THE CURRENT STATE OF THE ADMINISTRATION OF JUSTICE IN THE PHILIPPINES*

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"While by the Constitution the judicial department is recognized as one of the three great branches...it is inherently the weakest of them all. Dependent as its courts are for the enforcement of their judgements, upon officers appointed by the Executive... with no patronage and no control of purse or sword, their power and influence rest solely upon the public sense of the necessity for the existence of a tribunal to which all may appeal...and on the confidence reposed in the soundness of their decisions and the purity of their motives." (Justice Samuel Miller, United Staes v. Lee, 106 US 196, 233).

I. THE JUDICIARY UNDER THE 1987 CONSTITUTION

The Constitution vests judicial power in the Supreme Court and in such lower courts as may be established by law. (Sec. 1, Article VIII, 1987 Constitution).

The Supreme Court is the "Third Great Department" of government established by our fundamental law. It has been one of the most enduring pillars of our country's democratic edifice for the past eighty-nine years, beginning with its establishment on June 11, 1901 under Act No. 136 of the Philippine Commission. Except for the period of martial rule, the Supreme Court has been the rampart of our people's liberties.

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The 1987 Constitution contains innovative and enlightened provisions to enhance the independence of the judiciary, especially the Supreme Court in keeping with its solemn role as the guardian of the Constitution and guarantor of the people;s basic constitutional rights.

Among the innovations in the New Constitution are: (1) security of tenure; (2) fiscal autonomy for the Judiciary; (3) creation of the Judicial and Bar Council to screen all appointments to the Judiciary, requiring high standards of "proven competence, integrity, probity and independence;" (4) expanded power of judicial review "to determine whether or not there has been grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government;" and an express grant to the Supreme Court of the power to "review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus or the extension thereof." (Sec. 18, Art. VII; Sec. 1, Art. VIII; and Sec. 7[3], 1987 Constitution)

Thus, the new Constitution sets forth the guarantees to judicial independence. No law can be passed reorganizing the judiciary when it undermines the security of tenure of its members. (Sec. 2, Art. VIII). The Supreme Court is vested with administrative supervision over all courts and personnel thereof. (Sec. 6, Art. VIII).

II. JUDICIAL INDEPENDENCE

In the pre-Marcos and Marcos eras, political patronage overrode the independence of the Judiciary. Before Martial Law, appointments to the Judiciary were submitted for approval by the Commission on Appointments, and the consequent political horsetrading eroded the primacy of merit and integrity as the best qualifications for judicial office. During Martial Law, Marcos was the sole appointing authority. As such, he made a mockery of security of tenure not only by requiring judges to submit undated letters of resignation, but by using "judicial reorganizations" to justify periodic removals

of judges critical of his regime. With judicial officers under constant threat of removal and their tenure dependent on the will of the Executive, judicial independ ence became a farce.

The framers of the 1987 Constitution created a Judicial and Bar Council "under the supervision of the Supreme Court composed of the Chief Justice, as ex-officio chairman, the Secretary of Justice and a representative of the Congress as ex-officio members, a representative of the Integrated Bar, a professor of law, a retired member of the Supreme Court, and a representative of the private sector." (Art. VIII, Sec. 8 [1]. The Council's principal constitutional function is to screen and recommend appointees to the judiciary. The Council prepares a list of at least three nominees for every vacancy. From this list, the President makes a choice. Such appointments need no confirmation.

This is a radical departure from the judicial appointments during the past authoritarian rule, when the President exercised absolute power to fill up vacancies in the judiciary without prior screening save by his subordinates or confirmation by an independent constitutional agency such as the Commission on Appointments.

As of June 30, 1989, a total of 2,749 applicants and recommendees have been listed. Of this number 1,849 are new applicants, broken down as follows: 975 from private practice and 874 from other government offices. Two hundred four (204) are seeking reinstatement or reappointment, 277 are seeking transfer to other sta tions, and 419 are seeking promotion.

The Judicial and Bar Council maintains a master list of applicants and recommendees to the various judicial positions. Such list is updated regularly and has been stored in a database for easy access by the Council Members.

One big problem faced by the council refers to the selection of nominees for the lower courts especially in the municipal trial courts and municipal circuit trial courts in the far-flung municipalities. In most cases there are not enough applicants and recommendees to fulfill the constitutional requirement

that the council must submit at least three (3) names for each vacancy. In contrast, the ratio of applicants and recommendees to the vacancies in the regional trial courts of Metro Manila as well as in the Court of Appeals reach as high as 50-to-1.

Despite this problem, the number of applicants and recommendees as a group has increased. From June 30, 1988 when there were only 1,863 applicants and recommendees, the number grew to 2,749 or an increase of 47 per cent in just a year's time.

III. THE PROBLEM OF DELAY

a. The Continuous Trial System

The bane of the justice system is court delay. Cases drag on interminably for years. One principal cause of court delay is the system of piecemeal trials, or the so-called segmented trails. We met this problem head on by setting up a system of continuous trial. Through Administrative Order No. 4, we initially established 84 pilot courts to test the efficacy of the continuous trial system.

We complemented this measure with Administrative Order No. 189 which lays down the guidelines to be observed by pilot judges who would implement the continuous trial system. Before proceeding with the assigned tasks, the 84 pilot judges underwent an intensive three-day seminar on the new system under the auspices of the Supreme Court and the University of the Philippines Institute of Judicial Administration.

The experiment took six months ending on July 31, 1989. The trial judges who took part in the experiment were unanimous in their observation that:

- trial delays were brought down to a minimum.
- the number of postponements dramatically decreased.
- with the counsels committing themselves to specific trial dates, the undesirable system of resettings was stopped.

> settlements by compromise in civil cases and plea bargaining in criminal cases increased. This was brought about by the litigants' exposure to a mandatory pre-trial proceedings that required the submission of pre-trial briefs. With both counsels examining the detailed pre-trial pleadings, there is more awareness on the part of the litigants of the merits of their respective cases, enabling them to arrive at a speedy settlement of their dispute.

Like any other novel undertaking, the continuous trial system reaped its share of criticisms. A practicing lawyer complained that continuous trial compels the prosecution to rest its case even if its evidence is incomplete; and that "it works to the disadvantage of poor litigants because they cannot afford the services of seasoned lawyers who have the luxury of time, energy and resources to investigate and conduct time-consuming researches preparatory to trial."

A judge commented that "lawyers find difficulty adjusting their calendars in a manner that would not prejudice nor diminish from their current or desirable levels of income. The more appearances they make in a day, the more they earn. In piece-meal trial, lawyers handle more than one case a day in several courts assuring them of satisfactory income. With the continuous trial system, the lawyers can only commit themselves to one case a day in one court."

The continuous trial scheme has spawned some problems which impeded its implementation, namely:

1. Lack of stenographers -- the present complement of three stenographers for Regional Trial Courts (RTC) and two for Metropolitan Trial Courts (MTC) conducting continuous trial is barely adequate. As the Court's staffing pattern allows for only three stenographers for each RTC judge, we intend to increase this to four or

five as soon as budgetary resources are available. Appropriations are now available for a fourth stenographer for Regional Trial Courts.

2. Lack of trial fiscals and CLAO* lawyers -- the number of government prosecutors is sadly inadequate in relation to the number of courts that needs their services.

3. Unavoidable postponements due to: (a) delay in the service of subpoenas to witnesses; (b) failure of govenrment or expert witness to appear; (c) lawyers' tight schedule; (d) difficulty in the appearance of detained accused either because of lack of police escorts or of vehicles; and

4. Lack of necessary supplies.

The judicial monitoring team, headed by Justice Cecilia Muñoz Palma found that despite these obstacles, the continuous trial system has worked very well in the pilot courts that implemented it. If implementation is sustained under optimum conditions, it is one 'giant' and bold step towards realizing our goal of speedy disposition of cases.

The second phase of implementation of the continuous trial began on September 1, 1989 as provided in Administrative Circular No. 35, dated July 27, 1989 increasing to 50 per cent the number of courts conducting mandatory continuous trial.

The judicial planning, development and implementation office, with the support of the convention of trial court judges, came out with the observation that the performance of the pilot courts indicates a need to increase the number of courts that shall conduct continuous trial pending application of the continuous trial nationwide to all trial courts.

*Editor's note: This refers to the former Citizen's Legal Assistance Office in the Department of Justice (DOJ). It is now called the Public Attorney's Office, still at the DOJ.

The present manpower resources and support services of the trial courts, including availability of lawyers' services, indicate that 50 per cent of the organized trial courts may efficiently adopt the continuous trial system in the adjudication of cases filed with said courts.

The court administrator selected the additional courts by raffle which included branches of all multi-sala stations of all trial courts. One-half of the branches in each station was drawn at random and included in the list of courts adopting the contnuous trial system. Courts with single-salas were autonmatically included.

Beginning February 15, 1990, all the trial courts in the Philippines adopted the continuous trial system in the adjudication of all cases in their courts. This program has received the enthusiastic support of members of the Bar and litigants. The recent conference of Chief Justices of Asia and the Pacific also took note of this program. A survey by the Institute of Judicial Administration found significant improvement in the disposal of cases by the pilot courts.

b. Katarungang Pambarangay

To complement the continuous trial system, as a measure to decongest court dockets and minimize delay in case disposition, we are pursuing a dual thrust of strengthening the *Katarungang Pambarangay* and improving the judges' pre-trial skills.

After several dialogues and discussions, the Supreme Court forged an agreement with the Department of Local Government, the Department of Justice and the Integrated Bar of the Philippines for the implementation of a program to strengthen the barangay conciliation process. The agreement includes the conduct of training and information dissemination programs to upgrade the skills of the Lupong Tagapayapa in mediation, arbitration and conciliation. Seminars have been held in Cavite, Cebu City and Baguio City.

c. Pre-Trial

We have also urged judges to make full use of pre-trial techniques to

facilitate the simplification of issues for adjudication and the expeditious settlement of cases. For their guidance, the Supreme Court has recently reprinted and distributed copies of Justice Guillermo Santos book on Pre-Trial. Although changes have been made in the Rules of Court and jurisprudence on the matter has grown, Justice Santos' book remains a valuable reference and guide..

Pre-Trial Proceedings offer the bench and bar an effective procedural device which, if properly utilized, can materially help in the decongestion of clogged dockets. Through Pre-Trial Conferences, the parties, actively assisted by the Judge, can reach a judicious satisfactory settlement; or at the very least, can simplify and limit the issues arising from their disputes to hasten disposition of their case at the least possible expense.

As I stated in my foreword to the reprinted edition of Justice Santos' book, "the efficacy of Pre-Trial as a tool for the early and expeditious settlement of litigation is often overlooked and neglected. One of the reasons given for the omission is unfamiliarity with the techniques and skills for conducting productive pre-trial proceedings."

Another book on pre-trial, authored by Justice Josue Bellosillo of the Court of Appeals, which will be off the press in two weeks time will also be distributed to the judges.

IV. MORAL AND COMPETENT JUDICIARY

a. Code of Judicial Conduct

The Constitution mandates that members of the judiciary must be of proven competence, integrity, probity and independence.

The judiciary needs good judges. By 'good judges' we mean not only morally upright judges, but competent judges who are studied in the law, abreast with current legal developments and are efficient court administrators and case managers.

To bring in, keep, develop and harness within the judiciary good judges, we have undertaken significant reform initiatives.

A committee headed by Justice Irene Cortes formulated and submitted to the Court a New Code of Judicial Conduct. The Code incorporates measures to secure and guarantee discipline as a cornerstone of judicial integrity. We distributed copies of the code to various associations and lawyers for their comments and recommendations, after which the Code was promulgated on October 20, 1989.

b. Continuing Judicial Education

We have institutionalized a continuing, Judicial Education Program through Administrative Order No. 6, which requires newly- appointed judges to undergo a pre-service training before assuming their judicial posts. The pre-service training course includes not only lectures and practical exercises through workshops, but also an immersion program whereby a newly-appointed judge is required to sit in with a senior judge before he is allowed to preside over his court.

These orientation seminars focus on sharpening the procedural and evidentiary rule proficiency of judges, as well as on improving their communication skills, providing them with the techniques in decision writing, and imbuing them with principles of judicial ethics and decorum. To date, eight seminars have been held for close to 320 newly-appointed judges. The ninth seminar will be scheduled from April 2 to 6, 1990 with 31 trial court judges.

A career enrichment program has also been established for senior trial judges. As spelled out in Administrative Order No. 6, the career enrichment program not only aims at updating the judges on recent laws and jurisprudence but also at providing them with requisite management skills to enable them to effectively manage and use the resources of the courts. Four programs have been conducted for 289 judges in seven regions. These were held in Cavite, Cebu, Baguio and Cagayan de Oro City.

Aside from seminars and symposia on vital legal issues, we are disseminating legal information materials, inclusive of digests of Supreme Court decisions to judges and lawyers' groups nationwide. A recent addition to these materials is the bench book which compiles the administrative circulars issued by the Supreme Court for the guidance of judges in their adjudicative and administrative functions, including pertinent laws and executive orders related to their work. Recently I constituted the Trial Court Manual Committee headed by Justice Leo D. Medialdea and the Clerks of Court Manual Committee headed by Justice Ameurfina Melencio Herrera.

The Institute of Judicial Administration of the Supreme Court and the University of the Philippines, established to conduct and coordinate researches and studies on the operation of the Philippine Court System, and to stimulate research and study on the part of private persons and agencies, has assisted the Supreme Court in conducting education and training programs for the members of the judiciary and its personnel.

V. MONITORING JUDICIAL PROJECTS, PROGRAMS, AND THE PERFORMANCE OF TRIAL COURTS

A continuing process of gathering and evaluating feedbacks is valuable to ensure attainment of peak productivity in our courts. Thus, we established a program for periodic performance evaluation of judges. The judicial planning, development and implementing panel has set up a monitoring system to provide us with solid information on the performance of individual judges and their courts.

The performance evaluation condisders the following criteria:

1. Integrity and moral character;
2. Proficiency in the rules of procedure and evidence;
3. Judicial decorum and courtroom demeanor;
4. Attitude and behavior towards lawyers and litigants;

5. Quality of decisions, orders and rulings;

6. Industry, diligence, and dedication in the performance of judicial functions; and

7. Speed and dispatch in the disposition of cases and petitions.

The monitoring team headed by retired Justice Cecilia Muñoz Palma has submitted fourteen (14) reports since the panel was constituted in January 1989.

Presently Justice Palma, assisted by former Court of Appeals presiding Justice Oscar Victoriano, is zeroing in on the problem of "inherited cases," that is, cases tried and submitted for decision by judges who are no longer in the service either due to retirement, promotion or for some other causes. These inherited cases are additional burdens to incumbent judges who also must cope with their current docket loads. The problem becomes more acute, even insurmountable when transcripts of stenographic notes of the hearings, and other case documents are not available.

Justice Palma's monitoring team reported that in the national capital region, there are 1,198 inherited cases. This does not include the inherited cases from Quezon City.

As a starting point, we have constituted Valenzuela, with 196 inherited cases, as a pilot court. Pursuant to Memorandum Circular No. 1-89, which I issued on June 13, 1989, the Court authorized Justice Palma's team to withdraw from the docket of the RTC's of the National Capital Judicial Region (NCJR) and desired number of records of "inherited cases." Judges from other areas with very low caseload will be assigned to assist judges with heavy caseloads in the NCJR to resolve the inherited cases submitted for decision. One of the assisting judges had in fact finished deciding 5 inherited cases in four days. In its 16th Report submitted to the Panel, the JPDIO reported that from the 516 inherited cases withdrawn from the RTCs of Pasig, Valenzuela and Manila, the assisting judges disposed of 204 cases, thus

reducing the number to 312 as of December 31, 1989. This was further reduced to 195 as of February, 1990.

VI. THE CHIEF JUSTICE'S ROLE

> "Judges are not essentially different from other government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding or by excessive zeal." (Justice Hugo L. Black, Green v. United States, 356 US, 165, 198).

> "Deep below consciousness are other forces, the likes and dislikes, the predilections and the prejudices, the complex of instinct and emotions and habits and convictions, which make the man, whether he be litigant or judge." (Justice Benjamin Cardozo: Nature of Judicial Process, 167).

The office of chief justice is a moral and intellectual leadership post. It affords no special perquisites and privileges. The Chief Justice only ranks next to the Speaker. While he heads one of the three great departments of government, he does not possess the powers of the heads of the other departments. He has only one vote in the court. There are times when he is in the minority.

But as I have pointed out, the essential role of the Chief Justice is to provide both moral and intellectual leadership in the judiciary. Historians are well aware of the historic role of the great John Marshall in shaping the direction of the American Supreme Court in the Marbury vs. Madison case, where he formulated the doctrine of judicial review. The Chief Justice imprints his vision and character on the court he heads, which is why every court is known by the name of the chief justice during his term.

As the nineteenth Chief Justice, my burden is the record of achievement of my predecessors; at the same time, I am guided by the wisdom, humility,

courage and patriotism that my predecessors have displayed.

The Court is a collegiate body of fifteen individuals all possessed with uncompromising commitment to their ideal and vision of law and justice. The work of each justice can test the mettle of any individual. Justice Edgardo Paras, one my very erudite colleagues has allowed a view of the back breaking work of a justice in an article he wrote for the Supreme Court's commemorative brochure:

> "For the purpose of this little discourse, let me begin a typical day with a Tuesday afternoon when at about 2:00 p.m., I receive our agenda for the division session the next day (a Wednesday). Although at the beginning I had only ten to fifteen items on the agenda (that is, ten to fifteen cases for study), time came when our individual items would reach approximately 80 cases. Once, there were 127 items or cases assigned to me (me alone) for a single session day. After receiving the agenda, what is done? My legal staff-members preliminarily go over the assigned cases, studying the case recrods (rollo or expediente) and draft the suggested synopses of every case assigned to me, including a statement or report as to what stage the case is already in. This report would of course include all pleadings regarding all incidents of the case. I then attentively study the various synopses handed over to me, with a lot of checking and rechecking from the rollos certain facts and other pertinent information about the details and the issues relevant in each case.
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> "The work begins in my chambers where the work is both exhaustive and exhausting if only to be able to answer the incessant flow of questions my colleagues would direct at me for the session the following day. At around 5:30 to 6:00 p.m., I would proceed to the Court of Appeals where I fetch my dear wife every blessed working day (she is an Associate Justice there and is even more hardworking than me). In the car on our way home, we would review the important events of the day. As soon as we have reached home, I would continue working

on the agenda, stop at around 8:00 p.m. for supper with the rest of the family, and at around 9:00 p.m. I would again be ready to continue tackling the assignment. This work would continue up to around 1:00 or 2:00 a.m. (there must be an easier way to earn a living), but even then a small part of the work remains unfinished, and this has unfortunately to be reset for the next division session day.

"This is not to say that all cases are difficult to resolve (although the work load of course remains undiminished). For instance, in the case of new petitions before us such as an appeal from a decision of the Court of Appeals or a special civil action of certiorari or a prohibition or a mandamus with or without prayer for a writ of preliminary mandatory injuncion or for a temporary restraining order, would the petition be accepted by the court or should it be subject to immediate dismissal for violation in form or substance of the procedure laid down in the Rules of Court and in various circulars, issued by the court? Is the petition so garbled up that it absolutely makes no sense?; or has the petition been filed blatantly for delay? In case acceptance is mandated, should we require a comment on the petition? If so, should comment be required only from the adverse party, or from others? In petitions which already have comments, should we require a reply, and if a reply has already been filed should a rejoinder be ordered? In case a rejoinder is already with us does the case deserve our grant of due course to it or should we dismiss the same? If due course is given the parties, may they now be asked to file respective memoranda? When all memoranda have been submitted, we may now set the case for deliberation on the merits. In case a consensus has been arrived at, a justice will be designated as writer or ponente of the decision that is about to be written."

We are in session from Monday to Thursday, twice *en banc* and twice in division. Sundays, we must pore over the agenda for Monday. Justice dispensation in the Supreme Court is a twenty-four hour grind. But no one complained.

The Chief Justice of every court, past and present must provide a healthy environment for intellectual and at times emotionally charged discussions, where each member is both combatant and referee, advocate and judge, champion and critic, not unlike a sea captain maintaining an even keel in a stormy sea, avoiding the shoals of ill-tempered debates that may becloud judicial issues.

Justice Gloria Paras of the Court of Appeals gave us an insight of how the Chief Justice in the past, particularly Chief Justice Ricardo Paras, spent their day in court:

> "Court sessions were always en banc; there were then no Court divisions. The Court had a membership of eleven - - a Chief Justice and ten Associate Justices. They invariably started sessions at 9:00 o'clock in the morning on Mondays, Wednesdays and Fridays.
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> "Chief Justice Paras had instructed the Clerk of Court to keep a record of the members present and absent at the day's session. The members had agreed among themselves that whenever the necessary quorum could not be had at 9:00 o'clock in the morning, the session for the day would be called off but always after a recording of those present and absent. Always, there was a quorum.
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> "The Court's Session Hall was hardly used during his incumbency. He never encouraged oral arguments except in very important cases. In the few hearings that were held during his term, immediately after the respective counsel of the parties had manifested their appearances, he would ask the petitioner's counsel if the latter had arguments that were not found in his brief or memorandum. If counsel answered in the negative, the Chief Justice would scold him for not including them in the brief memorandum. If counsel, on the other hand, replied in the affirmative, a member of the Court would likewise admonish the counsel for still asking for oral argument and waste the time of the court. At any rate, the counsel of the respective parties would be given

10 minutes each to argue their respective positions. The hearing would last for more than an hour because of interpellation from the Court.

"The executive sessions always began in quite tones. Suddenly beyond the double walls of the conference room, angry shrilling voices would come through and then a lull. We in the staff who occupied the room adjoining that of the Chief Justice would stop whatever we were doing and await developments. Almost always, roars of laughter would follow. Chief Justice Paras was an effective referee when opinions differed and assertions of views were carried to high pitch. He had a reservoir of jokes to distract his colleagues from the rising tension and clash of personalities."

In public fora the Chief Justice is expected to report on the court's activities and articulate comments on current issues where the position of the court must be known. While in the past it was considered the ideal conduct for members of the court to be buried in anonimity, in our age of transparency, invisibility has become difficult; whether we like it or not, the great debates in the national agenda are often brought to the court. The citizenry would want to know the faces and the voices of their magistrates. The Constitution itself requires that a representative of the public sits in the Judicial and Bar Council.

Public exposure of members of the court especially the Chief Justice is oftentimes unavoidable. This present round-table discussion is proof of this modern trend. In the past, the Clerk of Court or some other bureaucrats of the court other than the justices may perform this role but this cannot be done today. Does this affect the work in the Court? My own experience shows that this occasion has not affected my output as a member. In fact it is desirable that in appropriate occasion, the members of the Court must interact with the public.

The time is past, when members of the judiciary must be confined in their ivory towers, insensitive to the convulsions and debates in the community. He must be in the world without being of the world. As Justice Frankfurter aptly

said, "the jurist must be prophet, historian and philospher." The judge cannot be ignorant of his environment for then the justice dispensed may be totally alien to the citizenry.

Time management by every member of the court will allow him to attend these mandated appearances and engangements without impinging upon his judicial hours. It is a matter of giving up little pleasures that he enjoyed before joining the court. Members of the court have given up teaching, and the other recreational activities that they used to enjoy when they are practicing law or in the lower courts. But this is an age of accountability, and the court like any other public institution must account for itself. The record of disposal of the present court indicates that it has maintained fidelity to its constitutional task.

CONCLUSION

I am confident that the Philippine judiciary, with the Supreme Court at the apex, inspite of all the present constraints, is performing its task in accordance with the mandate of the Constitution. The number of cases being filed attests to the continuing confidence of the people in the courts as a forums for conflict resolution.

In a recent column entitled "Emerging Litigation Oriented Society" (*Philippine Inquirer*, March 19, 1990) Raul J. Palabrica wrote:

> "Now pending before the highest tribunal are the rebellion cases filed by the Department of Justice against some of the people suspected of complicity in the aborted December coup attempt and the sale of the Roppongi property. If the oppositors to the plan to convert a government-owned land in Cavite to an industrial estate make good their threat to file an action in court to stop the said move, expect another blockbuster controversy to be dumped on the laps of our already overworked justices.
>
> "Basically, there is nothing wrong with running to the Supreme Court to resolve significant issues or problems. That's what it is there for in the first place -- to be the final arbiter of all questions of law.

Between the two politically-charged executive and legislative branches of government, the justices are supposed to provide the counterweight of an objective and neutral body. As political writers put it, the true worth of a democratic society is measured by the ability of its courts to dispense justice to its people fairly and expeditiously.

"But at the rate the cases are being filed, it seems resort to the Supreme Court for redress of grievances has become some sort of a common household remedy. Almost every problem which has some legal flavor is brought to the tribunal.

"Notice how most of the innovative laws have been questioned before the Supreme Court for alleged unconstitutionality or unfairness. Many of the pro-people action plans of the administration have been derailed by suits filed by some quarters who believe that anything that threatens their material wealth is prejudicial to the best interests of the country. Controversies involving routine decisions of administrative offices which could have otherwise been resolved at the lower levels are even brought up to the tribunal.

"The seeming popularity of the present Supreme Court is heart-warming. Somehow, it reflects the people's perception that its members are truly independent in the resolution of legal disputes."

"As things stand at present, practically all the programs of the government are subjected to some sort of judicial test before they can be implemented. We can count on our fingers the significant activities which have been put into effect without going through a judge's scrutiny. Our situation somehow approximates that of the USA where anything which causes inconvenience or otherwise changes the routinary flow of life, no matter how slight, winds up in court.

"Our transformation into a litigation-oriented society is indicative of the feeling of mistrust that is slowly eating at all of us. Faith and confidence in the goodness of the intentions of other people seem to

have been lost. Malice is often imputed, if not imagined, on the actions of others, especially if the government is involved. The matter has to be reviewed first by the Supreme Court before anything is put into effect or accepted by the affected parties.

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"The enactment of a law is no assurance that it can be imple mented immediately. Somebody is waiting in the wings to file a petition with the Supreme Court questioning the law's validity or constitutionality."

There has been significant increases in the disposition of cases by all levels of the judiciary. The restoration of all freedoms has made our people more vigilant, ready to air their grievances when their rights are trampled upon.

As I announced before the Manila Regional Trial Court Judges in July 1988, shortly after I assumed my post as Chief Justice:

"The Court that I now head has begun its journey towards frontiers of judicial innovation yet unexplored by all prior adventures at judicial reform. We have dared to seek new ideas, new modes of action, and new visions to make justice a true refuge and a living guardian of the rights and freedoms of our people. We have mustered enough courage to stand on the inevitable threshold of a new era of judicial administration in the country.

"For our children do not deserve a legacy of a society where liberty and dignity are empty dreams and brutal fallacies because justice is an unaffordable luxury. Indeed, are not liberty and dignity mere offspring of a just society.

"With our shared faith and resolve, I harbor the fiercest of hopes, that we shall all live to see this legacy of a just society gloriously vital and secure for all our children, and for all posterity."