

## THE BOOK OF AMOS: A CALL FOR JUDICIAL REFORMAT

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The Book of Amos emphasizes the importance of justice, righteousness, and divine judgment, offering timeless lessons that resonate with the Philippines today. In his prophecies, Amos, a prophet of ancient Israel, spoke out against social injustice, corruption, and the neglect of the poor—issues that remain deeply relevant in the context of the Philippines' ongoing struggles with inequality, poverty, and corruption, particularly within its judicial system. For the sake of focus, this discussion will center on the need for judicial reforms.

In Amos, God consistently calls for nations and leaders to uphold justice, warning that failure to do so will lead to divine judgment (Amos 5:24). This call for accountability holds particular significance for the Philippines, where judicial delays and inefficiencies hinder the timely delivery of justice. When the legal system struggles to ensure fair and prompt justice for all—especially for the marginalized—it echoes the concerns raised by Amos, where the system allows the powerful to exploit the vulnerable. Amos's message, in this context, invites the Philippines to reflect on the challenges facing its judiciary and to take action to address these systemic issues (Amos 6:12).

Much like the injustices Amos condemned, the Philippines faces significant challenges in its judicial system, including delays in case resolution and the perception of corruption. Reports indicate that as of 2020, more than 1.1

million cases were pending in Philippine courts, contributing to a significant backlog and diminishing public trust in the judicial process (Philippine Statistics Authority [PSA], 2021). This situation mirrors the injustices described in Amos—where the legal system, instead of protecting the vulnerable, leaves them at the mercy of those with power and resources.

The persistent issues of judicial inefficiency, corruption, and inequality in the legal, political, and economic systems of the Philippines have long hindered national progress. To move towards a more just society, it is crucial for the country to address these challenges, ensuring that justice is neither delayed nor manipulated. Amos's call for reform continues to ring true, urging the nation's leaders to work towards a judiciary where justice flows fairly and consistently, especially for the poor and marginalized.

Judicial delays and backlogs remain pressing concerns in many nations, especially in developing countries, and the Philippines is no exception. The slow pace of justice is a complex issue that affects courts at all levels, from trial courts to appellate systems. A significant consequence of these delays is the denial of timely access to justice, which disproportionately impacts marginalized communities.

Amos 5:12 decries the exploitation of the needy, and in Amos 5:24, the prophet famously calls for "justice to roll on like a river, righteousness like a never-failing stream!" These verses highlight a central theme of the book: unjust legal systems not only fail to protect the vulnerable but also perpetuate oppression. When rulers and judges do not fulfill their role in delivering justice, they worsen the suffering of those already marginalized.

Concerns about delays and inefficiencies within the judiciary have been present for some time, with the court system occasionally being perceived as slower and less efficient than desired. This situation can resemble challenges seen in biblical times, where those with wealth and power sometimes had undue influence over legal outcomes, making it harder for the marginalized to find justice. In the Philippines, with its history of political and social inequalities, these concerns remain relevant—judicial delays and other challenges continue to impact access to justice, reflecting some of the injustices that the prophet Amos cautioned against.

Judicial delays in the Philippines are a significant issue that affects the delivery of justice. According to a report by the Philippine Statistics Authority (PSA), the backlog of cases in the judiciary has been steadily growing, with over 1.1 million cases pending in the court system as of 2020 (PSA, 2021). This backlog has contributed to delays in rendering decisions, and in many instances, individuals seeking justice are left waiting for years, often without resolution. The situation is exacerbated by limited resources, understaffing, and inefficiency within the courts (De la Cruz, 2020).

Perceived corruption within the judiciary has also been a persistent problem. A survey conducted by the Social Weather Stations (SWS) found that 60% of Filipinos believed that corruption was widespread in the courts, and many believed that cases were decided based on bribes rather than merit (SWS, 2019). This perception of corruption undermines public trust in the judicial system and further contributes to the oppression of those who cannot afford to pay for favorable rulings.

## Link Between Oppression in Amos and Judicial Failures in the Philippines

In Amos, the failure to uphold justice and righteousness directly contributes to the oppression of the poor and powerless (Amos 2:6-7). Similarly, in the Philippines, judicial delays and corruption prevent the marginalized from receiving timely and fair justice, perpetuating their suffering. In a country where poverty rates are high, the failure to address judicial inefficiencies disproportionately affects those already struggling, much like the situation described by Amos.

For instance, cases involving land disputes, labor rights, and criminal justice often drag on for years, leaving poor Filipinos without resolution. According to a study by the World Bank (2018), it takes an average of 4.2 years to resolve a civil case in the Philippines, compared to just 1.3 years in neighboring countries such as Malaysia. This delay often leads to individuals settling for less-than-ideal outcomes or not pursuing their cases altogether due to the lengthy process and associated costs.

Moreover, the existence of "fixers"—individuals who demand bribes to expedite or influence decisions—is another form of corruption that mirrors the unjust practices condemned in Amos. In the biblical text, the wealthy and powerful manipulate legal proceedings to their advantage, leaving the poor without recourse (Amos 5:12, New International Version). This reality is reflected in the Philippines by reports documenting corrupt practices, where those with financial means can often buy favorable rulings, further entrenching social inequality (De la Cruz, 2020; SWS, 2019). This corrupt

system of "justice for sale" mirrors the exploitation of the weak and defenseless condemned in biblical times.

### Social and Economic Consequences of Backlogs

The social implications of judicial backlogs are far-reaching. For one, it can undermine public trust in the legal system, leading to a perception that justice is either inaccessible or unequal. The prolonged delay in case resolutions may discourage people from seeking legal recourse, perpetuating a culture of impunity for wrongdoers. Additionally, the financial strain imposed on litigants who must wait years for justice contributes to a cycle of economic disadvantage, particularly among the poor (Khan, 2021).

For the marginalized, prolonged legal battles often result in a loss of resources, as they continue to pay lawyers, collect evidence, and meet other associated costs. This extends the period of injustice and, in some cases, leads to a sense of hopelessness. The inability to afford legal assistance and the high cost of litigation only worsen the situation, denying access to the very justice system designed to protect them (Friedman & Harris, 2018).

### Causes of Judicial Delays and Backlogs

Several factors contribute to judicial delays and backlogs, with one of the key reasons being the high volume of cases filed in courts. A study by Lafleur (2018) on Philippine courts noted that heavy caseloads can make it difficult to process cases in a timely manner, especially in countries with

limited judicial resources. In such situations, judges and court staff are often burdened with managing extensive case files, which leads to delayed hearings and extended trial dates, ultimately prolonging the wait for justice (De la Cruz, 2020). The Philippines faces a similar challenge, where the sheer volume of cases has resulted in significant backlogs and delays in many courts (PSA, 2021).

Another contributing factor is the lack of sufficient infrastructure and administrative support to efficiently manage case flow (Gonzales, 2020). Some courts, particularly in developing countries, suffer from staffing shortages, which lead to inefficiencies in the judicial process. Additionally, the absence of modern technological systems further complicates case management and exacerbates delays (Nguyen & Lee, 2020).

In addition to these systemic issues, procedural factors such as excessive adjournments, unnecessary postponements, or strategic delays by parties can prolong litigation (Johnson, 2017). These practices further complicate the judicial process and add to the backlog of cases.

One of the most pressing factors in this challenge is the accelerated growth of the Philippine population. As of 2023, the Philippines has an estimated population of approximately 117.3 million people OBJ. The rapid population growth has led to an increase in the number of cases filed in these courts, contributing to backlogs and delays. The court-to-population ratio has not kept pace with the population increase, further straining the judicial system. This disparity makes it challenging to ensure timely justice for all citizens.

For instance, the National Capital Region (NCR), with a population exceeding 14 million (Worldometers, 2023), has a higher concentration of courts to manage its caseload. However, even in these areas, the demand for judicial services often surpasses the available resources, leading to delays in case resolutions.

Addressing this imbalance requires strategic planning, including the establishment of additional courts, recruitment of more judicial personnel, and the implementation of efficient case management systems to cope with the growing population and its legal needs.

However, it is important to recognize the significant efforts the Philippine Supreme Court has made in recent decades to address these issues. Through continuous reforms aimed at improving case management, enhancing court efficiency, and modernizing systems, the judiciary has been actively working to reduce delays and improve access to justice for all.

## Major Judicial Reforms in the Philippines

The Philippine judicial system has undergone several major reforms over the years aimed at improving efficiency, accountability, and access to justice. These reforms address long-standing issues such as case backlogs, delays in the delivery of justice, and corruption within the judiciary.

One significant reform initiative is the Case Management System (CMS), which was introduced to streamline the processing of cases and reduce delays. The CMS was designed to electronically manage case flow from filing to resolution, ensuring that cases are assigned to judges promptly and follow a clear timeline (Supreme Court of the Philippines, 2020). This system has been instrumental in improving the speed of case resolutions, although challenges remain, especially in lower courts with limited resources (De la Cruz, 2020).

Another important reform is the Judicial and Bar Council (JBC), which was created to enhance the transparency and integrity of the judicial selection process. The JBC was established to recommend candidates for judicial positions to the President of the Philippines, ensuring a more merit-based and transparent appointment system (Coronel, 2021). This reform aims to reduce political influence and improve public confidence in the judicial system.

The Expanded Small Claims Court is another recent reform that aims to address the backlog of cases by providing an accessible and efficient forum for resolving simple monetary disputes. Since its establishment, it has significantly reduced the burden on regular courts and allowed for faster resolution of minor civil cases (PSA, 2021).

Additionally, reforms to improve judicial accountability have been implemented, particularly through the creation of the Office of the Court Administrator (OCA), which monitors the performance of judges and court personnel. The OCA ensures that judges and court staff adhere to ethical

standards and disciplinary measures are taken against those involved in corrupt practices or inefficiency (De la Cruz, 2020).

Despite these reforms, the Philippine judiciary still faces significant challenges, including continued case backlogs, delays, and reports of judicial corruption. Ongoing efforts aim to address these issues through further legislative and institutional reforms to ensure that the judiciary remains effective, efficient, and transparent.

### The Need for a Judicial Reformat

More than reforms, and with a passion to see light of day in our lifetime, there is a need not only of reforms but a judicial reformat. Addressing the challenges of judicial delays and improving the efficiency of the legal system is essential for advancing social justice in the Philippines. The Philippine Supreme Court has recognized the issue of case backlogs and inefficiency within the judiciary and has been actively working to implement various reforms to streamline case processing. These efforts include the introduction of case management systems and the establishment of additional courts (Philippine Supreme Court, 2020). While the Supreme Court's initiatives have made notable progress, addressing concerns related to corruption within the judiciary remains a significant challenge. Measures such as enhanced monitoring of judicial conduct and promoting greater transparency are key to strengthening public trust in the system.

The biblical call for “justice to roll on like a river” in Amos 5:24 serves as a compelling reminder of the importance of not only an efficient but also a fair and impartial judicial system. In the Philippine context, achieving such a system will require continued institutional reforms and a cultural shift toward greater transparency and accountability within the judiciary.

To further enhance the effectiveness of the Philippine judicial system and reduce case backlogs, additional strategies can complement the existing reforms, such as the Case Management System (CMS), the Judicial and Bar Council (JBC), and the Expanded Small Claims Court. Implementing these additional measures could help alleviate caseload pressures and improve overall efficiency.

### 1. Increase Judicial Budget and Resources

**Adequate Funding for Courts:** A major cause of delays is the lack of resources, including insufficient funding for courts, which hampers their ability to process cases effectively. Increasing the judicial budget could allow for better infrastructure, more courtrooms, more judges, and better technology (De la Cruz, 2020).

It would also allow the recruitment and training of additional court staff and clerks, helping to alleviate the administrative burdens that lead to delays.

**Improvement of Court Facilities:** Investing in modern court facilities and digital infrastructure can ensure that cases are processed more efficiently. This includes expanding and upgrading courtrooms, computer systems, and the technological tools needed to support the CMS.

## 2. Judicial Personnel Expansion

**Hiring More Judges:** Given the increasing number of cases and existing backlog, hiring more judges is a key solution to reducing delays. The Philippines has a relatively low number of judges compared to other countries. Expanding the number of judges, particularly in regions with significant caseloads, would help reduce the burden on existing judges and ensure faster case resolution (Supreme Court of the Philippines, 2020).

**Court-Annexed Mediators and Paralegals:** The use of additional personnel, such as court-annexed mediators and paralegals, could help reduce the workload of judges. Mediators can facilitate settlements before they reach trial, while paralegals can assist with administrative tasks, allowing judges to focus on the core issues of cases (Lafleur, 2018).

## 3. Strengthen Alternative Dispute Resolution (ADR)

**Promotion of Alternative Dispute Resolution (ADR):** Expanding the use of ADR mechanisms such as mediation, arbitration, and conciliation can significantly reduce the number of cases that need to be heard in court. The Expanded Small Claims Court is one example of a more accessible system for resolving disputes without requiring a full court trial. Greater investment in ADR processes, with training and incentives for more people to use these systems, could help clear the backlog (De la Cruz, 2020).

**Training for Judges in ADR Techniques:** Judges could benefit from additional training in ADR techniques to resolve disputes outside the formal trial process. Integrating these methods more effectively into the judicial

system would help resolve cases more quickly and reduce the overall caseload.

#### 4. Implement "Fast-Track" Procedures for Certain Cases

**Prioritization of Certain Cases:** Courts can adopt a fast-track procedure for specific types of cases, particularly for those that are straightforward or less complex. For example, cases involving children's rights, family disputes, or small claims could be fast-tracked to ensure swift resolutions. Case prioritization would help alleviate delays for more urgent or simple cases, leaving the more complex cases for slower processing (Lafleur, 2018).

**Case Categorization:** Implementing a system that categorizes cases based on complexity and urgency could help streamline the judicial process. For example, criminal cases that do not involve serious penalties might be categorized for faster resolution, while complex commercial or financial cases could be allocated more time.

#### 5. Digitalization and E-Courts

**Full Digitalization of Court Processes:** Expanding digital infrastructure within the judiciary, including e-filing systems and virtual courtrooms, would help expedite the processing of cases. This allows cases to be filed, heard, and resolved without the need for physical presence, reducing delays caused by logistical issues and travel constraints (PSA, 2021). Virtual hearings, for instance, could be expanded as part of a hybrid system that

integrates online and in-person processes, increasing access and efficiency.

**Online Case Tracking Systems:** Providing an accessible, transparent system for tracking the progress of cases could increase accountability and streamline the judicial process. This system would allow both litigants and lawyers to track case developments, reducing unnecessary delays caused by lost documents or administrative mistakes.

## 6. Enforce Strict Timelines and Performance Targets for Judges

**Imposing Strict Deadlines for Case Resolution:** Judges could be given clear performance targets for case resolution, with specific timelines set for hearing and judgment. Regular performance evaluations of judges, with consequences for prolonged delays, could encourage more efficient case management (De la Cruz, 2020).

**Monitoring and Accountability Systems:** Strengthening monitoring and accountability systems is crucial. By regularly reviewing the progress of cases and holding judges accountable for unnecessary delays, the courts can reduce backlogs and maintain public confidence in the system. The Office of the Court Administrator (OCA) already plays an important role, but expanding its capacity to enforce deadlines and monitor progress could yield greater efficiency (Supreme Court of the Philippines, 2020).

## 7. Judicial Education and Training Programs

**Ongoing Training for Judges and Court Personnel:** Providing judges and court staff with ongoing education on case management, judicial efficiency,

and the use of technology can improve their ability to handle complex caseloads. This includes professional development on using case management systems, handling electronic evidence, and managing courtroom resources effectively (Coronel, 2021).

**Leadership Development:** Additionally, judicial leadership training could be crucial to improving the management and oversight of court systems, helping to foster a culture of efficiency and accountability among judicial officers and administrators.

## 8. Legislative Reform and Policy Change

**Review and Reform Procedural Laws:** Legislative reforms could also play a role in reducing judicial delays. Reexamining and updating procedural laws, especially those that govern court processes and timelines, would help simplify and expedite case hearings. For example, procedural reforms that eliminate unnecessary steps or repetitive hearings could help clear the backlog (Coronel, 2021).

**Establishing Special Courts for High-Volume Cases:** The creation of specialized courts for specific types of cases, such as commercial disputes or drug-related cases, could help reduce the load on regular courts. Specialized courts could handle cases more efficiently, given their focus on particular legal domains, helping to reduce overall delays.

## 9. Proposal to Reformat the Philippine Judicial System

The Philippine judicial system, like many others, faces numerous challenges, including case backlogs, delays in the resolution of cases, and

uneven access to justice due to its centralized structure. To address these issues and enhance the efficiency, accessibility, and fairness of the system, a comprehensive restructuring of the courts is proposed. This structural reformat involves adjusting the hierarchy and distribution of judicial authority across different levels of courts, with a particular emphasis on decentralization, specialized appellate courts, and clearer distinctions of jurisdiction at each level.

### Proposed Structural Changes

The proposed changes is aimed with the objective on “turn-over rates” of case loads to directly address the problem of judicial delays.

#### 1. PRIMARY COURTS in Cities and Municipalities

Rationale: The current structure places considerable burdens on regional trial courts (RTCs), particularly in urban centers. By empowering primary courts at the level of cities and municipalities, this reform would allow for the decentralized handling of more cases, particularly those related to civil disputes, criminal offenses, and administrative issues. This entails the addition of primary courts based on population and previous case-load. The Supreme Court needs to establish a case-load and turn-over system of not more than a year per case.

Jurisdiction: These primary courts would maintain jurisdiction over cases such as misdemeanors, small claims, and other matters currently under the jurisdiction of city and municipal courts, as per BP 129.

Structure: These courts would retain their current jurisdiction but with more accessible physical locations in cities and municipalities to serve the needs of the local population. Considering the caseload of criminal cases, some of these first level courts may be designated as criminal court cases.

Objective: This reform aims to enhance access to justice by ensuring that local residents can pursue their legal claims with dispatch due to increase sala and without the need to travel long distances, thus reducing the caseload in higher courts.

## 2. Second-Level Courts (Renamed Provincial Trial Courts)

Rationale: Regional Trial Courts (RTCs) currently serve as the second level of courts in the Philippine judicial hierarchy. However, the term "regional" often causes confusion and suggests that these courts serve all of a region, rather than specific provinces. Renaming the RTCs as Provincial Trial Courts (PTCs) would better reflect their jurisdictional scope and ensure clearer identification of the court's authority. The number of PTCs needs to be increased based on the case-loads and turn-over rates of no more than two years per case.

Jurisdiction: These Provincial Trial Courts would have jurisdiction over more serious criminal offenses, civil cases, and family law matters, consistent with their role under BP 129. However, their jurisdiction would be adjusted to maintain a practical and manageable caseload. In provinces with particularly heavy caseloads, there may be a need to increase the number of PTCs or designate certain PTCs to handle specialized cases (e.g., family law, land disputes).

Especialized courts based on statistics of previous cases needs to be retained or established. Thus, the Family Courts, Commercial Courts, Environmental Courts, Intellectual Property Courts, and Drug Courts.

Recommended additional specialty courts in PTCs:

1. Land and Real Estate Disputes Courts - The Special Land Registration Courts can be designated exclusively for all land-related cases and be renamed as Land and Real Estate Disputes Courts.

Land and property-related disputes remain one of the top causes of judicial disputes in the Philippines. These include issues such as land titles, ownership disputes, adverse possession, and boundary issues.

A study by the National Commission on Indigenous Peoples (NCIP) reveals that land disputes, particularly those involving indigenous lands, account for a significant number of legal cases in rural areas (NCIP, 2020). According to a report by the Philippine Statistics Authority (PSA), land disputes are among the leading types of civil cases filed in the courts, constituting around 10% of all civil litigation cases in the country (PSA, 2019).

Statistics: In 2018, the Supreme Court reported that more than 100,000 land-related cases were pending in various courts, showing the overwhelming burden on the judicial system to resolve these disputes (Supreme Court, 2018).

2. Criminal Cases Courts

These courts shall handle exclusively criminal cases except drug-related offenses. The number of criminal cases courts shall be based on statistics on case-loads and turn-over of cases to achieve a turn-over rate of no more than a year from the date of filing in the courts. Criminal courts is recommended to be for both first level and second level courts.

Rationale: Criminal disputes remain a dominant issue in the judicial system.

The Philippine judicial system handles a vast number of criminal cases every year, and non-drug-related crimes make up a substantial portion of these filings. According to the Supreme Court's annual reports and various government agencies, a majority of the cases in Regional Trial Courts (RTCs) are criminal cases, and many are non-drug-related.

The Supreme Court's 2018 Annual Report indicated that 60% of the total cases filed in the RTCs are criminal cases, with a substantial portion being non-drug-related. While specific statistics on non-drug-related crimes are not always broken out from drug-related offenses in public reports, the remaining 40% of cases typically involve various crimes, including:

- Violent crimes (e.g., homicide, murder, assault, robbery),
- Property crimes (e.g., theft, fraud, vandalism),
- Economic crimes (e.g., estafa, embezzlement, bribery),
- Public corruption and abuse of office.

According to the Philippine Statistics Authority (PSA), the number of criminal cases related to non-drug crimes consistently exceeds the number of drug-related criminal cases in the Philippine courts, making

non-drug-related criminal cases a substantial burden for the judiciary (Supreme Court, 2018).

### Crime Statistics and Trends from the Philippine National Police (PNP)

The Philippine National Police (PNP) compiles and reports annual crime statistics, including data on various categories of crime. According to the PNP's Crime Situation Report (2020):

Property crimes accounted for a significant proportion of all crimes, representing roughly 45% of all recorded criminal offenses in the Philippines in 2020. These include theft, robbery, burglary, and vandalism.

Violent crimes, such as homicide, murder, and physical assault, also contribute significantly to the overall crime rate. These types of crimes make up about 35% of all recorded criminal offenses. This figure includes various offenses such as homicide (often involving domestic or personal disputes), robbery (with physical violence), and assault.

While drug-related crimes have garnered significant attention due to the government's "war on drugs," traditional non-drug-related crimes continue to be the primary source of criminal caseloads in the courts.

### Case Backlog and Pending Non-Drug-Related Criminal Cases

As of recent reports from the Judiciary, case backlogs continue to be a major issue in the Philippine courts. Criminal cases, including those unrelated to drugs, account for a large percentage of pending cases.

Non-drug-related cases, such as those involving theft, assault, fraud, and homicide, contribute heavily to these backlogs.

In 2019, the Supreme Court reported that approximately 65% of cases pending in Regional Trial Courts were criminal cases, with the majority being non-drug-related. These cases span across a wide range of criminal offenses, including personal offenses, property crimes, and economic crimes.

According to a 2021 report from the Supreme Court, there were approximately 400,000 criminal cases pending in various courts across the country, many of which were non-drug-related offenses. This includes a significant number of violent crimes and property crimes.

### 3. Human Rights Courts

Issues related to human rights violations, such as extrajudicial killings, torture, and violations of the right to free speech, are increasingly prominent in the Philippine judicial landscape.

The Commission on Human Rights (CHR) of the Philippines has reported numerous incidents of extrajudicial killings. According to the CHR's 2020 Annual Report, there were over 8,000 deaths officially attributed to the war on drugs, many of which are suspected to be extrajudicial killings (CHR, 2020). These killings are often carried out by police officers or unknown assailants in the context of anti-drug operations.

Human Rights Watch (HRW), in its 2020 report, estimates that the total number of deaths related to the anti-drug campaign, including both killings

by police and vigilantes, could exceed 30,000 since its crackdown in 2016. This includes both drug-related operations and killings linked to political dissent or perceived opposition (HRW, 2020).

### Extrajudicial Killings and Political Repression

Extrajudicial killings (EJKs) not linked to the drug war, but rather to political dissent, activism, and violence against marginalized groups, continue to be a major human rights issue. These include the killings of political activists, journalists, land rights advocates, and labor leaders.

Human Rights Watch (HRW) reported that since 2016, over 300 human rights defenders (HRDs), including environmentalists, indigenous rights leaders, and political activists, have been killed. Many of these victims were involved in opposing government policies, especially those related to mining, land grabbing, and political repression (HRW, 2020).

According to Karapatan, a human rights group, there were 46 political killings in 2020 alone, and over 350 human rights defenders have been killed from 2016 to 2020. These deaths are often connected to extrajudicial killings, often carried out with impunity and without proper investigations.

### Political Attacks on Journalists and Activists

The Philippines has long been one of the deadliest countries for journalists and human rights defenders. Political killings and attacks on journalists are common forms of non-drug-related human rights violations.

National Union of Journalists of the Philippines (NUJP) reported that since 1986, at least 185 journalists have been killed in the Philippines, many of whom were involved in investigative journalism on corruption, human rights, and political affairs. According to the International Federation of Journalists (IFJ), 16 journalists were killed in 2020 alone, making it one of the deadliest years for press freedom in the Philippines.

In terms of attacks on activists, Karapatan reported that at least 89 activists were arrested or detained, and more than 40 activists were killed in 2020, often during raids or military operations that were highly politicized and targeted at critics of the government.

### Land Grabbing and Displacement of Indigenous Peoples

Indigenous peoples and rural communities in the Philippines continue to face land grabbing, forced displacement, and militarization of their territories. This often results in violence and human rights violations against them.

National Commission on Indigenous Peoples (NCIP) and Karapatan report that over 100,000 indigenous people have been displaced due to land conflicts, particularly involving large-scale agricultural plantations, mining, and real estate developments. In many cases, these lands are forcibly taken from indigenous communities, often with the involvement of government authorities or private corporations.

Karapatan reported that 40 indigenous leaders and human rights defenders were killed between 2016 and 2020. These killings are often linked to

military operations, land conflicts, or opposition to mining and logging projects.

**Objective:** This restructuring aims to provide more localized and specialized judicial oversight. By renaming the courts to reflect their provincial scope. The maintenance and establishment of new specialty courts shall ease not only the backlog but will also provide skills on judges handling special cases and thus, faster turn-over rates. The reform clarifies their role while also potentially easing the case load of current RTCs that often have nationwide jurisdiction.

### 3. Appellate Courts (Court of Appeals in All Regions)

**Rationale:** One of the key challenges in the current structure is the concentration of appellate cases in the Court of Appeals (CA) which is mainly based in Manila, and leads to an excessive workload and delays in decision-making. Establishing regional appellate courts in each of the country's major regions would decentralize the appellate process, allowing appeals to be handled locally and reducing delays.

**Jurisdiction:** Each region would have its own Appellate Court with jurisdiction over appeals arising from the provincial trial courts (PTCs) within the region. The regional appellate courts would retain the powers and functions as outlined in BP 129 and the Rules of Court, including the ability to hear appeals on civil and criminal cases, as well as administrative matters.

Structure: Each of the 17 regions shall have its own Court of Appeals with five divisions each composed of 3 justices per division.

Decision: Decisions of the regional appellate courts would be final on most cases, with important exceptions: if the issue involves the constitutionality of a law or a constitutional issue, or cases of national interests in which case, such cases would be elevated to the Supreme Court. This approach ensures that the regional appellate courts can resolve cases efficiently while maintaining the Supreme Court's role in constitutional and national matters.

Cases shall be assigned per division with motions for reconsiderations decided en banc. The Decision of the Court of Appeals in matters within its final jurisdiction shall form part of Philippine Jurisprudence.

Objective: The decentralization of appellate cases will ensure faster resolution of appeals, reduce the burden on the appellate courts, and improve access to appellate justice, especially for those living in regions far from Metro Manila.

#### 4. The Supreme Court: Jurisdiction and Role

Rationale: The Supreme Court (SC) must retain its constitutional role as the final arbiter on matters involving national interest, the constitutionality of laws, and constitutional interpretation. However, to relieve it of some administrative burdens, it should limit its direct oversight to issues of national significance, rather than handling appeals from lower courts that could be addressed by regional appellate courts.

Jurisdiction: The Supreme Court will retain jurisdiction over:

- Issues involving the constitutionality of laws,
- Constitutional questions related to fundamental rights,
- Cases with national significance or affecting the public interest
- Cases involving national security and public international law
- Appeals from the regional appellate courts in cases of constitutional interpretation or matters with widespread legal implications.
- Rule 65 Certiorari only for Court of Appeals ruling

Objective: This would maintain the Court's important function in safeguarding constitutional integrity and protecting fundamental rights, while relieving it of the administrative burden of handling appeals that can be efficiently managed at the regional appellate level.

## 10. Recommendations to Increase the Efficiency, Transparency, and Quality of Judicial Selection

The Judicial and Bar Council (JBC) is tasked with recommending candidates for judicial appointments in the Philippines, including judges and justices for the Supreme Court and other courts. While the JBC plays a vital role in ensuring the independence of the judiciary, its effectiveness can be enhanced in terms of efficiency, transparency, and the quality of selections. Below are key recommendations based on the current practices of the JBC to improve its processes:

### 1. Streamline the Selection Process

Current Practice:

The JBC follows a multi-step process of vetting judicial candidates, including collecting applications, conducting interviews, and reviewing qualifications. However, delays and backlogs are common, leading to inefficient processing times.

Recommendation:

**Time-bound Benchmarks:** Establish clear timelines for each stage of the process. For example, the JBC could set specific deadlines for submitting applications, conducting interviews, and releasing shortlists of candidates. This would help prevent unnecessary delays and ensure that the process moves swiftly.

**Automated Case Management:** Implement digital platforms and case management systems to handle applications, track progress, and ensure that all stages of the selection process are documented and monitored. This would reduce human error, allow real-time tracking, and improve internal coordination.

**Dedicated Review Committees:** Assign specialized teams or review committees within the JBC to focus on different types of judicial positions (e.g., lower courts vs. appellate courts). This specialization will speed up the process and ensure that the vetting is more thorough and tailored.

## 2. Enhance Transparency in the Selection Process

The JBC conducts closed-door interviews and discussions, which, while preserving the privacy of candidates, can lead to perceptions of a lack of

transparency, especially regarding the reasons behind selecting or rejecting a candidate.

Recommendation:

**Public Disclosure of Shortlist and Criteria:** After the JBC creates a shortlist of candidates, it should publicly disclose the names of those on the shortlist and the criteria used for their selection. This will allow the public and the legal community to better understand how candidates are evaluated.

**Open Interviews and Public Hearings:** Where appropriate, consider open interviews for judicial candidates. Some jurisdictions, like

Canada and the U.S., hold public hearings where candidates are questioned by members of a judicial appointments panel, allowing for public scrutiny of their qualifications, judicial philosophy, and ethics.

**Real-Time Reporting:** Provide real-time updates on the JBC's website regarding the status of judicial appointments, including the stages of the process and the reasons for any delays. This would enhance public trust and ensure that the process is fully visible.

### 3. Strengthen Background Checks and Ethical Screening

While the JBC currently performs basic background checks, there have been concerns regarding the thoroughness of ethical vetting and conflict of interest checks. Candidates' financial disclosure is also not always comprehensively reviewed.

Enhanced Background Checks: The JBC should implement more rigorous background checks. This can include:

- Scrutiny of a candidate's financial records, including their assets, liabilities, and business dealings.
- Disciplinary records with professional organizations (e.g., Integrated Bar of the Philippines), including whether a candidate has faced ethical violations or misconduct.
- Social media and public records: Monitoring public statements or activities, including social media, for any controversial remarks or actions that might raise concerns about a candidate's impartiality or integrity.

Use of External Independent Agencies: For a deeper vetting process, the JBC should contract third-party investigators, such as forensic auditors, to examine the financial standing and professional conduct of the candidates. This is similar to practices in the U.S., where external agencies are used to evaluate the financial backgrounds of judicial candidates.

Ethical Interviews: Include a section in interviews that focuses specifically on a candidate's ethical decision-making, adherence to judicial codes of conduct, and their approach to conflict of interest scenarios.

#### 4. Broaden the Pool of Candidates and Encourage Diversity

While the JBC has a fairly inclusive process, there is still a tendency to select from a narrow pool of legal professionals, often dominated by those

from elite law schools or high-profile law firms. This can limit diversity in judicial experience and approach.

Recommendation:

**Encourage Nominations from Diverse Sources:** Broaden the channels through which candidates can be nominated or recommended. Encourage more nominations from regional bar associations, NGOs, and civil society groups to identify candidates from different legal backgrounds, including human rights law, labor law, environmental law, and public defenders.

**Promote Gender and Socio-Economic Diversity:** Actively encourage and seek out candidates from diverse gender, socio-economic, and ethnic backgrounds to ensure a judiciary that reflects the diverse demographics of the Philippines. This could involve outreach programs and training for young lawyers from marginalized groups, regional law schools, and public sector lawyers.

**Public Awareness Campaigns:** Launch public awareness campaigns to encourage qualified candidates who may not be from elite law firms or prestigious law schools to apply for judicial positions. Publicize success stories of individuals who have come from more modest legal backgrounds but have risen to prominence due to their merit and commitment.

**5. Introduce a More Robust Evaluation and Feedback System**

Currently, there is no formalized mechanism for feedback from the public, legal community, or even from judges themselves regarding the candidates that are shortlisted by the JBC.

Recommendation:

Feedback from Stakeholders: Establish a mechanism to solicit feedback from relevant stakeholders, such as:

- Bar associations (e.g., Integrated Bar of the Philippines),
- Legal professionals,
- Judicial personnel (current judges, justices),
- Public interest groups, and
- Civil society.

Feedback from these groups can offer valuable insights into a candidate's reputation, work ethic, professional conduct, and previous rulings.

Performance Reviews for Sitting Judges: Introduce regular performance evaluations for judges and justices in the Philippines. Candidates for judicial positions should be assessed on their past work and contributions to the legal community. Peer reviews can help to gauge a candidate's collegiality, decision-making quality, and judicial temperament.

The selection of judges and justices in the Philippines is a critical process that directly impacts the integrity of the judiciary and, by extension, the rule of law in the country. By strengthening the criteria for selection, expanding the role of the Judicial and Bar Council (JBC), and incorporating best

practices from countries like Canada, New Zealand, and the United States, the Philippines can ensure that only the most qualified, ethical, and experienced individuals are appointed to the judiciary. Additionally, enhancing the transparency and accountability of the selection process will foster public trust in the independence and integrity of the judicial system.

### Conclusion: Judicial Efficiency and Moral Accountability

The Book of Amos in the Bible presents a powerful call for justice, righteousness, and accountability, particularly directed at those in power who fail to protect the vulnerable and ensure fairness. Amos emphasizes that nations and their leaders will face judgment if they neglect their moral duty to deliver justice, especially to the marginalized. This moral imperative for swift, impartial justice resonates strongly with the current challenges faced by the Philippines in its judicial system.

The moral lessons in Amos serve as a call for judicial reformatting in the Philippines. To honor the moral imperative for justice to roll on like a river (Amos 5:24), the country must address systemic inefficiencies and corruption within its courts. Reforming the judicial process to ensure swifter and fairer justice would help restore public trust in the judiciary and provide better access to justice for all, particularly the marginalized.

Ultimately, the call to justice in Amos urges the Philippines to reflect on its current system and take steps to ensure that the delivery of justice is prompt, transparent, and impartial, so that no one, especially the vulnerable, is left behind.

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