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Judiciary reforms still needed

PRESIDENT Aquino did not leave a stone unturned in making sure then-Chief Justice Renato Corona and Ombudsman Merceditas Gutierrez left their "shady" thrones.

Mr. Aquino read history and knew that countries in search for national reforms had to have a strong, credible judiciary, where all the cases of corruption and official venality would end up with.

Yet, we know the holy grail for the judiciary remains elusive to this day—with backlog in cases (600,000) and 7,000 for 15 Supreme Court (SC) magistrates. Many of those in non-bailable offenses (though innocent) and those who could not afford bail are clogging our already congested prison cells. Compartmentalized justice biased against the poor is still a fact of life.

The gruesome November 2009 Ampatuan Massacre in Maguindanao, for instance, which killed 58 people (17 of them journalists), shocked the whole world not only for its brutality, sense of impunity and the number of victims. By November this year it will already become a five-year-old case (good gracious), with only four of the eight Ampatuan family members arraigned.

Some victims, prejudiced by the long delay involving the deaths of their only family bread winners, reportedly caved in for a P50-million compromise agreement, mostly to feed themselves. Two of the principal suspects, Sajid Islam and Ahmad Tato, successfully postponed their arraignment on the tricky argument that it would prejudice their petitions in the Court of Appeals (CA) and the SC.

These and other cases of incompetence and corruption of the courts and the Ombudsman offices have frustrated people hungry for equitable justice in the country, including Sherisa "Baby" Nuesa, chairman of the Judicial Reform Initiative (JRI) under the Integrity Initiative, supported by Financial Executives Institute of the Philippines (Finex) and Management Association of the Philippines (MAP).

Although the 2013 Report of the Arangkada Project of the American Chambers of Commerce on the judiciary showed some improvements in the judicial system, a lot more need to be done.

Martin Luther King once said, "Injustice anywhere is a threat to justice everywhere." Sad to admit, but the Philippines is ranked lowest in all of Southeast Asia in measuring the judiciary's efficiency, effectiveness and independence. Injustice thrives.



Zoilo 'Bingo' Dejaresco III

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The JRI believes steadfastly that a clean, competent judiciary helps the country become globally competitive, for no investor will dare step into a country filled with legal booby traps that increase the cost of business. JRI believes that since there is a strong correlation between corruption and the weakness of the justice system, reforms there will bring back some economic edge for the country.

The JRI had dialogue for reform coordination with Chief Justice Ma. Lourdes Sereno and with the Department of Justice, talked to schools for emphasis on legal ethics in the curriculum and addressed new methods of arbitration to declog the courts.

There are moves to insert a clause in all contracts to adhere to alternative arbitration methods for future conflicts and discussing ways to track cases through the use of computers for all courts and not just the SC.

There are also moves to encourage the SC and the Integrated Bar of the Philippines to police the ranks of judges and lawyers, such that the audit of their ethical and competent behavior will determine their continued stay in office and not political patronage and connections. Reviewing and making public the performances of judges and justices is a target endeavor.

Nuesa said that although there are now 18 signatories to the JRI, there is still a need for more warm bodies to man the execution of the targeted reforms. Provincial and city chapters are encouraged for it is there where oftentimes the blindfold of Lady Justice is at times removed away from the glare of national media. Volunteers can send their volunteer names and suggestions to MAP/Finex Secretariat or nuesa_sp@gmail.com or esther.magleo@paynamics.net.

Finex, under the direction of its former President Santiago Dumlao Jr., is looking at rationalizing the anomalous situation in the present national budget,

which only allots (out of the P2.6-trillion budget) just 1 percent of the entire RP budget to the Judiciary, supposedly one of the three co-equal branches of government.

Meantime, the 18 signatories of the JRI have pledged to deal with the highest standards of "professionalism and integrity in dealing with the courts."

The list includes Finex, MAP, Makati Business Club, Institute of Corporate Directors, Philippine Association of Law Schools, Harvard Law School Alumni, Movement for Restoration of Peace and Order, European Chamber of Commerce, Federation of Fil-Chinese Chambers, Australia-New Zealand Chambers, Rotary Club of Manila, Operation Clean Hands, Philippine Finance Association, Ateneo Alumni Association, Citizens Action Against Crime, Wallace Business Forum, Coalition Against Corruption and Women for Working Mothers.

Nuesa and this writer will work for cooperation with some media groups like, perhaps, the Philippine Press Institute and the Kapisanan ng Brodkaster ng Pilipinas to institutionalize the coverage of the "Judiciary Watch" movement across the nation through the help of their media-member outlets. Also, legislative efforts will be coordinated with respect to disallowing local government units (LGUs) from giving monthly allowances to judges in the community in order to preserve their independence from local officials. One such CA justice in Cebu, by the name of Gabriel Ingles had refused to accept such LGU allowances (significant, considering the judges' regular salary) in order to maintain his independence.

One concrete goal also would be to set up one provincial or city chapter—to be organized, go through the JRI orientation process and with specific local directives—and thus be made a model to be replicated in other provinces.

Proponents of this movement sincerely believe that efforts to cleanse the Executive, the Judiciary, the Military will be incomplete—and, in fact, futile—without cleaning the Judiciary—the final, only arbiter of right and wrong, under the law.

Bingo Dejaresco, a former banker, is a financial consultant, media practitioner and political strategist. He is sub-chairman of the Finex publication committee—writing for two newspaper columns—including the BUSINESSMIRROR. Dejaresco's opinions are his own and not necessarily those of Finex.