANAGEMENT

- a) Modernization of the correctional and rehabilitation system through improved resource mobilization
- b) Design of mechanisms for strengthening the participation of the private sector in providing free legal assistance

## **7 MANAGEMENT OF THE REFORM PROCESS**

### **7.1 Scoping Methodology**

- a) System Scope: The reforms cover the entire system, including the entire law enforcement pillar, prosecution pillar, correction and rehabilitation pillar and the social defense system.
- b) Subject Scope. The reforms aims to cover the various formal contextual, institutional, and cultural components those make up a well-functioning criminal justice system.
  - Legal and national policy framework - Sector – level institutional framework
  - Individual institutional level arrangements (mandate, functions, structures, staffing, operating systems, external linkages, continuing learning capacities, and human, physical, technological and financial resources)
  - Sector –level inter-institutional operational linkages and procedures - Sector-level continuing learning mechanisms
- c) Reform Areas: The proposed reforms cover the following areas, described in the previous sections of this report:

Legal and policy framework  
Institutional development Capacity development  
Resource mobilization and management

- d) Scope of Reform Development. The proposed reforms cover the entire reform process, which started with this diagnostic technical assistance project. In particular the proposed reform design will have the following project development scope:

Diagnostic studies leading to the identification of reform program, which will cover the rest of the agencies under the criminal justice and social defense systems

Detailed design studies, which will involve detailed assessment and detailed technical design of reforms and formulation of installation plan

Pilot/full implementation, which will involve installation testing, commissioning of systems, development and implementation of change management strategies

Performance monitoring and evaluation

## **7.2 Sequencing of the Reforms**

### *PHASING OF THE REFORMS*

PHASE 1- Detailed Assessment and Design PHASE 2- Testing and  
Piloting PHASE 3- Full Implementation  
PHASE 4- Reform Performance Evaluation

### *SEQUENCING METHODOLOGY*

## **BLOCK 1: SYSTEM-WIDE ASSESSMENTS AND FRAMEWORK DEVELOPMENT**

### *Simultaneous activities*

- a) System-wide assessment and institutional framework design
- b) Review and formulation of national policy and legal framework

## **BLOCK 2 - INDIVIDUAL AGENCY INSTITUTIONAL REFORMS**

*Simultaneous among agencies, sequential in each agency*

- Detailed design and implementation of change management strategy
- Detailed assessment and design of agency mandate, structure and functions
- Detailed design of key development programs
- Detailed design of staffing and key operating systems
- Detailed design of technology and physical facility requirements
- Detailed design of human resources development strategies
- Detailed design of migration process
- Testing in pilot units or phased installation
- Full implementation and stabilization
- Institutionalization and continuing improvement

### **7.3 Implementation timeframe and schedule**

- a) The overall timeframe is 6 years with respect to the development, design and implementation of institutional and capacity building programs but is expected to extend to ten years with respect to key investments in technology and scientific equipment and associated competency development.
- b) Multi-year schedule is presented in Annex A.

### **7.3 Program Management Arrangements**

- a) A criminal justice and social defense reform executive committee be established with membership from the following:

- Supreme Court of the Philippines Congress
- Department of Justice
- Department of Interior and Local Government Department of Transportation and Communication
- Integrated Bar of the Philippines NEDA
- DBM

The members of this executive committee is recommended to comprise of the heads of the above agencies. It is recommended that the committee be headed by the Chief Justice of the Supreme Court. The executive committee will be the policy-making committee for the entire sector reform program. The committee will agree on a reform philosophy and the principles that will guide the reform process and decide on the direction, prioritization, major programming and resource allocation for the various reform activities of the participating agencies.

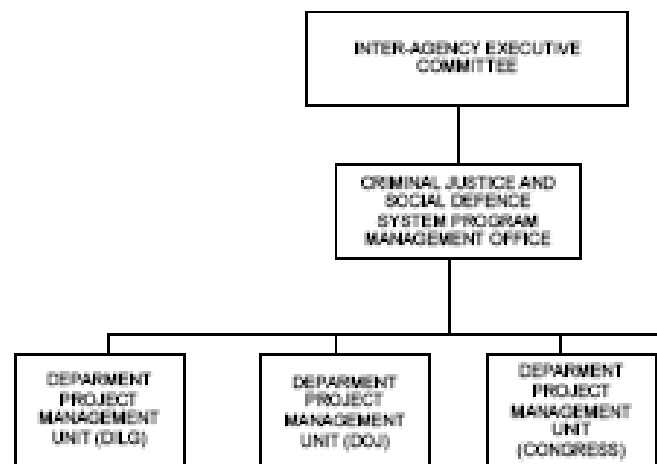
- b) A Reform Management Unit in each department to be headed by a highly respected and recognized undersecretary and

composed of heads of key offices involved in the reforms is recommended. The PMU will be responsible for internal and external coordination of the design and implementation activities and ensure the quality of the reform outputs. It will be responsible for the management of the agency specific change process, building consensus, educating stakeholders, and reconciling conflicts. It will also be responsible for ensuring sound resource utilization management covering all resources allocated and released thereto for the execution of reform design and implementation activities.

- c) The Program Management Office is recommended as the integrating Program Management Facility for the entire criminal justice and social defense system reform program ensuring its synchronization with the Judicial Reform Program.

The PMO will directly support the inter-agency Executive Committee. It will be responsible for the overall planning, implementation management, sequencing and inter-agency coordination and programming of all reform activities. It will also take responsibility in coordinating with donor institutions and in generating resources from the national government and donor community, for the annual programming and management of the prioritization and release of reform budgets and for the monitoring and evaluation of the reform performance.

**FIGURE 1  
PROGRAM MANAGEMENT STRUCTURE**



## **4 FINANCIAL ESTIMATES**

4.1.1 Estimates of the financial requirements of the various reform measures are presented in Annex B to provide a notion of the annual financial requirements of the various design, installation and implementation efforts of reform measures whose cost can be estimated at this time. Strengthening measures that involve acquisition of capital such as the modernization of the crime laboratory of the NBI, reengineering of the NCIS and the equipping of law enforcers and the various agencies will be estimated during the detailed design study phases of the program.

# 1

## GENERAL INTRODUCTION

### 1 SIGNIFICANCE OF THE ACTION PLAN

- 1.1.1 Achieving and maintaining peace and order is key to our country's economic growth and global competitiveness. It is the foundation upon which individual human creativity and industry can be unleashed and translated into collective productivity and national socio-economic and political development. Peace and order enables choice, enterprise and productive economic activity to flourish, builds investor confidence and provides the environment for sound human development.
- 1.1.2 Peace and order is not just for the economy. It is also a means to prevent and overcome poverty as poverty is closely related to lack of access to justice, when the poor has no means to seek redress from injustice done to them. Injustice and lack of access to justice not only deepen human poverty, but also increase the potential for violent conflict, as people who perceive they have been victims of injustice and as those who have no access to redress of their grievances result to armed violence to put the law into their own hands.
- 1.1.3 The Five-year Master Plan of Action for Peace and Order, 1997-2001 was initiated in 1996 and was approved by then President Fidel V. Ramos. The plan articulated the vision, targets and various reforms and other initiatives to prevent and combat criminality. It identified reforms in legislation, policies, institutions and capacities in criminal justice and social defense.
- 1.1.4 The timeframe for the action plan has ended. Coordinated by the National Police Commission, the action plan suffers from lack of organized program management facility and resources. Despite these, agencies involved in the criminal justice and social defense systems, contribute their individual initiatives. These have been largely responsible for the considerable improvements in the performance of the law enforcement system.
- 1.1.5 Time is ripe to take stock of the situation and formulate as well as agree on the vision, goals and development strategies for the next period. The conduct of this UNDP technical assistance to review the institutional framework and operating systems of the agencies in the Department of Justice responsible for criminal justice and social defense and to formulate a reform program indicates



recognition of the need to embark on an institutional development and reform effort, in coordination with the Judicial Reform Program which is now in full swing.

## **2 PURPOSE OF THE ACTION PLAN**

- 2.1.1 This proposed action program addresses the issues and concerns, as well as reform opportunities identified during the institutional and capacity assessment of the selected DOJ agencies. This action program provides a seamlessly integrated set of strategic reforms for the entire criminal justice and social defense systems, while giving special focus on agencies within the Department of Justice. In particular the proposed action program will serve the following purposes:
- a) Articulate a vision for continuously improving criminal justice and social defense systems.
  - b) Define the development goals, expected outcomes, key result areas and performance targets for the proposed development and reform initiatives.
  - c) Identify and define the strategic reforms that will enable the achievement of the defined vision.
  - d) Formulate the reform program management mechanism required for efficient and effective management of reform implementation.

## **3 DELIMITATIONS**

### **3.1 Need for assessment of the policy, legal and legislative framework as integral part of the action plan for reform**

- 3.1.1 The terms of reference for this technical assistance engagement involve the institutional review and capacity assessment of the DOJ agencies responsible for the criminal justice and social defense systems. It involves examining the formal organizational arrangements, key operating systems and resources of the agencies covered by the study. It does not include a review of the legal framework and policies of the criminal justice and defense systems. A review and reform of the legal and legislative framework and policies would have been a useful precedent of the institutional review and reform formulation process since they will have profound impact on formal structural arrangements and capacity requirements.

- 3.1.2 As soon as the required legal and legislative framework and policy

review and reform program formulation shall have been undertaken and completed the recommended institutional strengthening and capacity development reforms contained in this action plan should be revisited and updated.

### **3.2 Several components of the criminal justice system which are external to the DOJ and the Judiciary are integral parts of this DOJ initiated action plan for reform**

- 3.2.1 This action plan was made possible through the cooperation between two stakeholder institutions – the Judiciary and the Department of Justice. Parts of the reforms in the criminal justice system, which are under the responsibility of the Judiciary, are in the thick of development and implementation. In particular, the Supreme Court is developing and implementing a comprehensive caseload and case decongestion strategy that will speed up the processing of cases in the courts through improved case management, more efficient support systems, improved competencies, and provision of the appropriate case management technology that will support the judge, enable performance monitoring, and provide information input to planning and institutional capacity assessment. The Supreme Court has programmed several policy reforms such as the review of the rules of court and court jurisdictional structure, strengthening of the judicial appointment and career development system, and improving judicial training and competency development support systems. These reforms will significantly contribute to the strengthening of the capacity and integrity of the criminal justice system.
- 3.2.2 While the DOJ, through this UNDP technical assistance project, is taking a big stride towards a comprehensive reform program in coordination with that of the Judicial Reform Program, huge and inextricable parts of the criminal justice system are not within the control of the Department of Justice. These are the Philippine National Police, National Police Commission, Philippine National Police Academy of the Philippine Public Safety College, and Bureau of Jail Management and Penology of the Department of the Interior and Local Government, and the numerous jails and detentions centers managed by the local governments, as well as the various law enforcement agencies of the government.
- 3.2.3 As each integral part must be fitted into the whole so will reforming the criminal justice system require an integrated and coordinated approach and implementation program participated in by key agencies responsible for performing the various functions.
- 3.2.4 This action plan addresses these delimitations by adopting the enunciated comprehensive approach to reforming the criminal justice and social defense system, but providing a deeper reform identification and focus for areas within the functional jurisdiction of

the Department of Justice. It identifies an integrated set of institutional studies and reforms, capacity development and other strategic reforms measures on a system-wide rather than agency specific basis.

## **4 REPORT ORGANIZATION**

4.1.1 This report is organized into the following major components:

SECTION 1 : GENERAL INTRODUCTION

SECTION 2 : CHALLENGES AND REFORM ISSUES

SECTION 3 : VISION, GOALS, OBJECTIVES, EXPECTED OUTCOMES  
AND KEY RESULT AREAS

SECTION 4 : REFORM STRATEGIES AND MEASURES

SECTION 5 : MANAGEMENT OF THE REFORM PROCESS

# 2

## CHALLENGES AND REFORM ISSUES

### 1 INTRODUCTION

- 1.1.1 This section identifies the key peace and order challenges and synthesizes the issues identified during the diagnostic study that the action plan for reforming the criminal justice and social defense systems should address. The challenges and issues provide the basis for the development of the reform approach and scope and for the identification of the set of actions that comprise the action plan for reform.

### 2 REFORM CHALLENGES

- A. TERRORISM, TRANSNATIONAL ORGANIZED CRIMES AND CORPORATE FRAUD PRESENT NEW REQUIREMENTS IN THE LEGAL FRAMEWORK AND INSTITUTIONAL CAPACITIES IN THE CRIMINAL JUSTICE SYSTEM
- 2.1.1 International and domestic social, economic and political issues present tremendous challenges to our criminal justice and social defense systems. Increasing globalism and multi-nationalism in politics and economic enterprise has created a corresponding global playing field for terrorism, corporate fraud and organized crime. The legal framework, the internal institutional capacities of law enforcement, prosecution and judicial institutions, and the resources of these institutions have been considerably improved in relation to other national priorities. But current and emerging global nature of peace and order concerns, and the emerging domestic crime issues which implicate our politics, present challenges that are far greater than what the existing policy framework, institutional mechanisms and allocated resources can provide.
- B. THE CRIMINAL JUSTICE SYSTEM AND PARTICULARLY OUR LAW ENFORCEMENT AGENCIES MUST PROVE THAT THEY ARE WORTHY OF THE PUBLIC'S TRUST AND CONFIDENCE
- 2.1.2 Despite tremendous efforts and the many success stories in combating criminality, much remains to be done to improve the public perception of our criminal justice system and particularly our law

enforcement agencies. (It is noted that the NBI enjoys the trust and confidence of the public and that the problem in this respect would be our police force). Where the media presents to the public the accomplishments and the misdemeanor of a few of our law enforcers, side by side, the minuses have tended to cancel out the pluses. Indeed, the public, as in most countries of the world, expect a high level of integrity and professionalism in our criminal justice institutions.

C. THE CRIMINAL JUSTICE SYSTEM, PARTICULARLY LAW ENFORCEMENT AGENCIES MUST PROVE THAT THEY ARE NEUTRAL AND NONDISCRIMINATORY PARTICULARLY AGAINST THE POOR AND MARGINALIZED POPULATION

2.1.3 The poor and disadvantaged people are the ones who mainly bear the burden of a deficient criminal justice and social defense system. The criminal justice system particularly the law enforcement agencies must prove that they are neutral and nondiscriminatory. Only then will they be worthy of the public's trust and confidence.

D. MORE EFFECTIVE INSTITUTIONAL MECHANISMS MUST BE ESTABLISHED TO STRENGTHEN AND INSULATE OUR CRIMINAL JUSTICE SYSTEM AGAINST THE UNDUE INFLUENCE OF THE POWERFUL AND AGAINST CORRUPTION

2.1.4 Perception of graft and corruption in law enforcement agencies and in the courts undermines public trust and confidence and the very effectiveness of the criminal justice system. Crime breeds on corruption and there is a need to strengthen our law enforcement and judicial institutions against the influence of the powerful and the corrupt. Insulating the criminal justice system from undue political influence and corruption require that their personnel are well paid, well educated and trained, that law enforcement institutions have formal mechanisms that ensure individual and institutional decisional independence and internal as well as external accountability, that law enforcement agencies are provided with adequate technological and resource support in their operations.

E. TO BE EFFECTIVE, THE GOVERNMENT MUST ADOPT AN INTEGRATED, HOLISTIC AND WELL-COORDINATED APPROACH TO REFORMING THE CRIMINAL JUSTICE SYSTEM

2.1.5 The Judiciary is in the thick of implementing a comprehensive reform program. The reforms will highlight Improvements in case management efficiency, mechanisms that promote decisional independence and preserve integrity, management of judicial resources, jurisdictional structure and rules of court, and court-

community relations, among others. These reforms have tremendous impact on the functioning of our criminal justice system, particularly where 80% of cases in the courts are criminal cases. But without corresponding reforms in the other pillars of justice: law enforcement, prosecution, and correction, overall improvements will be limited. For example, studies have shown that about 30% of cases in the court are archived and there is reason to believe that a majority of these cases are archived because the accused cannot be found. The courts can function better in rendering criminal justice with quality and adequate evidence, competent crime investigation and effective legal arrest of the accused, and competent prosecutors with reasonable caseloads. Competency requires not just quality and continuing training and core qualifications, but also a reasonable scope of work that allows law enforcers and prosecutors to specialize and gain mastery within a given focused area of competence.

- 2.1.6 The functions of criminal justice are dispersed among the three branches of government. Congress is responsible for ensuring that the legal framework for the criminal justice system is up-to-date with the requirements of the existing crime situation. The Judiciary must ensure the efficiency of the litigation process, and the quality and impartiality of criminal justice. The executive branch operates the law enforcement agencies, which comprise of more than ten organizations, in various departments, including among others NBI, PNP, NAPOLCOM, BOC, BID, BIR, ATO, MARINA, Philippine Coast Guard, DAR, and DENR. These agencies perform law enforcement functions in their respective areas. Among the many reforms required, there is need to achieve functional integration, operational and procedural coordination, and policy synchronization among these agencies. There is opportunity to review common resources and establish mechanisms that achieve economies of scale in law enforcement resources, without diminishing individual institutional efficiency. The dispersal of functions in the criminal justice system among several departments and agencies renders the required seamlessly integrated and coordinated approach difficult. The Executive Branch, Judiciary and Congress need to come together to agree and commit to a coordinated reform program of the criminal justice system.

**F. REFORMS IN THE CRIMINAL JUSTICE AND SOCIAL DEFENSE SYSTEMS REQUIRE TREMENDOUS RESOURCES THAT ALLOCATED GOVERNMENT BUDGET RESOURCES CANNOT PROVIDE**

- 2.1.7 To be effective in combating and solving crime, the capacities of our law enforcement institutions must match if not surpass the capacities

of criminals. As criminality is becoming more global and much more sophisticated, so must we update our legal framework and improve the institutional capacities of our law enforcement institutions. There is a need to considerably improve the NBI's crime laboratory, to provide up-to-date communications and transport equipment to policemen and investigators, to improve the quality of police education and training, to provide training to our law enforcers in the areas of terrorism, corporate crime, and transnational and organized crimes, and to strengthen core capacities in such areas as knowledge of law, human rights, evidence gathering and preservation, intelligence, and other related competency areas, and to improve crime information and communications technology. These reforms are fundamental to a well functioning criminal justice system.

- 2.1.8 The issue of resource availability is not as simple as it seems. Resource availability reckons, first and foremost, with the priorities of the government and the political will of its leaders to translate enunciated priorities to resource priorities. The Executive Branch has enunciated that the government should focus on its fundamental functions of providing basic education, peace and order and justice, and sound macro-economic management and that the participation of the private sector in the development sectors will be optimized. Prioritizing resources to peace and order involves not merely increasing salaries and benefits of judges, investigators and policemen. This should be part of a cohesive and integrated resource management approach that is provided in accordance with its well-defined contribution to clear objectives. Unless the government sees peace and order as a lucrative public investment that will result in substantial returns to the economy, in relation to other competing priorities, then the criminal justice system will not be accorded resource allocation priority.
- 2.1.9 The role of the local governments and the private sector in financing peace and order should also be explored. Most crimes are local and location specific in its benefits and cost. Local governments must improve their contribution to public services where their communities will directly benefit. The private sector's contribution through outsourcing, direct contributions by big business, and other related mechanisms should be explored not just to increase the real value of available resources but also to improve resource utilization efficiency.

#### G. THE SUCCESS OF THE REFORM WILL DEPEND ON A STRONG, DETERMINED AND SUSTAINED LEADERSHIP AND INSTITUTIONAL CONTINUITY

- 2.1.10 The secret of any reform success is a strong and capable leader who will engender consensus, provide vision and leadership, and ensure reform continuity. Reforming the criminal justice and social defense systems will involve tremendous political challenge, risks and constraints, and the role of the leader will be critically important in

overcoming them and in pursuing the reform process towards its completion.

- 2.1.11 Continuity is ensured by a capable program management capacity that should eventually be institutionalized. A successful reform program requires the acquisition of services of reform professionals, which will support a strong policy support team within the executing agency, and which will be reporting to a committed executive committee, which is also supporting the reform leader.

### **3 REFORM ISSUES**

- 3.1.1 The SWOT analysis and internal capacity assessments identified dysfunctions, capacity deficiencies, inter-agency coordination and operations integration issues, and issues on resources. The study should be taken within the context of the broader criminal and social defense system within which the DOJ plays a critical role and where other participating agencies considerably contribute or hinder national objectives pertaining to peace and order. This study and the prior diagnostic studies point to key reform issues, which comprise the following:

- A. **NEED TO REVIEW THE LEGAL FRAMEWORK ON CRIMINAL JUSTICE**

- 3.1.2 With the emergence of new issues on criminality, such as the global nature of crime, there is need to study local and international laws on crime, examine our laws on transnational crime, terrorism, and inter-country relationships pertaining to their management.

- B. **NEED TO INTEGRATE AND STRENGTHEN THE INSTITUTIONAL FRAMEWORK FOR LAW ENFORCEMENT**

- 3.1.3 At present deficient mechanisms and procedures for inter-agency workflows result in delayed processing of cases and lack of information. The absence of an integrated crime information system limits capacity of the pillars of justice to manage cases, review national crime situations, and on this basis formulate effective crime management strategies. Crime management functions are dispersed among several agencies and the functions and operational linkages among them need to be clearly defined and established. For example, the functional delineation and jurisdiction between the Philippine National Police and the National Bureau of Investigation need to be clearly defined to avoid duplication and operational confusion, and prevent wasteful use of limited resources. The



devolution of the police force and the designation of the NBI as the national law enforcement agency should be explored in order to clarify functional delineation and distinguish their jurisdictions. The police can focus on local crimes, while the NBI will cover inter-jurisdictional, national and international crime issues, as well as more complicated forms of criminality. Cooperation between the two agencies will need to be designed at the location specific operational levels.

- 3.1.4 At present there is no oversight agency for law enforcement. An oversight agency is needed in order to formulate national policies and standards on law enforcement and monitor implementation of programs and performance of law enforcement agencies. This is not possible with a setup that puts the police at the same location as the oversight agency. The National Police Commission, which at present supervises the police force, does not perform functions of policy and standards formulation but focuses on operational supervision of the police force.
- 3.1.5 Integration of the institutional framework for law enforcement does not necessarily mean physical integration of law enforcement institutions. What will be required is to determine the proper organizational placement and roles of law enforcement institutions, define what will be done at the oversight level and what institutions should operate at the local level, delineate functions in accordance with sound horizontal and vertical compartmentalization criteria, and clearly establish the interagency coordinative mechanisms and operational processes.
- 3.1.6 Integrating the law enforcement institutional framework will involve addressing the following institutional issues:
  - a) Delineation of the functions of PNP and NBI
  - b) Potential devolution of PNP
  - c) Establishment of an oversight law enforcement agency to be responsible for policy and standards formulation and performance monitoring
  - d) Examining the delineation and operational coordination of functions between the NBI, PNP and other law enforcement agencies such as the MARINA, Philippine Coast Guard, ATO, BOC, BIR and other law enforcement agencies of the government
  - e) Reengineering of maritime law enforcement functions and institutions
- 3.1.7 A continuing human capacity development program is fundamental to a well functioning and sustainable criminal justice system. This involves putting in place the appropriate institutions for education and

continuing training and competency development and for continuing research towards the acquisition of more knowledge and understanding of criminality, and of the technologies and means for prevention, control and solution. There is a need to considerably improve this functional component in the criminal justice system, particularly in the areas of law enforcement and prosecution.

- 3.1.8 There would also be a need to improve the internal functional and structural configuration of criminal justice system agencies. For example, organizational dysfunctions within the NBI are manifested in duplication of investigation units and positions, highly centralized operations, uneven crime management capacities between Manila-based offices and the rest of the country and lack of capacities for performance management indicated by absence of adequate performance indicators system, performance assessment methodologies and meaningful use of performance data in improving crime management.

**C. NEED TO CONSIDERABLY STRENGTHEN THE INTERNAL CAPACITIES OF LAW ENFORCEMENT AND PROSECUTION INSTITUTIONS**

- 3.1.9 Law enforcement institutions need to improve their operational capacities to prevent, control and solve crimes. Capacity development involves among others the following:
- a) Providing expanded and quality training to law enforcers, investigators and prosecutors
  - b) Improving qualification standards for new recruits (police, investigators and agents and prosecutors) accompanied by attractive compensation and benefit package, and career development opportunities
  - c) Expanding the skills mix for investigators and other personnel involved in highly specialized crime intelligence and investigation
  - d) Upgrading technology and facilities for scientific crime investigation particularly in the NBI
  - e) Upgrading the equipment support system for law enforcers, particularly communications and transport
  - f) Improving internal and inter-agency procedures in such areas as rules of engagement, investigation and intelligence gathering for complex crime, collection and preservation of evidence, and other related operating procedures

- g) Institutionalizing mechanisms for insulating investigators, law enforcers and prosecutors against the politically powerful
- h) Strengthening mechanisms for establishing and sustaining a culture of integrity and faithfulness to the rule of law in law enforcement and prosecution agencies
- i) Enhancing the resource support for law enforcement agencies by exploring alternative sources of financing
- j) Developing capacities for designing and implementing effective community-law enforcement agency partnerships in crime prevention, control and solution particularly in urban areas
- k) Establishing and institutionalizing crime research and development of institutional mechanisms for the use of research in improved crime management, enhanced education and training, and improved policy and legal framework
- l) Improving case management capacity of the National Prosecution Service through a more manageable individual caseload, improved caseload and case management procedures, and rationalizing the staffing pattern for prosecutorial and legal support positions

3.1.10 The establishment of a corps of professionals in the investigation, control and solution of complex crimes, such as corporate crime, terrorism and transnational crimes through recruitment and training, particularly in the NBI, would be required to enable our criminal justice system to cope with the increasing global nature and complexity of these crimes. Further, improving mechanisms for inter-country linkages should be undertaken through legal, institutional and procedural reforms on inter-country collaboration.

#### D. NEED TO ADOPT CASE DECONGESTION STRATEGY, IMPROVE RESOURCE MANAGEMENT EFFICIENCY, AND MOBILIZE RESOURCES FOR PROSECUTION AND SOCIAL DEFENSE AGENCIES

3.1.11 The National Prosecution Service and the Public Attorney's Office are burdened with heavy caseloads. There is need to establish mechanisms for managing increasing caseloads. This will require a multi-pronged approach which should consider among others the following options:

- a) Mobilizing private sector resources for free legal assistance for the poor, which may include requiring graduating law students to provide legal services; requiring law firms and law practitioners to provide free legal assistance to a specified number of indigents

for each year; soliciting donations from business for the establishment and maintenance of a free legal assistance fund; and other related measures.

- b) Integrating all legal assistance units of government agencies into one organization.
- c) Strengthening the barangay justice system in order to ensure referral of only meritorious cases to the NPS, PAO and the courts and to improve the documentation of cases.

3.1.12 The current system of LGU support enhances limited resources for prosecutors but creates vulnerability of the prosecution system to political pressure and influence. The system of LGU support to the criminal justice system should be rationalized towards improving the objectivity and non-negotiability of the funds determination and provision processes.

3.1.13 There are severe resource constraints particularly for MOOE and for acquiring basic office equipment but opportunities exist to raise revenues out of prosecutorial services, particularly by charging fees to litigants who can afford.

3.1.14 In the area of corrections there is severe budgetary limitations but, at the same time, there is tremendous opportunity to generate revenues through entrepreneurial use of the physical assets of the Bureau of Corrections and the national prisons.

## **4 IMPLICATIONS FOR REFORM**

4.1.1 The reform issues and challenges indicate that reforming and strengthening the criminal justice and social defense system will involve addressing constraints, overcoming reform obstacles and intelligently harnessing reform opportunities. These will be addressed as a whole just as the reform and strengthening measures will necessarily cover the system as whole and not just of its parts.

4.1.2 The reform issues and challenges also indicate that more than addressing structures, technologies and resources, any reform should address the more fundamental issues of neutrality and non-discrimination, access by the poor and marginalized groups, building government-community partnerships, and strengthening individual and institutional accountability and credibility. These are the pre-conditions for our criminal justice system to gain and earn the trust and confidence of the people.

# 3

## VISION, GOALS, OBJECTIVES, EXPECTED OUTCOMES AND KEY RESULT AREAS

### 1 DEVELOPMENT VISION

- 1.1.1 International and local experience have shown that there can be no socio-economic development if there is no peace and order, and if our systems of law enforcement and justice provide no relief to injustice and grievance. Among the fundamental preconditions to economic progress, the establishment of peace and order, and effective as well credible systems of law enforcement and legal remedies are at the very core. They are the core-enablers within which socio-economic and political progress is made possible.

#### SOCIETAL VISION

- 1.1.2 The previous 5-year Master Plan of Action for Peace and Order, 1997-2001, provides a vision, a picture of a Filipino society that the criminal justice system will contribute in realizing:

*“ A safe, peaceful and progressive Philippines through partnership and shared responsibility in attaining peace and order.”*

- 1.1.3 This action plan for reform, which covers a 6-10 year timeframe, adopts that vision, and intends to realize it through strategic reforms in the criminal justice and social defense systems.

#### REFORM VISION

- 1.1.4 This action plan proposes a vision of a reformed criminal justice and social defense system that will make possible the attainment of the stated societal vision. The following vision statement provided guidance in the formulation of this action plan and will provide the same guidance in the implementation of the various development and reform activities:

*A system that has gained the trust and confidence and active cooperation of the public by virtue of its effectiveness in combating and preventing criminality, and in providing security to our communities; its integrity and relentless pursuit and protection of truth and justice; and its established capacity to*

*render accessible, speedy, fair, impartial and affordable prosecutorial, legal and judicial services, in accordance with the processes of law and the principles of human rights.*

## **2 DEVELOPMENT GOALS**

2.1.1 The stated societal vision and reform vision will be realized by designing and implementing a well managed action plan for reforming the country's criminal justice and social defense system that will pursue the following development goals.

- a) To reduce the incidence of crime.
- b) To improve crime solution rate and efficiency.
- c) To firmly establish within the criminal justice institutions due respect for human rights and the rule of law.
- d) To achieve effective community participation in crime prevention, control and solution.
- e) To achieve effective collaboration with other states in transnational crime prevention, control and solution.
- f) To enhance the national and international credibility of the system, perception of its neutrality and non-discrimination particularly against the poor, as well as public trust and confidence.

## **3 REFORM OBJECTIVES**

3.1.1 Various reform efforts have been identified, defined and programmed in this action plan for reform in the criminal justice and social defense systems. The proposed actions are intended to achieve the following reform objectives that will ultimately result in the fulfillment of the development goals, reform vision, and societal vision. These objectives include the following:

- a) To develop and put in place an integrated and coordinated policy, legal and institutional framework for the country's criminal justice system.
- b) To improve overall system capacity to combat criminality and effectively address terrorism, transnational crimes and emerging global crime issues that affect internal peace and order as well as security.
- g) To ensure equal access to justice particularly by the poor and

marginalized groups.

- c) To strengthen the social defense system towards improving access to justice.
- d) To provide stronger and more effective mechanisms for government - community collaboration for crime prevention, control and solution.
- e) To integrate within the institutional framework and operating systems of law enforcement and prosecutorial institutions the principles and mechanisms for neutrality, non-discrimination, respect for human rights and respect for the rule of law.
- f) To enhance mechanisms for public accountability of the criminal justice and social defense system.

#### 4 REFORM OUTCOME INDICATORS AND TARGETS

4.1.1 The proposed reform program is expected to generate public benefits in terms of crime resolution rate. The proposed outcome indicators presented hereunder do not specify societal outcomes, as they are the outcomes of a combined effort of government as a whole and society. Instead, outcomes pertain to the composite system performance results that can be expected by implementing the comprehensive reform program.

OUTCOME INDICATOR	TARGET BY YEAR OF
1. Efficient and Effective Crime	
- Crime resolution rate	90% by year 3
- Reduced incidence of impunity (% of	0% of arrests by year 3
- Reduced incidence of escapes from	0% starting year 3
2. Improved access to criminal justice	
- Reduced incidence of torture	0% starting year 3
- Reduced incidence of illegal arrest and detention	Complaints decreasing annually by 30%
- Reduced number of prisoners overstaying in jails	Incidence decreasing annually by 30% starting
- No. of poor litigants with access to	100% starting year 3
- Improved living conditions in jails (space amenities	Compliance to standards improving by 10%
3. Effective international cooperative	
- Rate of solution in international crimes committed in the	Increase by 10 annually by year 3
- Number of countries with extradition treaties with the	Increase by 2 countries annually starting year 2
- No of countries with formal mechanisms for crime	Increase by 2 countries annually starting year 2
4. Improved public credibility, and public	Annual increase of 10%

5. Increased community-government partnership in crime	
- No of cities with working	3 cities annually starting year
- No of cities experiencing reduction in	3 cities annually starting year
6. Improvements in Institutional	
- Cases against law enforces resolved	100% resolution within year of complaint filing
	100% enforcement if disciplinary decisions

## 5 KEY RESULT AREAS

5.1.1 The reforms in the criminal justice and social defense systems will be carried out by designing and implementing specific reform measures and development efforts in the following key result areas:

- a) POLICY, LEGAL AND LEGISLATIVE FRAMEWORK, which will include among others the review and updating of laws on criminality and law enforcement, formulation and enactment of laws on terrorism, transnational crimes, organized crimes, and corporate fraud, among others. The drafting of revised and new laws and the conduct of extensive consultations as well as advocacy to Congress and the public may be required. This component intends to put in place the appropriate national policy and legal framework for the criminal justice system.
- b) INSTITUTIONS DEVELOPMENT, which will involve reviewing and strengthening, streamlining or reengineering, as may be required, the societal and formal organizational arrangements for the criminal justice system. This will examine and improve upon the delineation/definition of the appropriate roles of the government and the private sector, the vertical compartmentalization of the functions, authority and accountability between national and local governments, and the organizational arrangements for public participation and feedback in key issues on peace and order and criminal justice.
- c) CAPACITY BUILDING, which includes installing and continuously improving upon human competencies, technological support and operating systems, acquiring and applying new knowledge and enhancing the resources of organized stakeholders – Congress, law enforcement agencies of the government, prosecution agencies, social defense agencies, the judiciary, and local government units - to enable them to assume their respective roles and



functions and to achieve the goals of improving peace and order and providing criminal justice.

Capacity building also involves the development of an informed and educated citizenry on pertinent peace and order issues and concerns to enable them to participate in policy discussions and public feedback, and engage in effective partnerships in crime management with law enforcement agencies.

- d) **RESOURCE MOBILIZATION AND MANAGEMENT**, involves a set of philosophies, policies, institutional and operational arrangements for the improved generation, and leveraged utilization of the financial, technological, physical and human resources of stakeholders – national government, local government, private sector and citizens in providing criminal justice and improving peace and order.

- 5.1.2 Proposed reforms affecting the entire law enforcement system of the government, prosecution, corrections and social defense were identified and organized along these key result areas.

# 4

## REFORM STRATEGIES AND MEASURES

### 1 INTRODUCTION

- 1.1.1 Achieving and maintaining peace and order requires that efficient and effective institutions for criminal justice and social defense, and mechanisms for rehabilitating and reintegrating offenders of the law, are all working in accordance with the rule of law and human rights, and on an established set of operating principles and ethical procedures.
- 1.1.2 This action plan contains a comprehensive set of strategies and measures that will strengthen, reform, or improve the policy and legal framework, institutions, internal capacities and resources of the criminal justice and social defense systems developed based on a holistic reform program design strategy and founded on defined reform principles.

### 2 GUIDING PRINCIPLES

#### CRIMINAL JUSTICE SYSTEM PRINCIPLES

- 2.1.1 The further development and eventual implementation of this action plan for reforms in the criminal justice and social defense systems will be guided by the following principles:

- a) SPEED AND TIMELINESS

Speed and timeliness in the solution of crimes is one of the pre-conditions upon which the public's trust and confidence in our criminal justice system will stand. The reforms will promote improvements in the speed and timeliness of crime solution.

- b) GENDER, ETHNIC, RELIGIOUS AND CULTURAL NEUTRALITY

All citizens shall be equal before the law. Law enforcement, prosecution, legal assistance, and correction services shall ensure respect for individual human rights, and prevent discrimination.

### c) INTEGRITY AND ACCOUNTABILITY

Integrity is one of the pre-conditions upon which the trust and confidence, and cooperation of the public will be engendered and sustained. The reform program will ensure the development and implementation of integrity and accountability enhancing mechanisms. It will provide processes and operating procedures that will promote the provision of quality, adequate and timely public information, enable the verifiability of the operating mechanisms in criminal justice and social defense agencies, and transparency in the use of resources and decisions that the public has the right to know.

### d) TRUTH AND JUSTICE

Reforms in the criminal justice and social defense system will be geared towards strengthening institutional mechanisms and organizational culture that ensure the pursuit and preservation of truth, and provision of impartial, fair and speedy justice.

### e) ACCESS TO JUSTICE

Peace and order and criminal justice are public goods, which the public has the right to have easy and equal access before the law. The reform programs are geared towards improving geographical, information, and service access by the citizenry from law enforcement, prosecution and social defense agencies.

The reform program must provide special focus on improving access to justice by the poor and marginalized groups and development of mechanisms that ensure the adoption of a rights-based approach. Access to justice by poor means access to quality and affordable or free legal counsel, equal treatment before the law, speedy processing of the case, respect of their human rights, and neutral application of the law.

### f) INDEPENDENCE IN THE ANALYSIS OF FACTS AND PURSUIT OF TRUTH

Law enforcers must have independence in the analysis of the facts of the case and in the pursuit of truth. They must be free from harassment, political influence, or undue pressure, which will jeopardize the gathering of facts and pursuit of truth and justice. The reform program should provide institutional mechanisms that will insulate criminal justice agencies and personnel from undue pressures and vulnerability to graft and corruption.

## ORGANIZATIONAL PRINCIPLES

2.1.2 The reform program will design and implement several reforms in the

institutional framework and internal capacities of the criminal justice and social defense agencies, to be guided by the following organizational principles:

a) EFFICIENCY

Improvements in the relationship between resource inputs and agency outputs are critical to ensuring the optimization of severely limited resources. The reform program will provide mechanisms that will promote efficiency in the operations of the various agencies in the criminal justice and social defense system.

b) ACCOUNTABILITY, TRANSPARENCY AND APPROPRIATE DISCLOSURE

Transparency and public disclosure is the foundation for accountability and sound government-citizen cooperation. Reforms in the institutional framework and operating mechanisms shall promote transparency and sound policies on public disclosure of operations, which will create a balance between what the public has the right to know and what should not be disclosed as a matter of national security.

The design of the institutional framework and operating system will include mechanisms for accountability imbedded in such features as convergence between authority and accountability, clear structure of processes and information, structured reporting and information systems, and sound monitoring and performance review mechanisms, as well as mechanisms for public feedback.

c) SYSTEM-BASED OPERATIONS, INFORMATION BASED-DECISIONS

The proposed reforms will involve mechanisms that will ensure the continuity of operations regardless of staff turnover and attendance. This is to be achieved through system-based operations, which is characterized by standards, structured processes and criteria for action and decision-making.

An appropriate information system, backed up by an adequate information and communications technology is the pre-condition upon which relevant, timely and responsive decision-making will be made possible. The proposed reform program will provide mechanisms for the definition of an information system for the criminal justice system that will integrate and provide for the information needs of all criminal justice system agencies, and will allow sharing with other country partners where appropriate.

d) VERTICAL AND HORIZONTAL COMPARTMENTALIZATION OF FUNCTIONS

The appropriate definition and delineation of roles, functions, activities, resources and accountabilities is a pre-condition for efficiency in the utilization of resources and capacity to achieve organizational objectives. The appropriate compartmentalization of functions, authority, resources and accountability among the various tiers of the organization and between equally situated organization units is among the more important features of the proposed reforms in the criminal justice and social defense agencies.

The principle of vertical and horizontal compartmentalization applies not only in improving the internal organizations of individual criminal justice and social defense agencies, but also in determining the appropriate institutional framework of the system – in defining the roles and functions of the national government, local government units, and the public, as well as in defining the relationship among the pillars of the criminal justice system.

#### e) DECENTRALIZATION WITH STRONGER OVERSIGHT MANAGEMENT

Vertical compartmentalization means decentralizing functions, authority and resources while maintaining a strong oversight management function. This reform program will pursue the proper definition of the specific roles of the national government and local government units in law enforcement, the distinction between and complementation of functions of the NBI and the PNP, the potential and the need for the establishment of an oversight management agency for law enforcement.

#### f) INTEGRATION

Integration is the process of piecing together diverse parts of a whole. Integration is the foundation upon which a coherent system of criminal justice and social defense will operate. This reform program will design and implement mechanisms for coordinating and synchronizing policies, institutional functions, and key operating systems and procedures among agencies in the criminal justice and social defense system, between national government and LGUs, and between the government and the general public.

#### g) COMPETITIVE AND PERFORMANCE BASED REMUNERATION

The government should work towards the adoption of a market- and performance-based remuneration system for criminal justice and social defense agencies which will give due consideration to job

complexity, risks and competency requirements.

Competitive remuneration also implies improving the living conditions of law enforcers, lawyers, investigators and agents, which are important in strengthening insulation against corruption and in enhancing performance as well as individual accountability.

#### **h) FITNESS-BASED RECRUITMENT, MERIT-BASED PROGRESSION**

Prospective reforms in human resources development will be founded on the principle that recruitment will be based solely on qualifications while career progression will be based on performance and improved competence.

### **3 REFORM STRATEGY**

#### **3.1 Comprehensive, seamlessly integrated approach**

- 3.1.1 This reform program adopts a holistic and seamlessly integrated approach to reforming the criminal justice and social defense systems. It builds on the reforms being initiated by the Judiciary by focusing on the other pillars – law enforcement, prosecution, and correction, and addressing issues in the social defense system.
- 3.1.2 The reform is system-wide in scope, but it focuses in detail on reforming the agencies within the Department of Justice, placing such reforms within a systemwide context.
- 3.1.3 Also, the reform program addresses a comprehensive scope of reform issues that are categorized into four (4) major reform areas: policy and legal framework, institutions development, internal capacity development, and resources (human, physical, technological, financial).
- 3.1.4 A holistic approach should be taken to reforming the other pillars of the justice system in as much as each agency system is an inextricable part of the whole pillar system. The seamless integration of the various reform efforts should be ensured to achieve continuity and completeness of inter-agency processes, to effectively delineate and pinpoint accountabilities and to be able to prioritize and properly program reform activities and priorities.

### **4 PROPOSED REFORM MEASURES**

#### **4.1 Policy and legal framework**

- 4.1.1 The criminal justice and social defense systems shall operate and pursue their development goals and organizational mandates within a

sound legal and policy framework that addresses societal and governance concerns in the areas of law enforcement, prosecution, correction, and social defense. These will be achieved through the following reforms:

- a) Review and reform of the legal and legislative framework on criminality and preparation of Omnibus Crime Bill.
- b) Review of local and international laws on organized crime, transnational crimes and terrorism and development legislative agenda and proposed legislation and policies.
- c) Study of policies on extradition, inter-country mutual assistance, and transfer of proceedings in criminal cases and design as well as implementation of intercountry mechanisms, programs and agreements.
- d) Review and reform of rules and procedures for investigation within the context of human rights, including among others, development of new investigation procedures in such areas as investigation including procedures for examination of women and rape victims, and suspects of heinous crimes, corporate crimes, organized crimes, terrorism, etc.; transnational investigation activities, and other related areas.
- e) Preparation and implementation with selected countries of model inter-country agreements on cooperation specifically in exchanging relevant information concerning terrorists.

## **4.2 Institutional Development**

4.2.1 Reforms in the area of institutional development shall be geared towards strengthening the overall institutional framework for criminal justice and social defense, by identifying and establishing the appropriate institutions and functions, by properly vertically compartmentalizing roles, functions, authority and accountability of key stakeholders – national government, local governments, and the general public, by properly horizontally delineating roles, functions and accountabilities among law enforcement and prosecution agencies of the national government, and by defining the appropriate linkages among the various pillars of the criminal justice system. These will be achieved through the following activities:

- a) Review, reengineering and integration of the criminal justice system, including an examination of the appropriateness of the existing organization structures, placement, functions and jurisdictions of law enforcement agencies; formulation of an institutional framework for the criminal justice system which will identify the organizations, functions and inter-agency relations at national and local levels; clarifying the mechanisms for international cooperation; defining the mechanisms for

community partnerships; and establishment of integrated functional and operational linkages, as well as specific cooperative mechanisms among the pillars of the criminal justice system.

- b) Review and reengineering of the jurisdictional delineation between the PNP and NBI and other law enforcement agencies based on the recommended institutional framework.
- c) Design and establishment of an oversight body on law enforcement within the context of the recommended institutional framework.
- d) Reengineering of the internal functions, structure and operating systems of the NBI based on the recommended institutional framework.
- e) Assessment of the PNP and formulation of the PNP Reform Program
- f) Reengineering of the internal functions, structure and operating systems of the PNP based on the recommended institutional framework.
- g) Reengineering of the internal functions, structure and operating systems of maritime law enforcement agencies based on the recommended institutional framework
- h) Reengineering of the internal functions, structure and operating systems of the NPS based on the recommended institutional framework.
- i) Design of specific procedures of operational linkages for specific crime cases among the pillars of the criminal justice system.
- j) Integration and reengineering of the correction and rehabilitation system institutions, including the Board of Pardons and Parole, Parole and Probation Administration, Bureau of Corrections, Bureau of Jail Management and Penology, and the provincial, city and municipal jails.
- k) Detailed review and reengineering of the social defense system, including potential integration of the legal assistance functions of government in the PAO, design of mechanisms for mobilizing private sector legal assistance resources, and creation of independent social defense agency.
- l) Development and implementation of a performance monitoring and review system and indicators for the criminal justice system



towards improving accountability and capacity for self-assessment and improvement.

### **4.3 Capacity Development**

- 4.3.1 Capacity development involves strengthening the overall and specific capacities of all stakeholders – national government, local governments, organized civil society groups, communities and the general public. Capacity development involves various inextricably related and mutually reinforcing interventions – human resources development, infusion of state-of-the-art technology, development of appropriate systems and procedures, and providing adequate physical and financial resources. The proposed reforms in capacity development will include the following:

#### *TECHNOLOGY AND PHYSICAL RESOURCES*

- a) Modernization of the NBI crime laboratory, including the review and determination of the scientific crime investigation capability; identification and formulation of facility technical specifications; development of public investment program and financing strategy; formulation of multi-year implementation and financial plan; development of human capacity requirements and training program; and assessment of formal institutional implications and formulation of formal organizational arrangements within the recommended institutional framework.
- b) Review, redesign, and implementation of the National Crime Information System network, including assessment of the causes of failure to implement the NCIS; review and updating of the functional specifications and identification and design of the applications systems; updating of the hardware, software and telecommunications platform; review and design of project management and financial management arrangements, review of existing contracts and revised contracting recommendations; and formulation of new project implementation program management and schedule, including proposed multi-year budget and resource mobilization program.
- c) Formulation of equipment (communications, transport and technical equipment) standards for policemen, investigators and agents, and other law enforcers, including comparative studies, best practice documentation and adaptation, development of financial estimates and financing strategy; and multi-year implementation programming. This reform may be undertaken by NBI, PNP, maritime law enforcement agencies, and other agencies, within the context of the recommended institutional framework.
- d) Review and reengineering of the internal crime information management system within the NBI and its connectivity to the

NCIS, including system assessment and reengineering, functional specifications requirements, design of application systems, installation of systems (hardware, software, telecommunications and applications), system maintenance and management.

- e) Review and reengineering of the internal crime information management system within the PNP and its connectivity to the NCIS, including system assessment and reengineering; functional specification requirements; design of application systems; installation of systems (hardware, software, telecommunications and applications); and system maintenance and management.
- f) Review and reengineering of the internal crime information management system within the maritime law enforcement agencies and its connectivity to the NCIS, including system assessment and reengineering; functional specification requirements; design of application systems, installation of systems (hardware, software, telecommunications and applications); and system maintenance and management.

#### *HUMAN RESOURCES DEVELOPMENT*

- a) Reengineering of the staffing pattern and remuneration system of the NBI, including the development of position classification system for law enforcement positions; formulation of competency standards, career development system and discipline system; and design of a remuneration system, including the establishment of a corps of professionals in investigation, control and solution of complex crimes such as corporate crimes, terrorism, and transnational crimes.
- b) Reengineering of the staffing pattern and remuneration system of the NPS, including the development of position classification system; formulation of competency standards, career development system and discipline system; and design of remuneration system.
- c) Reengineering of the staffing pattern and remuneration system of the PAO, including the development of position classification system; formulation of competency standards, career development system; and discipline system and design of remuneration system within a reformed institutional framework.
- d) TNA, design and implementation of a continuing training program for investigators and agents of NBI towards continuing

knowledge of law and human rights, investigation procedures and techniques, and other competencies.

- e) TNA, design and implementation of a continuing training program for prosecutors, towards continuing knowledge of law and human rights, procedures and rules of court, management of trial proceeding, and other related competencies.
- f) TNA, design and implementation of a continuing training program for public attorneys and legal assistance personnel of national government agencies, towards continuing knowledge of law and human rights, procedures and rules of court, management of the litigation process and other related competencies.
- g) TNA, design and implementation of a continuing training program for jail guards towards continuing knowledge of law and human rights, jail management systems and procedures, and other related competencies.
- h) Updating/formulation of code of ethics for investigators and agents.
- i) Updating/formulation of code of ethics for policemen.
- j) Updating/formulation of code of ethics for correction personnel.
- k) Updating/formulation of code of ethics for prosecutors.
- l) Design and implementation of improved mechanisms for providing security to criminal justice system personnel (prosecutors, judiciary, agents, etc.)
- m) Design and implementation of mechanisms for establishment of professional relationships with counterparts in other countries

## *OPERATING SYSTEMS*

- a) Review and improvement of internal operating policies and procedures for mission-critical operations in the PNP, NBI, NPS, other law enforcement agencies, correction agencies, and PAO, including such areas as rules of engagement, investigation and intelligence gathering on complex and transnational crimes, preservation of evidence, prosecution of heinous crimes, jail operations management, and other related areas.

- b) Design and installation of comprehensive and improved inter-pillar workflows on the investigation, prosecution and litigation of crime cases.
- c) Development of tracking system on the status and terms of prisoners (process reengineering component) and computerization
- d) Review and improvement of case management systems and caseload management processes for NPS and PAO.
- e) Design of case management procedures and documentation and training of barangay justice system personnel, including training on mediation.

#### *COMMUNITY, GENERAL PUBLIC AND MEDIA COLLABORATION*

These reform components are geared towards enhancing access to justice particularly to law enforcement agencies and improving productive relationships between communities and law enforcement agencies, as well as with the media. This will be done through the following reform measures:

- a) Review of existing programs and design as well as pilot implementation of police-community partnerships in crime prevention, control and solution towards safer cities.
- b) Design and conduct of collaborative mechanisms with media for enhanced public information and education on crime prevention and access to services of law enforcement agencies.
- c) Design and implementation of programs for strengthening community participation and responsible media, including strengthening the capacity of the community through educational and public awareness through mass media; molding public support and design of community partnership mechanisms to fight crime and threats to public order; promotion of responsible media
- f) Strengthening of the Witness Protection Program
- g) Improvement of the operating systems and programs of correctional institutions, including the establishment of diagnostic center, establishment of specialized correctional institutions, formulation of prisoner education and capacity building and entrepreneurship/skills building program, psycho-social and re-integration enabling interventions.
- f) reporting and intensification of public education on human rights particularly for vulnerable groups (indigenous peoples,

women, the poor, etc.)

#### *INTER-COUNTRY RELATIONS*

- a) Design and piloting of collaborative mechanisms, procedures and model agreements on information sharing, investigation partnership, and other related areas on transnational crime management.

#### *KNOWLEDGE BUILDING AND CONTINUING LEARNING*

- a) Review of comparative experiences in other jurisdictions, including intercountry studies and tours, and exchange programs.
- b) Design and establishment of an Asian Crime Management Institute. The ACMI will be the central institution for specialized training, research and capacity development in the areas of crime research, investigation, rules of engagement, ethics, personnel skills and competency development, and other aspects of professional training.
- c) Design and establishment of a Prosecution Academy, which will serve as the central institution for specialized training and competency building in the various aspects of prosecution.
- d) Design and installation of crime research and development center within the Asian Crime Management Institute. This research center will undertake basic and continuing scientific research in the various aspects of crime detection, management, resolution, and other areas that will lead towards improvement of institutional capacities, specialized competencies in investigation and intelligence, technologies, operating standards, improvement of rules and procedures, and crime management policies.
- e) Development and implementation of a crime research agenda towards continuing legal and policy reforms and capacity development, including building knowledge on terrorism and transnational crimes through research, information exchange, comparative best practice, and data base development. Building knowledge on terrorism and transnational crimes through research, information exchange, comparative best practice, data base development.

#### **4.4 Resource Mobilizations and Management**

4.4.1 With severely limited budgetary resources of the government, the criminal justice and social defense agencies must explore alternative resource generation and mobilization strategies to improve the resources available for financing and sustaining the reformed institutional setup and operations. The following proposed reform measures are intended to improve resource generation and mobilization.

- a) Modernization of the correctional and rehabilitation system through improved resource mobilization, including, potential privatization of services (food and physical facility maintenance and medical services), formulation of enterprise development for BuCor's capital assets, design and operationalisation of a competitive business enterprise for prisoners, linked with skills upgrading and training, formulation of mechanism for private sector and other donor contributions to prisoner development programs and provision of basic needs (such as medical check up, medicines, food, site maintenance facilities, etc).
- b) Design of mechanisms for strengthening the participation of the private sector in providing free legal assistance, including potentials for graduating law students to support prosecutors and public defenders, lawyers to be required to provide free legal assistance in proportion to their total annual clientele, and other innovative measures for resource mobilization for the social defense system.

# 5

## MANAGEMENT OF THE REFORM PROCESS

### 1 INTRODUCTION

- 1.1.1 The success of the reforms depends not only on good leadership. An efficient program management process is necessary to ensure the proper scoping, sequencing and coordination of the reform design and implementation, build consensus and support, and ensure the generation and proper programming and utilization of reform resources. It is important that a program management team which is manned by a senior and highly respected official of the executing agency, and supported by professionals with expertise and experience in project management, reform, law enforcement, prosecution, correction, judicial systems, institutions and capacity building, information and communications technology, financial management, and other relevant skills be recruited to identified from among the ranks of the implementing agencies and fielded to comprise the program management team.
- 1.1.2 This section identifies and discusses the key elements of an implementation management strategy for the reforms in the criminal justice and social defense systems.

### 2 SCOPING ETHODOLOGY

#### 2.1 System Scope

- 2.1.1 The reforms cover the entire system. This includes the entire law enforcement pillar, prosecution pillar, correction and rehabilitation pillar and the social defense system. Since the proposed reform covers the entire system, the activities will involve not only the Department of Justice but also all agencies, which perform functions pertaining to a specific pillar. For example, the law enforcement pillar covers more than ten (10) national government agencies including the NBI, PNP, and NAPOLCOM.
- 2.1.2 Adopting system-wide reform coverage is necessary to ensure that reforms in one agency will not be negated by dysfunctions that cut across various functionally related agencies. For example, reforming the NBI functions, organization structure staffing and key operating systems would be risky if the duplication of its functions with the PNP

is not resolved.

- 2.1.3 Since the diagnostic study, which preceded the formulation of this action program for reform, was limited to agencies within the Department of Justice, the consulting team made use of other diagnostic studies and other data to identify high-level reform study areas in other agencies performing criminal justice and social defense functions. This enabled the identification of the reform study areas in the other agencies, the identification of broad reform direction that can be identified at this point, and the contextualization of the specific reforms in the DOJ agencies within the overall criminal justice and social defense system framework.

## **2.2 Subject Scope**

- 2.2.1 The reforms aims to cover the various formal contextual, institutional, and cultural components those make up a well-functioning criminal justice system. The reform identification approach looks at these organizational elements and identifies those that need strengthening, integration, reengineering or enhancement.
- 2.2.2 Thus the reforms identified for detailed design and implementation will cover the following areas:
- a) Legal and national policy framework
  - b) Sector – level institutional framework
  - c) Individual institutional level arrangements (mandate, functions, structures, staffing, operating systems, external linkages, continuing learning capacities, and human, physical, technological and financial resources)
  - d) Sector –level inter-institutional operational linkages and procedures
  - e) Sector-level continuing learning mechanisms

## **2.3 Reform Areas**

- 2.3.1 The proposed reforms cover the following areas, described in the previous sections of this report:
- a) Legal and policy framework
  - b) Institutional development
  - c) Capacity development
  - d) Resource mobilization and management



## **2.4 Scope of Reform Development**

2.4.1 The proposed reforms are expected to result in societal outcomes, and reform outcomes for which indicators of performance have been presented in the previous sections of this report. To be able to do this, the proposed reforms cover the entire reform process, which started with this diagnostic technical assistance project. In particular the proposed reform design will have the following project development scope:

- a) Diagnostic studies leading to the identification of reform program, which will cover the rest of the agencies under the criminal justice and social defense systems
- b) Detailed design studies, which will involve detailed assessment and detailed technical design of reforms and formulation of installation plan. This will include the formulation of proposed legislation, institutional framework design, individual design of organization structure, functions, staffing, operating systems and procedures, and resource management schemes, as well as implementation management including development of system manuals and other user tools.
- c) Pilot/full implementation, which will involve installation testing, commissioning of systems, development and implementation of change management strategies (consensus building, stakeholder and system user education and training, and handholding), and system review and improvement.
- d) Performance monitoring and evaluation, which will involve the development of methodology, criteria and indicators for performance evaluation and monitoring as well as the actual monitoring and evaluation of the success or failure of the reforms.

## **3 SEQUENCING OF THE REFORMS**

### **3.1 Phasing of the reforms**

3.1.1 Reform activities will be phased in accordance with their proper technical order as follows:

PHASE 1 DETAILED ASSESSMENT AND DESIGN

PHASE 2 TESTING AND PILOTING

PHASE 3 FULL IMPLEMENTATION

PHASE 4 REFORM PERFORMANCE EVALUATION

3.1.2 It is desirable that a change management strategy covering all stages

in the reform and which will contain specific action plans for advocacy, consensus building and stakeholder information and education be started together with the commencement of the reform process.

### **3.2 Sequencing methodology**

- 3.2.1 The multi-year program schedule reflects the timing and consequent sequencing of the various reform activities. The sequencing of the reform activities will be guided by the following sequential activity blocks

#### **BLOCK 1: SYSTEM-WIDE ASSESSMENTS AND FRAMEWORK DEVELOPMENT**

##### *Simultaneous activities*

- a) System-wide assessment and institutional framework design
- b) Review and formulation of national policy and legal framework

#### **BLOCK 2 - INDIVIDUAL AGENCY INSTITUTIONAL REFORMS**

##### *Simultaneous among agencies, sequential in each agency*

Detailed design and implementation of change management strategy

Detailed assessment and design of agency mandate, structure and functions

Detailed design of key development programs

Detailed design of staffing and key operating systems

Detailed design of technology and physical facility requirements

Detailed design of human resources development strategies

Detailed design of migration process

Testing in pilot units or phased installation

Full implementation and stabilization

Institutionalization and continuing improvement

## **4 IMPLEMENTATION TIMEFRAME AND SCHEDULE**

## **4.1 Overall timeframe**

- 4.1.1 The reform program is estimated to last for at least six (6) years with respect to the development, design and implementation of institutional and capacity building programs but is expected to extend to ten years with respect to key investments in technology and scientific equipment and associated competency development. The legal and legislative framework for the system is also expected to have a ten-year timeframe particularly with respect to issues that may be politically difficult to manage with the coming of the national elections for year 2004.

## **4.2 Multi-year Schedule**

- 4.2.1 The multi-year timetable for the reform program is presented in Annex A. The timetable was formulated on the following assumptions:
- a) The resources will be available for the execution of the detailed assessment, design and installation activities as scheduled.
  - b) That the agencies involved will commit participation to the reform process and observe the proper sequencing and coordination of activities.
  - c) That there is a professional program management team with the expertise to undertake management of the technical, administrative and political aspects of the reform.
  - d) That there is strong, determined and sustained top management commitment and mandate in the Department of Justice as well as in the other implementing agencies.

# **5 PROGRAM MANAGEMENT ARRANGEMENTS**

- 5.1.1 Several program management arrangements are possible for this program. But an integrated reform management approach is recommended in order to ensure the synchronization of the reforms, which cut across many departments and across the three branches of the government. It is also recommended that existing project management arrangements be utilized and enhanced to optimize the experience, and expertise gained in managing a comprehensive reform program. The following program management arrangements are recommended:

- a) A criminal justice and social defense reform executive committee be established with membership from the following:

Supreme Court of the Philippines

Congress

Department of Justice

Department of Interior and Local Government

Department of Transportation and Communication

Integrated Bar of the Philippines

NEDA

DBM

The members of this executive committee are recommended to comprise of the heads of the above agencies. It is further recommended that the committee be headed by the Chief Justice of the Supreme Court. The Judicial Reform Program initiated by the Chief Justice has been the trail -blazing reform effort with which the herein recommended reform program for the other pillars of justice will be coordinated.

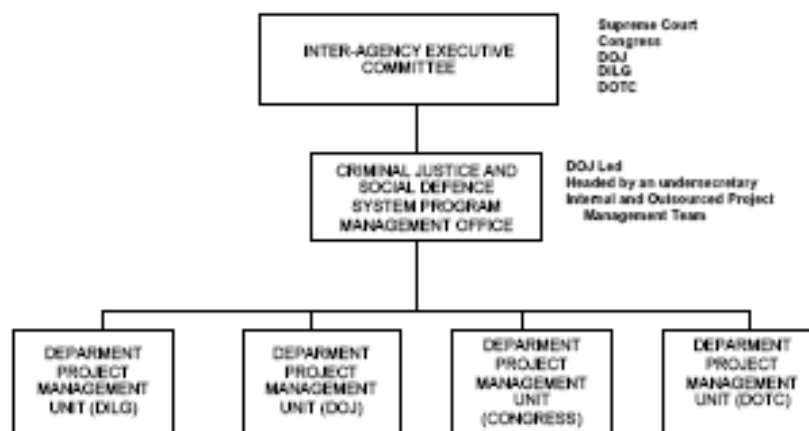
The executive committee will be the policy-making committee for the entire sector reform program. The committee will agree on a reform philosophy and the principles that will guide the reform process and decide on the direction, prioritization, major programming and resource allocation for the various reform activities of the participating agencies.

- b) A Reform Management Unit in each department to be headed by a highly respected and recognized undersecretary and composed of heads of key offices involved in the reforms is recommended. The PMU will be responsible for internal and external coordination of the design and implementation activities and ensure the quality of the reform outputs. It will be responsible for the management of the agency specific change process, building consensus, educating stakeholders, and reconciling conflicts. It will also be responsible for ensuring sound resource utilization management covering all resources allocated and released thereto for the execution of reform design and implementation activities.
- c) A Program Management Office is proposed to be established to be responsible for the management of the entire criminal justice and social defense system reform in the Executive Branch. In particular, the PMO can serve as the integrating Program Management Facility for the entire criminal justice and social defense system reform program ensuring its synchronization with the Judicial Reform Program. The PMO will directly support the inter-agency Executive Committee. It will be responsible for the overall planning, implementation management, sequencing and inter-agency coordination and programming of all reform activities. It will also take responsibility in coordinating with donor institutions and in generating resources from the national

government and donor community, for the annual programming and management of the prioritization and release of reform budgets and for the monitoring and evaluation of the reform performance.

- d) The Department of Justice is proposed to be the lead agency in the Executive Branch for managing the reforms. It will closely coordinate with its partner in the Judiciary, the Judicial Reform Steering Committee and the Judicial Reform Program PMO to ensure the proper synchronization of the entire reform process. This will be done through the inter-agency executive committee prescribed above and through the operational level coordination between the Judiciary PMO and the Executive Branch PMO.
- e) The PMO of the Judicial Reform Program has gained considerable expertise in the management of a large reform program. It is recommended that this valuable experience and expertise be enhanced and fully utilized in the reform of the entire criminal justice and social defense systems. Without jeopardizing the independence of the Judiciary, the Judicial Reform PMO is recommended to provide technical assistance to the Executive Branch PMO in the DOJ in the formulation of reform program management methodologies and in the actual operations, particularly those activities that cut across the three branches of the government.

**FIGURE 1  
PROGRAM MANAGEMENT STRUCTURE**



## **6 FINANCIAL ESTIMATES**

- 6.1.1 Estimates of the financial requirements of the various reform measures are presented in Annex B to provide a notion of the annual financial requirements of the various design, installation and implementation efforts of reform measures whose cost can be estimated at this time. Strengthening measures that involve acquisition of capital such as the modernization of the crime laboratory of the NBI, reengineering of the NCIS and the equipping of law enforcers and the various agencies will be estimated during the detailed design study phases of the program.

## ANNEX A

### PROGRAM IMPLEMENTATION SCHEDULE

[illegible]

[illegible]



[illegible]

[illegible]

PROJECTS/COMPONENTS	Year 1				Year 2				Year 3				Year	Year	Year
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	4	5	6
4. Design and installation of crime research and development center within the Asian Crime Management Institute															
5. Development and implementation of crime research agenda to support policy formulation, knowledge building on key crimes and capacity development in the control and solution of heinous crimes, terrorism, transnational and organized crimes															
<b>D. RESOURCE MOBILIZATION AND MANAGEMENT</b>															
1. Modernization of the correction and rehabilitation system through improved resource mobilization including the following:															
- privatization of services															
- formulation and implementation of enterprise development of BuCor's capital assets and design of competitive enterprise for prisoners linked with upgrading and training															
- formulation of mechanism for private sector and other donor contributions to prisoner development programs and services of basic needs															

## LEGEND

	DETAILED ASSESSMENT & TECHNICAL DESIGN
	INSTALLATION/LEGISLATION, PILOTING/IMPLEMENTATION, MONITORING & MAINTENANCE

## ANNEX B FINANCIAL ESTIMATES

PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
<b>A. POLICY AND LEGAL FRAMEWORK</b>	<b>16,000,000</b>	<b>7,000,000</b>	<b>7,000,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30,000,000</b>
1. Review and reform of the legal and legislative framework on criminality and preparation of Omnibus Crime Bill	3,000,000						3,000,000
2. Review of local and international laws on organized crime, transnational crimes and terrorism and development of legislative agenda	2,000,000						2,000,000
3. Study of policies on extradition, inter-country mutual assistance, and transfer of proceedings in criminal cases and design as well as implementation of inter-country mechanisms, programs and agreements	3,500,000	2,000,000	2,000,000				7,500,000
4. Review and reform of rules and procedures for investigation and development of new procedures in investigation	5,000,000	3,000,000	3,000,000				11,000,000
5. Preparation and implementation with selected countries of model inter-country agreements and cooperation specifically in exchanging information concerning terrorists	2,500,000	2,000,000	2,000,000				6,500,000
<b>B. INSTITUTIONAL DEVELOPMENT</b>	<b>20,200,000</b>	<b>60,800,000</b>	<b>47,500,000</b>	<b>3,000,000</b>	<b>0</b>	<b>0</b>	<b>131,500,000</b>
1. Review, reengineering and integration of the criminal justice system and formulation of criminal justice system institutional framework	3,200,000						3,200,000
2. Review and reengineering of the jurisdictional delineation between PNP and NBI and other law enforcement agencies based on the institutional framework	1,000,000	800,000					1,800,000
3. Design and establishment of a law enforcement oversight body within the context of the criminal justice system institutional framework		4,500,000	5,000,000				9,500,000

PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
4. Assessment of the PNP and formulation of a PNP Reform Program	4,500,000	3,000,000					7,500,000
5. Reengineering of the internal functions, structure and operating systems of the PNP based on the institutional framework		10,500,000	8,500,000				19,000,000
6. Reengineering of the internal functions, structure and operating systems of the NBI based on the institutional framework		10,500,000	8,500,000				19,000,000
7. Reengineering of the internal functions, structures and operating systems of maritime law enforcement agencies based on the institutional framework		8,500,000	6,500,000				15,000,000
8. Reengineering of the internal functions, structure and operating systems of the NPS based on the institutional framework		4,000,000	3,500,000				7,500,000
9. Design of the specific procedures of operational linkages for specific crime cases among the pillars of the criminal justice system		10,500,000	6,500,000				17,000,000
10. Integration and reengineering of the correction and rehabilitation system institutions	6,500,000	4,000,000	4,000,000				14,500,000
11. Detailed review and reengineering of the social defense system	5,000,000	4,500,000					9,500,000
12. Formulation of Performance Monitoring and Review System and Indicators for the Criminal Justice System			5,000,000	3,000,000			8,000,000
<b>C. CAPACITY DEVELOPMENT</b>	<b>60,500,000</b>	<b>140,500,000</b>	<b>102,000,000</b>	<b>44,000,000</b>	<b>28,000,000</b>	<b>24,000,000</b>	<b>399,000,000</b>
<b>C.1 TECHNOLOGY AND PHYSICAL RESOURCES</b>	<b>10,500,000</b>	<b>46,000,000</b>	<b>24,500,000</b>	<b>4,500,000</b>	<b>0</b>	<b>0</b>	<b>85,500,000</b>
1. Modernization of the NBI crime laboratory (study portion only, including inter-country studies and financing as well as procurement plan)	10,500,000	3,500,000					14,000,000
2. Review, redesign, and implementation of the National Crime Information System Network (NCIS) (enhancement of functional							

PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
3. Formulation of equipment standards for policemen, investigators and agents, and other law enforcement personnel, including financing and procurement planning		8,500,000	8,500,000	4,500,000			21,500,000
4. Review and reengineering of the internal crime information management system of the NBI and its connectivity to the NCIS		8,000,000	3,500,000				11,500,000
5. Review and reengineering of the internal crime information management system of the PNP and its connectivity to the NCIS		8,000,000	3,500,000				11,500,000
6. Review and reengineering of the internal crime information management system of maritime law enforcement agencies and their connectivity to the NCIS		8,000,000	3,500,000				11,500,000
<b>C.2 HUMAN RESOURCES DEVELOPMENT</b>	<b>16,500,000</b>	<b>28,000,000</b>	<b>17,500,000</b>	<b>10,000,000</b>	<b>10,500,000</b>	<b>10,500,000</b>	<b>93,000,000</b>
1. Reengineering of the staffing pattern, position classification system, competency standards, career development system, discipline system and remuneration system of the NBI		5,500,000	2,500,000				8,000,000
2. Reengineering of the staffing pattern, position classification system, competency standards, career development system, discipline system and remuneration system of the NPS		2,500,000					2,500,000
3. Reengineering of the staffing pattern, position classification system, competency standards, career development system, discipline system and remuneration system of the PAO		2,500,000					2,500,000
4. TNA, design and implementation of a continuing training program for investigators and agents of NBI		5,000,000	2,000,000	2,000,000	2,500,000	2,500,000	14,000,000
5. TNA, design and implementation of a continuing training program for prosecutors		2,500,000	2,000,000	2,000,000	2,000,000	2,000,000	10,500,000
6. TNA, design and implementation of a continuing training program for public attorneys		2,500,000	2,000,000	2,000,000	2,000,000	2,000,000	10,500,000

PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
7. TNA, design and implementation of a continuing training program for jail guards and personnel in the correction system		4,500,000	4,000,000	4,000,000	4,000,000	4,000,000	20,500,000
8. Updating/formulation of code of ethics for investigators and agents	3,500,000						3,500,000
9. Updating/formulation of code of ethics for policemen	3,500,000						3,500,000
10. Updating/formulation of code of ethics for correction personnel	3,500,000						3,500,000
11. Updating/formulation of code of ethics for prosecutors	3,500,000						3,500,000
12. Design and implementation of mechanisms for providing security to criminal justice system personnel, including judges, policemen, investigators, agents, and prosecutors and witnesses in terrorist cases	2,500,000						2,500,000
13. Design and implementation of mechanisms for establishment of professional relationships with counterparts in other countries.		3,000,000	5,000,000				8,000,000
<b>C.3 OPERATING SYSTEMS</b>	<b>11,000,000</b>	<b>33,000,000</b>	<b>23,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>73,000,000</b>
1. Review and improvement of internal operating policies and procedures for mission-critical operations in the PAO		3,500,000	2,000,000				5,500,000
2. Review and improvement of internal operating policies and procedures for mission-critical operations in the BuCOR		4,500,000					4,500,000
3. Design and installation of comprehensive and improved inter-pillar workflows on investigation, prosecution and litigation of crime cases		5,500,000	4,000,000				9,500,000
4. Development of tracking system on the status and terms of prisoners (process reengineering) and computerization (design component, including computerization functional specifications)			6,500,000				6,500,000
5. Review and improvement of case management system and caseload management processes for NPS and PAO	6,500,000	3,500,000					10,000,000

PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
7. Strengthening of the Witness Protection Program(design and pilot implementation, including resource mobilization strategy for program sustainability)		6,000,000	4,500,000				10,500,000
8. Improvement of the operating system and programs of correctional institutions, including establishment of diagnostic center, establishment of specialized correctional institutions, formulation of prisoner education and capacity building and entrepreneurship/skills building program, psycho-social and re-integration enabling interventions	4,500,000	4,500,000	4,000,000				13,000,000
<b>C.4 GENERAL PUBLIC AND MEDIA</b>	<b>12,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>5,000,000</b>	<b>37,000,000</b>
1. Review of programs and design as well as implementation of police-community partnerships in crime prevention, control and solution towards safer cities	5,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	20,000,000
2. Design and conduct of collaborative mechanisms with media for enhanced public information and education on crime prevention and access to services of law enforcement agencies	3,500,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	8,500,000
3. Design and implementation of programs for strengthening community participation and responsible media	3,500,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	8,500,000
<b>C.5 INTER-COUNTRY RELATIONS</b>	<b>6,000,000</b>	<b>4,000,000</b>	<b>4,000,000</b>	<b>4,000,000</b>	<b>4,000,000</b>	<b>0</b>	<b>22,000,000</b>
1. Design and piloting of collaborative mechanisms, procedures and model agreements on information sharing, investigation, partnership and other related areas on transnational crime management	6,000,000	4,000,000	4,000,000	4,000,000	4,000,000		22,000,000
<b>C.6 KNOWLEDGE BUILDING AND CONTINUING LEARNING</b>	<b>4,500,000</b>	<b>24,500,000</b>	<b>28,000,000</b>	<b>18,500,000</b>	<b>6,500,000</b>	<b>6,500,000</b>	<b>88,500,000</b>
1. Review of comparative experiences in other jurisdictions, including inter-country studies and tours and exchange programs		1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
2. Design and establishment of an Asian Crime Management Institute							



PROJECTS/COMPONENTS	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
3. Design and establishment of Prosecution Academy (excluding capital and internal operating expenses of established institution)		7,000,000	5,000,000	4,000,000			16,000,000
4. Design and installation of crime research and development center within the Asian Crime Management Institute			8,000,000	8,000,000	5,000,000	5,000,000	26,000,000
5. Development and implementation of crime research agenda to support policy formulation, knowledge building on key crimes and capacity development in the control and solution of heinous crimes, terrorism, transnational and organized crimes	4,500,000	6,000,000	6,000,000				16,500,000
<b>D. RESOURCE MOBILIZATION AND MANAGEMENT</b>	<b>10,000,000</b>	<b>7,000,000</b>	<b>5,500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22,500,000</b>
1. Modernization of the correction and rehabilitation system through improved resource mobilization including the following:	5,500,000	4,500,000	3,000,000				13,000,000
- privatization of selected services							
- formulation and implementation of enterprise development of BUCOR's capital assets and design of competitive enterprise for prisoners linked with upgrading and training							
- formulation of mechanism for private sector and other donor contributions to prisoner development programs and provision of basic needs							
2. Design and implementation of mechanisms for strengthening the participation of the private sector in providing free legal assistance	4,500,000	2,500,000	2,500,000				9,500,000
<b>E. PROGRAM MANAGEMENT</b>	<b>10,000,000</b>	<b>10,000,000</b>	<b>10,000,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30,000,000</b>
1. Procurement of Services of Program Management Professionals and equipping as well as out of pocket expenses of the program management office and contracted services	10,000,000	10,000,000	10,000,000				30,000,000