

## INTRODUCTORY REMARKS\*

### The role of the JDR process in furthering access to justice in each member jurisdiction

**Jose Midas P. Marquez**

Associate Justice

Supreme Court of the Philippines

A pleasant day to all our distinguished participants here today, both in-person and virtually. It is a great privilege and pleasure to be in your company in person for this 2nd Meeting of the International Judicial Dispute Resolution Network (**JDRN**), here in the United States District Court for the Southern District of New York.

I am Jose Midas P. Marquez, one of the fourteen (14) Associate Justices of the Philippine Supreme Court. I had the privilege of attending the inaugural meeting of the JDRN last year via Zoom when I represented our Chief Justice Alexander G. Gesmundo.

Today, I am fortunate to be accompanied by my colleagues from the Philippine Judiciary:

Supreme Court Associate Justice Alfredo Benjamin S. Caguioa, who has had long years of experience in commercial litigation and arbitration before he joined government service;

Supreme Court Associate Justice Mario V. Lopez, who used to be a trial court judge and an appellate court justice, prior to his appointment in the Supreme Court; and

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\* Session 1: Introductory Remarks—**The role of the JDR process in furthering access to justice in each member jurisdiction** (5 mins. each); delivered at the Second Meeting of the International Judicial Dispute Resolution Network (JDRN), on 22 May 2023, at the United States District Court for the Southern District of New York.

Court of Tax Appeals Associate Justice Maria Rowena G. Modesto-San Pedro who also previously served as a trial court judge, handling various family and commercial cases, prior to her appointment in the appellate tax court.

We also have with us some officials from the Supreme Court of the Philippines and the Philippine Mediation Center Office.

During the inaugural meeting of the JDRN, I had the opportunity to share with you the Philippine Experience on Judicial Dispute Resolution or JDR. Particularly, I presented alternative dispute resolution (ADR) mechanisms available once a case is filed in Philippine courts, with special focus on the judge-led dispute resolution process known in our jurisdiction simply as JDR. In turn, the inaugural meeting also provided gainful insights on the judicial process and legal framework of other jurisdictions.

For today, allow me to share with you the role of the JDR process, in the context of the JDRN, in furthering access to justice in the Philippines.

But let me just first point out that JDR in the Philippines specifically refers to the judge-led dispute resolution process AFTER a court-annexed mediation by a Court-accredited mediator has failed. This is thus technically different from the context of the JDRN, where the **JDR process** refers to “the proactive, judge-led management of cases, twinned with the use of a range of Court ADR modalities to achieve the resolution of court disputes in full or in part so that judicial time is saved.”

With this in mind, let me affirm the positive impact of the **JDR process** in improving access to justice. When used properly and effectively, the **JDR process** simply simplifies the legal system and streamlines court processes making the courts more accessible to every person.

One of the key features of the **JDR process** is that parties are able to voice out their concerns without complex legalese terms. Being a less formal procedure, parties are able to use the language and dialect used in their region enabling them to communicate with each other better. At the same time, the judges are able to explain the case in a language or dialect more understandable for the parties. This is important in our jurisdiction since the Philippines speaks different languages or dialects in different regions, while using English as the primary language in the courts.

The **JDR process** likewise hastens the early resolution of cases. As a result, costs associated with litigation are curtailed and courts become more within reach of individuals seeking justice. This is especially crucial for the underprivileged who cannot afford to hire lawyers, skip another day of work to attend court hearings, and spend for expenses related to their cases. Of course, the resulting reduction of pending cases also gives our judges additional time to resolve more complex cases and allows them to improve their service to the public.

In my previous presentation, I have shared how effective court mediation and JDR in ending pending litigations. Justice San Pedro will likewise share updates on this in her presentation tomorrow. But to further illustrate the effectiveness of the JDR process, let me share with you the experience of our courts in resolving small claims cases.

In small claims cases, court procedures are streamlined and cases are no longer referred to court-accredited mediators for mediation. Instead, judges, in their first day of hearing or conference with the opposing parties, are mandated to encourage them to settle their disputes amicably.<sup>1</sup> Of the 247,896 small claims cases filed 109,463 cases were resolved through amicable settlement.<sup>2</sup> That is 44.16% or almost half of the total small claims cases, resolved and removed from the courts' docket.

Having emphasized the importance of ADR in our justice system, I look forward to the knowledge and experience-sharing that we will have for this meeting. Though we may have different histories, backgrounds and cultures, learning the experiences of our counterpart in other jurisdictions gives valuable insights in evaluating and improving our own programs on the JDR process.

May we all have another fruitful meeting as we commend our host—the United States District Court for the Southern District of New York led by Chief District Judge Laura Taylor Swain, and our tireless secretariat—the Judiciary of Singapore headed by no less than Chief Justice Sundaresh Menon.

Thank you and good day again to everyone.

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<sup>1</sup> **Sec. 22. Hearing.** - At the hearing, the judge shall first exert efforts to bring the parties to an amicable settlement of their dispute. Settlement discussions must be conducted in strict confidentiality. Rule IV, Rule on Small Claims, *Rules on Expedited Procedures in the First Level Courts*, A.M. No. 08-8-7-SC, 1 March 2022.

<sup>2</sup> Small Claims Case Monitoring System National Data Results, as of 31 March 2023.