

Chapter 6

Pursuing Swift and Fair Administration of Justice

The administration of justice is essential for Central Visayas to attain inclusive development for its constituents. The fair justice administration serves as a deterrent to those intending to violate the law, provides recompense and closure to victims of violators of the law, and gives the chance to those convicted of violating the law to face the consequence of their action and redeem themselves in society. In line with this, the region shall continue to pursue the swift and fair administration of justice, which is crucial in the attainment of inclusive economic growth and progress.

Assessment and Challenges

Central Visayas endeavored to pursue the prompt and impartial disposition of criminal cases. In 2016, the National Prosecution Service (NPS) recorded a disposal rate of 99.94 percent of inquest cases, 94.34 percent of cases under regular preliminary investigation; and 100 percent of cases

reviewed by the Office of the Regional State Prosecutor (ORSP). (*see Table 6.1*)

The region also sustained its efforts in promoting the rehabilitation of public offenders and their integration in the community. In 2016, the region through the Parole and Probation Administration (PPA) supervised 3,715 probationers and 1,067 parolees and pardonees. It also investigated almost 1,500 cases for probation, and more than 200 cases for pre-parole/executive clemency.

Table 6.1 Case Disposition Rate: 2015 and 2016

YEAR	ACTION	INQUEST CASES	REGULAR PRELIMINARY INVESTIGATION	REVIEW (ORSP)
2016	Resolved	25,164	13,088	97
	Pending	14	785	0
	Disposal Rate	99.94%	94.34%	100.00%
2015	Resolved	15,061	12,465	107
	Pending	2	704	9
	Disposal Rate	99.90%	94.65%	92.24%

Note: ^{1/} Inquest Cases involve persons arrested without the benefit of an arrest order or warrant, or were caught in the act of committing a criminal offense.

^{2/} Regular Preliminary Investigation is defined as an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed.

Source: Office of the Regional State Prosecutor 7

Table 6.2 Congestion Rate of Selected Jails in Central Visayas, 2016

LOCATION	IDEAL CAPACITY	TOTAL JAIL POPULATION	CONGESTION RATE (%)
Danao City Jail, Cebu	54	389	625.06
Tagbilaran City Jail, Bohol	40	233	482.59
Lapu-Lapu City Jail, Cebu	21	162	661.40
Cebu City Jail, Female Dormitory	59	243	313.80
Toledo City Jail, Cebu	53	467	777.78
Mandaue City Jail, Cebu	94	1,242	1,216.60
Medellin Jail, Cebu	41	346	746.98
Talibon District Jail, Bohol	19	115	510.53
Talisay City Jail, Cebu	88	309	251.73
Cebu City Jail, Male Dormitory	611	2,694	341.12

Source: Bureau of Jail Management and Penology 7

The parole and probation program significantly contributed not only to the rehabilitation of erstwhile public offenders but also to the decongestion of jails. The program also enabled the government to realize an estimated savings of PhP59 million in 2016, the amount that the government could have spent for the daily subsistence of almost 5,000 probationers and parolees if they were in jail.

The region still faces the challenge of jail congestion notwithstanding the contribution of the parole and probation program. The region's rate of jail congestion is estimated to have reached an average of 600 percent. In its report to the RDC Development Administration Committee (RDC-DAC), the Bureau of Jail Management and Penology (BJMP) revealed the very high congestion rates in ten BJMP-managed jails shown in Table 6.2.

One of the factors that contributed to jail congestion in the region is the delay in the resolution of cases pending before the courts of justice. Jail congestion is the result of the congestion of cases in the trial courts. Meanwhile,

suspected offenders remain in the jails as they await their trials.

Strategic Framework

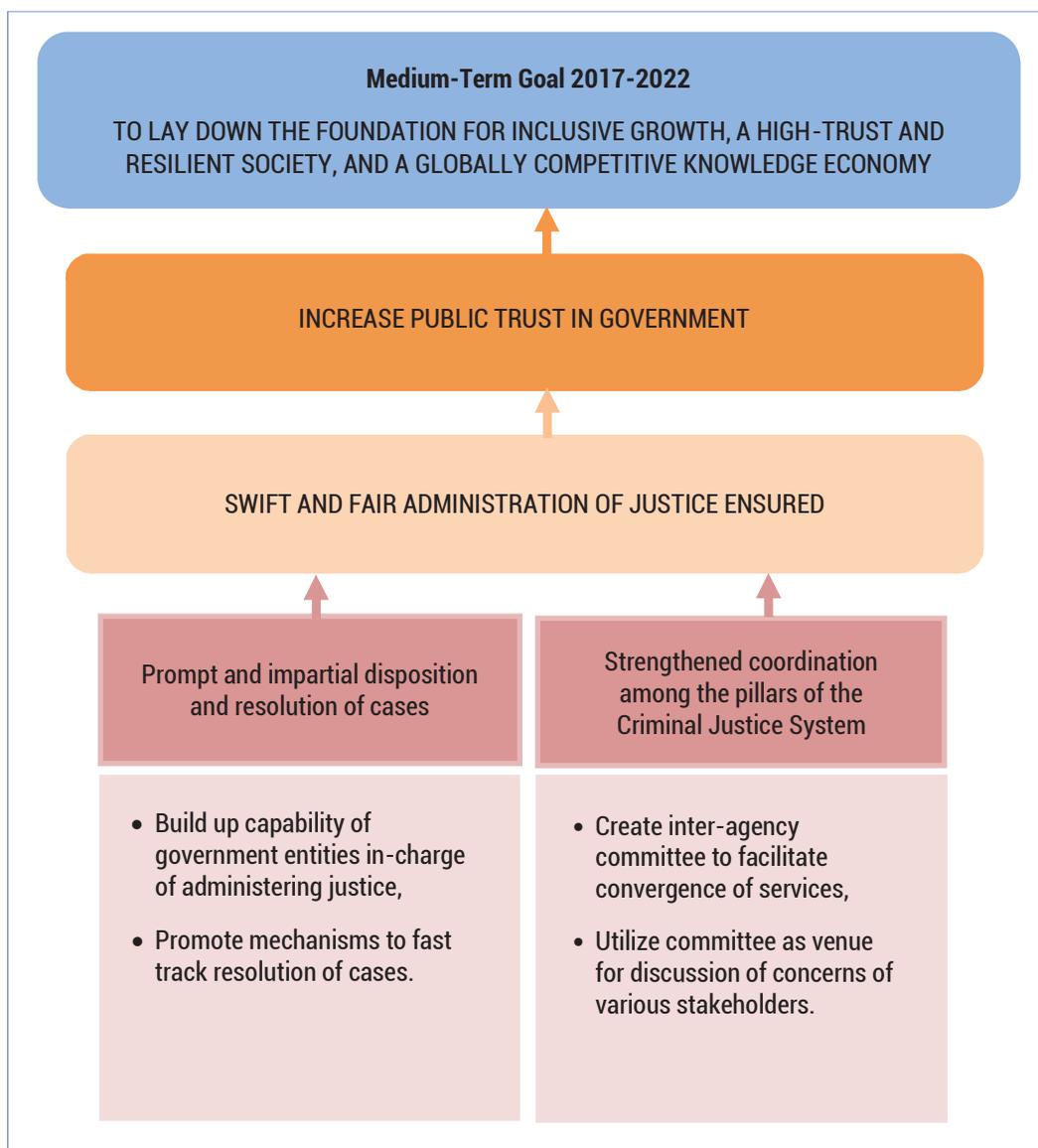
The promotion of inclusive growth requires the region to ensure the prompt and impartial disposition and resolution of cases as well as strengthen the pillars of the criminal justice system; thereby ensuring swift and fair administration of justice.

Strategies

Ensure the prompt and impartial disposition and resolution of cases

The prompt and efficient disposition of cases requires the building up of the capability of the government entities in charge of administering justice, namely the Office of the Ombudsman, the National Prosecution Service, the Public Attorney's Office, the Judiciary, and other quasi-judicial entities.

Figure 6.1 Strategic Framework for Pursuing a Swift and Fair Administration of Justice



The region will also promote mechanisms such as the Alternative Dispute Resolution, the Katarungan Pambarangay and the Rules on Small Claims to fast-track the resolution of cases as well as unclog the court dockets.

Other essential components of justice administration are the rehabilitation of offenders as well as their integration in the community after they shall have served their sentence. Programs that promote the rehabilitation and community integration of public offenders shall therefore be promoted and supported.

Strengthen the coordination among the pillars of the Criminal Justice System

The region will initiate the formation of an inter-agency committee composed of representatives from the five pillars of justice to strengthen coordination and facilitate convergence among these institutions. The committee will be a venue where the concerns of each member agency will be discussed for the purpose of finding ways to address them through collective efforts.

Legislative Agenda

To complement and support the actions of the executive branch, the following legislations will be required:

Table 6.3 Legislative Agenda to Ensure Swift and Fair Administration of Justice, 2017-2022

LEGISLATIVE AGENDA	RATIONALE
Amendment of the Revised Penal Code of the Philippines (Act No. 3815)	The Revised Penal Code of the Philippines, Act No. 3815, which was first enacted on 08 December 1930, needs to be revised to make the penal provisions relevant and responsive to the needs of the times.
Creation of the Department of Correctional Services	The creation of the Department of Correctional Services will integrate into one department all government agencies involved in corrections. The proposed legislation will address the current fragmented set-up of the corrections system, which has resulted in functional overlaps and diffusion in the conduct of corrections and restoration activities.