



ENHANCING THE JDR PROCESS THROUGH PLANNING, MANAGEMENT, IMPLEMENTATION, FACILITIES, BUDGETING, AND TECHNOLOGY

Third Meeting of the International Judicial Dispute Resolution Network (JDRN)

Westin Kuala Lumpur

28 October 2024

(An **Introductory Remark** for the Philippines)

Court Administrator RAUL B. VILLANUEVA

Supreme Court of the Philippines

PHILIPPINE JUDICIARY COMMITTED TO SUPPORT THE JDRN



Philippine Judiciary, under the Supreme Court of the Philippines, with Chief Justice Alexander G. Gesmundo currently the Head of the entire Philippine Judiciary, and the Associate Justices of the Supreme Court En Banc, are firmly committed to the aims and objectives of the International Judicial Dispute Resolution Network, or JDRN

During the Second Meeting of the JDRN last year, the Philippine delegation was headed by the third most senior member of the Supreme Court, Associate Justice Alfredo Benjamin S. Caguioa, accompanied by, among others, Associate Justices Mario V. Lopez and Jose Midas P. Marquez, together with Court of Tax Appeals Justice Maria Rowena G. Modesto-San Pedro and some officials from the Supreme Court and the Office of the Court Administrator, particularly from the Philippine Mediation Division

IMPLEMENTED PROGRAMS

(Mediation and JDR institutionalized in the Philippines)



SC En Banc Resolution of the Court on **16 October 2001, A.M. No. 01-10-5-SC-PHILJA** institutionalized the mediation program in the Philippines, incorporating therein the conduct of JDR

- ❑ Philippine Mediation Center was created principally “to decongest court dockets and enhance access to justice”. This Center was then under the Philippine Judicial Academy.
- ❑ Later on, in a Resolution dated 5 October 2021 in A.M. No. 21-08-01-SC-PHILJA, the Philippine Mediation Center was transferred and integrated as a Division from PHILJA to the Court Management Office, or CMO, of the Office of the Court Administrator



Eventually, in a Resolution dated 27 February 2024 in A.M. No. 24-12-13-SC, the Philippine Mediation Center (PMC) was renamed as the Philippine Mediation Division (PMD) still under the CMO

IMPLEMENTED PROGRAMS – cont.

(Management of JDR lodged with the Office of the Court Administrator)



PMD is primarily responsible for the expansion, development, implementation, monitoring, and sustainability of Supreme Court mediation and alternative dispute resolution mechanisms, such as:

- i. Court-annexed mediation
- ii. Appellate Court Mediation
- iii. **Judicial Dispute Resolution**
- iv. Mobile Court-annexed mediation
- v. Court of Tax Appeals Mediation
- vi. Other ADR mechanisms

- The management of the JDR process is lodged with the Office of the Court Administrator, through the Philippine Mediation Division under the Court Management Office of the OCA.

IMPLEMENTED PROGRAMS – cont.

(Revised Guidelines on Mediation and JDR)

The recent Rules on Mediation and JDR in the Philippines is the **2020 Guidelines for the Conduct of the Court-Annexed Mediation and Judicial Dispute Resolution in Civil Cases** (A.M. No. 19-10-20-SC dated 9 February 2021 that became effective on 1 March 2021) and, for criminal cases, the **Revised Guidelines for Continuous Trial of Criminal Cases** (A.M. No. 15-06-10-SC dated 15 April 2017 that became effective on 1 September 2017). Both rules and guidelines were promulgated by the Supreme Court.



Without going into the details of the subject guidelines, the following has to be given emphasis:

- In the Philippines, we allow the conduct of mediation proceedings in both civil and criminal cases
- Mediation takes place, whether it's a civil or criminal case, after the pre-trial stage or the termination thereof
- Judicial dispute resolution, or JDR, which is conducted by the JDR judge, not the original judge to whom a mediatable civil case was raffled to, may take place only if the original judge determines that there is still a possibility of a settlement between the contending parties
- There is no JDR in criminal cases

IMPLEMENTED PROGRAMS – cont.

(Civil Cases covered by JDR with exception; No JDR in Criminal Cases)

NO

JDR

The matters subject of court-annexed mediation in civil cases in the Philippine are the following: (i) **all ordinary civil cases**, except those which cannot be the subject of compromise (under Art. 2035 of the New Civil Code); (ii) **all special civil actions** (except declaratory relief [Rule 63], review of judgment, final orders or resolutions of the COMELEC/COA [Rule 64], certiorari, prohibition, and mandamus [Rule 65], quo warranto [Rule 66], and contempt [Rule 71]); (iii) **special proceedings cases** (settlement of estate); (iv) **Family cases**; (v) **Intellectual Property cases**; (vi) **Commercial or intra-corporate dispute cases**; (vii) **environmental cases** (not subject to JDR, though); and (viii) **Civil cases covered by the Rules on Summary Procedure**.

Insofar as criminal cases are concerned, the general rule is that what are mediatable is the civil liability of criminal cases under the Continuous Trial Guidelines in Criminal Cases, and there is no JDR involving the following crimes: (i) **crimes where payment may prevent criminal prosecution or may extinguish criminal liability** (social security law, etc.); (ii) **crimes against property** (theft, swindling, and other deceits); (iii) **crimes against honor** (libel, slander, etc.); (iv) **cyber libel**; and (v) **criminal negligence** (reckless imprudence cases)

IMPLEMENTED PROGRAMS – cont.

(Expedited Procedures regarding Summary Procedures and Small Claims)



The enactment into law of R.A. No. 11576 by Congress, an Act that expanded the jurisdiction of first-level courts in the country (MeTCs, MTCCs, MTCs, and MCTCs) which became effective on 20 August 2021, expanded the jurisdictional amount in civil cases within the cognizance of first level courts up to P2,000,000.00 (US\$34,147 [based on the exchange rate of P58.57 to US\$1] or RM148,699.00 [based on the exchange rate of P13.45 to RM1]).

Likewise, with the passage earlier of R.A. No. 10951, which adjusted the penalties in some criminal cases based on the value of the property and damage upon which a penalty is based, that took effect in September 2017, many crimes usually under the jurisdiction of second level courts became cognizable by first level courts.



❑ The Rules on Expedited Procedures in the First Level Courts became effective prospectively on 11 April 2022 with the following basic features:

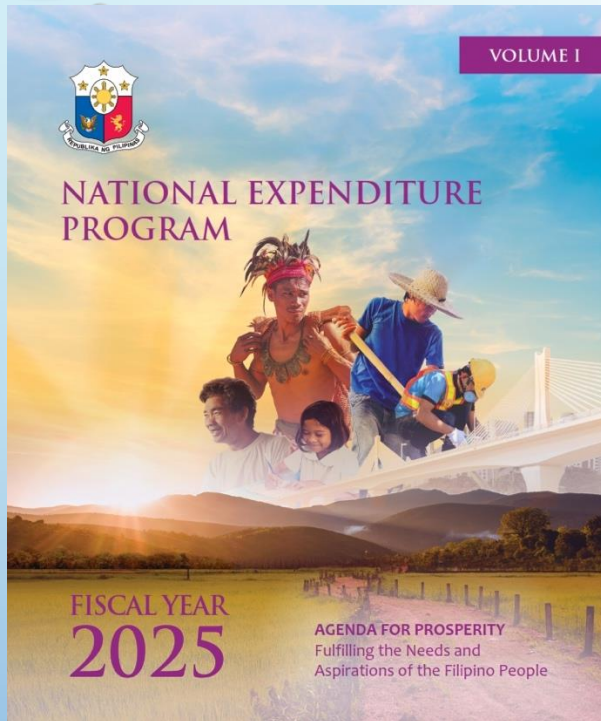
➤ For **Civil Cases under the Rules on Summary Procedure**: claims not more than P2,000,000.00; no mediation and JDR provided in the Expedited Procedures Rules with parties required only to submit position papers before the case is submitted for decision

➤ For **Criminal Cases under the Rules on Summary Procedure**: no mediation is allowed involving minor crimes, like violations of traffic laws, rules, and regulations; violations of municipal or city ordinances; and all other criminal cases where the penalty prescribed by law is not more than 1 year or a fine not exceeding P50,000.00 (about US\$854), or both. If converted to Malaysian ringgit, P50,000.00 is RM3,717.

➤ For **Small Claims Cases**: claims not more than P1,000,000.00; no mediation and JDR are required due to the very summary nature of the proceedings

BUDGETING OR BUDGETARY SUPPORT

(Mediation Fees and PHILJA training funds)



JePS

SC Judiciary Electronic
Payment System

On the budgetary requirements to enable us to enhance the JDR process, in our Rules on Legal Fees (Rule 141), which is undergoing review right now, we collect mediation fees of P500 (US\$8.5 or RM37.17) for the Mediation Centers we are establishing nationwide to provide the mediation services that we provide through accredited mediators. The fund also helps in funding the operations of the Mediation Centers nationwide that covers the salaries of the mediation staff and their basic needs for maintenance and other operating expenses. The accreditation process for mediators is also funded largely by this fund.

A source of budget as well for mediation training, including the training of Judges to enable them to conduct JDR proceedings, is the Philippine Judicial Academy, or PHILJA, the training arm of the Philippine Judiciary. There are Basic Courses for new JDR sites and Refresher Courts for existing JDR sites that the PHILJA have developed to boost the enhancement and upliftment of JDR processes in the country.

MEDIATION CENTER FACILITIES

(OCA leads in establishing Mediation Centers nationwide)

Evidently, the facilities for the JDR process in the Philippines are provided by the PMD under the direct supervision of the Office of the Court Administrator through the various Mediation Centers that are being established nationwide. At present, we have 144 Mediation Centers catering to more than 2,700 trial courts nationwide.



NOTE: This is an old logo of the Philippine Mediation Center when it was still under the PHILJA

- JDR proceedings in the Philippine trial courts, during the height of the COVID-19 pandemic and even up to the present, were allowed to be conducted through videoconferencing pursuant to an issuance of the Office of the Court Administrator, as permitted by administrative circulars of the Supreme Court, essentially for civil cases. (OCA Circ. No. 127-2020 dated 10 August 2020)
- Also, and with the adoption of videoconferencing as an alternative mode to in-court proceedings, all concerned accredited mediators and mediation personnel of all units of the Mediation Centers may conduct mediation proceedings through videoconferencing using the Philippine Judiciary 365 platform, provided the confidentiality of the proceedings is ensured. (OCA Circ. No. 147-2021 dated 7 December 2021)

PLANS THAT IMPACT ON JDR

(SC issuances on Family Mediation and Pre-Filing Mediation)

The immediate plans of the Supreme Court that have an impact on the JDR process in the country are, briefly, the following:

1. **FAMILY MEDIATION** –essentially a process in which a mediator, functioning as an impartial third party, facilitates the resolution family disputes and supports the parties' voluntary agreements. It must be child inclusive and uphold the best interests of the child and the family.

Also, it involves suits between husband and wife, parents and children, other ascendants and descendants, and brothers and sisters (whether of the full or half-blood).

2. PRE-FILING MEDIATION

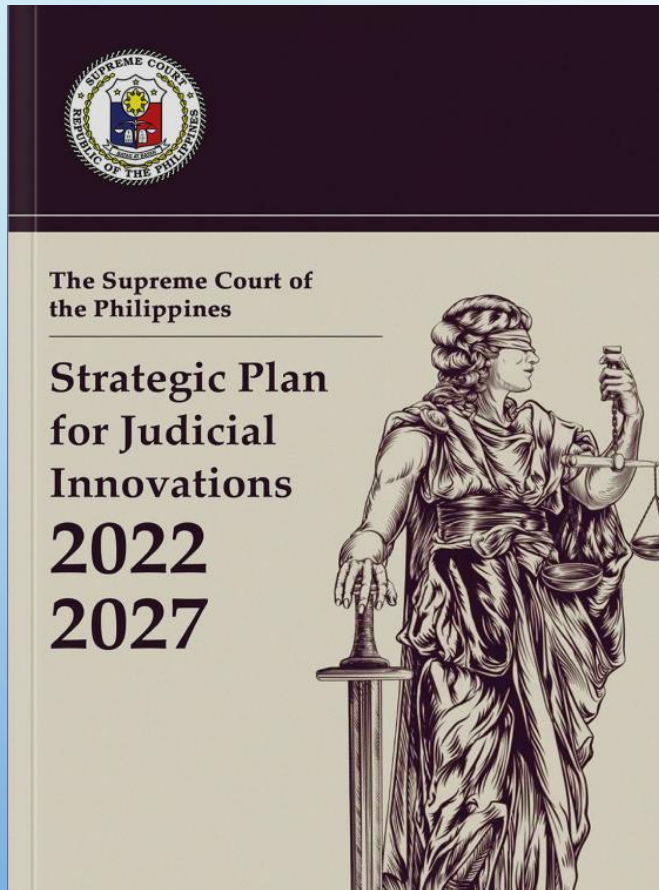
In the proposed revised Rules of Civil Procedure, among the major proposals is the required pre-filing mediation before the institution of a civil action. At least 2 modes of alternative dispute resolution mechanisms should be availed of prior to the filing of the civil action.

The objectives of this revision are to prevent the clogging of court dockets involving cases which can be immediately mediated before its filing, and to provide the parties an expedient manner of resolving disputes. It is likely that, once a settlement is arrived at through mediation before a suit is filed, the parties can go to court to seek an order on their agreement that can be implemented in case of breach of the terms thereof by any of the parties.



TECHNOLOGICAL SUPPORT FOR JDR

(The SC's SPJI boosts JDR processes)



On the technological aspect, the JDR process is being enhanced through the Supreme Court's Strategic Plan for Judicial Innovations: 2022-2027, or the SPJI. This is anchored on four (4) guiding principles that include, among others, on a technologically adaptive management. This means that technology is the platform **“for running basic court systems and processes, (which includes mediation and JDR), foster creativity and innovation through design thinking and management, and drive sustainable growth and development in the courts.** The limitless potentials of technology will be tapped to bolster efficiency, access to justice, accountability, and transparency.”

Thus, to achieve the outcome on “INNOVATION”, we will **capitalize on Artificial Intelligence [AI]** for legal research and other court operations, which include a study on AI applications for the Judiciary (both for legal research and in automating court proceedings and transcription services of the court), that will cover the proper monitoring and measuring the effectiveness of our court-sanctioned mediation and JDR proceedings.

The background is a light blue gradient with several realistic water droplets of various sizes scattered in the corners. The droplets have highlights and shadows, giving them a three-dimensional appearance.

Thank you!

**We bid everyone a most successful
and productive Third Meeting of the
International JDRN☺**