

JUDICIAL EDUCATION IN THE PHILIPPINE JUDICIAL ACADEMY

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I. BRIEF BACKGROUND

- ◆ 1974-1979 -- Training of Executive Judges Courses, Development Academy of the Philippines, conducted by Judicial Consultant Justice Ricardo C. Puno, Sr.
- ◆ 1983 – Memorandum of Agreement between Supreme Court and the University of the Philippines

- ◆ 1988 – Administrative Order No. 6, issued by Chief Justice Marcelo B. Fernan, prescribing an integrated and organized course of study for judges:
 - (1) Orientation program for newly-appointed judges
 - (2) Career development program for incumbents conducted by Court Administrator Ernani Cruz Paño and the UP Institute of Judicial Administration

- ◆ Administrative Order No. 35-96, 12 March 1996 – established Philippine Judicial Academy as a unit of the Supreme Court “charged with the formulation and implementation of a continuing program of judicial education for justices, judges, court personnel, and lawyers.”

- ◆ Republic Act No. 8557 (1998) – established a Philippine Judicial Academy as “a separate component unit of the Supreme Court and xxx shall serve as a training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts.

II. PHILJA STRUCTURE

- ◆ Board of Trustees (BOT) is the governing board which directs PhilJA and its policies.
 - Composed of:
 - ◆ Chief Justice of the Supreme Court, *ex-officio* Chair
 - ◆ Senior Associate Justice of the Supreme Court, *ex-officio* Vice-Chair
 - ◆ Chancellor of the Academy
 - ◆ Presiding Justices, Court of Appeals, *Sandiganbayan*

- ◆ Court Administrator
- ◆ President, Philippine Judges Association
- ◆ President, Philippine Association of Law Schools
- ◆ All of the above as *ex-officio* members
- ◆ A judge of the 1st level court as appointive member

– Executive Officials

- ◆ Chancellor
- ◆ Vice-Chancellor
- ◆ Executive Secretary

– Offices

- ◆ Academic Affairs Office
- ◆ Research, Publication and Linkages Office
- ◆ Administrative Office
- ◆ Judicial Reforms Office
 1. Court Administrative Reforms Division
 2. Mediation Education and Management Division
 3. Reform Linkages Division

- Academic Council – composed of all the department chairs of the 12 departments of PhilJA
 - ◆ Reviews programs of the Academy, plans upcoming programs and evaluates completed programs
 - ◆ Meets at least twice a month
 - ◆ Corp of Professors meet in general assembly and dialogues with visiting foreign judicial educators

III. OVERVIEW OF PHILJA PROGRAMS AND SEMINARS

1. Core Programs

- Pre-Judicature Program
 - Not a continuation of law school but introduces a judicial perspective, more reflective, inquiring and philosophical perspective; developing the necessary skills and acquiring the necessary knowledge
 - A Written Comprehensive Examination is given

- Passing it is pre-requisite for consideration by Judicial and Bar Council (JBC) for nomination to a judicial position
- Collaboration with the Mandatory Continuing Legal Education (MCLE) of the Integrated Bar of the Philippines (16-day program, TThS)

- Orientation of Newly-Appointed Judges
 - 5-day program with special focus and emphasis on the effective discharge of their official duties. It enhances their adjudicative, administrative, and management skills as well as their research, communication and decision-writing skills. A more intensive study of substantive and procedural laws from a judicial viewpoint to further their legal proficiency as well as the values, attitudes and behavior of a judge

- Followed by an Immersion Program wherein the new judge is allowed to sit with the Executive Judge in the conduct of judicial proceedings
- Orientation Seminar-Workshop for Newly-Appointed Clerks of Courts
 - To ensure efficient and effective performance of their administrative and adjudicative support function
 - Explains the Manual for the clerks of Court, Code of Conduct for Judicial Personnel, as well as the preparation and management of court records. Also, updates them on latest developments in laws, jurisprudence and administrative policies

- Regional Judicial Career Enhancement Program (RJCEP)
 - To meet professional enhancement needs of judges and judicial personnel conducted in the different judicial regions through simultaneous sessions with judges and selected personnel to keep them abreast with updates in law and jurisprudence
 - Held annually in each judicial region

- 3 phases: basic, intermediate, and advanced
- Level 5 program is skills-based, providing workshops on frequently-encountered problems in substantive and procedural laws.
- Continuing Legal Education for Court Attorneys
 - Enhance the legal knowledge and skills of court attorneys and compliance with the Mandatory Continuing Legal Education (MCLE) program

2. Special Focus Programs – thematic in nature and designed for judges handling special cases

a. International Law and Human Rights

- ◆ Seminar on Democracy and Law at the Service of the Human Person
 - Aims to bring together professionals in the government and private sector to deepen their convictions on ethical values in work, family, and society and to bolster socio-economic, political, and cultural development

- ◆ Multi-sectoral and skills-building seminar-workshop for judges on extrajudicial killings and enforced disappearances
 - Conducted in partnership with the Commission on Human Rights
 - Adm. Order No. 150-2007 dated 04 October 2007 directed all branches to take cognizance of extrajudicial killings and enforced disappearances or threats thereof, whenever such cases are raffled to them

- Seminar-Workshop on Capacity Building on Public and Private International Law Issues for the Philippine Judiciary
 - Participated by Supreme Court and Court of Appeals research attorneys

b. Commercial Law

- Seminar-Workshop on Law and Economic Development Issues for the Philippines
 - Provided a better understanding of issues relating to money, economics, trade laws, regulations and remedies which have a bearing on the resolution of court cases

- ◆ Advanced Course on Intellectual Property Law for commercial court judges
 - Colloquium on current issues in Intellectual Property Law
- Focus on International Commercial Arbitration
 - Participated by CTA and CA justices as well as commercial court judges

c. Court Technology

- ◆ Seminar-Workshop on IT Management for *Sandiganbayan* employees
 - To discharge the functions of planning, managing and implementing the Case Management and Information Systems (CMIS)
- ◆ Court Planning Workshop on the Case Management Information (CMIS)
 - Given to Supreme Court, Court of Appeals, *Sandiganbayan* and Court of Appeals personnel handling the case management information system

- ◆ Change-Management and Leadership Workshop on the Enhanced Caseflow (e-CFM) System (3)
 - Given to selected *Lapu-Lapu* and *Cebu City* judges and court personnel
- ◆ Computer Skills Training for Court of Appeals and Court of Tax Appeals personnel (computer fundamentals and productivity tools)

d. *Shari'a* and Islamic Jurisprudence

- ◆ Seminar on Strengthening the Implementation of the Code of Muslim Personal Laws
 - Emphasized the imperative need to lessen if not eradicate the ignorance of judges and lawyers on the *Islamic* law (5, 106 participants)
 - Attended by *Shari'a* judges and court personnel, lawyers from the Public Attorney's Office and the National Bureau of Investigation, and representatives from the Commission on Human Rights and the Department of the Interior and Local Government

- Orientation Seminar-Workshop on Comparative Analysis between the Family Code and the Code of Muslim Personal Laws
 - discusses significant distinctions that have considerable implications on the administration of the Muslim Code and access to justice by Muslim in the Philippines

e. Court Management

- ◆ Seminar-Workshop for Executive and Vice-Executive Judges
 - Topics on caseload, financial and media management relations, as well as sessions on executive leadership, transparency, good governance, and judicial supervision are conducted to assist them in the performance of their functions

- ◆ Orientation, Hands-on Training Change Management and Team Building Workshop on Enhanced Caseflow Management (eCFM) System: *Pasay City Pilot Courts*
 - Advocacy forum conducted for other stakeholders (public prosecutors, public attorneys, local law practitioners, court-annexed mediators, as a prelude to training proper of judges and court personnel

◆ Seminar-Workshop on Records Management, Control and Archiving

- Exposed basic principles of records management and exposed participants to best practices observed in other government offices
- Updated to Rules of Election Evidence and the Adm. Order No. 120-2007. Reducing the years for disposal and/or destruction of court records, papers and exhibits, subject to certain exceptions

f. Ethics and Judicial Conduct

- ◆ Orientation-Workshop on the Code of Conduct for Court Personnel
- ◆ In partnership with US AID and ABA-Rule of law Initiative
- ◆ Seminar-Workshop on Access to Justice and Code of Conduct for Court Personnel (10)

g. Special Areas of Concern

- ◆ Personal Security Training for Judges
 - 3-day program attended by first and second level judges from across the nation

- Increased their knowledge on security measures, self-protection and recognition of imminent threats. It familiarized them with the technical aspects of firearms, ammunitions, bombs, explosives and gun-handling
- ◆ Seminar-Workshop on CEDAW, Gender Sensitivity and the Courts
 - The Committee on Gender Responsiveness in the Judiciary (CGRJ) envisions a judicial system that is sensitive and responsive to gender equality and empowerment in all its policies, programs and activities, thereby providing effective, efficient and accessible justice to all

- Conduct of training and capacity building seminars for judges and court personnel of the judiciary so as to promote gender awareness leading to gender sensitivity
- ◆ Seminar-Workshop on Juvenile and Domestic Relations Justice for Single-*Sala* Courts
 - Skills-based training of judges and branch clerks of courts with recent Supreme Court rules and jurisprudence relating to family, women and children

◆ Seminar-Workshop on Dangerous Drugs Law for Judges, Prosecutors and Law Enforcers

- In partnership with the Dangerous Drugs Board, 7 programs were conducted on the following topics: the classification of drugs; overview of substantive and procedural law and jurisprudence relating to RA Nos. 9165 and 9344; searches and seizures, treatment and rehabilitation; controlled delivery and handling, custody and destruction of seized dangerous drugs; and controlled precursors and essential chemicals

◆ Seminar on Election Laws for Judges and Clerks of Court

- In partnership with the International Foundation on Election Systems which focused on Election Contests (including *quo warranto* proceedings) specifically on the Rules of Procedure in Election Contests involving elective municipal and *barangay* officials

- ◆ Seminar on Wildlife Crime and Prosecution
 - 2-day workshop aimed to develop the interest and cooperation of the judiciary on the importance of the successful prosecution of wildlife traders
 - Topics covered were prosecution, investigation, sharing of best practices, Philippine laws on wildlife crimes, local and transnational cooperation with other agencies and ASEAN-wide initiatives on Mutual Legal Assistance Treaty
- ◆ Seminar-Workshop on Capacity Building on Environmental Laws
 - Environment laws and procedures for DENR lawyers
- ◆ Seminar-Workshop on Managing Environmental Cases

- ◆ Competency Enhancement Training for Family Court and Single-*Sala* Court judges and court personnel in handling in child abuse cases
 - Skills-based approach and multi-disciplinary training of judges, clerk of court, social workers, prosecutors, and PAO attorneys
 - Use of trigger videos to improve courtroom decorum and procedure
 - 4 seminars in partnership with UNICEF
- ◆ Seminar-Workshop *sa Paggamit ng Filipino sa Hukuman*
 - Participants include judges, court interpreters

◆ Multi-Sectoral Seminar-Workshop on Agrarian Justice

- Participants consisted of judges, prosecutors, PAO lawyers, representatives from the Department of Agrarian Reform, Commission on Human Rights, people's organizations, NGOs and PNP officers

◆ Seminar-Workshop on Discernment

- 116 participants composed of judges, prosecutors, government lawyers, social workers, and representatives from DSWD and PNP
- To establish a consensus towards formulating guidelines in determining discernment of children for adoption in the training of family court judges on the Juvenile Justice and Welfare Act

◆ Access to Justice for the Poor Project

- In partnership with European Commission and the Department of Foreign Affairs with DSWD as executing agency
- Supreme Court implemented component 1 of project which involved the (1) institutionalization of the decentralized information, education and communication function of the judiciary in 17 municipal circuit courts covered by the project and (2) sensitization training program for municipal judges and court personnel on the *Barangay* Justice System and the laws affecting women and children

III. MEDIATION AND ADR

The Philippine Mediation Center (PMC) has been in operation since 2001.

A. Court-Annexed Mediation – established 11 PMC units covering 8 provinces. With this development, 13 judicial regions including the National Capital Judicial Region has at least 1 PMC unit

– Processes

- ◆ Orientation of stakeholders
- ◆ Recruitment and screening
- ◆ Basic mediation course
- ◆ Pre-internship orientation
- ◆ Internship program

B. Appellate Court Mediation

- ◆ Advocates Forum for Stakeholders on Appeals Court Mediation
- ◆ Interview, recruitment and screening of prospective CA mediators
- ◆ Basic mediation course
- ◆ CA Presiding Justice and PhilJA are working together to increase the referral of cases to mediation in the PMC-CA Manila

C. Judicial Dispute Resolution

- ◆ Pre-training sessions for judges
 - Gives a theoretical framework of JDR as a court-annexed alternative dispute resolution mediation before the training event
- ◆ ADR website – www.pc.org.ph
- ◆ Database for ADR statistics

D. Family Court Mediation

- Orientation and screening of participants
- Faculty Development Workshop
- Seminar-Workshop on Family Mediation
 - Skills needed for mediation in the family law context
 - Topics include dynamics of the Filipino family, creative approaches to overcoming obstacles to settlement and promoting reconciliation, ethical dilemmas; gender and child sensitivity; administrative procedures

E. Mobile Court-Annexed Mediation

- Use of the 1st and 3rd Justice on Wheels Mobile Court buses
- Launching of Justice on Wheels, Mobile Court-Annexed Mediation, and information dissemination in 10 cities and municipalities

IV. ROUNDTABLE DISCUSSION

- A. Roundtable Forum for Philippine and American Judges: Comparative Approaches to Commercial Law Issues
- B. Roundtable Discussion on Laws and Economics
- C. Roundtable Discussion on *Islams* and the Rule of Law

V. JUDGE-TO-JUDGE DIALOGUE ON THE POWER OF THE JUDGE; TAKING CONTROL OF COURT PROCEEDINGS

- ◆ Series of high level exchange of information among justices of the Supreme Court, court officials of local and international judiciaries
- ◆ Knowledge-sharing activity aims to provide the judges with comparative and relevant topics such as case delay, case management, etc.
 - In partnership with ABA-Rule of Law Initiatives

VI. VIDEO CONFERENCING ON THE
RULE ON
THE WRIT OF AMPARO FOR
REGIONAL TRIAL COURT JUDGES,
CLERK OF COURT AND BRANCH
CLERKS OF COURT

-- In partnership with USAID and Asia
Foundation

VII. E-LEARNING PROGRAMS

- ◆ Modules on Electronic Evidence and Psychological Incapacity
- ◆ In partnership with The Asia Foundation
- ◆ Presently working on modules: arrest, search, seizure and custodial investigation in remedial law; and developing jurisprudence in civil law